

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 948/2015

Date of Institution ... 21.08.2015

Date of Decision ... 17.10.2017

Muhammad Shahid Zaman Ex-EDO(E&SE) Karak at present Principal GHSS Usterzai Payan Kohat R/O House No.8 Sector-B-! KDA Phase-II, Tehsil and District Kohat.

... (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary (E&SE) Khyber Pakhtunkhwa Peshawar and 2 others.

... (Respondents)

Miss. SHAKILA BEGUM,
Advocate

For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney

....

For respondents.

MR. AHMAD HASSAN, ...
MR. MUHAMMAD HAMID MUGHAL ...

MEMBER(Executive)
MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The brief facts are that the appellant while serving as EDO (BPS-19) (E&SE) Department, Karak was subjected to inquiry on the allegations of illegal appointments of Junior Clerks and KPOs and vide impugned order dated 27.5.2015 major penalty of reduction to lower grade for two years was imposed on him. He preferred review petition which was rejected vide order dated 05.08.2015, hence, the instant service appeal.

ARGUMENTS

3. The learned Counsel for the appellant argued that he was posted as EDO (BPS-19) (E&SE) Karak on 18.10.2010. Some posts of Junior Clerks and KPOs (BPS-10) were advertised by his predecessor vide advertisement dated 18.12.2009. Through notification dated 12.07.2010 post of KPO was upgraded to BPS-12. Entire recruitment process was carried out by the predecessor of the appellant. The Departmental Selection Committee in its meeting held on 19.09.2010 unanimously decided to forward the recommendations pertaining the appointments of three candidates as KPOs to the DCO Karak being the competent authority for appointment in post of BPS-11 to 15. Approval was accorded by the DCO and thereafter appointment orders were issued duly signed by the DCO and the appellant. Due to certain irregularities disciplinary proceedings were initiated and upon conclusion major penalty of reduction of lower grade for two years was imposed on the appellant vide impugned order dated 27.05.2015. No chance of personal hearing was afforded to the appellant by the competent authority, rather respondent no. 3 was designated to conduct the proceedings of personal hearing, though he was not competent for the same. Minor penalty of censure was imposed on Ex-DO. Punishment awarded to the appellant was very harsh. The enquiry officer neither recorded statements of witnesses nor opportunity of cross examination was provided to the appellant.

4. On the other hand the Learned DDA argued that the appellant appointed three KPOs in BPS-12 while chairing the meeting of the Departmental Selection Committee, It should have been chaired by the DCO Karak being the competent authority. Approval was taken from the DCO by twisting the facts. He failed to bring the facts into the notice of DCO. Similarly irregularities were committed in

other appointments as well. All codal formalities were completed by the enquiry committee before imposition of penalty.

CONCLUSION.

5. A careful perusal of the entire record would reveal that after upgradation of the post of Computer Operator in BPS-12 the appellant was not competent to chair the meeting of DSC to recommend candidates for recruitment. DCO Karak was the competent under the rules for appointment in BPS-11-15, as such the meeting of DSC was required to be chaired by the DCO. Fairness and transparency demanded that after upgradation the post of Computer Operator, it should have been re-advertized. However, the appellant instead of bringing these facts into the notice of DCO recommended appointment of Computer Operators for approval of DCO in serious departure from rules/laid down procedure. The DCO was kept in the dark and signatures on elevation report were obtained by hiding the facts. Para-16 of the note forwarded to DCO Karak is sufficient to substantiate malafide on the part of the appellant. Similarly appointment orders were also signed by the appellant alongwith DCO. He should have refused to sign the same if codal formalities were not observed. Similarly irregularities were also committed in appointment of Junior Clerks, PST(F) etc. Penalty awarded to D.O Education was according to the extent of his involvement. It is not fair to draw a parallel between the two. The appellant being head of the office was solely responsible for efficient administration and conduct of business strictly in accordance with rules. As the said penalty was imposed for two years and that period has already elapsed, hence, the present appeal has also become infructuous.

6. In view of the foregoing, the present appeal being devoid of any merits is dismissed. Parties are however, left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD HAMID MUGHAL)
MEMBER

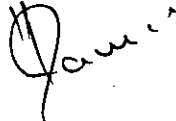
ANNOUNCED
17.10.2017

Order

17.10.2017 Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Announced:
17.10.2017



(MUHAMMAD HAMID MUGHAL)
Member



(AHMAD HASSAN)
Member

11.01.2017

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 17.05.2017.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

17.05.2017

Appellant in person present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Appellant requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 08.09.2017 before D.B.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

8/9/2017

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments could not be heard due to non-availability of DB. To come up for arguments on 17/10/2017 before DB.


(Muhammad Hamid Mughal)
MEMBER


24.03.2016

Appellant in person and Mr. Khurshid Khan, SO alongwith Assistant AG for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 23.5.2016 before S.B.


Chairman

23.5.2016

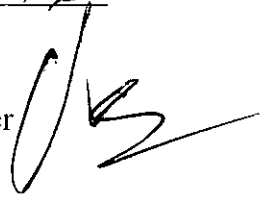
Appellant in person and Mr. Khurshid Khan, SO alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 7.9.2016.


Chairman

07.09.2016

Counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted copy of which is placed on file. To come up for arguments on

11-1-17

Member 


Member

27-08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Principal, GHSS Usterzai Payan Kohat when subjected to inquiry on the allegations of illegal appointments of Junior Clerks and KPOs and vide impugned order dated 27.5.2015 major penalty in the shape of reduction to lower grade for two years was imposed against the appellant regarding which the appellant preferred review petition which was rejected vide order dated 5.8.2015 and hence the instant service appeal on 21.8.2015.

Appellant Deposited
Security & Process Fee

That the appellant was afforded no chance of personal hearing before the competent authority in the prescribed manners and, moreover, the departmental representative was not appointed for facilitating the inquiry committee as laid down in the provisions of E & D Rules, 2011. That the appellant was subjected to political victimization.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 26.11.2015 before S.B.


Chairman

26.11.2015



Counsel for the appellant and Mr. Khurshid Khan, SO alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 24.3.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 948/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21.08.2015	<p>The appeal of Mr. Muhammad Shahid Zaman presented today by Shakeela Begum Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>27-8-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>



Before the Khyber Pukhtunkhwa Service Tribunal PESHAWAR.

In the matter of Service Appeal No. 948 /2015

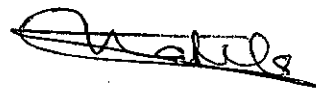
Muhammad Shahid Zaman..... Vs..... Govt: of KP etc.

Index

S. No.	Description of documents.	Annex	Pages.
1	Memo of appeal along with affidavit.		1 to 8-A
2	Copy of Appointment/transfer letter.	"A"	9 & 10
3	Copy of Publication.	"B"	11
4	Copy of Notification of up-gradation.	"C"	12
5	Copy of letter dated 08/08/2010.	"D"	13
6	Copy of Minutes of DSC.	"E"	14
7	Copy of Evaluation and recommendations.	"F"	15 to 16
8	Copy of K.P.Os appointment letter,	"G"	17
9	Copy of letter of Malik Qasim Khattak (MPA)	"H"	18
10	Copy of Notification of appointment of Inquiry Committee and charge sheet etc.	"I"	19 to 21
11	Copy of written defense.	"J"	22 to 24
12	Copy of inquiry report.	"K"	25 to 35
13	Copy of Show Cause Notice.	"L"	36 to 37
14	Copy of reply of Show Cause Notice.	"M"	38 to 41
15	Copy of letter of personal hearing.	"N"	42
16	Copy of Impugned order.	"O"	43 to 44
17	Copy of Review Petition.	"P"	45 to 48
18	Copy of Impugned order dated 05/08/2015.	"Q"	49
19	Wakallat Nama.		50

Petitioner

Through


(Shakila Begum)
Advocate
Peshawar.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No. 948 /2015

A.W.F. Province
Service Tribunal
Diary No 985
Dated 21-8-2015

Mr. Muhammad Shahid Zaman Ex-E.D.O (E&SE) Karak at present Principal
G.H.S.S Usterzai Payan Kohat R/o House No. 8 Sector-B-1 KDA Phase-II,
Tehsil and District Kohat.....(Appellant)

VERSUS

- 1 Govt: of Khyber Pakhtunkhwa through Secretary (E&SE) KP,
Peshawar.
- 2 Chief Minister, Khyber Pakhtunkhwa.
- 3 Secretary Establishment Department Khyber Pakhtunkhwa,
Peshawar.....(Respondents)

APPEAL under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned order of Respondent No. 2 dated 27/05/2015 whereby major penalty of reduction to lower grade for two years was imposed upon the Appellant in violation of law and rules and against the order dated 05/08/2015 communicated to the Appellant on 7/08/2015 whereby the Respondent No.2 rejected the Review Petition filed by the Appellant against the impugned order dated 27/05/2015.

Handwritten signature
27/8/15

PRAYER IN APPEAL

By acceptance of this appeal the impugned orders dated 27/05/2015 and dated 05/08/2015 may very kindly be set-aside and the Respondents may be directed to re-instate the appellant on his original grade with all consequential benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of Appellant.

Respectfully Sheweth:

- 1) That vide notification dated 06/10/2010 the appellant was posted as Executive District Officer (BS-19) (E&SE) Karak and on 18/10/2010 the appellant took the charge of above said post. (Copies are Annex: "A")
- 2) That the predecessor in office of the Appellant vide publication dated 18/12/2009 had already advertised some posts of Junior clerks and K.P.Os (BPS-10) etc (Copy is Annex: "B")
- 3) That meanwhile vide notification dated 12/07/2010 the posts of KPOs upgraded to BPS-12. (Copy is Annex: "C")
- 4) That Elementary & Secondary Education Department was stressing a lot on early appointments of KPOs and to this effect a letter dated 08/08/2010 was also issued to all the E.D.Os. (Copy Annex: "D")
- 5) That as the posts of KPOs at the time of advertisement were BPS-10, therefore, the predecessor in office of the Appellant being the competent authority conducting all formalities of test and interview etc but as the post was upgraded, therefore, The Departmental Selection Committee in its meeting held on 29/09/2010 chaired by the Ex-E.D.O unanimously decided to recommend the three candidates who have passed the test and interview for the posts of KPOs to the District Co-Ordination Officer Karak as being the competent authority for appointment against the posts of BPS 11 to BPS 15. (Annex: "E")
- 6) That the appellant bonafidely in compliance of above said decision forwarded evaluation and recommendations to the D.C.O Karak with the request that if the D.C.O is agreed, approved the recommendations of the then D.S.C which was duly approved by the then D.C.O. (Copy Annex: "F")
- 7) That after approval of D.C.O a proper appointment letter was issued by the D.C.O. dully signed by him and endorsed by the appellant vide letter dated 27/10/2010. (Copy Annex: "G")
- 8) That during those days the then MPA Mr. Malik Qasim Khattak was instrumental to appoint his blue eyed candidates, who have even not submitted any application for their appointments during the period which was prescribed for filing of applications, against some of the

- vacancies of KPOs and for this purpose he not only pressurized the Ex-E.D.O by attacking on his office rather he also started to pressurize the appellant after his appointment as E.D.O Karak. (Copy Annex: "H")
- 9) That as the Appellant refused to exceed/accept the illegal demand of above said MPA he started character assassination of the Appellant and his wife who was MPA of Ex-ruling party i.e ANP.
 - 10) That after General Election of 2013 Mr. Malik Qasim Khattak was appointed as Advisor to Chief Minister for prison, therefore, he again by using his post, started to harass the Appellant and for this purpose in the year 2014 an inquiry committee was constituted and a charge sheet and statement of allegations were served upon the Appellant and Ex-District Officer, Elementary & Secondary Education Department (Mr. Amir Nawaz). (Copies are Annex: "I")
 - 11) That the Appellant dully submitted his written defense to the inquiry committee and the inquiry committee without observing the law and rules and examining the relevant record submitted its report which is totally incorrect, illegal, without lawful justification and is result of illegal pressure of Mr. Malik Qasim Khattak, Advisor to Chief Minister. (Copies are Annex: "J" and "K")
 - 12) That after submission of inquiry report a show cause notice was issued to the Appellant which was dully replied by the Appellant and despite of fact that the appellant specifically asked for personal hearing no chance of personal hearing was provided to the Appellant by the competent authority i.e. Chief Minister. (Copies are Annex: "L" and "M")
 - 13) That vide letter dated 25/02/2015 the appellant was informed that the Respondent No. 2 has authorized the Respondent No. 3 for personal hearing and the Appellant has to appear before the Respondent No. 3 on 04/03/2015 for personal hearing. Although according to prevailing rules only the competent authority is competent to give the chance of personal hearing and the Respondent No. 3 was not competent to hear the Appellant but the Appellant was appeared before the Respondent No. 3. The Respondent No. 3 without consulting the record and hearing the grievances or considering the

- defense of the Appellant asked the Appellant to go which was also not proper and just. (Copy is Annex: "N")
- 14) That vide impugned order dated 27/05/2015 major penalty of reduction to lower grade for two years was imposed upon the Appellant while minor penalty of Censure was imposed upon Mr. Amir Nawaz Ex-D.O. (Copy is Annex: "O")
- 15) That the Appellant on 01/06/2015 submitted a Review Petition to Respondent No. 2 but no decision was communicated to the Appellant within statutory period, therefore, the appellant on 06/08/2015 in terms of Rule 19(2) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 filed an appeal before this Honourable Court which was returned to the Appellant by declaring the same as premature in terms of section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974. (Copy of Review Petition is Annex: "P")
- 16) That on 7/08/015 a letter dated 05/08/2015 was received by the Appellant whereby the Appellant was informed that the Review Petition filed by the Appellant has been rejected by the Respondent No. 2, hence, the present appeal on the following grounds amongst others. (Copy of letter/order is Annex: "Q")

GROUNDS

- A) That the impugned orders dated 27/05/2015 and 05/08/2015 issued by the Respondent No. 2 are against the law, facts, norms of natural justice and material on the record, hence, not tenable and liable to be set-aside.
- B) That the Appellant has not been treated by the Respondents in accordance with law and rules on the subject noted above and as such the Respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan, 1973.
- C) That a past and closed transaction was opened only on the behest of rival of the Appellant i.e Mr. Malik Qasim Khattak advisor to Respondent No. 2 which is a classical example of political victimization.

- D) That the punishment awarded to the Appellant is very harsh. The Appellant has about 16 years of service with unblemished service record.
- E) That mandatory provisions of law have been violated and legal course has not been adopted while taking action against the Appellant.
- F) That the so-called charge sheet and statement of allegations were not in accordance with the prevailing rules, therefore, all the proceedings conducted upon the above said charge sheet and statement of allegations are wrong, illegal and ineffective upon the rights of the Appellant. Hence, the impugned orders are liable to be set-aside.
- G) That at the time of charge sheet, statement of allegations and order of appointment of inquiry committee or during inquiry proceedings no departmental representative was appointed which was mandatory for all the inquiry proceedings, hence, all the proceedings including the impugned orders are totally illegal and incorrect. Hence, liable to be set-at-naught.
- H) That besides non appointment of departmental representative no documents and list of witnesses was provided to the inquiry committee and the inquiry committee has conducted all the proceedings without consulting the record which is totally unwarranted under the law, hence, liable to be declared so.
- I) That as a political figure was instrumental against the Appellant; therefore, the inquiry committee and the Respondents No. 3 (so called authorized officer of personal hearing) and Respondent No. 2 turned deaf ears to the logical submissions of the Appellant. They were visibly under the influence of the incumbent advisor to the Respondent No. 2. The inquiry committee, not only, distorted the statement of Appellant but also concealed important facts. Hence, the impugned orders based on such inquiry report are liable to be struck down.
- J) That the so-called inquiry report is not only contradictory but also contrary to facts and circumstances of the present case, therefore, liable to be struck down.

