

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR,

SERVICE APPEAL NO. 1760/2023

Ayesha Qureshi Ex-Assistant Library, Mansehra

.....Petitioner/Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary, Higher Education,
Archives & Libraries, Peshawar and others

.....Respondents

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Director,
Directorate of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar

A. Abael
26-10-23

Directorate of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL No 1760/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8614

Ayesha Qureshi Ex-Office Assistant (BPS-16), Public Library Mansehra

Dated 25-10-23
Appellant

Versus

Govt of KP through Secretary Higher Education Archives & Libraries Peshawar & others.

.....Respondents

Preliminary Objections

1. The appellant has neither cause of action nor locus standi to file the instant service appeal.
2. That the appeal is time barred.
3. The appellant is estopped by his conduct to file the appeal in hand.
4. The appellant has concealed material facts from the honourable tribunal, disclosure thereof may disentitle the appellant from the relief as prayed for.
5. The appeal is bad due to non-joinder of necessary parties i.e., MD ETEA, DG Mohtasib Office, Miss. Makhtoom Rahman & Maryam Sahibzada (the complainants), Mr. Zahirullah (Ex-Director) & Secretary P & D Department Khyber Pakhtunkhwa, without their inputs/comments the appeal in-hand cannot effectively be decided.

PARAWISE COMMENTS OF RESPONDENTS ARE SUBMITTED AS UNDER

Respectfully Sheweth

1. Pertains to record hence no comments.
2. Incorrect: the appellant participated in the test conducted by the ETEA authorities and placed on the 4th position of the ETEA merit list, (Copy of the Provisional merit list of ETEA dated 29-07-2020 is annexed as "A"). After uploading the test result by ETEA on its website. The ETEA added Ten (10) experience marks only to Mst. Bibi Hajira. The rest of candidates including the appellant failed to provide experience certificate at the right time to the ETEA. Miss Maryam Sahibzada, Miss. Makhtoom Rahman, Miss. Shehzadi Khushboo, Miss Ayesha Qureshi obtained 144, 143, 136, 134 (exclusive of 10 experience marks) out of 192 respectively. The Departmental Selection Committee (DSC) thus interviewed the successful candidates on 24-09-2020. According to the advertisement, the post of Office Assistant (BPS-16) was only reserved under 10% quota for the female candidates. Later, Mst. Ayesha Qureshi produced experience certificate and was awarded 10 further marks of experience by the Committee on the verbal statement of Ex-Director during the interview. It is further added that the Ex-Director, the competent authority also maliciously awarded her the highest 7 marks out of 8 to select her only, whereas the rest of the top three candidates in ETEA list were deliberately given lower marks i.e., only 3, 3 and 2 marks respectively. Accordingly, on 29-09-2020, the appellant with overall 151 marks was appointed as Office Assistant (BPS-16).

On 01-10-2020 the topper of all, Miss. Maryam Sahibzada filed a complaint in PMDU against the appointment of the appellant. Thus, the Chairman DSC in its meeting dated 09-10-2020 recommended Mst. Maryam Sahibzada who was also appointed against another post vacated on retirement of Office Assistant, dated 01-10-2020. Miss. Makhtoom Rahman the 2nd candidate of the merit list filed a complaint in the Office of Provincial Ombudsman Khyber Pakhtunkhwa (**Copy of the complaint of Miss. Makhtoom Rahman is annexed as-B**) stating therein that the appellant was given 10 marks on a certificate which is fake. The three years voluntary experience certificate claimed by the appellant as Library Assistant allegedly issued by the defunct FATA Secretariat dated 16-12-2019 may be seen at page 25 of the memo of the Service appeal. It is stated that the Ex-Director Mr. Zahirullah Khan the appointing authority apprised the members of the Selection Committee that the appellant had applied for the award of 10 marks on the said experience certificate which was referred to him with instructions of telephonic verification from the issuing authority and experience certificate from the relevant forum. So all the members of the Selection Committee relied on the statement of the competent authority and also recommended the appointment of another candidate Miss. Maryam Sahibzada who had challenged the appointment of the appellant on a fake certificate and ignored her first position in the merit list. So she was also appointed. It is stated that the appellant was serving as Librarian-II (BPS-09) in the Directorate of Archives and Libraries with less than 6 months experience at her credit. The ETEA authorities had authorized the Ex-Director to telephonically verify this experience for which the appellant was not entitled even for a single mark. (**In this respect explanation of Deputy Director ETEA is annexed as "C"**). Miss Makhtoom Rahman claimed in the complaint before the ombudsman that the appellant was appointed in violation of merit on the basis of fake (voluntary) experience certificate and the complainant was 2nd position holder but due to award of 10 marks to the appellant on the fake experience certificate she was recommended for the post of Office Assistant (BPS-16). The Ombudsman after thorough consideration and examination of the replies of the respondents found that the appellant was appointed in violation of merit on fake experience certificate. It was also found that the experience certificate of appellant was required to have been issued by a Government department and duly counter signed by head of that department and recommended that the Secretary Higher Education Department shall conduct an impartial inquiry to fix responsibility for violating the merit and appointing on fake documents and proceed accordingly as per rules/law. (**Copy of the findings of the Ombudsman are annexed as D**).

In pursuance of the findings of the Ombudsman *ibid*, Abdul Nasir Khan (Additional Secretary Development). Higher Education Department conducted fact finding inquiry and found inter-alia, the appointment of the appellant on fake and irrelevant experience as illegal and recommended termination of the appellant from service and recovery of salaries on account of providing irrelevant services and criminal proceedings as well. (**Copy of Fact-Finding inquiry is annexed as E**).

3. As explained above the appellant was appointed on fake and irrelevant experience, though she was 4th on the merit list.

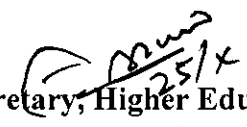
4. Correct to the extent that the appellant was found by the inquiry Officer to have been appointed on fake and irrelevant experience in violation of merit vide his findings as **annexed E supra**. Therefore, the respondent No 2, ordered her termination from service along with recovery of ill-gotten gains vide order dated 27-07-2022 correctly **annexed as D** by the appellant with the memo of her appeal.
5. Correct to the extent that the appellate authority found the termination order dated 27-07-2022 of the appellant without due process of law and ordered her reinstatement with de novo inquiry in accordance with law.
6. Correct as explained above.
7. Incorrect. The departmental appeal of the appellant being meritless was not accepted by the appellate authority and the appellant is not aggrieved to file the instant service appeal in this honourable Service Tribunal.

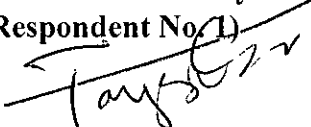
ON GROUNDS: -


- A. Incorrect. The experience certificate which was required to have been issued from the Government department and duly countersigned by its head was found fake by the Ombudsman and also irrelevant. The same was also not countersigned by the Secretary P & D Government of Khyber Pakhtunkhwa when the same was sent to him by the Additional Secretary Higher Education Department Abdul Nasir Khan for counter signature/verification. The Establishment department in reply to the query regarding recognition of **voluntary experience** dated 01-03-2023 of the Higher Education Department opined "that experience means experience gained in regular full time paid job after obtaining the required qualification". (**Copy of the opinion is annexed as F**) thus the voluntary experience of "Library Assistant" was also found not acceptable and irrelevant.
- B. Incorrect as explained in para 2 on facts above supra.
- C. Incorrect. The experience certificate was not issued by the FATA Secretariat as claimed but by a retired Assistant Research Officer (BPS-16), which was not owned by the P & D department/FATA Secretariat. The experience certificate was later on produced to the ETEA authorities for the award of 10 marks and the same was found not only irrelevant but also fake as explained in the parawise comments on facts. She was on the 4th position of the merit list but the illegal grant of 10 marks on fake and irrelevant experience, she was appointed as Office Assistant (BPS-16).
- D. Incorrect as explained above. The appellant was found guilty of illegal appointment. She was proceeded in accordance with law and on the recommendation of the inquiry committee she was removed from service in accordance with law, along with recovery of all salary and allowance appellant had drawn on the basis of fraud and forgery. (**Copy of the findings of the formal inquiry committee is annexed as G**). It is stated that the appellant lived with her husband in Mansehra from whom she has a child and it is questionable how could she serve as Library Assistant on voluntary basis in Peshawar, when she did not produce to the ETEA authority for the Library-II (BPS-9) examination six months before.
- E. Correct to the extent that the appellant was also appointed as Librarian-II (BPS-09) about six months ago the rest of the para relates to record, hence no comments. The appointment of appellant as Office Assistant (BPS-16), was found illegal in three inquiries and removed accordingly.
- F. Incorrect and misconceived as fully explained in the proceeding paras.
- G. Incorrect and misconceived. Ill-gotten gains cannot be perpetuated by the efflux of time.