- K) That it is very much clear from the record that even at the time of so-called personal hearing no departmental representative or relevant documents were available before the Respondent No. 3 which is also against the relevant rules, hence, the impugned orders, being contrary to prevailing rules, are liable to be declared so.
- L) That as the Appellant was not guilty of Miss-conduct and all the proceedings and impugned orders are the result of personal grudges of a Political figure, therefore, the impugned orders are not maintainable in the eyes of law.
- M) That the E&D Rules 2011, come into force on 16/09/2011 and the alleged illegal appointment order of computer operator was issued on 27/10/2010, therefore, technically imposition of penalty upon the Appellant under section 14 of the Khyber Pakhtunkhwa Govt: Servant (E&D) Rule 2011, is not legal and is contrary to the provision of section 23(2)(3) of the ibid rules.
- N) That the Appellant is penalized due to non acceptance of illegal order/demand of a political figure and has been penalized for doing the duty in accordance with rules and regulations. Hence, the impugned orders are liable to be set-aside on this score alone.
- O) That the appellant has only forwarded the recommendations of Ex-Departmental Selection Committee just like a "postman" to the competent authority, therefore, this act of the Appellant could not be termed as misconduct.
- P) That the then D.C.O, being the competent authority for the appointment of KPOs, have never objected upon the act of Appellant of forwarding the recommendations, rather he had approved the recommendations of Ex-DSC, therefore, there is no lawful justification of any departmental proceedings against the Appellant, hence, the impugned orders are liable to be set-at-naught.
- Q) That it is very much clear from the record that the Appellant has only performed the function of "Postman" and has not committed any illegality, irregularity or misconduct but the major penalty is imposed upon the Appellant and no action what so ever has been taken against the D.C.O or against the members of Ex-DSC which is clear proof of the fact that the Appellant has been penalized for the revenge of political figure.

- R) That no valid reasons for imposition of major penalty and for rejections of Review Petition have been provided in the impugned orders, therefore, the impugned orders are liable to be struck down.
- S) That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal in hand may kindly be accepted as prayed for in the heading of appeal.

Appellant

Through



(Shakila Begum)

Advocate,
Peshawar.

S.A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ /2015

Muhammad Shahid Zaman..... Versus..... Govt: etc.

AFFIDAVIT.

I, Muhammad Shahid Zaman Ex-E.D.O Karak do hereby solemnly affirm and state on oath that all the contents of accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.


Deponent.

Identified by



(Shakila Begum)

Advocate,

Peshawar.

Annex A

9



GOVERNMENT OF KHYBRR PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the October 6, 2010

NOTIFICATION

NO.SQ(S)/E&SE/A-16/2010/Roz Wali Khan The Competent Authority is pleased to order posting/transfer of the following officers on the posts mentioned against their names with immediate effect in the interest of public service:-

S.No	Name/present place of posting	Proposed place of posting	Remarks
1.	Mr. Roz Wali Khan (BS-19) Ex-Secretary BISE Abbottabad	Executive District Officer (BS-19), E&SE Nowshera	Vice S.No.3
2.	Mr. Muhammad Shahid Zaman (BS-19) Ex-Secretary BISE Kohat	Executive District Officer (BS-19), E&SE Karak	Vice S.No.4
3.	Mr. Hasanat Gul (BS-19) EDO E&SE Nowshera	Services placed at the disposal of Directorate E&SE	---
4.	Mr. Hassam-ul-Haq (BS-19) EDO E&SE Karak	-do-	---


2. No TADA is allowed.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar
2. Director, E&SE Khyber Pakhtunkhwa Peshawar
3. Executive District officer E&SE concerned.
4. District Accounts Officer concerned
5. Incharge EMISE, E&SE Department
6. PS to Secretary Elementary and Secondary Education Department
7. Officer concerned.
8. Office order file.


(Syed Ahmad Khan)
SECTION OFFICER (SCHOOLS)

ATTESTED
To be True Copy


MS SHAKILA BEGUM
Advocate High Court Peshawar

CERTIFICATE OF TRANSFER OF CHARGE.

(10)

1. Certified that we have on the forenoon of this day on 7/10/2010 respectively made over and received charge of the post of Executive District Officer Elementary & Secondary Education Karak. vide Secretary to the Govt. of Khyber Pukhtoon Khawa Elementary and Secondary Education Notification No.SO(S)/E&SE/4-16/2010. dated 06.10.2010. (F.V)

Station: Karak.

Signature of releived

Govt: Servant

(Hussamal Haq)

Designation: EDO E&SE Karak.

Absentia

Signature of relieving

Govt: Servant

(Mohammad Shahid Zaman)

Designation: EDO E&SE Karak.

[Signature]

Endst: No.

B387-93

Dated Karak the 18/10/2010.

Copy submitted to the:-

1. PS to Minister for E & S Education Khyber Pukhtoon Khawa.
2. PS to Secretary to Govt. of E & S Education Khyber Pukhtoon Khawa
3. PA to Director E & S Education Khyber Pukhtoon Khawa. Peshawar
4. District Coordination Officer, Karak.
5. District Accounts Officer, Karak.
6. Manager National Bank of Pakistan, Karak.
7. District Officer (M&F) E & S E: Karak.

Executive District Officer,
Elementary & S E Karak.

[Signature]

[Signature]

ATTESTED
To be True Copy

MS SHAKILA BEGUM
Advocate High Court Peshawar

درخواستیں مطلوب مشین

شماروں پر ان کی تفصیلات درج ہیں اور ان کے بارے میں مزید جاننے کے لیے ای میل ایڈریس اور فون نمبر دیے گئے ہیں۔

ای میل ایڈریس: ms.shakila@peshawar.gov.pk فون نمبر: 011-2722009

سلسلہ	کام کی تفصیلات	تاریخ	یونٹ	عدد	مشین کی تفصیلات
25211	ای ای او ایس کے لیے 04-01-2010ء اور ای ای او ایس کے لیے 12-01-2010ء	14-01-2010	BPS-07	01	ای ای او ایس کے لیے
30712	ای ای او ایس کے لیے 03-01-2010ء اور ای ای او ایس کے لیے 13-01-2010ء	14-01-2010	BPS-10	01	ای ای او ایس کے لیے
30718	ای ای او ایس کے لیے 08-01-2010ء اور ای ای او ایس کے لیے 13-01-2010ء	14-01-2010	BPS-07	01	ای ای او ایس کے لیے
30716	ای ای او ایس کے لیے 14-01-2010ء اور ای ای او ایس کے لیے 14-01-2010ء	14-01-2010	BPS-01	01	ای ای او ایس کے لیے

Amer 11

یہ درخواستیں درج ذیل ضوابط پر ہیں: (1) اس میں صرف ای ای او ایس کے لیے درخواستیں شامل ہیں۔ (2) اس میں صرف ای ای او ایس کے لیے درخواستیں شامل ہیں۔ (3) اس میں صرف ای ای او ایس کے لیے درخواستیں شامل ہیں۔ (4) اس میں صرف ای ای او ایس کے لیے درخواستیں شامل ہیں۔

www.nwfp.gov.pk

روزنامہ مشرقی 19 ستمبر 2009ء

ATTESTED To be True Copy
MS SHAKILA BEGUM
 Advocate High Court Peshawar

Amended "C"

12

GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

(REGULATION WING)

Dated Peshawar, the 12-07-2010

NOTIFICATION

NO.KC/FD/SO(FR)/7-3/2001. The Government of Khyber Pakhtunkhwa has been pleased to upgrade all the existing posts of Key Punch Operators/ Data Entry Operators/ Computer Assistants and Computer Operators working in different pay scales in District Governments, Attached Departments and Provincial Autonomous bodies and Subordinate Offices to BPS-12 with the standard nomenclature of the post as Computer Operator, with immediate effect as per details given below:-

S. No.	Existing Nomenclature of Posts	Present BPS	New Nomenclature of Post	Up-graded to BPS
1.	Key Punch Operators/ Data Entry Operators/ Computer Assistants and Computer Operators	8, 9, 10 & 11	Computer Operator	12

2. In future the following terms & conditions shall be followed for appointment and promotion against the IT related posts in all the Departments/ Attached Departments/ District Governments/ Subordinate Offices and Provincial Autonomous Bodies:-

- Basic qualification for initial appointment against the posts of Computer Operators shall be 2nd class graduation with one year Diploma in IT from Board of Technical Education or its equivalent.
- The basic qualification for initial appointment against the 50% computer related posts in BPS-16 shall be first class M.Sc/ BIT/ BCS or equivalent from a recognized University. The 50% posts shall be filled through promotion, on the basis of seniority-cum-fitness from amongst the Data Processing Supervisors. They will qualify a mandatory three months IT course in Database Management, Programming, web pages development and networking from Staff Training Institute (STI), Peshawar.

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MS SHAKILA BEGUM
Advocate High Court Peshawar

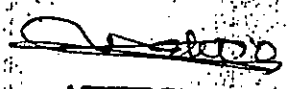
- iii. All the Attached Departments, District Governments and Provincial Autonomous Bodies shall be directed by Establishment and Administration Department to formulate Service Rules for their respective departments/ offices adopting uniform criteria of qualification and experience for identical posts. The qualification and experience shall be commensurate with the job descriptions (JDs) of different posts.
- iv. Director FMIU, Finance Department will frame JDs for all categories of IT related posts available in different Departments/ Attached Departments/ Provincial Autonomous bodies as well as District Governments and the qualification/ experience shall be prescribed on the basis of the JDs, in the Service Rules mentioned in Para-2 (iii) above.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Endst No. & Date Even:

Copy for the above is forwarded for information and necessary action to the:-

- 1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- 2. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 4. All DCOs in Khyber Pakhtunkhwa.
- 5. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 6. All Heads of Provincial Autonomous Bodies in Khyber Pakhtunkhwa.
- 7. PS to Chief Secretary, Khyber Pakhtunkhwa.
- 8. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 9. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
- 10. PS to Finance Secretary, Khyber Pakhtunkhwa.
- 11. PS to Special Secretary, Finance Department.
- 12. PAs to all Additional/ Deputy Secretaries in Finance Department.
- 13. PA to Director FMIU, Finance Department.
- 14. The Section Officer (E-V), Establishment Department.
- 15. All Section/ Budget Officer in Finance Department.



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Advocate High Court Peshawar



(SHAUKAT ULLAH)
SECTION OFFICER (FR)

[Handwritten notes and stamps in the bottom left corner]

Reminder



ADD ESTB P
For n/a action

Amended

13

17/6/10
EPD

GOVERNMENT OF Khyber Pakhtunkhwa
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

NO. EMIS/E&SE/USF1-17
Dated August 8, 2010

To

All Executive District Officers (EDO), E&SE Department
KPK

Subject: - Filling of post of Data Entry Operators in District EMIS Cells

Sir/Madam

Vide this department letter NO. EMIS/E&SE/1-15/IT Staff dated April 8, 2010 on the above subject the EDOs in KPK were advised to fill the vacant posts of Data Entry Operator in the district EMIS cells. However, the competent authority has observed with great concern that these posts are still vacant in some districts.

In view of the above you are once again requested to fill the vacant posts of Data Entry Operates in the District EMIS cells within one month positively and submit a completion certificate in this regard. The matter may kindly be treated as highly important.



Attal Hussain
(Iltaf Hussain)
Deputy Director EMIS

Copy to

- 1. Director Directorate of Elementary & Secondary Education
- 2. PS to Secretary E&SE Department
- 3. PA to Additional Secretary E&SE Department

Shakila Begum

(Deputy Director EMIS)

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MS SHAKILA BEGUM
Advocate High Court Peshawar

MINUTES OF THE DEPARTMENTAL SELECTION COMMITTEE MEETING HELD ON 29.09.2010 REGARDING THE APPOINTMENT OF COMPUTER OPERATOS.

The meeting of the Departmental Selection Committee, pertaining to the recruitment of the Computer Operators (BPS-10) was held on 29/09/2010 at the office of Executive District Officer (E & SE) Karak.

The Following officials attended the meeting.

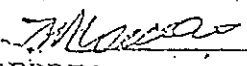
- 1. Executive District Officer (E & SE) Karak. (Chairman)
- 2. District Officer (Male) E & SE, Karak. (Member)
- 3. Representative of the D.C.O Karak. (Member)

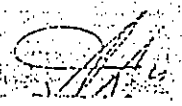
The representative of the District Co-Ordination Officer Karak informed the committee that the post of Computer Operator has been upgraded from BPS-10 to BPS-12 and hence the same vacancies will be filled by the D.C.O Karak, being the competent authority for the appointment of the posts having BPS 11 to BPS 15.

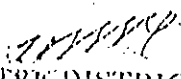
It was unanimously decided to recommend the following, for their recruitment as Computer Operator (BPS-12), to the honourable District Co-Ordination Officer Karak, as being the competent authority for appointment against the posts of BPS 11 to BPS 15.

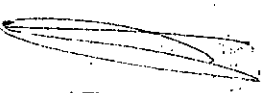
S.No.	Roll No.	Name	Father's Name	Merit
1.	29	Abdul Nasir Mehmood	Abdur Rahim	147
2.	17	Asghar Khan	Alaf Khel	136
3.	53	Taj Ali	Gula Shah	133

It was decided to submit the minutes of the meeting of Departmental Selection Committee to the District Co-Ordination Officer Karak for approval.


REPRESENTATIVE
DISTRICT CO-ORDINATION OFFICER
KARAK.


DISTRICT OFFICER (MALE)
(E & SE) KARAK.


EXECUTIVE DISTRICT OFFICER
(E & SE) KARAK.


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Advocate High Court Peshawar

Annex "B"

15

EVALUATION AND RECOMMENDATION OF THE DISTRICT
RECRUITMENT COMMITTEE KARAK FOR THE RECRUITMENT OF
COMPUTER OPERATOR IN DISTT. KARAK.

1. Posts of KPO BPS 10 were advertised for recruitment by the EDO E&S Education Karak vide office No.908 Dated 7.12.2009 (Flag A)
2. "Application Invited Notice" was published in daily News Papers, Mashriq dated 18/12/2009 is placed in the File. (Flag B)
3. Total Numbers of candidates applied for the post=61 (Flag C)
4. Written test was conducted on 08/01/2010 and Total number of candidate appeared in test=39 (Flag D)
5. Total number of candidate absent in test=22 (Flag E)
6. Total number of candidate failed in written test=30 (Flag F)
7. Total number of candidate passed in written test=08 (Flag G)
8. Interview was schedule to be held on 13/01/2010 but on the complaint of MPA PF-41, which was postponed for inquiry from the Secretary E&S E KPK. (Flag H)
9. Now the interview has been conducted on 20/09/2010 on the verbal direction of Secretary E&S E KPK and written direction in this regard also attached for ready reference. (Flag I)
10. Total numbers of candidate called for interview under registered cover=08 (Flag J)
11. Total number of candidate present in interview=06 (Flag K)


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Advocate High Court Peshawar

18

- 12. Total number of candidate absent in interview=02 (Flag L)
- 13. Total number of candidate dropped in interview due to having no DIT=01 (Flag M)
- 14. The District Recruitment Committee recommended the following candidate for appointment against the post of Computer Operator. (Flag N)

S.No	R.No	Name	Father's Name	Address	Date of Birth	Merit	Remarks
1	29	Abdul Nasir Mehmood	Abdur Rahim	Tablighi Markaz	1-03-1984	147	
2	17	Asghar Khan	Alaf Khan	Seral Khel	2-06-1978	136	In Service
3	53	Taj Ali	Gula Shah	Umer Abad	15-07-1978	133	Disable

15. Total No Posts Vacant. 03

16. Respected sir, the post of KPO have been upgraded from BPS-10 to BPS-12 vide Government of Khyber Pakhtoonkhwa Finance Department regulation wing notification No. KC/ED/SO (FR)/7-3/2001 dated 12-07-2010. You being a competent authority from BPS-11 to BPS-15 it is therefore requested that Para No. 14 may kindly be approved if agreed please. (Flag O)

M. Hussain
 District Officer Secondary Education Karak
 Representative
 District Coordination Officer Karak
 27/10/2019

M. J. Khan
 Executive District Officer E&S, Karak
 Executive District Officer Elementary & Secondary Edu. Deptt Karak
 27/10

DCO
 Para - 14 - Approved

DISTRICT CO ORDINATION OFFICER
 KARAK

District Coordination officer
 Karak

MS Shakila Begum
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 MS SHAKILA BEGUM
 Advocate High Court Peshawar

OFFICE OF THE DISTRICT CO ORDINATION OFFICER KARAK.
APPOINTMENT

Annex "E"

17

Consequent upon the recommendation of the District Recruitment/Selection committee constituted by the Government of Khyber Pakhtoon Khwa Elementary and Secondary Education Department, the following candidates are hereby appointed as Computer Operator on Contract Basis in BPS-12-(4355-310-13655)PM plus usual allowance as admissible under the Rules with effect from the date of their taking over charge on the terms and conditions mentioned below.

S.No.	Roll No.	Name	Fathers Name	Merit	Place where Posted
1	29	Abdul Nasir Mehmood	Abdur Rahim	147	O/O the EDO E & S E Karak
2	17	Asghar Khan	Alaf Khel	136	O/O the EDO E & S E Karak
3	53	Taj Ali	Gula Shah	133	O/O the EDO E & S E Karak

TERMS AND CONDITION.

1. No TA/DA etc is allowed.
2. Charge report should be submitted to all concerned.
3. Appointment is purely on Temporary Basis.
4. They should not be handed over charge if they exceed 30 years OR below 18 Years of age.
5. Appointment is subject to the condition that the Certificate/documents must be verified from the concerned authorities. If any one found producing bogus Certificate he will be reported to the law enforcing agencies for further action and their services will be considered as automatically dismissed with no privileges of the past if any.
6. If they fail to take over charge within fifteen days the appointment order will be deemed as cancelled.
7. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
8. All the appointees will be entitled for the benefits as admissible to a Civil Servant except Pension Gratuity.
9. The undersigned will verify their documents from the concerned authorities, and their Pay will be Stop, after verification of their documents their Pay will be released by the signature of the EDO personally.
10. They are required to produce an affidavit regarding the genuineness of the certificates/Dagrees submitted by them in response to the Advertisement of this Office. The should not be allowed to take over charge, if they fail to produce the affidavit at the time of their arrival to the duty.

(JAVID AHMED)
 DISTRICT CO ORDINATION OFFICER.
 KARAK.

Endst:No. 6613-16/

Dated Karak the 27/10 /2010.

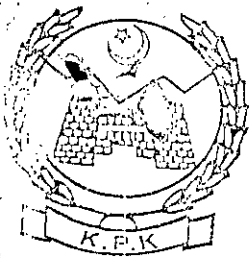
Copy of the above is forwarded to:-

1. PA to Director Elementary and Secondary Education Khyber Pakhtoon Khwa for information pl.
2. District Co Ordination Officer Karak with reference your approval for information please.
3. District Officer(Male) E & S E Karak with remarks not to draw their Pay till the released from this Office.

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MS SHAKILA BEGUM
 Advocate High Court Peshawar

EXECUTIVE DISTRICT OFFICER
 ELEMENTARY AND SECONDARY
 EDUCATION KARAK



Malik Qasim Khan Khattak

Advocate

Member Provincial Assembly Khyber Pakhtun Khwa, Pakistan

Cell : 092-332-9660776 / 092-300-5654566 / 092-345-9804458

My dear Shahid Zarron

The following candidates of my constituency are nominated for appointment as key punch operators in Education Deptt. against the quota of my constituency.

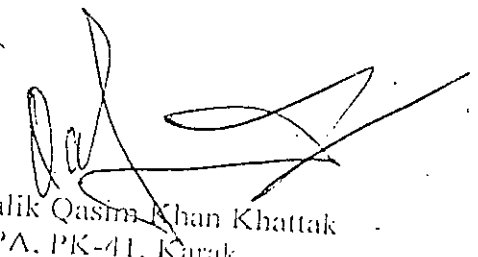
- 1):- Nasar Minallah s/o Mosam Khan
- 2):- Mutasim Billah s/o Mosam Khan
- 3):- Zulfiqar Ayaz s/o Muhammad Ayaz
- 4):- Noor Paya Jan s/o Miran Gul
- 5):- Hazrat Munner s/o Khayal Gul



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Advocate High Court Peshawar

P.O. E&SI, Karak


Malik Qasim Khan Khattak
MPA, PK-41, Karak

Village & P.O. Khojaki Kalla, Distt Karak Khyber Pakhtun Khwa, Pakistan.
Office: 0927-210111 Res: 0927-275290 0927-275044



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annex 9

19

NOTIFICATION

Dated Peshawar the July 17, 2014

NO.SO(S/M)E&SED/4-17/2014/M.Shahid Zaman Ex-EDO:

The Competent Authority

is pleased to constitute inquiry committee comprising the following officers to conduct formal enquiry against M/S Muhammad Shahid Zaman, Ex-Executive District Officer (BS-19) E&SE Karak (now principal BS-19 GHSS Ustarzai Payan District Kohat) and Amir Nawaz Ex-District Officer E&SE BS-18 District Karak (now Principal GHSS Teri District Karak) for the charges mentioned in the Charge Sheet and Statement of Allegations with immediate effect.

- i. Mr. Noor Ali Khan, (PAS-20) Secretary Provincial Ombudsman, Peshawar.
- ii. Mr. Attaullah Khan, Principal (BS-20) Regional Institute of Teachers Education (RITE) Male Peshawar.

2. The enquiry committee shall submit report to the Competent Authority within (30) days positively. (Copies of Charge Sheet & Statement of Allegations are enclosed).

SECRETARY

Endst: of even No. & Date :-

Copy forwarded to the:

1. Mr. Noor Ali Khan, (PAS-20) Secretary Provincial Ombudsman, Peshawar (Copies of Charge Sheet & Statement of Allegations are enclosed).
2. Mr. Attaullah Khan, Principal (BS-20) Regional Institute of Teachers Education (RITE) Male Peshawar (Copies of Charge Sheet & Statement of Allegations are enclosed).
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar. With the direction to nominate a well conversant officer not below the rank of Assistant Director to assist the inquiry committee as Departmental Representative.
4. Mr. Muhammad Shahid Zaman, Ex-Executive District Officer (BS-19) E&SE Karak (now principal BS-19 GHSS Ustarzai Payan District Kohat) (Copies of Charge Sheet & Statement of Allegations are enclosed).
5. Mr. Amir Nawaz Ex-District Officer E&SE BS-18 District Karak (now Principal GHSS Teri District Karak) (Copies of Charge Sheet & Statement of Allegations are enclosed).
6. District Education Officer, Male Karak/ Kohat.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
8. Incharge EMISE E&SE Department.
9. Office order file.


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MS SHAKILA BEGUM
Advocate High Court Peshawar


(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE (BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat) as follows:-

That you, while posted as Executive District Officer E&SE (BS-19) District Karak committed the following irregularities:

- i) "Appointed three Computer Operators (BS-12) namely Abdul Nasir Mahmood, Asghar Khan and Taj Ali by chairing DSC yourself instead of DCO and by obtaining approval of DCO Karak through a shady evaluation report, in violation of rules & policy.
- ii) Promoted two Junior Clerks in their own pay & scale thus paved the way for illegal appointments of two more junior clerks in addition to the appointments of 12 junior clerks against the existing vacancies.
- iii. 33% quota in the appointment of junior clerks reserved for promotion of class-IV employees has been violated/ ignored
- iv) Appointed all the 14 junior clerks from PK-40 and non belonged to PK-41 which has tarnished the appointment process.
- v) Appointed only 06 PSTs Female from PK-41 while the rest 25 have been appointed from PK-40 out of total 31 appointees, which has shaken the merit."

2- By reason of the above, you appear to be guilty of corruption/ inefficiency and misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- A Statement of Allegations is enclosed.

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MS SHAKILA BEGUM
Advocate High Court Peshawar

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
09. 07. 2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer
E&SE (BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat)

(B2-18) District Ksarak (now Principal B2-18 CHSS Natarzal Pagan District Ksarak
Mr. Muhammad Shahid Zaman EX-Executive District Officer EGSE

Учредительский Комитет Республиканского
МИНИСТЕРСТВА ВНЕШНИХ СВОТОН

03.01.2011
COMPETENT AUTHORITY
CHIEF MINISTER KHAYER BAKHTUOKHWA
(BEVLEX KHATLAK)

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ATTESTED

[Handwritten signature]

committee

the proceedings on the date, time and place fixed by the inquiry officer and

4- The accused and a well conversant representative of the department shall join
punishment or other appropriate action against the accused.

findings and make within thirty days of the receipt of this order, recommendations as to
the said Rules, provide reasonable opportunity of hearing to the accused, record the

3- The inquiry officer inquiry committee shall, in accordance with the provisions of

iii

ii

i

Mr. Aftab Khan known by BITE BSR

Mr. Mook Ali Khan (B2-18-30)

constituted under Rule 10(1)(a) of the said Rules:

allegations, an inquiry officer inquiry committee, consisting of the following, is

5- For the purpose of inquiry against the said accused with reference to the above
the merit.

been appointed from BK-40 out of total 31 appointees, which has shaken

v) Appointed only 08 B21A female from BK-41 while the rest 23 have
BK-41 which has tarnished the appointment process.

iv) Appointed all the 14 junior clerks from BK-40 and non belonged to
of class-IV employees has been violated/ignored

iii) 33% quota in the appointment of junior clerks reserved for promotion
appointments of 12 junior clerks against the existing vacancies.

may for illegal appointments of two more junior clerks in addition to the
ii) Promoted two junior clerks in their own pay & scale thus bypassed the
report, in violation of rules & policy.

DCO and by obtaining approval of DCO Ksarak through a shady evaluation
Mahmood, Asghar Khan and Taj Ali by changing DSC names instead of

i) "Appointed three Computer Operators (B2-12) namely Abdul Nasir

STATEMENT OF ALLEGATIONS

Government Servants (Efficiency and Discipline) Rules, 2011.

following acts/omissions, within the meaning of Rule-3 of the Khayer Bakhtuokhwa
Ksarak) has rendered himself liable to be proceeded against, as he committed the
Officer EGSE (B2-18) District Ksarak (now Principal B2-18 CHSS Natarzal Pagan District
Authority, and of the opinion that Mr. Muhammad Shahid Zaman EX-Executive District

1. Bevlex Khatlak, Chief Minister, Khayer Bakhtuokhwa, as Competent

DISCIPLINARY ACTION

15

Annex J

22

No. _____

Dated: ____/____/2014.

From: Muhammad Shahid Zaman.
Ex. E.D.O (E&SE) Karak/Principal G.H.S.S Ustarzai Payan,
Kohat.

To: 1) Honorable Noor Ali Khan (PAS 20)
Secretary Provincial Ombudsman, Peshawar.
2) Honorable Atta Ullah Khan Principal (BS 20)
Regional Institute of Teachers Education
(RITE) Male Peshawar.

Subject: Written Defense.

Respected Sirs,

Reference Notification No. SO (S/M) E&SE D/4-17/2014/ Mr. Shahid Zaman Ex. EDO,
Dated Peshawar July 17, 2014 and received on 04/08/2014.


Muhammad Shahid Zaman, Ex E.D.O (E & SE), Karak hereby deny all the charges
leveled against me. Written Para wise defense of the charges leveled against me are
submitted as under:

1. The Computer Operator Posts (In B.P.S 10) were advertised by my predecessor, i.e., Hussam Ul Haq, in December 2009 (Annex 1). As per policy in vogue at that time, Executive Distinct Officer was the competent authority for the posts up to B.P.S 10 (Annex 2). Hence my predecessor, Mr. Hussam Ul Haq, chaired the DSC Meeting (Annex 3). It is incorrect to assume that I, in my capacity as an E.D.O, chaired the said meeting.

During the appointment process the B.P.S of the Computer Operator Post was raised from B.P.S 10 to B.P.S 12 (Annex 4). The appointment order of the Computer Operators was issued as per enhanced B.P.S of the post, as per Provision of the advertisement (Already annexed as Annex 1).

The higher authorities were pressing hard to expedite the recruitment process and to complete the same within one month (Annex 5), hence me, the then district officer (male), i.e., Mr. Amir Nawaz and the representative of DCO Karak signed the evaluation report (Annex 6). The evaluation report was a kind of a working paper for the meeting of the DSC which was scheduled to be chaired by the DCO Karak on 27/10/2010. On the said date, the then DCO Karak chaired the DSC meeting, and being the competent authority, issued the appointment order of the computer operators, under his own signature (Annex 7). However the minutes of the said meeting were not recorded.

It is pertinent to mention that neither the merit list was altered nor the same was ever questioned by the learned members of the Provincial Inspection Team i.e., Mr. Farid Ullah, Liaqat Ali and Mohammad Ramazan.


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MS SHAKILA BEGUM
Advocate High Court Peshawar

- ii. It is incorrect to assume that the two Junior Clerks were promoted in their own B.P.S to pave the way for illegal appointments of two more junior clerks. The sole reason of entertaining their requests for adjustment as senior clerks in their own pay scales/current charge basis was to motivate them to represent the E.D.O Office in the court cases. The two J/Clerks were promoted on current charge basis/own pay scale in the light of rule 9 of the NWFP Civil Servants (Appointment , Promotion and Transfer) Rules 1973(Annex 8).

Fourteen clear cut Vacancies of Junior Clerks were available and appointments against these vacancies were made accordingly.(Annex 9).

- iii. 33 % quota in the appointment of junior clerks reserved for promotion of class IV employees was not observed due to the following facts:
- Seniority list of the class IV servants, which is mandatory for their promotion as junior clerk (Annex 10), was/is not available at the time of recruitment of the junior clerks.
 - Typing test was/is compulsory for the promotion of the class IV servants as well (Annex 11). None of the class IV servants could clear the typing test and hence were not considered for their promotions as junior clerks.
 - the forum of the Departmental Selection Committee (DSC) process the application of the fresh candidates. Contrary to this, the application of the class IV servants for their promotions as junior clerks against 33% quota is processed at the forum of Departmental promotion committee (DPC) . The composition of DPC as par rules (Annex 12). Is quite different from that of DSC(already annexed as Annex 2) This is the another solid reason why the request of the class IV servants for their promotion as junior clerks was not entertained by the DSC, being the wrong forum as explained above.

Assuming that some of the class IV servants are deprived of their due right of promotion as junior clerks against 33 % quota , still there is room for redressal of their grievances in the light of section 9 of the North West Frontier province Civil Servant Act 1973(Annex 13)


Presently, sufficient vacancies of J/Clerks are available at D.E.O (Male/Female) Offices of Karak, therefore the 33% quota for the class IV servants can be observed in letter and spirit, after compilation of the seniority list of the class IV servants by the quarter concerned.