- H. Incorrect and misconceived. The appellant has no accrued rights on the basis of fake and irrelevant documents.
- I. Incorrect and misconceived as explained above. The issuing person Mr. Muhammad Ali Bhatti who claimed to be consultant Librarian was not competent to issue experience certificate as claimed. He was a Matric 3rd divisioner and retired as Assistant Research Officer from Directorate of Archives & Libraries in BPS-16, who even did not study ABC of Library Science. That is why the P & D department did not countersign the experience certificate of the appellant despite several written and telephonic reminders by the Additional Secretary HED.
- J. Incorrect and misconceived. The appellant was appointed illegally and the members of the Departmental Selection Committee (DSC) including the answering respondent No. 2 were also subjected to disciplinary proceedings and found guilty by Imad Lohani MD FEF, inquiry Officer. **(Copy of the inquiry report is annexed as H).**
- K. Incorrect and misconceived.
- L. Legal hence no comments.
- M. She has no accrued legal rights as claimed on the basis of ill-gotten gains.
- N. The answering respondents may further assist the honourable Service Tribunal.

In view of the above humble submission, the instant service appeal being meritless may be dismissed in the interest of justice and fair play.


Secretary, Higher Education Department
Government of Khyber Pakhtunkhwa
(Respondent No. 1)


Librarian
Public Library Mansehra
(Respondent No. 3)

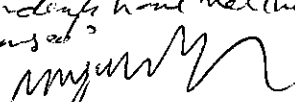

Director
Directorate of Archives & Libraries
Khyber Pakhtunkhwa
(Respondent No 2)

Affidavit

I Mr. Muqarrab Khan Deputy Director Directorate of Archives & Libraries Khyber Pakhtunkhwa as per instructions of the respondents do hereby solemnly affirm and declare on oath that the contents of these parwise comments are true and correct and nothing has been concealed from this honourable Service Tribunal.

It is further stated on oath that the respondents have neither placed ex-parte nor defensible stand off / costs upon us.


Muhammad Arshad Iqbal
Advocate
Oath Commissioner


Deponent
Muqarrab Khan
Deputy Director
CNIC No. 16101-4117211-5

25-10-2023

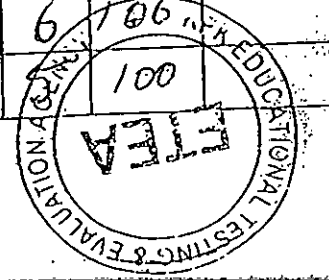
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Recruitment of Assistant (BPS-16) in the Directorate of Archives/Libraries KP Peshawar through ETEA
Zone/Quota-wise Merit-List (Excluding Interview Marks)

NO.	NAME	FATHER NAME	O.O.B	DOMICILE	ZONE/ QUOTA	ETEA Test MARKS/ 100	MOBILE	SSC %age Marks	INTER: %age Marks	BACHELOR %age Marks/ CGPA	Basic Edu: Marks/ 70	HIGHEST QUALIFICATION	Add: Higher Qualification Marks/ 12	Experience Marks/ 10	TOTAL MARKS/ 192	Interview Marks/ 08	Total Marks/ 100	REMARKS
02014	MARYAM SAHIBZADA	SAHIBZADA SHAHUEHAN	27-Dec-1991	SWABI	FEMALE	68	3369349901	68.00%	69.45%	60.00%	70	MSC ZOOLOGY	6		144	3	147	
02007	MAKHTOOM RAHMAN	FAIZAN UR RAHMAN	08-Jan-1988	DIR LOWER	FEMALE	67	3331919660	75.53%	72.45%	70.91%	70	MSC ZOOLOGY	6		143	3	146	
02015	SHEHZADI KHUSHBOO	MUHAMMAD YOUNAS	15-Apr-1992	MARDAN	FEMALE	66	3172058756	81.18%	58.64%	62.80%	64	MA ENGLISH	6		136	2	138	
02017	AYESHA QURESHI	MUHAMMAD KHALEEQ	02-Mar-1993	MANSHRA	FEMALE	64	3000591540	80.78%	57.45%	69.09%	64	M.L.I.S	6	10	134	7	151	
02018	LUBNA FIDA	FIDA MUHAMMAD KHAN	25-Mar-1993	MARDAN	FEMALE	57	3489207853	75.33%	68.18%	92.50%	70	MSC HISTORY	6		133	5	138	
02010	LUBNA DILBAR SHAH	SYED DILBAR SHAH	17-Aug-1989	NOWSHERA	FEMALE	68	3159561604	68.95%	55.09%	55.09%	58	MA GEOGRAPHY	6		132	2	134	
02013	BIBI HAJIRA	ALI ZUMAN	17-Dec-1991	NOWSHERA	FEMALE	56	3345878127	59.56%	63.64%	56.36%	58	MA POLITICAL SCIENCE	6	10	130	-	-	Absent
02032	KANAT	WAJID ULLAH	15-Feb-1998	PESHAWAR	FEMALE	56	3088913646	82.19%	79.00%	76.18%	70	BSC			126	7	133	
02004	SADIA ATTAULLAH	ATTAULLAH	07-Nov-1985	SWAT	FEMALE	57	3342473262	70.12%	54.36%	46.55%	58	MA HISTORY	6		121	4	125	OVER
02030	ROSHNI	FAIZ MUHAMMAD KHAN	13-May-1997	MALAKAND AREA (SWAT RANIZAI)	FEMALE	44	3119450983	80.00%	72.73%	77.82%	70	BA/BSC			114	-	-	Absent
02024	MADEEHA ANWAR	MUHAMMAD ANWAR KHAN	04-Aug-1995	NOWSHERA	FEMALE	35	3339227064	79.52%	70.45%	65.09%	70	MSC ZOOLOGY	6		111	3	114	
02006	RUQAYYA JABEEN	SYED IMTIAZ ALI	18-Jun-1987	MARDAN	FEMALE	43	3315534835	65.43%	49.18%	49.82%	58	MA ISLAMIYAT	6		107	2	109	
02019	SHUMAILA	KHURSHAD	20-Oct-1993	SWAT	FEMALE	37	3409356016	55.43%	76.83%	65.00%	64	MA ISLAMIYAT	6		107	0	107	
02011	BASMEEN BEGUM	NOOR UL HABIB	15-Apr-1990	CHARSADDA	FEMALE	44	3107547284	52.33%	52.27%	53.64%	52	MA ISLAMIYAT	6		102	0	102	
02025	SABAHAT QAYYUM	ABDUL QAYYUM	06-Aug-1995	PESHAWAR	FEMALE	36	3449116633	76.95%	59.14%	62.75%	64	BSC HOME ECONOMICS			100	7	107	
02031	RIMSHA	IQBAL HUSSAIN	25-Aug-1997	PESHAWAR	FEMALE	36	3005901484	67.27%	63.00%	51.09%	64	BA			100	6	106	
02016	SHAHROOM	ABDULLAH	20-Apr-1992	PESHAWAR	FEMALE	35	3339227064	58.78%	62.09%	43.64%	54	MA ISLAMIYAT	6		95			

Attest
DEPUTY DIRECTOR
 Directorate of Archives & Libraries
 Peshawar

24/9/2020



جناب صوبائی منصب صاحب صوبہ خیبر پختونخوا پشاور

عنوان: اپیل برائے الصاف بر خلاف غیر قانونی تقرری بطور اسٹنٹ BPS-16 (غرامین کوہ)

جناب عالی،

سودا بنہ گزارش ہے کہ مورخہ 12.03.2019 کو محکمہ آرکائیوز نے روزنامہ مشرق میں شائع ایک اشتہار کے ذریعے خیبر پختونخوا ETEA کے توسط سے مختلف آسامیوں کے لئے موزوں امیدواروں سے ٹیسٹ اور انٹرویو کے لئے طلبی قابلیت و تجربہ کی بنیاد پر ONLINE درخواستیں طلب کی تھیں۔ (Newspaper Aid Enclosed as Annex-A)