It is further added that the case, pertaining to the promotion of class IV servants as junior clerks, of the E&S.E department Karak, is still sub judice at Khyber Pukhtoonkhwa service tribunal (Annex 14).

- iv Applications for the junior clerk posts were invited from the candidates having domicile of the Karak district, Irrespective of the Provincial Assembly Constituencies of the Karak District (Annex 15).

Total 18 candidates qualified the typing test and the top 14 were appointed on the basis of their respective academic qualifications, as per rules, without taking into account that from which Provincial Assembly Constituency they belong.

It is pertinent to mention here that in the year 2010, none of the candidates of the junior clerk post from the entire Karak District could pass the typing test (Annex 16) , and the


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 Advocate High Court Peshawar

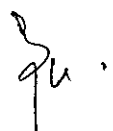
24

same posts were re advertised by me in Feb 2011. Hence, it is not surprising that none of the candidate of PK 41 could find himself in the top 14 out of the total 18 candidates.

- v. As per policy in vogue, at the time of recruitment of female PST teachers, 75% of the vacancies were to be filled on the Union Council basis and 25% on the district level (Open merit basis), (Annex 15). Provincial Assembly Constituencies were not supposed to be taken into account. The appointments were strictly made in accordance with the prescribed policy of that time. It is pertinent to mention that the learned members of the Provincial Inspection Team have neither reported that the merit lists were altered nor they have questioned the authenticity of the merit lists.

In the light of the above mentioned facts, I humbly, deny all the charges leveled against me and hereby pray to exonerate me of all the charges please.


In the end, I would like to be personally heard as well, please.


O/c

(Mohammad Shahid Zaman)
Ex. Executive District Officer (E&SE), Karak
Principal,
G.H.S.S Usterzai Payan , Kohat.

Endst No. _____

Dated: ____/____/2014.

1. P.S. to Chief Minister Govt of K.P, Peshawar.
2. P.S. to Secretary (E&S.E) Deptt, Govt of K.P. Peshawar.
3. Director (E&S.E) Deptt, Govt of K.P, Peshawar.
4. District Education Officer (Male) Kohat/Karak.

O/c

(Mohammad Shahid Zaman)
Ex. Executive District Officer (E&SE), Karak
Principal,
G.H.S.S Usterzai Payan , Kohat.


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To be True Copy
MS SHAKILA BEGUM
Advocate High Court Peshawar

Annex K

25

INQUIRY REPORT

Subject:- ILLEGAL APPOINTMENTS (CORRUPTION IN
ELEMENTARY AND SECONDARY EDUCATION
DEPARTMENT, KARAK, KPK

ORDER OF INQUIRY

The Chief Minister of Khyber Pakhtunkhwa ordered to conduct an inquiry in the light of charge sheet established by the competent authority based on an inquiry report conducted by provincial inspection team, Khyber Pakhtunkhwa.

BACKGROUND

An inquiry was conducted by Provincial Inspection team on the written complaint of Mr. Malik Qasim Khan Khattak (MPA PF:41) illegalities & irregularities in the office of EDO Elementary & Secondary Education department, District Karak during 2010-2011 against Mr. Muhammad Shahid Zaman Ex-Executive District Officer, Elementary & Secondary Education department (BPS:19) District Karak (Now Principal BPS:19 G.H.S.S Ustarzai Payan, District Kohat) and Mr. Amir Nawaz Ex-District Officer, Elementary & Secondary Education department (BPS:18) District Karak (Now Principal BPS:19 G.H.S.S, Terri, District Karak). The Charge sheet against Mr. Muhammad Shahid Zaman Ex-Executive District Officer, Elementary & Secondary Education department (BPS:19) is as following:-

1. "Appointment of 03 computer operators (BPS:12) namely Mr. Nasir Mehmood, Mr. Asghar Khan and Mr. Taj Ali by Chairing DSC instead of DCO and by obtaining approval of DCO, Karak through shady evaluation report in violation of rules and policies".
2. Promotion of Junior Clerks in their own pay and scale thus paved the way for illegal appointment of 02 more Junior Clerks in addition to the appointment of 12 junior clerks against the existence vacancies.



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Advocate High Court Peshawar

(PERVEZ KHATTAK)

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE

District Karak (Now Principal BS-19 G.H.S.S Ustarzai Payan, District Kohat)

- 3. 33% quota in the appointment of Junior Clerk reserved for promotion of class-IV employees has been violated / ignored.
- 4. Appointed all the 14 junior clerks from PK-40 and none belong to PK-41, which has tarnished the appointment process.
- 5. Appointed only 06 Primary School Teachers (Females) from PK-41 while the rest 25 have been appointed from PK-40 out of total 31 appointees which have shaken the merit.

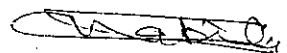
The charge sheet against Mr. Amir Nawaz Ex-District Officer, Elementary and Secondary Education Department (B.P.S:18) District Karak (Now Principal B.P.S:19 G.H.S.S Terri, District Karak) is as following:

“Being member of DSC, Mr. Amir Nawaz assisted Mr. Muhammad Shahid Zaman Ex-Executive District Officer, Elementary & Secondary Education department, District Karak in making irregular appointments of computer operators and Junior Clerks”

INQUIRY PROCEEDINGS

The inquiry was conducted at the office of the Secretary Provincial Mohtasib Hayatabad, Peshawar. The following officers were called on various dates at the Provincial Mohtasib Office, Hayatabad, Peshawar along with the record. Statements of charge sheet and allegations were handed over to all the accused. The charge sheet was discussed with them and their statements were obtained.

S.No	Name & Designation of Officials
01	Mr. Muhammad Shahid Zaman Ex-EDO, E&SE, Karak
02	Mr. Amir Nawaz Ex-DEO, E&SE, Karak
03	Mr. Muhammad Rasheed Sitting DEO, E&SE, Karak
04	Mr. Humayun Khan Sitting ADEO, E&SE, Karak
05	Mr. Mohammad Sultan Assistant / Representative DEO(Female), Karak


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 Advocate High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
 COMPETENT AUTHORITY
 09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE (BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

STATEMENT OF MR. MUHAMMAD SHAHID ZAMAN

CHARGE SHEET NO.1

“Appointed 03 Computer Operators(BPS:12) namely Abdul Nasir Mehmood, Asghar Khan and Taj Ali by chairing DSC himself instead of DCO and by obtaining approval of DCO Karak through a shady evaluation report, in violation of rules and Policy.” (Attached as annexure “A”)

With regard to charge sheet No.1 Mr. Muhammad Shahid Zaman stated as following:

“The post of key punch operator (KPO) BPS:10 were advertised in various dailies by my predecessor Mr. Hussam-ul-Haq Ex-EDO, Karak. While processing the posts of key punch operator in BPS: 10, the Government of Khyber Pakhtunkhwa up-graded the posts from BPS:10 to BPS:12 with the change in nomenclature of computer operators. As such the requisite qualification was also enhanced from intermediate to degree level with one year IT diploma. Now with the change of nomenclature and qualification, the recruitment was not falling within the purview of Executive District Officer, Elementary & Secondary Education department, District Karak. It was falling under the competency of DCO but due to load of work and pressure from the higher authorities to fill the vacant posts of KPO immediately, I submitted an evaluation report to the then DCO, Karak which has been duly signed by the DCO. After obtaining approval of the DCO, appointment orders of the three top candidates namely.

1. Mr. Abdul Nasir Mehmood
2. Mr. Asghar Khan
3. Mr. Taj Ali

were issued by me” i.e. Mr. Muhammad Shahid Zaman

- 1) Statement of Mr. Muhammad Shahid Zaman (Attached annexure-“B”)
- 2) Merit list No.02 of computer operator (Attached annexure-“C”)
- 3) Appointment orders(Attached annexure –“D”)

CHARGE SHEET NO.2

“Promoted 02 Junior Clerks in their own pay & scale thus paved the way for illegal appointments of 02 more Junior Clerks in addition to appointment of 12 Junior Clerks against the existing vacancies.”



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Advocate High Court Peshawar**

**CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY**

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Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
BS-19 District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

With reference to the above statement/charges, the response of Mr. Muhammad Shahid Zaman is as following:

"There were 14 clear cut vacant posts of Junior Clerks at the time of recruitment, excluding the 02 newly adjusted senior clerk posts in their own pay and scales. The 02 clerks were only adjusted against the senior clerk posts for taking interest and sharing responsibilities in the official business like court cases and maintenance of proper record of new sites etc". While in one of the advertisement given in the appointment of junior clerks (Attached on annexure-"E") by Mr. Hussam-ul-Haq Mianjee Ex-EDO, Elementary & Secondary Education department, Karak on 18-12-2009 in "Daily Mashriq" for the recruitment of Junior Clerk, the number of schools shown are only 06 while in the advertisement (Attached on annexure-"F") published for the appointments of junior clerks by Mr. Muhammad Shahid Zaman Ex-EDO Karak on 10-02-2011 in "Daily Aaj", the number of posts has been omitted which creates doubts.

CHARGE SHEET NO.3

"33% quota in the appointment of Junior Clerks reserved for promotion of class-IV employees has been violated/ignored".

The statement of Mr. Muhammad Shahid Zaman shows that as per policy there is 33% quota reserved for promotion of class-IV employees in the recruitment of Junior Clerks. But the policy was not observed during the recruitment of junior clerks due to the fact that seniority list of class-IV employees was not prepared nor available. However, it was anticipated that up to the preparation of seniority list of class-IV employees, some posts of Junior Clerks would be available after the likely promotion of junior clerks to senior clerks posts.

CHARGE SHEET NO.4

"Appointed all 14 junior clerks from PK-40 and none belonged to PK-41 which has tarnished the appointment process".

With reference to the above stated charge, the statement of Mr. Muhammad Shahid Zaman is as following:

"As per recruitment policy of Junior Clerks, there is no constituency wise quota reservation. Applications were invited through advertisement in the various dailies. Candidates applied throughout district Karak. The written


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09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

tests were conducted by the then Deputy Secretary, Elementary & Secondary Education department Mr. Ahmed Khan. The top 14 candidates were appointed. Junior clerks posts are district cadre posts. May be the top 14 appointees belong to PK-40 and none from PK-41 have qualified the written test”.

CHARGE SHEET NO.5

“Appointed 06 PSTs(Female) from PK-41 while the rest 25 have been appointed from PK-40 out of the total 31 appointees, which has shaken the merit”.

In this regard, the statement of Mr. Muhammad Shahid Zaman Ex-EDO, Elementary & Secondary Education department, Karak is as following:

“31 vacancies of Females PSTs were advertised in various dailies. As per recruitment policy, there is a provision of 60% open merit quota, 40% Union Council wise quota and deceased sons / daughters quota. Out of 31 PSTs female vacancies, 03 females candidates were appointed on deceased daughter quota. While 16 were appointed on open merit basis (60% open merit quota) and the remaining 12 were appointed on Union Council basis (40% Union Council quota). At the time of recruitment, there were only 06 vacant female PSTs posts in those Union Councils which are in the jurisdiction of PK-41, while the remaining 06 were posted in those Union Councils in which the vacant posts were available. It is again stated that there is no provincial assembly constituency wise quota in the appointment of PSTs recruitment policy vide notification No. SOG/E&SE/1-28/SSRC/Vol. IIV/2008 dated: 03-12-2008”.

STATEMENT OF MR. AMIR NAWAZ

Ex-District Officer BPS:18, District Karak (Now Principal BPS:19 G.H.S.S, Terri, Karak).

Statement of Allegations

“Being member of DSC, you assisted Mr. Muhammad Shahid Zaman Ex-Executive District Officer in Elementary & Secondary Education department, Karak in making irregular appointments of computer operators and Junior Clerks”. (Attached on annexure-“G”)

Statement of Mr. Amir Nawaz with reference to the charge sheet is as following:

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**MS SHAKILA BEGUM
Advocate High Court Peshawar**

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

1. Mr. Amir Nawaz Khan remained District Officer Elementary & Secondary Education department, Karak with effect from 22-01-2009 to 29-01-2011. The appointment process of computer operators and junior clerks etc was carried out in my stay as DEO Elementary & Secondary Education department, Karak. But the main part in the appointment/recruitment process was assigned to ADEO Mr. Taweez Gul. Mr. Taweez Gul was nominated as focal person by the then DCO Karak owing to the political influence of ADEO concerned. The post of computer operator and junior clerks were advertised by the then EDO Elementary & Secondary Education department, District Karak Mr. Hussam-ul-Haq. The posts were up-graded from BPS:10 to BPS:12 on 12-07-2010 during my stay as DO Karak.

As for as my job description is concerned, I have only to supervise middle and high schools, financial management, planning & development. I have nothing to do with the recruitment process but only to fulfill the formalities I was asked by the Ex-EDO Mr. Muhammad Shahid Zaman to put my signature on the merit list of evaluation report prepared by the then ADEO Mr. Taweez Gul. (Attached on annexure-"H")

STATEMENT OF SITTING DEO (MALE) KARAK,
MR. ZAHID RASHEED

Mr. Zahid Rasheed-the sitting DEO Male Karak also attended the Secretary Provincial Mohtasib Office at Peshawar. He was asked if he wants to give some statement regarding the recruitment of computer operators and junior clerk set but he opted not to give any statement regarding the appointments made because he does not know anything about that process.

STATEMENT OF SITTING ADEO MR. MUHAMMAD
HAMAYUN KHAN (BPS:16) DISTRICT KARAK

Mr. Muhammad Hamayun Khan sitting ADEO establishment along with Mr. Muhammad Atlas Khan Senior Clerk DEO, Elementary and Secondary Education department, Karak attended the office of Secretary Provincial Mohtasib, Peshawar in connection with the recruitment of computer operators/Junior Clerks etc. He presented the record regarding the disputed recruitment process. He was asked to show the working paper presented to the EDO concerned for giving advertisement in the various dailies for the posts of computer operators / junior clerks etc.


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Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&S
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

However, he was unable to present any document or details of posts in the concerned record. He narrated a verbal statement with regard to the processing of promotion and recruitment of these posts before issuance of advertisement to the press. The file has been directly moved by the dealing assistant to ADEO. 61 applications were received for the posts of KPO, in which 39 applicants appeared in the test for the posts of KPO/computer operator. Tests were conducted by Mr. Abdul Hafiz ADO and Mr. Maqsood Anwar computer operator. Out of 39 appeared candidates, 08 were declared as passed. These 08 passed candidates were interviewed by the committee comprising of Mr. Abdul Hafeez ADEO & Mr. Maqsood Anwar computer operator. Out of 08 candidates, 03 candidates namely:

1. Mr. Nasir Mehmood S/o Mr. Abdur Raheem
2. Mr. Asghar Khan S/o Mr. Alif Khan
3. Mr. Taj Ali Khan S/o Mr. Gul Shah

were declared passed by the committee comprising of representative of DCO District Karak, and then district officer Elementary and Secondary Education department, Karak.

Meanwhile the posts of KPO were upgraded to the posts of computer operator with change nomenclature and required qualification vide notification No: KC/FD/SO-FR/7-3/2011 dated: 12-07-2010. As per rules, appointing authority for the computer operator was shifted from EDO to DCO, Karak. But the record shows that nobody in the office of EDO has bothered to bring this into the notice of DCO office. Moreover, the record does not have any entry of DCO office for submission and receiving.