صوبائی ڈائریکٹوریٹ آف ایٹا نے شیڈول کے مطابق تقرری امتحان لیکر مورخہ 29.07.2020 کو مراسلہ نمبر ETEA/2-54/2017/4443 کے ذریعے جملہ آسامیوں کا میرٹ ٹیسٹ محکمہ آرکائیوز کو بھیج دیا تھا۔ (Merit List Enclosed as Annex-B)

جناب عالی، اسٹنٹ پوسٹ کے لئے کل 200 نمبر مختص تھے اس میں 100 نمبر برائے تقرری امتحان اور 100 نمبر Comparative grading of qualification کے لئے تھے۔ مختصر یہ کہ ETEA کے پاس 200 نمبر میں سے 192 نمبر کا اختیار حاصل تھا اور انٹرویو کے 8 نمبروں کا اختیار DPC کمیٹی کے پاس تھا۔ (Annex-C)

جناب عالی محکمہ آرکائیوز نے ETEA میرٹ کی روشنی میں مورخہ 24 ستمبر 2020 کو کامیاب امیدواروں کی انٹرویو لی گئی تھی۔ ETEA میرٹ لسٹ کے مطابق سیریل نمبر 1 پر مریم صاحبزادی کے 192 میں سے 144 نمبر حاصل کیے تھے سیریل نمبر 2 پر میرے (مختوم رحمن) کے 192 میں سے 143 نمبر تھے۔ سیریل نمبر 3 کے 192 میں سے 136 اور سیریل نمبر 4 کے عائدہ قریشی کے 192 میں سے 134 ماہر تھے۔ (See Annex-D)

جناب عالی، اشتہار کے سیریل نمبر 1 کے مطابق اسٹنٹ BPS-16 پوسٹ خواہن کوہ کے لئے ایک ہی پوسٹ تھا۔ DPC نمبر جناب ڈائریکٹر آرکائیوز اور چیف لائبریرین دونوں نے میرٹ کو نظر انداز کر کے خود مانتہ جعلی تجربہ سرٹیفکیٹ کے بنیاد پر عائدہ قریشی سیریل نمبر 4 کی غیر قانونی تقرری کی گئی۔

جناب عالی، ETEA میرٹ کے مطابق ٹاپ کرنے والی سیریل نمبر 1 پر موجود مریم صاحبزادی نے ایک تحریری درخواست پر عائدہ قریشی کا جعلی تجربہ سرٹیفکیٹ پیش کیا اور ساتھ ہی سیشن پورٹل پر بھی اپنی شکایت اپلوڈ کیا۔ (See Annex-E)

جناب ڈائریکٹر صاحب (Chairman DPC) اور چیف لائبریرین (Member DPC) نے اپنی جلسہ سازی پر رد ہاتھ ہونے پر خفیہ طور پر مریم صاحبزادی کا بھی Appointment order جاری کیا اور عائدہ قریشی کا تجربہ کا سرٹیفکیٹ خود بخود جعلی ثابت ہوا۔

Deputy Director
DEPUTY DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa Peshawar

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جناب عالی، عائشہ قریشی جس کا تجربہ کاسٹریٹجیٹ جملی قیاد مشور اسسٹنٹ پوسٹ پر کام کر رہی ہے اور محکمہ آرکائیوز نے معاملے کو رفع دفع کرنے کے لئے اسے ہانسپروہ بینک لائبریری ٹرانسفر کیا گیا تاکہ مزید کوئی شکایت نہ کرے۔

جناب عالی اب ایک پوسٹ پر دو بندے کام کر رہے ہیں اگر یہ بات مان لیا جائے کہ محکمہ پوسٹوں میں کمی پیش کر سکتا ہے تو دو مراہٹ لکل آنے کی صورت میں اس پوسٹ پر تقرری کا میرا حق بنتا ہے کیونکہ عائشہ قریشی کے ETEA میرٹ میں 192 میں سے 134 مارکس تھے اور میرے 143 مارکس تھے عائشہ قریشی کو انٹرویو میں 8 میں سے 7 نمبر دیے تھے اس طرح عائشہ قریشی کے کل مارکس (134+7=141) بنتے ہیں جبکہ میرا انٹرویو کے بغیر 143 مارکس بنتے ہیں اور انٹرویو کے 3 مارکس دینے سے میرے کل 146 مارکس بنتے ہیں۔ (See Annex-F)

جناب عالی اس بار سے میں میری تمام درخواستیں محکمہ آرکائیوز کے ریکارڈ پر موجود ہے جسے جان بوجھ کر نظر انداز کئے گئے ہیں لیکن آخری کوشش کے طور پر میرے والد صاحب نے مورخہ 26.03.2021 کو ڈائریکٹر آرکائیوز سے ان کے ریٹائرمنٹ سے قبل نہ صرف ٹیلیفون پر رابطہ کیا تھا بلکہ ایک دفعہ پھر میرا پورا گیس بنا کر ڈائریکٹر آرکائیوز اور سیکشن آفیسر صاحب کو رجسٹرڈ میل کے ذریعے بھیج دیا تھا۔ لیکن تا حال میرا گیس انٹوا میں پڑا ہے۔

جناب عالی درج بالا حقائق کی روشنی میں DPC Members جناب ڈائریکٹر آرکائیوز اور چیف لائبریرین کے خلاف نہ صرف اقتیارات سے تجاوز کی کاروائی کریں بلکہ ان کے خلاف جمل سازی 419, 420 کا مقدمہ درج کرنے کا حکم صادر فرمائیں اور ساتھ ساتھ انہیں حکم دے کہ میرٹ کے مطابق میرا Appointment Order جاری کریں میں انتہائی دعاگوں رہوں گی۔

العارض
M. AHMAN
مختوم وطن ولد قیادت ارض

Address: House No. 6, Sector-K.6, Street
No. 1/Yousafzai market- Phase-3, Hayatabad
Peshawar

Copy for information forwarded to:

1. PSO to Chief Minister Khyber Pakhtunkhwa
2. PSO to Chief Secretary Khyber Pakhtunkhwa
3. PS to Advisor, Higher Education, Archives & Libraries Department
4. PS to Secretary Higher Education, Archives & Libraries Department

Attested
DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa Peshawar

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Dated: 20/12/2021

ETEA/2-54/2017/6317-18

To

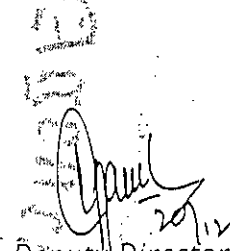
The Director Archives & Libraries
Govt. of Khyber Pakhtunkhwa
Peshawar

SUBJECT: - ALLOTMENT OF 10-MARKS TO MISS AYESHA QURESHI,
ASSISTANT ON ACCOUNT OF 03-YEARS VOLUNTARY
EXPERIENCE CERTIFICATE

Dear Sir/Madam,

I am directed to refer to your letter No. 1982/3/10/DA dated 13-12-2021 on the subject cited above and to state that ETEA does not maintain record of documents in hard form. Whatever the candidate submit, is sent to the procuring/appointing authority leaving the responsibility of authentication to such authority. In the instant case, the same was done and documents of the candidate were submitted to the Directorate of Archives & Libraries.

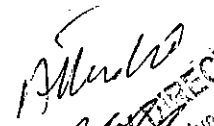
The candidate furnished experience certificate from Directorate of Archives & Libraries and the same was telephonically verified from the Directorate. The same is evident from the remarks fixed on the face of the candidate's application.


Deputy Director (I.T)
ETEA

Copy to: -

- P.S to the Secretary Higher Education Department Peshawar
- P.S to the Executive Director ETEA

^{Sd/}
Deputy Director (I.T)


DEPUTY DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa Peshawar

Chairman, Board of Governors: Chief Minister Khyber Pakhtunkhwa



CLOSURE FINDINGS

1	COMPLAINT NO.	PO/Complaint/1142/11/2021.
2	NAME & ADDRESS OF THE COMPLAINANT	Ms. Makhtoom Rahman d/o Faizan Rahman r/o House No. 6, Sector-K6, Street No. 1, Yousafzai Market Phase-3, Hayatabad, Peshawar.
3	NAME OF THE AGENCY COMPLAINED AGAINST	1. Secretary, Higher Education, Achieves and Libraries Department, Khyber Pakhtunkhwa. 2. Director, Archives and Libraries, Peshawar.
4	NAME OF THE INVESTIGATION OFFICER	Hanif Khan, Deputy Director (Investigation).
5	SUBJECT OF COMPLAINT	Violation of merit.
6	DATE OF REGISTRATION	08/12/2021.
7	DATE OF FINDINGS	21/04/2022.

THE COMPLAINT

Ms. Makhtoom Rahman instituted the instant complaint stating that Directorate of Archives and Libraries, Khyber Pakhtunkhwa had advertised different posts through ETEA on 12/03/2019. The ETEA conducted written test and submitted merit to the Agency on 29/07/2020. The Archives and Libraries Department interviewed the successful candidates on 24th September, 2020, in the light of merit order. According to merit Maryam Sahibzada secured 144 marks out of 192 on serial No. 1, Makhtoom Rahman secured 143 marks out 192 on S. No. 2 and Ayesha Qureshi secured 134 marks out of 192 and was placed at S.No. 4. She added that according to the advertisement, the post of Assistant (BPS-16) was the only post reserved for the female candidate. DSC Members, Director Archives and Chief Librarian ignored the merit and appointed Ayesha Qureshi on the basis of fake experience certificate who was at S.No. 4 in merit order. Therefore, Maryam at serial no. 1 challenged Ayesha Qureshi's fake certificate through written request. Chairman DSC, Director Archive and Libraries and other members also secretly recruited Maryam Sahibzada to cover up their forgery. Two employees are working on one sanctioned post with the pretext that the Department can increase or decrease the numbers of posts, then she is also deserving to be appointed. She submitted several applications to the concerned quarter but o no avail. She had requested this Forum for redressal of her grievance.

REPLY OF THE AGENCY

Notices under Section 10(4) of the Khyber Pakhtunkhwa, Provincial Ombudsman Act, 2010 were issued to Secretary, Higher Education, Achieves and Libraries Department, Khyber Pakhtunkhwa and Director, Archives and Libraries, Peshawar to address the allegations contained in the complaint and submit reply including rebuttal, if any. In response, Director, Archives and Libraries, Khyber Pakhtunkhwa Peshawar informed that a provisional merit list of 17 candidates was received from ETEA on 29/07/2020 reflecting Maryam Sahibzda, Maakhtoom Rahman, Shehzadi Khushbo and Ayesha Qureshi at S.No. 1, 2, 3, 4 with 144, 143, 136 and 134 marks respectively. He added that Ayesha Qureshi at S.No. 4 submitted an application to ETEA on 21/02/2020 for inclusion of experience marks. As per statement of the then Director



OMBUDSMAN (مختب) SECRETARIAT,
GOVERNMENT OF KHYBER PAKHTUNKHWA

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Chairman DSC vide No. 1667/10/52/DA dated 27/10/2020, the said application and experience certificate was submitted by the ETEA to him with telephonic instructions for confirmation of the experience certificate of the Ayesha Qureshi from FATA Secretariat, Peshawar. Accordingly, after telephonic confirmation of the certificate during interview on 24/09/2020, the DSC allotted 10 marks to Ayesha Qureshi whereby she topped the final merit list with 151 marks and was appointed as Assistant under female quota. Moreover, in reference to the condition regarding possible changes at S.No. 10 of the advertisement, Ms. Maryam Sahibzada placed on 2nd position in final merit was also appointed as Assistant on the recommendation of DSC dated 09/10/2020.

REJOINDER

Reply of the Agency was shared with the complainant for her feedback/rejoinder who expressed dissatisfaction over reply of the Agency. She informed that the alleged experience in favour of the Ayesha Qureshi was signed by then Employee of the Directorate, Archives and Libraries and whose signature on one of the documents of service record is exactly the same as given the purported counterfeit experience certificate.

HEARING

Due to divergent stance, the complaint was fixed for hearing on 30/03/2022. Ms. Raheela Hafeez Director Archives and Libraries and Dr. Ishfaq, Senior Librarian appeared and informed that the issue has been taken up with ETEA for necessary clarification vide letter No. 1916/03/10/DA dated 24/11/2021. She informed that the then Director / Chairman DSC defended his decision, that he was telephonically authorized by the ETEA for determining authenticity of the Certificate and for awarding experience marks. She added that Director being appointing authority in the case was competent to take decision. She further informed that the complaint was lodged after lapse of one year hence time barred. The complainant's father submitted his views that ETEA vide letter No. ETEA/2-54/2017/6228-29 has already given rebuttal that responsibility for awarding marks to a candidate after submission of merit list, rests with the department. The experience certificate was issued to Ayesha Qureshi by someone in his personal capacity, to have worked with him as volunteer w.e.f 01/07/2015 to 10/06/2016, is not rational vide para (a) part-VIII entitled "Experience" in Khyber Pakhtunkhwa PSC regulations, 2017, which states that the prescribed experience means the experience gained in line with a regular full time paid job acquired after qualification. The present director / chairman DSC cannot escape her responsibility being member of the DSC at the time of appointment.

FINDINGS

Perusal of record on file shows that experience certificate issued by FATA Secretariat was not verified at any eve and it also does not bear proper file No. or diary / dispatch No. ETEA has already rebutted stance of the Agency that responsibility for awarding marks to a candidate, after submission of merit list, rest with department. The Agency appointed Maryam



OMBUDSMAN (مختب) SECRETARIAT,
GOVERNMENT OF KHYBER PAKHTUNKHWA

Sahibzada after written complaint regarding illegal appointment of Ayesha Qureshi who was initially at S.No. 1. The Agency had advertised one post of Assistant BPS-16 reserved for female. Ms Ayesha Qureshi was appointed on 29/09/2020 and after agitation from Maryam Sahibzada, the then Director / Chairman and members secretly recruited her to cover-up their forgery on 09/10/2020. Interestingly, the post was not already vacant but it got vacant after the retirement of one of the employee and on that post, Maryam Sahibzada was appointed. The present and then Director Archives and Libraries cannot escape the responsibility because the present Director Raheela Hafeez was also member of the DSC and inscribed her signatures for awarding 10 experience marks to Ms. Ayesha Qureshi. The experience certificate is required to have been issued by a Government Department and duly countersigned by the head of that Department. It is, therefore, recommended that Secretary, Higher Education, Achieves and Libraries Department, Khyber Pakhtunkhwa shall conduct an impartial inquiry to fix responsibility for violating the merit and appointing on fake documents and proceed accordingly as per rules / law.

The above recommendations shall be implemented within 60 days after receipt of these findings under intimation to this Secretariat within the said period.

Defiance / non-compliance shall warrant disciplinary proceedings in terms of Sub-Section 4 of Section 11 of the Khyber Pakhtunkhwa, Provincial Ombudsman Act, 2010 whereby, the Government will take necessary action for ensuring good governance.

Syed Jamalud din Shah
Provincial Ombudsman.

21.4.2022

Attested
M. M.
DEPUTY DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa Peshawar

INQUIRY REPORT.

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INTRODUCTION

In response to the Higher Education Department letter No.SO(C-IV)HED/1-6/Archives Misc./complaint/Ms. Makhtoom Rahman/2022 dated 18-05-2022 wherein the undersigned has been nominated as Inquiry Officer to conduct fact finding inquiry on the recommendations of the Provincial Ombudsman Khyber Pakhtunkhwa made on 21-04-2022, that "Secretary Higher Education Department shall conduct an impartial inquiry to fix responsibility for violating the merit and appointing on fake documents and proceed accordingly as per rules/law within 60 days".