As per record, advertisement for the recruitment of junior clerks was made by Ex-EDO Mr. Hussam-ul-Haq on 18-12-2009, specifically mentioning the number of Junior Clerks as 06. None of the applicants qualified the typing test appeared under that advertisement. In another advertisement which was made by Mr. Muhammad Shahid Zaman on 10-02-2011 but in this advertisement the number of Junior Clerk posts was not mentioned, the reasons of which is not known to me nor the record shows any tangible justification for not mentioning the number of posts in the advertisement. As per record, 356 applications were received for the posts of junior clerks. Out of these 356 applicants, 199 candidates attended the EDO office for typing test. It is pertinent to mention here that the test was conducted by Mr. Ahmed Khan the then Deputy Secretary Elementary and Secondary Education department, Peshawar. Mr. Mir Nawaz Head master G.H.S.S, Biland Kalay, Mr. Mushtaq Ahmed DEO Elementary and Secondary Education department, Karak and Mr. Muhammad Shahid Zaman EDO


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Advocate High Court Peshawar

(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Pawan District Kohat

Elementary and Secondary Education department, Karak. In the test out of 18 passed candidates, 16 candidates attended the office while 02 remained absent. Out of 16 qualified candidates, 14 were adjusted against the available vacant posts. As for as the adjustment of 02 number of Junior Clerks against the post of senior clerks in the own pay and scales is concerned, the record is silent. Due to unknown reason, the case of proper promotion of the supporting staff has not been processed. As for as the 33 % quota of the promotion of class-IV against the posts of Junior Clerks posts is concerned, it has not been properly observed in this case nor any vacancy was left vacant for this quota. As for as constituency wise quota is concerned, candidates for the posts of Junior Clerks who qualified the typing test were appointed irrespective of the constituency or union council as per recruitment policy.

As per record, 60% open merit quota and 40% union council quota has been very clearly followed in the appointment of 31 female PST sat district Karak. Only 06 female PSTs posts were falling vacant in union councils which are in the jurisdiction of PK-41. (Attached as annexure-"I")

STATEMENT OF MR. QADEER
ULLAH SUPERINTENDENT, DC OFFICE, KARAK

During the inquiry procedure one of the Deputy Commissioner Office Superintendent Mr. Qadeer Ullah attended the office of Provincial Mohtasib on 22-09-2014 and recorded his statement. The statement of the Superintendent is (Annexed as annexure-"J"). According to the Superintendent of Deputy Commissioner office, Karak there is no official record in the Deputy Commissioner office regarding the case. He was also crossed examined by the accused Mr. Muhammad Shahid Zaman as following.

Q-1. Was DC office existed in the year 2010?

Ans "No"

Q-2. After rolling back of the local government ordinance, Is the function of DCO office and that of the DC office are not different in nature?

Ans: Different, but all the records of DCO office regarding all other departments is still kept and available in the DC office.


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Advocate High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

WRIT PETITION/SERVICE APPEALS

Following candidates submitted writ petitions/appeal in the Peshawar High Court/Service Tribunal Peshawar against the recruitment.

S.No.	Name	Father Name	Remarks
1.	Mehak Ali	Hamza Ali	Case is sub judiced in the honorable Peshawar High Court bench, Bannu.
2.	Newsheen Begum	Muhammad Tariq	-do-
3.	Sania Shaheen	Muhammad	-do-
4.	Najma Sahar	Muhammad Nasim	-do-
5.	Qasim Ghani	Usman Ghani	Appointed as Junior Clerk on deceased's sons quota
6.	Muhammad Bilal	Muhammad Daraz	-do-
7.	Irshad Iqbal	Hamid Khan	-do-
8.	Shabir Ahmad	----	Sub judiced in service tribunal



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Advocate High Court Peshawar

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CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

FINDINGS

- 1- It has been observed that in the appointment of Computer operators, rules/policy has been violated. It actually comes under the purview of DCO to chair the meeting of DSC for the appointment of Computer operator in BPS:12. After the up gradation, it was actually a new post, with new scale, designation and enhanced qualification and would have to be re-advertised. However, instead of bringing it in the notice of the then DCO, the Ex-EDO Mr. Mohammad Shahid Zaman appointed the Computer operators without bringing the factual position in the notice of DCO and got signatures on a shady evaluation report from the DCO.
- 2- 33% quota in the appointments of junior clerks of class-IV employees has also not been followed. All the appointments have been done on open merit because of the non availability of seniority list of class-IV employees in district Karak. The question arises that who and when will this seniority list be prepared. However, even if the merit list was not available, 33% out of 14 posts would have been reserved.
- 3- In the appointment of PSTs (female), the open based merit quota and union council wise quota has been properly followed. There were 31 female PSTs posts. Out of these 31 posts, 03 have been given to deceased daughter's quota. The remaining 28 posts were filled on (60% open merit) i.e Out of 28, 16 posts have been given to open merit and filled accordingly. While the remaining 12 have been given to those Union Council where vacant female PSTs posts were available. In the constituency of the complainant, 06 vacant posts of female PST posts were available and the postings have been made in these Union Councils accordingly. As per recruitment policy of PSTs, there is no provision of constituency wise quota.
- 4- The posts of junior clerks were first advertised by the then EDO, Elementary & Secondary Education, district Karak. Mr. Hussam-ul-Haq on 18-12-2009 in which the number of posts has been clearly mentioned as 06. However, in the subsequent advertisement made by Mr. Mohammad S hahid Zaman Ex-EDO Elementary & Secondary Education, karak on 10-02-2011, the number of posts have not been mentioned, which creates doubt. Furthermore, Junior Clerks are district cadre posts and not constituency wise posts.

Wahid
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MS SHAKILA BEGUM
Advocate High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

RECOMMENDATIONS

- 1- As for as the five charges against Mr. Mohammad Sahid Zaman are concerned, following are the recommendations:
- 2- In the appointment of Computer operators, the officer has violated the rules. He has miss-utilized his powers. He has utilized the power of DCO. Instead of submitting a requisition for the appointment of Computer Operators in the Elementary and Secondary Education department, district Karak, he submitted an evaluation report based on test and interview conducted by himself and hence issued appointment orders of the 03 computer operators, which were not falling under his competency. This misuse of power tantamounts to misconduct and deserves to be awarded major punishments under NWFP Government Servants (Efficiency and Discipline) Rules, 1973. 4 (b) (i) i.e reduction to a lower post, grade, for 02 years.

- 3- In case of Mr. Amir Nawaz, he has blindly put his signatures on the working paper/evaluation paper which leads to negligence, incompetency on the part of the officer concerned and he may be awarded major punishment according to the NWFP Government Servants (Efficiency and Discipline) Rules, 1973. 4 (b) (i) i.e reduction to a lower post, grade, for 02 years.

Mr. Noor Ali Khan
Secretary Provincial Ombudsman,
Peshawar, KPK

Mr. Attaullah Khan
Principal
RITE (M), Peshawar

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MS SHAKILA BEGUM
Advocate High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annex "L"

36

No.SO (S/M) E&SED/4-17/2014/Mr. Shahid Zaman Ex-EDO Karak
Dated Peshawar the December 31, 2014

To

✓ Mr. Shahid Zaman,
Ex-Executive District Officer (M), BS-19 Karak.
(now Principal BS-19 GHSS Usterzai Payan Kohat).

Subject: - SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of the Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the Major Penalty of "Reduction to lower grade for two years" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach to this Department within Seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.

4. Copy of the inquiry report is enclosed herewith.

Encl: As Above:

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

- Director E&SE Khyber Pakhtunkhwa Peshawar.

SECTION OFFICER (SCHOOLS/MALE)

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To be True Copy

MS SHAKILA BEGUM
Advocate High Court Peshawar

SHOW CAUSE NOTICE

37

I, **Pervez Khattak, Chief Minister Khyber Pakhtunkhwa**, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, **Mr. Shahid Zaman, Ex-Executive District Education Officer Male BS-19 Karak (now Principal BS-19 GHSS Usterzai Payan District Kohat)** as follows:-

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing; and
- (ii) on going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:

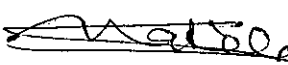
(a) Misconduct


2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Reduction to Lower Grade for two years. under rule 4 of the said rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer is enclosed.


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MS SHAKILA BEGUM
Advocate High Court Peshawar


(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
26.12.2014.

Mr. Shahid Zaman, Ex-Executive District Education Officer Male BS-19 Karak (now Principal BS-19 GHSS Usterzai Payan District Kohat).

Amra M^v

38

No. 610

Dated. 08/01/2015


From: The Principal,
G.H.S.S Usterzai Payan,
Kohat.



To
The Secretary,
(E & Se) Deptt:
Govt: of K.P, Peshawar.

Subject: SHOW CAUSE NOTICE.

Memo:
Reference your letter No. SO (S/M) E & SED/4-17/2014/ Mr. Shahid Zaman
Ex-EDO Karak. Dated Peshawar the December 31, 2014.

Enclosed please find herewith original replies of the Show Cause Notice served
upon, Mr. Muhammad Shahid Zaman, Ex-EDO (E & SE) Karak /principal G.H.S.S Usterzai Payan
Kohat, for further Necessary action and anword submission to the quarter concerned , Please.


PRINCIPAL,
G.H.S.S USTERZAI PAYN,
KOHAT.



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MS SHAKILA BEGUM
Advocate High Court Peshawar

The Chief Minister,
Govt. of KP,
Peshawar.

39

Through: Proper Channel

Subject: Show Cause Notice

Respected Sir,

Reference No.SO (S/M) E & SED/4-17/2014/Mr. Shahid Zaman Ex-EDO Karak Dated Peshawar the December 31.2014.

It is humbly submitted that, keeping in view, the following grounds, none of the penalty should be imposed upon me, please.

A). Enquiry Against Me Was Not Conducted In Accordance With The Provision of "E & D" Rules , 2011.

1. As per Rule 10(1) (c) of the ibid Rules, which is reproduced as below,

"Appointment of the Departmental Representative by designation"

Apart from the above mentioned Rule, even in the Notification No: SO (S/M) E & ED/4-17/2014/ M. Shahid Zaman Ex. E.D.O: Dated Peshawar The July 17, 2014, (Annex-1), clear directions were made to the Director, E&SE Khyber Pakhtunkhwa, Peshawar for nomination of a well conversant officer not below the rank of Assistant Director to assist the enquiry committee, as "Departmental Representative".

Neither the learned Director E&SE Khyber Pakhtunkhwa, Peshawar bothered to nominate anybody to assist the enquiry committee nor the enquiry officers, despite my repeated requests, bothered to have a "Departmental representative", for their assistance during the enquiry proceedings.

Rule 13 of the ibid Rules, clearly mentions the duties of the Departmental Representative, and the attention of the learned enquiry officers, was repeatedly drawn towards these rules, but to no avail, for the reasons best known to them.

The above mentioned act of the enquiry committee was a glaring deviation/derailment from the provision of Rule 10(1) (c) of the ibid rules.

2. As per Rule 11(1) of the ibid Rules, which is reproduced as under.

"Either party was supposed to produce their respective witnesses during the proceedings or the other party was entitled to cross examine such witnesses."

It may please be noted that Mr. Muhammad Ali, the then Supdt: (E&SE) Karak, Mr. Mousam Khan, the then B & AO (E&SE) Karak and his spouse Mst: Ismat Ara, the then District Officer (Female) E&SE Karak, recorded their respective statements, against me, at the forum of Provincial Inspection Team.



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Advocate High Court Peshawar

Despite my repeated requests, the enquiry committee, neither summoned the above mentioned officers/officials for recording neither their respective statements, nor any opportunity was provided to me to cross examine them. Furthermore, the enquiry committee did not entertain my requests to summon a few officials of the Karak District, for recording their respective statements, in my favour.

B). Distortion of Statment By The Enquiry Committe.

The Learned enquiry officers have distorted my statement, for the reasons best known to them. I have never stated that I had chaired the DSC meeting/issued the appointment orders of the computer operators. My statement submitted to the enquiry committee is enclosed(Annex 2), for perusal. It seems that, in order to please the complainant (Malk Qasim Khan Khatak, the incumbent advisor to the CM for prisons),the learned enquiry officer have misquoted me. It was / is my categorical /consistent statement that not only the DSC meeting was chaired by the then DCO Karak, but he also issued the appointment order of the computer operators, under his own signature. All the facts were dully brought in to the notice of the then DCO Karak.

C). Facts of the Case as Per Record of the " E & SE " Deptt: Karak.

I had neither chaired any DSC meeting, pertaining to the appointment of KPOs, nor issued any appointment order, in this regard. I simply attended the DSC meeting, chaired by the then DCO Karak,as member of the DSC on 27.10.2010. The appointment orders were issued by the then DCO, under his own signature (Annex-3), after chairing the DSC meeting. I simply endorsed the order of the DCO.

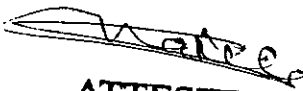
The then DCO Karak , decided , that in the light of section 25 of the N.W.F.P civil servants act 1973 (Annex-4), the computer operator posts would be filled on "contract basis", instead of "regular contract", purely on temporary basis liable to termination (Appointment order already Annexed as Annex-3). They were supposed to be terminated in accordance with the section 11(3) of NWFP civil servants act 1973(Annex-5).The reason for the "Contract Based" / Temporary appointment of the computer operators instead of "Regular contract", was to re-advertise the same posts and attract better qualified candidates for appointment due to the enhanced qualification and upgraded BPS of the said posts.

It is pertinent to mention, that I was transferred from Karak district before the verification of the documents of the computer operators, therefore I was unable to sign the contract deed with the computer operators, under reference. It is regretted that my successor, neither signed any contract with the computer operators nor forwarded their termination cases to the then DCO Karak.

It is surprising that instead of terminating the services of the computer operators, the higher authorities deemed it proper to initiate disciplinary proceedings against me, apparently on the behest of one of the honourable member of the provincial legislature, who is determined to settle his personal scores with me.

D). Politically Motivated Disciplinary Proceedings Against Me.

The only complainant against me, in the instant case, is the then MPA of JUI / incumbent adviser to the CM for prisons. The learned law maker , under reference, is the political rival of my spouse, i.e Mrs: Musarat Shafi Advocate , who happened to be an MPA of the then ruling party, ANP. The said learned law maker has been grilling me for the last five years, for no fault of mine. His complaints against me are nothing except political point scoring.


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MS SHAKILA BEGUM
Advocate High Court Peshawar

(41)

The learned, Qasim Khan Khatak, during my tenure as an EDO Karak, pressurized me for illegal appointment of his voters, which I refused. His DO letters, in this regard are enclosed for perusal. (Annex 6)

E). Person Specific / Selective Disciplinary Proceedings Against Me.

When I took over as an EDO (E & SE) Karak on 18-10-2010, the recruitment process of the computer operators was almost complete (test and interviews held/final merit list compiled). I moved the file like a "Post man" and attended the DSC meeting, chaired by the then DCO Karak, and merely endorsed the appointment order signed by the then DCO Karak.

It is surprising to note that my predecessor, i.e Mr. Hussam ul Haq, the then ADO (Establishment), i.e Mr. Taweez Gul and the then representative of the DCO Karak, who were equally involved in the recruitment process were neither questioned at any forum nor charge sheeted, mainly due to their closed ties with the learned member of the provincial legislature from Karak district. Only me, and the then District Officer i.e Mr. Ameer Nawaz, have been chaised for our respective relation ship with the political opponents of honourable, Malik Qasim Khan Khatak.

In the light of the above mentioned account, it is humbly submitted that I may please be exonerated of all the charges levelled against me.

Finally, it is humbly requested, that I may please be provided an opportunity to be heard in person, as well, please.

Obediently Yours,


(Muhammad Shahid Zaman)

Ex. E.D.O (E&SE) Karak/
Principal G.H.S.S.
Usterzai Payan, Kohat.