2- The Director Archives & Libraries had advertised different posts through ETEA on 12-03-2019 bearing No.INF(P)1068/19 (F/A). Ms. Makhtoom Rahman applied for the post of Office Assistant (BPS-16) mentioned at Sr.No.01 of the advertisement against one post in the quota reserved for female. The ETEA conducted written test for the post on 29-07-2020 and called for interview on 24-09-2020 held under the chairmanship of Director Archives & Libraries Peshawar. According to the merit list maintained by the ETEA and DSC in its meeting held on 24, 25 and 28 September 2020 (F/B) candidates were placed as per following merit:

Sr. No.	Name of Candidate	Marks obtained in EATA	Interview Marks granted by DSC	Experience marks granted by DSC	Total
1	Maryum Sahibzada	144	03	Nil	147
2	Makhtoom Rahman (the complainant)	143	03	Nil	146
3	Shehzadi Khusboo	136	02	Nil	138
4	Ayesha Qureshi	134	07	10	151

3- The Departmental Selection Committee (F/C) in its meeting held on 24,25 and 28 September 2020 recommended Ms. Ayesha Qureshi placed at Sr.No.04 of the merit list for appointment against the 01 post of Office Assistant (BPS-16) reserved for female quota and placed Ms. Maryum Sahibzada and Ms. Makhtoom Rahman at Sr.No.01 & 02 respectively on waiting list.

4- That Ms. Makhtoom Rahman D/O Faizan Rahman R/O House No.06 Sector K6 Street No.01 Yousaf Zai Market Phase-III Hayatabad Peshawar placed at Sr.No.02 of merit list lodged a complaint No.PO/Complaint/1142/11/2021 dated 08-12-2021 (F/D) before Provincial Ombudsman Khyber Pakhtunkhwa that Departmental Selection Committee had violated the merit during the said recruitment process on following grounds:

Ahmed
DEPUTY DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa Peshawar

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That the Director Archives and Libraries ignored the merit and appointed Ms. Ayesha Qureshi placed at Sr.No.04 of the merit by awarding 10 marks on fake experience certificate.


That the Director Archives and Libraries violated the quota as only one post reserved for female and secretly appointed Maryum Sahibzada placed at Sr.No.01 of the merit to cover up their forgery as she challenged the fake experience certificate of Ayesha Qureshi on the citizen portal.

5- The complaint of Makhtoom Rahman was honored by the Provincial Ombudsman and proceeded accordingly wherein the above allegation had been established in the findings of Provincial Ombudsman after several hearings made. The Provincial Ombudsman in this regard forwarded their finding (F/D ibid) to the Secretary Higher Education Department with the recommendations to conduct an impartial inquiry to fix responsibility for violating the merit and appointing on fake documents and proceed accordingly as per rules/law within 60 days under intimation to this Department.

PROCEEDINGS

6- The complainant was called for personal hearing to appear before the inquiry officer on 07-06-2022 and to record her written statement (F/E). Mr. Faizan Rahman F/O Makhtoom Rahman (the complainant) appeared before the inquiry officer and produced the written statement of the complainant (F/F) along with her authorization letter (F/G).

7. Statement of Mrs. Raheela Hafeez Director Archives and Libraries Khyber Pakhtunkhwa (the then Chief Librarian and Member of the DSC) also received (F/H) wherein she has stated in Para-2 that *after declaration of the test result, the said Ayesha Qureshi submitted an application dated 21-02-2021 to ETEA for allotment of experience marks. Accordingly he (the former Director) telephonically verified the 03-Years voluntary experience certificate as Assistant in the Library issued to Ayesha Qureshi from FATA Secretariat on 24-09-2020 and on confirmation therefore, he allotted 10-marks to Ayesha Qureshi and topped the final merit list with overall 151 marks and appointed as assistant vide No.1508 dated 13-10-2020. Later on, as per condition No.10 of the advertisement regarding possible increase or decrease in number of vacancies and recommendations of the separate DSC dated 09-10-2020, Miss Maryam Sahibzada placed on 2nd position on final merit list with 146 marks was also appointed as Assistant On 13-10-2020 to rectify the deficiency of one post in all posts in BPS-16 under the female quota.*

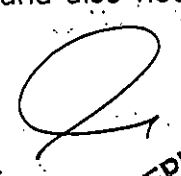

DEPUTY DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa Peshawar

Subsequently the experience certificate of Ms. Ayesha Qureshi appointed as Office Assistant (BPS-16) in Directorate of Archives & Libraries was sent to the Deputy Secretary (Admin) of Planning & Development Department Khyber Pakhtunkhwa vide this Department letter dated 07-06-2022 (F/I) for verification of the authenticity of experience certificate and proof of her attendance issued from the Library presently working under the administrative control of P&D department after merger of FATA, but response at their end has not been received till finalization of this report. In this regard reminders have also been issued dated 20-06-2022 and 24-06-2022 (F/J) with the remarks that in case of no response, it would be presumed that experience certificate was fake.

FINDINGS:

9- In order to implement the decision of the Provincial Ombudsman the inquiry has been concluded and following facts has been established:

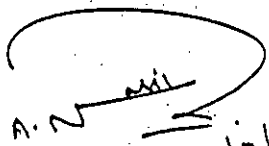
- i- One the basis of no response of P&D department regarding verification of experience certificate & attendance record, the experience certificate is considered as fake.
- ii- In violation of merit the Departmental Selection Committee of Directorate Archives and Libraries appointed Ms. Ayesha Qureshi 4th in the merit against the one post of Office Assistant (BPS-16) reserved for female quota by awarding her 10 marks on fake experience certificate and 07 highest marks in the interview.
- iii- In further violation of merit, the Departmental Selection Committee of Directorate of Archives & Libraries appointed Maryum Sahibzada 1st in the merit list in over and above against the filled post of Office Assistant (BPS-16) reserved for female quota a evident from DSC minutes (F/K) to cover up the forgery as Maryum Sahibzada challenged the fake experience certificate of Ms. Ayesha Qureshi on citizen portal.
- iv- The experience certificate (F/L) states that Ms. Ayesha Qureshi worked as Library Assistant in the Reference and Archival Library FATA Secretariat w.e.f 1st July 2015 to 30th June 2018 **voluntarily**, while para(A) part-VIII entitled "experience" in Khyber Pakhtunkhwa Public Service Commission Regulation-2017 states that the *prescribed experience means the experience gained in line with a regular full time paid job acquired after qualification* and according to letter No.SOR-I(S&GAD)4-1/75 dated 22-07-1998 *if not specifically provided otherwise relevant service rules "experience" will mean in the line and only that experience is considered which has been acquired after the acquisition of minimum qualification prescribed for the post.* The above experience of Ms. Ayesha Qureshi as Library Assistant is not granted after paid job and also not in line of the post of Office Assistant (BPS-16).



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Directorate of Archives & Libraries
Khyber Pakhtunkhwa Peshawar

Miss. Raheela Hafeez, Director Archives & Libraries tried to mislead the inquiry officer by her statement (F/H ibid) that Maryam Sahibzada was appointed to rectify the deficiency of female quota under different cadre while the DSC in its meeting on 24-09-2020 appointed Maryam Sahibzada from waiting list with the condition that instant excess of one post under female quota will be rectified from the future vacancy of assistant falling in the initial recruitment.

COMMENDATION

- 1- In violation of merit, miss use of Authority and failure to efficiently perform assigned task, the members of Departmental Selection Committee of Directorate of Archives & Libraries Khyber Pakhtunkhwa may be proceeded under Rule 3 (a) & (b) inefficiency and guilty of misconduct come in the definition of Para 2 (i) and (l) sub Para (vi) of the Khyber Pakhtunkhwa E&D Rules 2011.
- 2- Providing fake and irrelevant experience document to the Departmental Selection Committee at the time and getting undue benefit of experience marks which took her position to the top of the merit list for appointment as Office Assistant (BPS-16) in Directorate of Archives & Libraries, the services of Ms. Ayesha Qureshi may be terminated along with recovery of salaries on account of providing irrelevant services and criminal proceedings may also be initiated.
- 3- Miss. Raheela Hafeez, Director Archives & Libraries Khyber Pakhtunkhwa, holding a responsible post, provided false statement and misled the inquiry officer. Hence, she may be proceeded under rules-3 (b) guilty of misconduct of Rules ibid.


Abdul Nasir Khan 13/7/22
Additional Secretary (Development)
Higher Education Department


DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa Peshawar



16
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN. DEPARTMENT
(Regulation Wing)

NO.SOR-I(E&AD)1-2/2018
Dated Peshawar the 3rd June, 2022

The Secretary to Govt. of Khyber Pakhtunkhwa,
Higher Education, Archives & Libraries Department.

Subject: - **GUIDANCE REGARDING DETERMINING VALIDITY OF CERTIFICATES FOR ALLOTMENT OF EXPERIENCE MARKS**

Dear Sir,

I am directed to refer to your letter No.SO(C-IV)HED/1-6/E TEA experience marks/2022/661 dated 07.04.2022 on the subject noted above and to advise that experience means experience gained in a regular full time paid job after obtaining the required qualification. The experience has been enunciated in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules: 1989 under the criteria for selection as experience gained in the relevant field since experience is a condition laid down in the Service Rules of a Cadre post(s) which means the experience to be in line and only that experience is considered which has been acquired after the minimum qualification prescribed for the post(s).

As far as the issue of recognition of experience is concerned it is upto the employer, department whether it requires experience of a position gained in public sector, autonomous/semi-autonomous as stipulated in the Service Rules of relevant Cadre post(s).

Yours faithfully,

SECTION OFFICER (R-I)
Phone # 9210860

S/C

DEPUTY DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa Peshawar

INQUIRY REPORT ABOUT EXPERIENCE CERTIFICATE OF MISS AYESHA QURESHI, ASSISTANT, PUBLIC LIBRARY, MANSEHRA, ORDERED VIDE DIRECTOR, ARCHIVES & LIBRARIES NO. 2269-70/3/10/DA DATED 07-11-2022.

01- BACKGROUND.

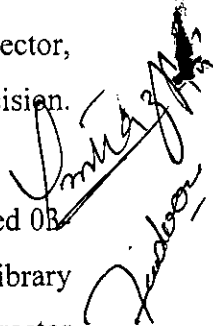
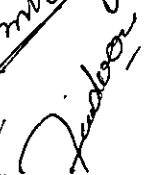
i)- The Directorate of Archives & Libraries advertised one post of Assistant (BS-16) reserved under female quota on 12-03-2019. Miss Ayesha Qureshi, then having less than one year service as Librarian-II (BS-09) in Public Library, Abbottabad, also applied to the post of Assistant and secured 4th position with 134-marks as per provisional merit list received from ETEA vide No. ETEA/2-54/2017/4443 dated 29-07-2020, whereas, Miss Maryam Sahibzada, Miss Makhtoom Rahman and Miss Shahzadi Khushboo were placed ahead of her at 1st, 2nd and 3rd position with 144, 143 and 136 marks respectively. A footnote was recorded on the said list to the effect that "*Errors/Omissions in the merit list are subject to rectification by the appointing authority*" (Annex-A).

ii- After uploading result/merit position on ETEA's website, the said Ayesha Qureshi, submitted an application to ETEA for inclusion of experience marks to her provisional merit position on 21-02-2020. The application was marked to the Ex-Director, then appointing authority and chairman of Departmental Selection Committee for decision.

Annex-B

iii- At the time of interview on 24-09-2020, Miss Ayesha Qureshi produced 03 years voluntary experience certificate of working as Library Assistant in archival library of the defunct FATA Secretariat. In reference to the said application, the Ex-Director apprised the Selection Committee that in wake of lockdown due to Corona virus pandemic, the application has been referred to him by ETEA with telephonic instructions for verification from the concerned quarter and taking decision in the matter, besides, in light of the aforementioned "Footnote", he in capacity of the appointing authority, is also authorized to decide the matter. Thereafter, he telephonically verified the certificate from concerned quarter. After examination of the term "experience" in light of provisions of ESTACODE, the committee allotted 10-marks to the said Ayesha Qureshi. Thereafter, Mrs. Raheela Hafeez, then Chief Librarian/Member, Selection Committee submitted an application to the Ex-Director to authenticate relevancy of the certificate from Establishment Department and verify the same from the concerned quarter before issuance of appointment order. Resultantly, with addition of further 07-marks in interview, she topped the final merit list with 151-marks and was appointed to the post of Assistant on 29-09-2020 with condition of verification of her testimonials/documents from concerned authorities. Miss Maryam Sahibzada and Miss Makhtoom Rahman were placed on the waiting list with 147 and 146-marks respectively. (Annex-C).

iv)- Meanwhile a post of Assistant fell vacant due to premature retirement of the former incumbent from service on 01-10-2020, thereby, the Ex-Director/then appointing authority convened another meeting of Departmental Selection Committee on 09-10-2020 to consider appointment of Miss Maryam Sahibzada against second/additional post of Assistant so as to rectify overall deficiency in various cadres under female quota.



 DIRECTOR
 Directorate of Archives & Libraries
 Mansehra
 J. Iqbal

Thereof, as per condition No. 10 of the advertisement, the Selection Committee unanimously recommended the proposal with condition that the subject additional appointment in the quota will be rectified from future vacancies. Consequently, Miss Maryam Sahibzada was also appointed under female quota on 13-10-2020. **Annex-D**

v)- Thereafter, Miss Makhtoom Rahman, 2nd candidate of the waiting list, filed complaint before Provincial Ombudsman to the effect that Miss Ayesha Qureshi has been appointed on a fake experience certificate, hence, appointment of Miss Ayesha Qureshi may be cancelled with replacement of her (Makhtoom Rahman) appointment the second/additional post under female quota. The Ombudsman Office in its findings dated 21-04-2022 declared the said experience certificate dubious for having no proper file or diary/dispatch number, not countersigned from Head of the concerned department and recommended impartial inquiry to fix responsibility for violation of merit and appointment on fake documents. Meanwhile, due to defunct status of the FATA Secretariat, the certificate was verified from the issuing officer on 28-09-2021. **Annex-E**

vi)- As per recommendation of the Ombudsman Office, the Higher Education Department conducted fact finding inquiry in the matter vide letter dated 18-05-2022, wherein, the certificate was declared fake for the reasons that the Planning and Development Department did not respond to the letters sent for verification of the experience certificate, therefore, as per directions of Higher Education Department letter dated 25-07-2022, the service of Miss Ayesha Qureshi was terminated vide Director, Archives & Libraries order dated 27-07-2022. She filed appeal against the termination order which was accepted and she was reinstated into service with directions to the Director, Archives & Libraries for conducting fresh disciplinary proceedings against her under the Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline) Rules, 2011 vide High Education Department notification dated 21-10-2022. In compliance thereof, a formal inquiry has been ordered with serving of proper charge sheet to Miss Ayesha Qureshi, Assistant vide No. 2269-70/3/10/DA dated 07-11-2022. **Annex-F.**

02- **PROCEEDINGS.**

All concerned were directed to personally appear before the committee for clarification and submission of their written statements. Crux of their verbal clarification and written statements, are as under: -

i)- **VERBAL AND WRITTEN STATEMENTS OF MISS AYESHA QURESHI DATED 23-12-2022**

She explained that she submitted all academic and experience certificate to the ETEA in time, however, experience marks on account of 03-years voluntary experience certificate from the defunct FATA Secretariat was not added to my provisional merit list. Therefore, she submitted an application to the ETEA for the said purpose. In wake of corona virus pandemic, the application was sent to the Director, Archives & Libraries with instruction of telephonic verification during meeting of Departmental Selection Committee. The certificate was telephonically verified from the concerned department during interview and also from the issuing officer. She has been appointed on the basis of merit and the

[Handwritten Signature]
 Deputy Director
 Directorate of Archives & Libraries
 Khyber Pakhtunkhwa Peshawar

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experience criteria prescribed Khyber Pakhtunkhwa Regulation, 2017 is not applicable to the instant case. The complaint was lodged by Miss Makhtoom Rahman in connivance of Mr. Dilshad Hussain Khattak Librarian, who directly harassed her during service and has been proved involved thereof in the inquiry report of Directorate of Archives & Libraries.