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MS SHAKILA BEGUM
Advocate High Court Peshawar

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

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No.SO(S/M) E&SED/4-17/2014/inquiry Shahid Zaman & others.
Dated Peshawar the February 25, 2015

Annex⁴ N^r

To

- i. ✓ Mr. Shahid Zaman,
Principal BS-19.GHSS Usterzai Payan District Kohat.
- ii. Mr. Amir Nawaz,
Principal BS-19 GHSS Terri District Karak.

Subject: - REPLY TO SHOW CAUSE NOTICES IN DISCIPLINARY ACTION AGAINST MR. SHAHID ZAMAN EX-EDO (E&SE) DISTRICT KARAK.

I am directed to refer to the subject noted above and to state that it has been intimated by the Establishment Department, Khyber Pakhtunkhwa Peshawar vide letter No. SOR-I(E&AD)8-95/2014 dated 20-02-2015 that the Chief Minister Khyber Pakhtunkhwa has authorized Secretary Establishment Department Khyber Pakhtunkhwa Peshawar for personal hearing before him on **04-03-2015** at **1100 hours** in his office.

2. You are hereby directed to ensure your presence during the personal hearing with the Secretary Establishment Department Khyber Pakhtunkhwa Peshawar on the above mentioned date, time and venue.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

- i. Director, E&SE Khyber Pakhtunkhwa Peshawar.
- ii. Section Officer (R-I) Establishment Department Khyber Pakhtunkhwa w/r to his letter referred to above.
- iii. PS to Secretary E&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (SCHOOLS/MALE)

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MS SHAKILA BEGUM
Advocate High Court Peshawar

Annex² O*

Dated Peshawar the May 27, 2015

43

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2014/Mr. Shahid Zaman Ex-EDO Karak & other: WHEREAS Mr. Shahid Zaman, Ex-Executive District Officer (BS-19), Karak (now Principal BS-19 GHSS Usterzai Payan Kohat) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** inquiry committee was constituted comprising the following officers to conduct formal Inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

- i. Mr. Noor Ali Khan (PAS-20) Secretary Provincial Omdudsman Peshawar.
- ii. Mr. Atta Ullah Khan, Principal (BS-20), RITE Male Peshawar.

3. **AND WHEREAS** the Inquiry committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. **AND WHEREAS** a show cause notice was served upon Mr. Shahid Zaman, Ex-Executive District Officer (BS-19), Karak (now Principal BS-19 GHSS Usterzai Payan Kohat) dated 26-12-2014 circulated to him on 31-12-2014.

5. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 04-03-2015 at 1100 hours, is of the view that the charges against the accused officer have been proved.

6. **NOW, THEREFORE,** in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Reduction to Lower Grade for two years" upon Mr. Shahid Zaman, Ex-Executive District Officer (BS-19), Karak (now Principal BS-19 GHSS Usterzai Payan Kohat) with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the :-

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (Male), Kohat/ Karak.
- 5- Mr. Shahid Zaman, Principal BS-19 GHSS Usterzai Payan Kohat.
- 6- District Accounts Officer Kohat/ Karak.
- 7- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9- Office order file.

MS Shakila Begum
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MS SHAKILA BEGUM
 Advocate High Court Peshawar

Mujeeb-ur-Rehman
 (MUJEEB-UR-REHMAN)
 SECTION OFFICER (SCHOOLS/MALE)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the May 27, 2015

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2014/Mr. Shahid Zaman Ex-EDO Karak & other: WHEREAS Mr. Amir Nawaz, Ex-District Officer (BS-18), District Karak (now Principal BS-19 GHS Terri District Karak) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS inquiry committee was constituted comprising the following officers to conduct formal Inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

- i. Mr. Noor Ali Khan (PAS-20) Secretary Provincial Omdudsman Peshawar.
- ii. Mr. Atta Ullah Khan, Principal (BS-20), RITE Male Peshawar.

3. AND WHEREAS the Inquiry committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. AND WHEREAS a show cause notice was served upon Mr. Amir Nawaz, Ex-District Officer (BS-18), District Karak (now Principal BS-19 GHS Terri District Karak) dated 26-12-2014 circulated to him on 31-12-2014.

5. AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 04-03-2015 at 1100 hours, is of the view that the charges against the accused officer have been proved.

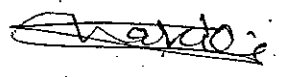
6. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Censure" upon Mr. Amir Nawaz, Ex-District Officer (BS-18), District Karak (now Principal BS-19 GHS Terri District Karak) with immediate effect.

SECRETARY

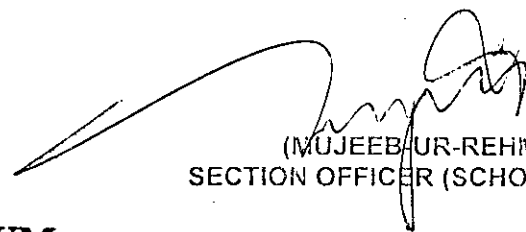
Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (Male), Karak.
- 5- Mr. Amir Nawaz, Principal BS-19 GHS Terri District Karak.
- 6- District Accounts Officer, Karak.
- 7- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9- Office order file.


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Advocate High Court Peshawar


(MUJEEB UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

Amra P

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No: 734

Dated: 01/06/2015

From

The Principal
G.H.S.S Usterzai Payan
Kohat

To

The Principal Secretary To Chief Minister
Govt; Of K.P Peshawar

Received on 1/6/15
Amra P

Subject:

REVIEW PETITION IN R/O MOHAMMAD SHAHID ZAMAN
PRINCIPAL G.H.S.S USTERZAI PAYAN KOHAT.

Memo:

Reference Notification No. So (S/M) E & SED /4-17 / 2014 / Mr. Shahid
Zaman Ex-EDO Karak & Other Dated. Peshawar the May 27, 2015.

In the light of section 17 (1) of the K.P E&D Rules 2011, Direct Review
petition to the C.M Khyber Pakhtun khwa, in R/O the above mentioned officer, is
submitted for further favorable n/action please.

O/c

Principal
G.H.S.S Usterzai Payan,
Kohat.

~~Amra P~~

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MS SHAKILA BEGUM
Advocate High Court Peshawar

OFFICE OF THE PRINCIPAL
D.No. 1011
Date: 1/6/15

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To

The Chief Minister,
Govt: K.P Peshawar,

Through Proper Channel / Advance Copy

Subject:

REVIEW PETITION.

Respected Sir,

Reference Notification No. So (S/M) E & SED /4-17 / 2014 / Mr. Shahid
Zaman Ex-EDO Karak & Other Dated. Peshawar the May 27, 2015.

Review petition, as per section 17(1) of (Efficiency & Discipline rules) 2011, regarding the above cited notification, on the following grounds, is humbly submitted, for your kind perusal and favorable action, please.

1. Technically imposition of penalty upon me under section 14, of the Khyber Pakhtun khwa Govt servant (Efficiency & Discipline) rules 2011, is not legal. This is contrary to the provision of section 23 (2) (3) of the ibid rules.

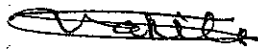
E& D Rules 2011, come into force on 16th September 2011, but the alleged illegal appointment order of computer operators at E & SE department Karak was endorsed by me on 27 / 10 /2010. As since then, the disciplinary proceedings were pending against me, therefore I was supposed to be proceeded against under North West Frontier Province removal of service (special powers) ordinance 2000, as per provision of section 23 (2) (3) of the ibid rules (Annex 1)

2. Imposition of major penalty upon me, on the complaint of the incumbent advisor to the CM for prisons, i.e, Malik Qasim Khan Khattak, is nothing except political point scoring. The honorable advisor to the CM, under reference , is the political rival of my spouse, i.e. Mrs.Mussarat Shafi Advocate, the then MPA of the then ruling party ANP . Reopening of my case in July 2014 , after lapse of four long years, is the classical example of political victimization of the incumbent dispensation in the province.

بھنگی تھی جاہ تامل کر راج اس کا تھا

لیبرائن قتا میں اور عدل کی میزان

3. The enquiry committee, against me, was biased and pre determined to recommend a major penalty up on me. Not only the learned members of the enquiry committee, but also the Establishment Secretary (The authorized



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Advocate High Court Peshawar

Officer for my personal hearing), turned deaf ears to my logical submissions. They were visibly under the influence of the incumbent advisor to the CM for prisons, i.e, Malik Qasim Khan Khattak. The enquiry committee, not only, distorted my statement but also concealed important facts. The enquiry report is not only contradictory but also contrary to the facts. The instant case, against me, is a perfect indicator of political harassment of the relatives of the political rivals, by the present dispensation in the province.


پیشہ ور گواہوں کی اور بھی مثالیں تھیں
محکوموں کے لئے میں منصفوں کی پالیسی تھیں

I am not guilty of the "Miss Conduct", as per it definition printed in E & D rules 2011, Section 2 (1) (l). Factual position of the charges leveled against me, are narrated, for perusal please. Copy of the charge sheet annexed as (Annex2).

1. Charge No 1, against me, is fabricated, concocted and contrary to the facts. I neither chaired the DSC meeting nor issued the appointment orders of the computer Operators. The then DCO Karak, issued the appointment orders of the computer operators, under his own signature (Annex 3) after chairing the DSC meeting (Annex 4).
2. The enquiry committee did not find any wrong, as for as charge 2nd, of the charge sheet is concerned.
3. The enquiry committees finding, pertaining to charge No 3rd, is contrary to the facts. The enquiry committee has reported that none of the posts were left vacant for promotion of the class IV servants as J/Clerks against 33% quota. However, the enquiry report itself reveals, the list of pending writ petitions in the Khyber Pakhtun Khwa Service tribunal.(Annex 5). This particular list includes the names of the petitioner, i.e. Qasim Ghani S/O Usman Ghani (At serial No.5), Muhammad Bilal S/O Muhammad Daraz (At Serial No.6) and Irshad Iqbal S/O Hamid Khan (At Serial No.7). They were shown as appointed on deceased son quota, Actually these were the post which I left Vacant for the 33% quota of the class IV servants as J/Clerks.

Besides these vacancies, there are still one dozen vacant posts of J/Clerks at E & SE (Male /Female) Karak. It is further submitted that the case of one of the petitioner, i.e. Shabir Ahmad, shown at the bottom of the table (already annexed as Annex 5) is still sub judge at Khyber Pakhtun Khwa Services tribunal.

4. As for as the 4th charge is concerned, the enquiry committee, needlessly tried to create doubts, apparently with male fide intentions.


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 Advocate High Court Peshawar

(P.T.O)

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5. The enquiry committee cleared me of the final charge.

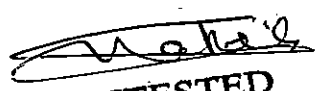
It the light of the above mentioned account, it is humbly requested that my case may please be reviewed as per norms of justice please.

Thanking you in anticipation.

Obediently Yours

o/c

(Muhammad Shahid Zaman)
Ex-EDO (E & SE) Karak/Principal
G.H.S.S Usterzai Payan,
Kohat.


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MS SHAKILA BEGUM
Advocate High Court Peshawar

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Amended Qⁿ

49

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT


No.SO(S/M) E&SED/4-17/2014/Shahid Zaman/ Karak
Dated Peshawar the August 05, 2015

To

Mr. Muhammad Shahid Zaman,
Principal BS-19 GHSS Usterzai Payan,
Kohat.

Subject: - REVIEW PETITION IN DISCIPLINARY ACTION AGAINST MR. MUHAMMAD
SHAHID ZAMAN EX-EDO E&SE DISTRICT KARAK AND OTHERS.

I am directed to refer to your review petition dated 01-06-2015 received through Chief Minister's Secretariat Khyber Pakhtunkhwa, Peshawar on the subject noted above and to state that the Chief Minister Khyber Pakhtunkhwa/ Competent Authority has considered your review petition and rejected having no valid grounds.



(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

- i. PS to Secretary E&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (SCHOOLS/MALE)

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Advocate High Court Peshawar



قلم اس پرست ہرگز کو کوئی تامل نہیں

 ایڈووکیٹ/دبختلا: بار کونسل ابار ایسوسی ایشن پشاور رابطہ نمبر: 03339333404	 7832 پشاور بار ایسوسی ایشن، خیبر پختونخواہ
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بعدالت جناب: سروس ٹراکبونی ضمیمہ محتوخواہ لے رہ

پنجاب:  محمد سید زکات بنام صوبائی حکومت وغیرہ	دعویٰ: سروس لے رہ علت نمبر: مورثہ: جرم: تھانہ:
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بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 ان مقام لے رہ کے لئے مشعلہ منگم اس کے لئے کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برطرف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زمریں مدد تخطا کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر جانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ پر داختم منظور قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 6/8/2015

الع ہد واہ شد الع ہد

مقام لے رہ کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 948/2015.

Muhammad Shahid Zaman, Ex-EDO, Karak Now Principal GHSS, Usterzai Payan Kohat
.....**Appellant**

VERSUS

Secretary E&SE, Deptt: Govt: of Khyber Pakhtunkhwa & others..... **Respondents**

Parawise comments on & for behalf of Respondents No. 1-3.

Respectfully Sheweth,

The Respondents submit as under:-

Preliminary Objections:-

1. The appellant has got no cause of action/ locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this Hon 'able Tribunal, hence is liable to be dismissed on this score.
4. The appellant has not come to this Hon 'able Tribunal with clean hands.
5. The appellant has filed the instant appeal on malafide intensions just to pressurize the Respondents for illegal service benefits.
6. The present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
7. The instant appeal is against the prevailing law and rules.
8. The appellant is estopped by his own conduct to file the instant appeal.
9. The instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
10. That the Notifications dated 27-05-2015 & 05-08-2015 are legally competent and is liable to be maintained in favour of the Respondents.
11. That the appellant has found guilty by the competent authority.
12. That this Hon'able Tribunal has got no jurisdiction to entertain the instant service appeal.
13. That the instant Service Appeal is barred by Law.
14. That the Appellant is not an aggrieved person under Article 212 of 1973 constitution of Islamic Republic of Pakistan.

FACTS.

1. Para-1 is correct that the Appellant has been adjusted against the Executive District Officer (S&L) post Karak vide Notification dated 06-10-2010 issued by the Respondent No. 1.
2. Para-2 is correct to the extent that the then E.D.O (S&L), Karak has advertised some posts of J/Clerks and KPOs in BS-10 in the Respondent Department.
3. Pertain to record.

4. Para-4 is correct to the extent that vide Notification dated 08-08-2010 issued by the Dy: Director EMIS E&SE, Department Govt:of KPK all EDOs have directed for filling of the post of Data Entry Operator in District EMIS Cells by observing all the codal & prescribed criteria as per advertisement published in the Daily "Mashriq" Peshawar dated 18-12-2009 of the Respondent Department.
5. Para-5 is incorrect & mis-leading on the grounds that:-
 - i. The Appellant has appointed three KPOs in BS-12 namely Abdul Nasir Mehmood, Asghar Khan and Taj Ali by Chairing the DSC himself instead of by the DCO Karak and by obtaining the approval of the then DCO Karak through a Shady Evaluation Report, in violation of Rules and Policy.
 - ii. Promoted two J/Cleks in their own pay and scale thus paved the way for illegal appointment of two more J/C in addition to the appointment of 12 J/C against the existing and sanctioned vacancies.
 - iii. 33% reserved quota in the appointment of J/C reserved for the promotion of Class-IV employees has been violated & ignored intentionally.
 - iv. Appointed all the 14 J/C from PK-40 and non belonged to PK-41 which has tarnished the appointment process pertaining to the above said cadre.
 - v. Appointed only 6 PSTs Female form PK-41 while the rest 25 PSTs have been appointed from PK-40 out of total 31 appointees which has shaken the merit and prescribe recruitment policy. Hence he has been served a charge sheet alongwith statement of allegations conducting of an inquiry with regard to the above said allegations by the Respondent No. 2 vide order dated 09-07-2014. (Copies of both charge sheet & disciplinary action are attached as Annexes- A& B).
6. Para-6 is incorrect & denied the Appellant has willfully violated the merit and prescribed recruitment policy in the appointments process of the J/Clerk and PST females and has thus found guilty of exceeding his mandate and jurisdiction without any lawful authority and justification. Hence, he has been proceeded against E&D Rules 2011 vide the impugned Notification dated 27-05-2015 by the Respondent Department.
7. Para-7 is also incorrect & denied in the wake of the above made submission in the foregoing paras, hence no further comments.
8. Para-8 is incorrect and denied. The statement of the Appellant in this para is misleading on the grounds to avoid the guilt and merit violation with regard to the above mentioned statement of allegation issued by the Respondent No./2 as well as recommendations in the inquiry Report.
9. Para-9 is incorrect & denied. Hence needs no comments.
10. Para-10 is also incorrect & denied the Appellant is trying to shift the burden of proof upon the shoulders of then MPA to avoid and concealed the blunders and irregularities committed by him during the above mentioned appointment and promotion process on malafide intentions.

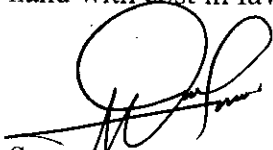
- 11. Para-11 is correct that the Appellant has submitted reply to the statement of allegations to the inquiry committee in an unsatisfactory and without any cogent reason hence he has been proceeded against the E&D Rules 2011 by imposing upon them the penalty of reduction to lower post by the Respondent No: 1 in the light of the above made submission and fix and circumstance of the case. (copies of the inquiry report, show cause notice & impugned Notification dated 27-05-2015 are attached as Annex-D,E &F).
- 12. Para-12 is correct to the extent that a show cause notice dated 31-12-2014 has been served upon the Appellant by the Respondent NO.1 wherein option regarding his personal hearing has been given to the Appellant, hence the plea of the Appellant regarding no chance of personal hearing is baseless.
- 13. Para-13 is correct to the extent that chance of personal hearing vide letter dated 25-02-2015 has been given to the Appellant by the Respondent Department under the mandatory provision of relevant Section of Law/Rules.
- 14. Para-14 is correct to the extent of reduction to his lower post by the Respondent No. 1 in the light of the above made circumstances.
- 15. Para-15 is correct that the review petition of the Appellant has been rejected vide Notification dated 05-08-2015 by the Respondent No. 1 hence the Appeal of the Appellant is liable to be dismissed on the following grounds inter-alia.
- 16. As per Para-15

GROUND:

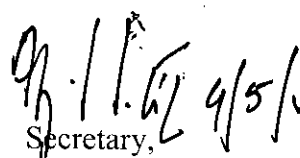
- A. Incorrect and denied: The appellant has been served a show cause notice containing the statement of allegations regarding his inefficiency and misconduct with regard to alleged irregularities in the appointment orders pertaining to the J/C in district Karak and upon this the appellant has been proceeded under E&D Rules 2011 wherein he has found guilty, thus resultantly reduction to the lower post vide the Notification dated 27-05-2015 by the Respondent No.1.
- B. Incorrect and denied, The Appellant has been treated as per Law Rules and Policy having no question of violation of Article 4 & 25 of 19973 Constitution.
- C. Incorrect and denied. Detailed reply has been given above.
- D. Incorrect and denied. The respondent No. 1 has acted as per law, rules and set criteria prior to the issuance of order/Notification dated 27-05-2015 against the appellant which is not only legal but is liable to be maintained in favour of the respondents.

- E. Incorrect and denied, the impugned order is legally competent and in accordance with the provision of FR-29.
- F. Incorrect and denied, the Appellant has been treated as per Law Rules and Procedure prior to the issuance of the impugned Notification dated 27-05-2015 by the Respondent No. 1.
- G. Incorrect & Denied, the Respondents have acted as per Law Rules & Policy in the instant case.
- H. Incorrect and denied, Detailed reply has been given above.
- I. Incorrect & Denied, the stand of the Appellant is baseless.
- J. Incorrect & Denied, the inquiry report is not only competent but is also under the relevant provision of Law, hence liable to be maintained.
- K. Incorrect & Denied, the Appellant has been granted fair chance of his personal hearing prior to the issuance of the impugned Notification.
- L. Incorrect & Denied, the Appellant has been found guilty of misconduct and inefficacy by the inquiry officers.
- M. Incorrect & Denied, the Appellant has been treated as per Law Rules & Policy.
- N. Incorrect & denied. The stand of the Appellant is without is any cogent proof.
- O. Incorrect & Denied, the so called recommendations to the DSC was mainly based on malafide intentions and has thus by passed the DCO concerned
- P. Incorrect & Denied, the Appellant has exceeded his powers and jurisdiction in the instant case.
- Q. Incorrect & Denied, the malafied of the Appellant is vey much clear from the statement of allegations and charge sheet issued by the Respondent No. 2 against the Appellant hence, the plea of the Appellant is baseless.
- R. Incorrect & Denied, the Appellant has been found guilty and has thus proceeded against the E&D Rules 2011 vide Notification dated 27-05-2015 issued by the Respondent No. 1 in the interest of justice.
- S. Legal, however, the Respondent seek leave this Hon'able Tribunal to submit additional grounds/case law at the time of arguments.

In view of the above made submissions, it is, therefore, most humbly requested that this Honourable Tribunal may very graciously be pleased to dismiss the appeal in hand with cost in favour of the Respondents.


Secretary
Establishment Department
Peshawar

(Respondent No.3)


Secretary,
Elementary & Secondary Education,
Department.

(Respondent No.1 & 2)

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE (BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat) as follows:-

That you, while posted as Executive District Officer E&SE (BS-19) District Karak committed the following irregularities:

i) "Appointed three Computer Operators (BS-12) namely Abdul Nasir Mahmood, Asghar Khan and Taj Ali by chairing DSC yourself instead of DCO and by obtaining approval of DCO Karak through a shady evaluation report, in violation of rules & policy.

ii) Promoted two Junior Clerks in their own pay & scale thus paved the way for illegal appointments of two more junior clerks in addition to the appointments of 12 junior clerks against the existing vacancies.

iii. 33% quota in the appointment of junior clerks reserved for promotion of class-IV employees has been violated/ ignored

iv) Appointed all the 14 junior clerks from PK-40 and non belonged to PK-41 which has tarnished the appointment process.

v) Appointed only 06 PSTs Female from PK-41 while the rest 25 have been appointed from PK-40 out of total 31 appointees, which has shaken the merit."

2- By reason of the above, you appear to be guilty of corruption/ inefficiency and misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- A Statement of Allegations is enclosed.

ATTESTED
To be True Copy

A BEGUM
Court Peshawar

Pervez Khattak
(PERVEZ KHATTAK)

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014

Mr. Muhammad Shahid Zaman Ex-Executive District Officer
E&SE (BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat)

DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE (BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat) has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i) "Appointed three Computer Operators (BS-12) namely Abdul Nasir Mahmood, Asghar Khan and Taj Ali by chairing DSC himself instead of DCO and by obtaining approval of DCO Karak through a shady evaluation report, in violation of rules & policy.
- ii) Promoted two Junior Clerks in their own pay & scale thus paved the way for illegal appointments of two more junior clerks in addition to the appointments of 12 junior clerks against the existing vacancies.
- iii. 33% quota in the appointment of junior clerks reserved for promotion of class-IV employees has been violated/ ignored
- iv) Appointed all the 14 junior clerks from PK-40 and non belonged to PK-41 which has tarnished the appointment process.
- v) Appointed only 06 PSTs Female from PK-41 while the rest 25 have been appointed from PK-40 out of total 31 appointees, which has shaken the merit."

2- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

- i. Mr. Noor Ali Khan. (PAS-BS-20)
- ii. Mr. Atta Ullah Khan. Prk. RITE Pesh.
- iii. _____

3- The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

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MS SHAKILA BEGUM
Associate High Court Peshawar

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

Annex K 4 Annex-D

25

INQUIRY REPORT

Subject: ILLEGAL APPOINTMENTS (CORRUPTION IN ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT, KARAK, KPK)

ORDER OF INQUIRY

The Chief Minister of Khyber Pakhtunkhwa ordered to conduct an inquiry in the light of charge sheet established by the competent authority based on an inquiry report conducted by provincial inspection team, Khyber Pakhtunkhwa.

BACKGROUND

An inquiry was conducted by Provincial Inspection team on the written complaint of Mr. Malik Qasim Khan Khattak (MPA PF:41) illegalities & irregularities in the office of EDO Elementary & Secondary Education department, District Karak during 2010-2011 against Mr. Muhammad Shahid Zaman Ex-Executive District Officer, Elementary & Secondary Education department (BPS:19) District Karak (Now Principal BPS:19 G.H.S.S Ustarzai Payan, District Kohat) and Mr. Amir Nawaz Ex-District Officer, Elementary & Secondary Education department (BPS:18) District Karak (Now Principal BPS:19 G.H.S.S, Terri, District Karak). The Charge sheet against Mr. Muhammad Shahid Zaman Ex-Executive District Officer, Elementary & Secondary Education department (BPS:19) is as following:-

1. "Appointment of 03 computer operators (BPS:12) namely Mr. Nasir Mehmood, Mr. Asghar Khan and Mr. Taj Ali by Chairing DSC instead of DCO and by obtaining approval of DCO, Karak through shady evaluation report in violation of rules and policies".
2. Promotion of Junior Clerks in their own pay and scale thus paved the way for illegal appointment of 02 more Junior Clerks in addition to the appointment of 12 junior clerks against the existence vacancies.

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MS SHAMILA BEGUM
Advocate Court Peshawar

(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
District Karak (Now Principal BPS:19 G.H.S.S Ustarzai Payan, District Kohat)

- 3. 33% quota in the appointment of Junior Clerk reserved for promotion of class-IV employees has been violated / ignored.
- 4. Appointed all the 14 junior clerks from PK-40 and none belong to PK-41, which has tarnished the appointment process.
- 5. Appointed only 06 Primary School Teachers (Females) from PK-41 while the rest 25 have been appointed from PK-40 out of total 31 appointees which have shaken the merit.

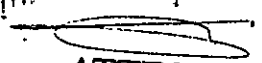
The charge sheet against Mr. Amir Nawaz Ex-District Officer, Elementary and Secondary Education Department (B.P.S:18) District Karak (Now Principal B.P.S:19 G.H.S.S Terri, District Karak) is as following:

“Being member of DSC, Mr. Amir Nawaz assisted Mr. Muhammad Shahid Zaman Ex-Executive District Officer, Elementary & Secondary Education Department, District Karak in making irregular appointments of computer operators and Junior Clerks”

INQUIRY PROCEEDINGS

The inquiry was conducted at the office of the Secretary Provincial Mohtasib Hayatabad, Peshawar. The following officers were called on various dates at the Provincial Mohtasib Office, Hayatabad, Peshawar along with the record. Statements of charge sheet and allegations were handed over to all the accused. The charge sheet was discussed with them and their statements were obtained.

S.No	Name & Designation of Officials
01	Mr. Muhammad Shahid Zaman Ex-EDO, E&SE, Karak
02	Mr. Amir Nawaz Ex-DEO, E&SE, Karak
03	Mr. Muhammad Rasheed Sitting DEO, E&SE, Karak
04	Mr. Humayun Khan Sitting ADEO, E&SE, Karak
05	Mr. Mohammad Sultan Assistant / Representative DEO(Female), Karak


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SHAKILA BEGUM
 Judge, High Court Peshawar

CHIEF MINISTER-KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
 09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
 BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

STATEMENT OF MR. MUHAMMAD SHAHID ZAMAN

CHARGE SHEET NO.1

“Appointed 03 Computer Operators(BPS:12) namely Abdul Nasir Mehmood, Asghar Khan and Taj Ali by chairing DSC himself instead of DCO and by obtaining approval of DCO Karak through a shady evaluation report, in violation of rules and Policy.” (Attached as annexure “A”)

With regard to charge sheet No.1 Mr. Muhammad Shahid Zaman stated as following:

“The post of key punch operator (KPO) BPS:10 were advertised in various dailies by my predecessor Mr. Hussam-ul-Haq Ex-EDO, Karak. While processing the posts of key punch operator in BPS: 10, the Government of Khyber Pakhtunkhwa up-graded the posts from BPS:10 to BPS:12 with the change in nomenclature of computer operators. As such the requisite qualification was also enhanced from intermediate to degree level with one year IT diploma. Now with the change of nomenclature and qualification, the recruitment was not falling within the purview of Executive District Officer, Elementary & Secondary Education department, District Karak. It was falling under the competency of DCO but due to load of work and pressure from the higher authorities to fill the vacant posts of KPO immediately, I submitted an evaluation report to the then DCO, Karak which has been duly signed by the DCO. After obtaining approval of the DCO, appointment orders of the three top candidates namely.

1. Mr. Abdul Nasir Mehmood
2. Mr. Asghar Khan
3. Mr. Taj Ali

were issued by me” i.e. Mr. Muhammad Shahid Zaman

- 1) Statement of Mr. Muhammad Shahid Zaman (Attached annexure-“B”)
- 2) Merit list No.02 of computer operator (Attached annexure-“C”)
- 3) Appointment orders(Attached annexure –“D”)

CHARGE SHEET NO.2

“Promoted 02 Junior Clerks in their own pay & scale thus paved the way for illegal appointments of 02 more Junior Clerks in addition to appointment of 12 Junior Clerks against the existing vacancies.”

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AKILA BEGUM
High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
BS-19 District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

With reference to the above statement/charges, the response of Mr. Muhammad Shahid Zaman is as following:

There were 14 clear cut vacant posts of Junior Clerks at the time of recruitment, excluding the 02 newly adjusted senior clerk posts in their own pay and scales. The 02 clerks were only adjusted against the senior clerk posts for taking interest and sharing responsibilities in the official business like court cases and maintenance of proper record of new sites etc". While in one of the advertisement given in the appointment of junior clerks (Attached on annexure-"E") by Mr. Hussam-ul-Haq Mianjee Ex-EDO, Elementary & Secondary Education department, Karak on 18-12-2009 in "Daily Mashriq" for the recruitment of Junior Clerk, the number of schools shown are only 06 while in the advertisement (Attached on annexure-"F") published for the appointments of junior clerks by Mr. Muhammad Shahid Zaman Ex-EDO Karak on 10-02-2011 in "Daily Aaj", the number of posts has been omitted which creates doubts.

CHARGE SHEET NO.3

"33% quota in the appointment of Junior Clerks reserved for promotion of class-IV employees has been violated/ignored"

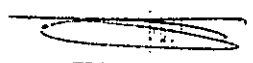
The statement of Mr. Muhammad Shahid Zaman shows that as per policy there is 33% quota reserved for promotion of class-IV employees in the recruitment of Junior Clerks. But the policy was not observed during the recruitment of junior clerks due to the fact that seniority list of class-IV employees was not prepared nor available. However, it was anticipated that up to the preparation of seniority list of class-IV employees, some posts of Junior Clerks would be available after the likely promotion of junior clerks to senior clerks posts.