Annex-G

ii)- VERBAL AND WRITTEN STATEMENTS OF MR. ZAHIR ULLAH KHAN, EX-DIRECTOR, THEN CHAIRMAN AND APPOINTING AUTHORITY DATED 23-12-2022

He explained that in wake of lockdowns of the public offices due to Covid 19 pandemic, he was authorized by ETEA to decide the said application of Miss Ayesha Qureshi submitted to ETEA for inclusion of experience marks to the merit, thereby, he was authorized by ETEA to decide the matter in capacity of the appointing authority. He added that except Ayesha Qureshi, all other female candidates showed reservation for assuming duties other than their home districts. He telephonically verified the experience certificate during interview and after examination of the experience as per provisions of ESTACODE, he (in capacity of the appointing authority) has rightly granted experience marks to the said Ayesha Qureshi. **Annex-H**

iii)- VERBAL AND WRITTEN STATEMENT OF MRS. RAHEELA HAFEEZ, THEN CHIEF LIBRARIAN/MEMBER OF DEPARTMENTAL SELECTION COMMITTEE DATED 31-12-2022

She explained the Miss Ayesha Qureshi produced 03-years voluntary experience certificate issued from defunct FATA Secretariat during interview on 24-09-2020. In reference to the certificate, the Ex-Director apprised the Selection Committee that Miss Ayesha Qureshi had submitted an application to ETEA for inclusion of her experience marks in the merit. ETEA has referred the application to him for decision after telephonic verification of the certificate from the concerned quarter, besides, he, in capacity of the appointing authority, is also authorized to decide the matter in light of Footnote recorded on the provisional merit list of ETEA. Thereafter, the Ex-Director telephonically verified the certificate from the concerned quarter and after examination of the experience in light of the provision in ESTACODE, the committee agreed in principle to accept the certificate with condition of establishing its relevancy and verification from the concerned quarters. She further submitted an application to the Ex-Director on 28-09-2020, reminding therein, authentication and verification of the certificate from the concerned quarter. She added that after promotion as Director, she verified the certificate from the issuing officer and conducted primary investigation with ETEA, whereof, she proposed inquiry in the matter before submission of para wise comments to Ombudsman Office, however, the same was not acceded to by the Higher Education Department. She further added that the Selection Committee fulfilled its role to the extent of accepting decision of the Ex-Director for granting experience marks in light of provisions of the ESTACODE, however, it was the responsibility of the Ex-Director (then competent authority) to establish relevancy of the certificate and verify the certificate from the competent forum, therefore, she has fulfilled her responsibilities to that extent. **Annex-I.**

iv)- VERBAL AND WRITTEN STATEMENTS OF MR. RAFI ULLAH, THEN SECTION OFFICER(C-IV), DEPARTMENTAL REPRESENTATIVE OF HIGHER EDUCATION DEPARTMENT

He appeared and provided a copy of his earlier reply submitted in the formal inquiry to the Managing Director, Khyber Pakhtunkhwa Education Foundation for consideration in instant inquiry. He added that Miss Ayesha Qureshi produced 03-years voluntary experience certificate issued from defunct FATA Secretariat during interview on 24-09-2020. In reference to the certificate, the Ex-Director apprised the Selection Committee that Miss Ayesha Qureshi had submitted an application to ETEA for inclusion of her experience marks in the merit(Annex-B, supra). ETEA has referred the application to him for decision after telephonic verification of the certificate from the concerned quarter, besides, he, in capacity of the appointing authority, is also authorized to decide the matter in light of Footnote recorded on the provisional merit list of ETEA. Thereafter, the Ex-Director telephonically verified the certificate from the concerned quarter and after examination of the experience in light of the provision in ESTACODE, he awarded 10 marks of experience to Miss Ayesha Qureshi, whereby, she topped the final merit position and was recommended for selection by the committee. Mr. Rafi Ullah Khan added that the Selection Committee fulfilled its role in terms of accepting decision of the Ex-Director for granting experience marks in light of provisions of the ESTACODE, however, it was the responsibility of the Ex-Director(then competent authority) to establish relevancy of the certificate and verify the certificate from the competent forum. Therefore, he is not responsible for non-authentication and non-verification of the certificate. Annex-J.

v)- VERBAL AND WRITTEN STATEMENTS OF MR. MUHAMMAD ALI BHATTI, CONSULTANT/LIBRARIAN, REFERENCE & ARCHIVAL LIBRARY OF EX-FATA SECRETARIAT, PESHAWAR.

He explained that the Miss Ayesha Qureshi rendered voluntarily served for three years without taking pay. He issued three years volunteer experience certificate to her on orders of high-ups of the said Secretariat and the certificate is correct. Annex-K(page 01-02).

vi)- ADVICE IN THE EXPERIENCE CERTIFICATE TAKEN FROM ESTABLISHMENT DEPARTMENT.

It was clarified that the experience means experience gained in a regular full paid job after obtaining the required qualification and the experience should be in line/relevant to the post. Annex-K (page 03-05)

vii)- Meanwhile, report of the formal inquiry constituted against members of the then Selection Committee in the matter was submitted to Higher Education Department, whereof, show causes notices were issued. Annex-M page 01 to 06, infra

03- FINDINGS.

Findings on the basis of available record are as under: -

i)- Miss Ayesha Qureshi was initially placed at 4th position of the provisional merit list of ETEA with 134 marks and with addition of further seventeen marks (seven in interview and ten of experience) secured 151-marks and topped the final merit list. It was

Muhammad Ali
 DEPUTY DIRECTOR
 Directorate of Planning & Libraries
 Khyber Pakhtunkhwa Peshawar

noticed that without experience, she would be relegated to 3rd position with 141 marks, hence, her final merit position and subsequent eligibility for appointment against one post of Assistant is based on the experience marks. **Annex-A, supra.**

ii)- As per footnote recorded on provisional ETEA's merit list (**Annex-A, supra**) and confirmation of ETEA vide letter dated 30-11-2021, the Ex-Director, in capacity of the appointing authority was authorized by ETEA to settle the matter as per application of Miss Ayesha Qureshi (**Annex-B supra**). The Ex-Director in his statement dated 23-12-2022 has also accepted the entire responsibility of the decision of allotting experience marks. The Ex-Director has also accepted responsibility for deciding the matter in his statement dated 16-12-2021 and other statement submitted in the formal inquiry on 05-10-2022. **Annex-H, supra.**

iii) - As per application of Mrs. Raheela Hafeez dated 28-09-2020, then Chief Librarian/member, Selection Committee submitted to the Ex-Director (**Annex-I, supra**) and conditions mentioned in the appointment order of Miss Ayesha Qureshi, the Ex-Director, in capacity of competent authority was bound to timely authenticate and verify the certificate from concerned forums, however, the Ex-Director failed to do till his retirement on 29-03-2021.

iv) - After promotion to the post of Director on 05-08-2021, Mrs. Raheela Hafeez (former member, Selection Committee) verified the certificate from the issuing officer due to defunct status of the FATA Secretariat (**Annex-E, supra**) and after initial investigation with ETEA vide letters dated 24-11-2021 and 13-12-2021, she proposed inquiry in the matter before submission of para wise comments to Ombudsman Office vide letter dated 13-01-2022, however, the Higher Education Department did not accede to vide letter dated 20-01-2022. **Annex-L.**

v)- In the formal inquiry ordered by Higher Education Department, the Ex-Director has been found responsible for the said decision, whereas, members of the then Selection Committee were found partially responsible for the matter in terms of not recording dissenting note against decision of the Ex-Director, whereof, show cause notices have been issued to them. Thus the certificate has been invalidated in the said inquiry.

Annex-M

vi)- The certificate was issued by Mr. Muhammad Ali Bhatti, Caretaker/Incharge, Archival Library, defunct FATA Secretariat. After merger of the former tribal areas into Khyber Pakhtunkhwa province, the library has been functioning under the Planning & Development Department and supervised by the said Muhammad Ali Bhatti. During fact finding inquiry, the experience certificate was forwarded to Planning & Development Department for verification, however, in spite of repeated reminders, no response was received, whereupon, the certificate was declared fake. It was noticed that though Mr. Muhammad Ali Bhatti verified the certificate during proceedings of the instant inquiry, however, he failed to countersign the same from Head of the department i.e. Secretary, Planning & Development and provide relevant records of the certificate like

Muhammad Ali Bhatti
 DEPUTY DIRECTOR
 Directorate of Archives & Library Services
 Khyber Pakhtunkhwa Peshawar

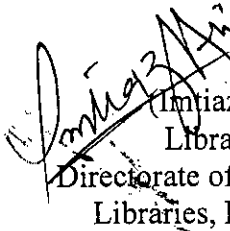
application of the candidate, approval, attendance etc. Therefore, the certificate was invalid being not issued or countersigned by the head of concerned department.