CHARGE SHEET NO.4

"Appointed all 14 junior clerks from PK-40 and none belonged to PK-41 which has tarnished the appointment process"

With reference to the above stated charge, the statement of Mr. Muhammad Shahid Zaman is as following:

"As per recruitment policy of Junior Clerks, there is no constituency wise quota reservation. Applications were invited through advertisement in the various dailies. Candidates applied throughout district Karak. The written



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M. SHAKILA BEGUM

Judge High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
BS-19 District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

tests were conducted by the then Deputy Secretary, Elementary & Secondary Education department Mr. Ahmed Khan. The top 14 candidates were appointed. Junior clerks posts are district cadre posts. May be the top 14 appointees belong to PK-40 and none from PK-41 have qualified the written test".

CHARGE SHEET NO.5

"Appointed 06 PSTs(Female) from PK-41 while the rest 25 have been appointed from PK-40 out of the total 31 appointees, which has shaken the merit".

In this regard, the statement of Mr. Muhammad Shahid Zaman Ex-EDO, Elementary & Secondary Education department, Karak is as following:

"31 vacancies of Females PSTs were advertised in various dailies. As per recruitment policy, there is a provision of 60% open merit quota, 40% Union Council wise quota and deceased sons / daughters quota. Out of 31 PSTs female vacancies, 03 females candidates were appointed on deceased daughter quota. While 16 were appointed on open merit basis (60% open merit quota) and the remaining 12 were appointed on Union Council basis (40% Union Council quota). At the time of recruitment, there were only 06 vacant female PSTs posts in those Union Councils which are in the jurisdiction of PK-41, while the remaining 06 were posted in those Union Councils in which the vacant posts were available. It is again stated that there is no provincial assembly constituency wise quota in the appointment of PSTs recruitment policy vide notification No. SOG/E&SE/1-28/SSRC/Vol. IIV/2008 dated: 03-12-2008".

STATEMENT OF MR. AMIR NAWAZ

Ex-District Officer BPS:18, District Karak (Now Principal BPS:19 G.H.S.S, Terri, Karak).

Statement of Allegations

"Being member of DSC, you assisted Mr. Muhammad Shahid Zaman Ex-Executive District Officer in Elementary & Secondary Education department, Karak in making irregular appointments of computer operators and Junior Clerks". (Attached on annexure-"G")

Statement of Mr. Amir Nawaz with reference to the charge sheet is as following:

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MS SHAKILA REGUM
Advocate High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

1. Mr. Amir Nawaz Khan remained District Officer Elementary & Secondary Education department, Karak with effect from 22-01-2009 to 29-01-2011. The appointment process of computer operators and junior clerks etc was carried out in my stay as DEO Elementary & Secondary Education department, Karak. But the main part in the appointment/recruitment process was assigned to ADEO Mr. Taweez Gul. Mr. Taweez Gul was nominated as focal person by the then DCO Karak owing to the political influence of ADEO concerned. The post of computer operator and junior clerks were advertised by the then EDO Elementary & Secondary Education department, District Karak Mr. Hussam-ul-Haq. The posts were up-graded from BPS:10 to BPS:12 on 12-07-2010 during my stay as DO Karak.

As for as my job description is concerned, I have only to supervise middle and high schools, financial management, planning & development. I have nothing to do with the recruitment process but only to fulfill the formalities I was asked by the Ex-EDO Mr. Muhammad Shahid Zaman to put my signature on the merit list of evaluation report prepared by the then ADEO Mr. Taweez Gul. (Attached on annexure-"H")

**STATEMENT OF SITTING DEO. (MALE) KARAK,
MR. ZAHID RASHEED**

Mr. Zahid Rasheed-the sitting DEO Male Karak also attended the Secretary Provincial Mohtasib Office at Peshawar. He was asked if he wants to give some statement regarding the recruitment of computer operators and junior clerks etc but he opted not to give any statement regarding the appointments made because he does not know anything about that process.

**STATEMENT OF SITTING ADEO MR. MUHAMMAD
HAMAYUN KHAN (BPS:16) DISTRICT KARAK**

Mr. Muhammad Hamayun Khan, sitting ADEO establishment along with Mr. Muhammad Atlas Khan Senior Clerk DEO, Elementary and Secondary Education department, Karak attended the office of Secretary Provincial Mohtasib, Peshawar in connection with the recruitment of computer operators/Junior Clerks etc. He presented the record regarding the disputed recruitment process. He was asked to show the working paper presented to the EDO concerned for giving advertisement in the various dailies for the posts of computer operators / junior clerks etc.

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SHAKILA BEGUM
Advocate High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

However, he was unable to present any document or details of posts in the concerned record. He narrated a verbal statement with regard to the processing of promotion and recruitment of these posts before issuance of advertisement to the press. The file has been directly moved by the dealing assistant to ADEO. 61 applications were received for the posts of KPO, in which 39 applicants appeared in the test for the posts of KPO/computer operator. Tests were conducted by Mr. Abdul Hafiz ADO and Mr. Maqsood Anwar computer operator. Out of 39 appeared candidates, 08 were declared as passed. These 08 passed candidates were interviewed by the committee comprising of Mr. Abdul Hafeez ADEO & Mr. Maqsood Anwar computer operator. Out of 08 candidates, 03 candidates namely:

1. Mr. Nasir Mehmood S/o Mr. Abdur Raheem
2. Mr. Asghar Khan S/o Mr. Alif Khan
3. Mr. Taj Ali Khan S/o Mr. Gul Shah

were declared passed by the committee comprising of representative of DCO District Karak, and then district officer Elementary and Secondary Education department, Karak.

Meanwhile the posts of KPO were upgraded to the posts of computer operator with change nomenclature and required qualification vide notification No: KC/FD/SO-FR/7-3/2011 dated: 12-07-2010. As per rules, appointing authority for the computer operator was shifted from EDO to DCO, Karak. But the record shows that nobody in the office of EDO has bothered to bring this into the notice of DCO office. Moreover, the record does not have any entry of DCO office for submission and receiving.

As per record, advertisement for the recruitment of junior clerks was made by Ex-EDO Mr. Hussam-ul-Haq on 18-12-2009, specifically mentioning the number of Junior Clerks as 06. None of the applicants qualified the typing test appeared under that advertisement. In another advertisement which was made by Mr. Muhammad Shahid Zaman on 10-02-2011 but in this advertisement the number of Junior Clerk posts was not mentioned, the reasons of which is not known to me nor the record shows any tangible justification for not mentioning the number of posts in the advertisement. As per record, 356 applications were received for the posts of junior clerks. Out of these 356 applicants, 199 candidates attended the EDO office for typing test. It is pertinent to mention here that the test was conducted by Mr. Ahmed Khan the then Deputy Secretary Elementary and Secondary Education department, Peshawar. Mr. Mir Nawaz Head master G.H.S.S, Biland Kalay, Mr. Mushtaq Ahmed DEO Elementary and Secondary Education department, Karak and Mr. Muhammad Shahid Zaman EDO

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To be True Copy

MS SHAKILA BEGUM
Advocate High Court Peshawar

(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
09.07.2014

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
BS-19 District Karak (now Principal BS-19 GHSS Ustarzai Pawan District Kohat

Elementary and Secondary Education department, Karak. In the test out of 18 passed candidates, 16 candidates attended the office while 02 remained absent. Out of 16 qualified candidates, 14 were adjusted against the available vacant posts. As for as the adjustment of 02 number of Junior Clerks against the post of senior clerks in the own pay and scales is concerned, the record is silent. Due to unknown reason, the case of proper promotion of the supporting staff has not been processed. As for as the 33 % quota of the promotion of class-IV against the posts of Junior Clerks posts is concerned, it has not been properly observed in this case nor any vacancy was left vacant for this quota. As for as constituency wise quota is concerned, candidates for the posts of Junior Clerks who qualified the typing test were appointed irrespective of the constituency or union council as per recruitment policy.

As per record, 60% open merit quota and 40% union council quota has been very clearly followed in the appointment of 31 female PST sat district Karak. Only 06 female PSTs posts were falling vacant in union councils which are in the jurisdiction of PK-41. (Attached as annexure-“T”)

STATEMENT OF MR. QADEER
ULLAH SUPERINTENDENT, DC OFFICE, KARAK

During the inquiry procedure one of the Deputy Commissioner Office Superintendent Mr. Qadeer Ullah attended the office of Provincial Mohtasib on 22-09-2014 and recorded his statement. The statement of the Superintendent is (Annexed as annexure-“J”). According to the Superintendent of Deputy Commissioner office, Karak there is no official record in the Deputy Commissioner office regarding the case. He was also crossed examined by the accused Mr. Muhammad Shahid Zaman as following.

Q-1. Was DC office existed in the year 2010?

Ans “No”

Q-2. After rolling back of the local government ordinance, Is the function of DCO office and that of the DC office are not different in nature?

Ans: Different, but all the records of DCO office regarding all other departments is still kept and available in the DC office.

ATTESTED
To be True Copy
S SHAKILA BEGUM
Advocate High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

WRIT PETITION/SERVICE APPEALS

Following candidates submitted writ petitions/appeal in the Peshawar High Court/Service Tribunal Peshawar against the recruitment.

S.No.	Name	Father Name	Remarks
1.	Mehak Ali	Hamza Ali	Case is sub judiced in the honorable Peshawar High Court bench, Bannu.
2.	Newsheen Begum	Muhammad Tariq	-do-
3.	Sania Shaheen	Muhammad	-do-
4.	Najma Sahar	Muhammad Nasim	-do-
5.	Qasim Ghani	Usman Ghani	Appointed as Junior Clerk on deceased's sons quota
6.	Muhammad Bilal	Muhammad Daraz	-do-
7.	Irshad Iqbal	Hamid Khan	-do-
8.	Shabir Ahmad	----	Sub judiced in service tribunal

(Signature)
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To be True Copy

MS SHAKILA BEGUM
Advocate High Court Peshawar

(FERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

(39)

FINDINGS

- 1- It has been observed that in the appointment of Computer operators, rules/policy has been violated. It actually comes under the purview of DCO to chair the meeting of DSC for the appointment of Computer operator in BPS:12. After the up gradation, it was actually a new post, with new scale, designation and enhanced qualification and would have to be re-advertised. However, instead of bringing it in the notice of the then DCO, the Ex-EDO Mr. Mohammad Shahid Zaman appointed the Computer operators without bringing the factual position in the notice of DCO and got signatures on a shady evaluation report from the DCO.
- 2- 33% quota in the appointments of junior clerks of class-IV employees has also not been followed. All the appointments have been done on open merit because of the non availability of seniority list of class-IV employees in district Karak. The question arises that who and when will this seniority list be prepared. However, even if the merit list was not available, 33% out of 14 posts would have been reserved.
- 3- In the appointment of PSTs (female), the open based merit quota and union council wise quota has been properly followed. There were 31 female PSTs posts. Out of these 31 posts, 03 have been given to deceased daughter's quota. The remaining 28 posts were filled on (60% open merit) i.e. Out of 28, 16 posts have been given to open merit and filled accordingly. While the remaining 12 have been given to those Union Council where vacant female PSTs posts were available. In the constituency of the complainant, 06 vacant posts of female PST posts were available and the postings have been made in these Union Councils accordingly. As per recruitment policy of PSTs, there is no provision of constituency wise quota.
- 4- The posts of junior clerks were first advertised by the then EDO, Elementary & Secondary Education, district Karak. Mr. Hussam-ul-Haq on 18-12-2009 in which the number of posts has been clearly mentioned as 06. However, in the subsequent advertisement made by Mr. Mohammad Shahid Zaman Ex-EDO Elementary & Secondary Education, Karak on 10-02-2011, the number of posts have not been mentioned, which creates doubt. Furthermore, Junior Clerks are district cadre posts and not constituency wise posts.

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To be True Copy

MS SHAKILA BEGUM
Advocate High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

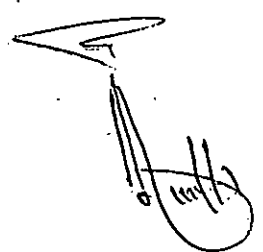
RECOMMENDATIONS

As for as the five charges against Mr. Mohammad Sahid Zaman are concerned, following are the recommendations:

2- In the appointment of Computer operators, the officer has violated the rules. He has miss-utilized his powers. He has utilized the power of DCO. Instead of submitting a requisition for the appointment of Computer Operators in the Elementary and Secondary Education department, district Karak, he submitted an evaluation report based on test and interview conducted by himself and hence issued appointment orders of the 03 computer operators, which were not falling under his competency. This misuse of power tantamounts to misconduct and deserves to be awarded major punishments under NWFP Government Servants (Efficiency and Discipline) Rules, 1973. 4 (b) (i) i.e reduction to a lower post, grade, for 02 years.

3- In case of Mr. Amir Nawaz, he has blindly put his signatures on the working paper/evaluation paper which leads to negligence, incompetency on the part of the officer concerned and he may be awarded major punishment according to the NWFP Government Servants: (Efficiency and Discipline) Rules, 1973. 4 (b) (i) i.e reduction to a lower post, grade, for 02 years.

Mr. Noon Ali Khan
Secretary Provincial Ombudsman,
Peshawar, KPK



Mr. Attaullah Khan
Principal
RITE (M), Peshawar

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MS SHAKILA BEGUM
Advocate High Court Peshawar

CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
09.07.2014.

Mr. Muhammad Shahid Zaman Ex-Executive District Officer E&SE
(BS-19) District Karak (now Principal BS-19 GHSS Ustarzai Payan District Kohat.

SHOW CAUSE NOTICE

I, **Pervez Khattak, Chief Minister Khyber Pakhtunkhwa**, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, **Mr. Shahid Zaman, Ex-Executive District Education Officer Male BS-19 Karak (now Principal BS-19 GHSS Usterzai Payan District Kohat)** as follows:

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing; and
- (ii) on going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules:

(a) Misconduct

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Reduction to Lower Grade for two years. under rule 4 of the said rules.
3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry officer is enclosed.

ATTESTED
To be True Copy
MS SHAKILA BEGUM
Advocate High Court Peshawar

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
26.12.2014

Mr. Shahid Zaman, Ex-Executive District Education Officer Male BS-19 Karak (now Principal BS-19 GHSS Usterzai Payan District Kohat).

REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the May 27, 2015

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2014/Mr. Shahid Zaman Ex-EDO Karak & other: WHEREAS Mr. Shahid Zaman, Ex-Executive District Officer (BS-19), Karak (now Principal BS-19 GHSS Usterzai Payan Kohat) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** inquiry committee was constituted comprising the following officers to conduct formal inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

- i. Mr. Noor Ali Khan (PAS-20) Secretary Provincial Omdudsman Peshawar.
- ii. Mr. Atta Ullah Khan, Principal (BS-20), RITE Male Peshawar.

3. **AND WHEREAS** the Inquiry committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. **AND WHEREAS** a show cause notice was served upon Mr. Shahid Zaman, Ex-Executive District Officer (BS-19), Karak (now Principal BS-19 GHSS Usterzai Payan Kohat) dated 26-12-2014 circulated to him on 31-12-2014.

5. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 04-03-2015 at 1100 hours, is of the view that the charges against the accused officer have been proved.

6. **NOW, THEREFORE,** in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Reduction to Lower Grade for two years" upon Mr. Shahid Zaman, Ex-Executive District Officer (BS-19), Karak (now Principal BS-19 GHSS Usterzai Payan Kohat) with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (Male), Kohat/ Karak.
- 5- Mr. Shahid Zaman, Principal BS-19 GHSS Usterzai Payan Kohat.
- 6- District Accounts Officer Kohat/ Karak.
- 7- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9- Office order file.

ATTESTED
To be True Copy

MS. SHAMMA BEGUM
Associate Secretary Peshawar

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)