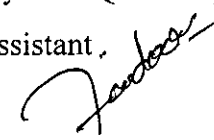
vii)- The certificate is in conflict with spirit of the experience criteria mentioned in Khyber Pakhtunkhwa Public Service Regulations, 2017 in terms of its voluntary/unpaid status and provision of ESTA CODE (**Annex-C, supra**) in terms its irrelevancy for the post of Assistant. It was noticed that there is huge difference in the responsibilities/duties of Library Assistant and Assistant as the former is related to organization of library matters, whereas, the latter deals matters pertaining to budget, accounts and establishment. (**Annex-N**). The same aspects have been also mentioned in the guidance received from Establishment Department, wherein, the term experience has been clarified as regular full paid job after obtaining required qualification and being inline with the post(**Annex- K,supra**), besides, the certificate has been also invalidated in the formal inquiry of Higher Education Department, wherein, the inquiry officer showed reservation over acceptance and granting marks on such experience certificates which ultimately affect merit to personal likings.

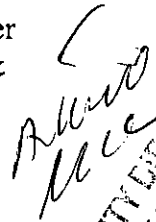
viii)- The complainant Miss Makhtoom Rahman being placed at 3rd position of the final merit list, has no cause of action for appointment to second/additional post of Assistant under the quota as it is the prerogative of the appointing authority to decide increase or decrease in appointments against available vacancies in the public interest.

04- **CONCLUSION.**

It is evident from the above that no provisions exists for granting experience marks on the basis of unpaid/voluntary or irrelevant experience certificate not countersigned by the head of concerned department, hence, Miss Ayesha Qureshi was granted 10 marks on the basis of an invalid experience and experience certificate, the subtraction of which will relegate her to 3rd position on the final merit list with overall 141 marks. Therefore, it stands proved that Miss Ayesha Qureshi produced invalid experience certificate which led to her appointment as Assistant.


(Imtiaz Ali)
Librarian
Directorate of Archives &
Libraries, Peshawar


(Faridoon Khan)
Junior Microfilming officer
Directorate of Archives &
Libraries, Peshawar

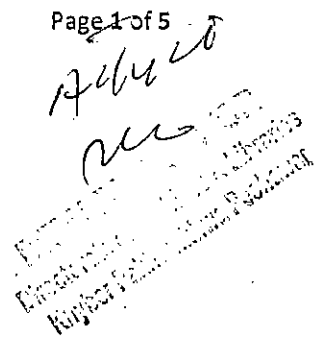

DEPUTY DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa, Peshawar

INQUIRY REPORT IN RESPECT OF DSC MEMBERS
MRS. RAHEELA HAFEEZ AND MR. RAFI ULLAH.

The Higher Education, Archives & Libraries Department vide letter No. SO (C-IV) HED/1-6/Arch Misc/Complaint/ Makhtoom Rahman/2022 dated August 30, 2022, marked an inquiry initiated against, Mrs. Raheela Hafeez, presently Director, Archives & Mr. Rafi Ullah the then Section Officer Higher Education Department. The accusation is related to violation of merit in recruitment against the post of Assistant (BPS-16) in the Directorate of Archives & Libraries. This started over a complaint filed with the Provincial Ombudsman by an applicant namely Mst. Makhtoom Rahman about the provisional result/merit list of ETEA provided on 29/07/2020. In it, the ETEA added Ten (10) experience marks only to Mst/Bibi Hajira. The rest of candidates failed to provide any experience certificate then.

2. The Departmental Selection Committee (DSC) thus interviewed the successful candidates on 24th September 2020. According to the merit list, Mst. Maryam Sahibzada topped in written with 144 marks. Mst. Makhtoom Rahman remained second with 143 marks while Mst. Ayesha Qureshi had obtained 134 marks (Annexure -A). According to the advertisement, the post of Assistant (BPS-16) was only reserved for the female candidates. Later, Mst. Ayesha Qureshi produced experience certificate and was awarded 10 marks of experience by the committee. Accordingly, on 29-09-2020, Mst. Ayesha Qureshi was appointed as Assistant with overall 151 marks. On 01-10-2020, Mst. Maryam Sahibzada who was at serial No.1 in the provisional merit also filed complaint on PMDU against the appointment of Mst. Ayesha Qureshi. Thus, Chairman DSC, Director Archives & Libraries conducted another meeting of selection committee on 09-10-2020, and recommended Mst. Maryam Sahibzada under female quota from the waiting list. However, the earlier complaint of Mst. Makhtoom Rahman mentioned above was disposed off by the worthy Ombudsman with the remarks that DSC has violated the merit and termed the experience certificate of Mst. Ayesha Qureshi as fake and recommended that *"the Secretary Higher Education shall conduct an impartial inquiry to fix the responsibility for violating the merit and appointing on fake documents and proceed accordingly as per rules / law. Copy of findings of worthy Ombudsman is placed vide Annexure -B.*

3. Mr. Abdul Nasir Khan, Additional Secretary (Development) HED had conducted a fact finding inquiry on the recommendations of Provincial Ombudsman. The inquiry officer in the fact-finding inquiry after perusal of all relevant record including statements of the



complainant (through her father Mr. Faizan Ur Rehman), Mrs. Raheela Hafeez, Director Archives (the then Chief Librarian), fixed the responsibility on members of DSC and also against Mst. Ayesha Qureshi for violation of merit through submission of fake experience certificate. The inquiry officer conducting the fact-finding inquiry thus recommended disciplinary action against Mrs. Raheela Hafeez for providing him false and misleading information and violating merit/recruitment process including other members of the DSC under the E&D Rules 2011. He also recommended that Mst. Ayesha Qureshi may also be terminated and recovery be made on account of salaries over irrelevant service experience and criminal proceedings may also be initiated. Copy of the fact-finding inquiry is attached vide Annexure – C.

4. In the present inquiry, both the accused were called upon vide letter No. KPEF/Archives & Libraries inquiry file / 2022, dated 28/09/2022, to record their statements and submit their written defense with regard to allegations leveled against them. The accused Mrs. Raheela Hafeez, ex-member of DSC and present Director Archives & Libraries submitted her written statement in favor of her defense. Similarly, Mr. Rafi Ullah ex-Section Officer HED and member DSC also submitted his written defense. Mr. Zahir Ullah, ex-Director Archives & Libraries (now completed his superannuation) also volunteered and submitted his written statement regarding the issue of appointment of Mst. Ayesha Qureshi (Annexure D, E & F respectively).

Written Statement of Mr. Muhammad Ali Bhatti, consultant / librarian of ex-Governor Secretariat was also obtained regarding authenticity of the voluntary service experience issued by him to Mst. Ayesha Qureshi (Annexure – G).

5. STATEMENT OF MRS. RAHEELA HAFEEZ.

Mrs. Raheela Hafeez, present Director Archives & Libraries in her written defense submitted that Mst. Ayesha Qureshi a candidate for the post of Assistant (BPS-16) had produced three years voluntary service experience as Library Assistant issued by the defunct FATA Secretariat and handed over the same to Mr. Zahir Ullah Khan, former Director/appointing authority and Chairman of the selection committee during interview. She stated that the then appointing authority/Chairman had apprised the committee that the said Ayesha Qureshi submitted an application to ETEA for award of experience marks which was referred to him with the instruction of telephonic verification from the issuing authority and

settlement of the issue. Besides, as per foot note recorded on the ETEA's merit list, the Director/being appointing authority was competent to rectify omissions/errors in overall merit positions. So, on confirmation from the issuing authority, the Chairman of the committee awarded 10 marks to Mst. Ayesha Qureshi and conveyed his decision to DSC members. She explained further that as member of the DSC, her role was restricted only to assessing the suitability of the candidates for the post and making recommendations for their appointment. Thus, it was the responsibility of the appointing authority to accept or reject her recommendations, verify documents of the candidates and further authenticate her experience certificate from the relevant forum. Therefore, she could not be held responsible for the above referred issue that arose after the issuance of the appointment of Ms. Ayesha Qureshi. She stated that it was also the decision of the then Director to appoint another person from the waiting list i.e., Mst. Maryam Sahibzada against the additional post of Assistant vacated due to premature retirement of an employee from service on 01-10-2020, so as to rectify the overall deficiency in various cadres/posts in the female quota. She also stated that after the promotion to the post of Director, she verified the experience certificate from the issuing authority and confirmed the stance of the ex-Director Archives. However, she was not given an opportunity of defense / clarification during the fact-finding inquiry in HED.

6. STATEMENT OF MR. RAFI ULLAH EX-SECTION OFFICER, HED.

Mr. Rafi Ullah, ex-Section Officer HED and member of the DSC stated that he had attended the said meeting of DSC. During the interview, Mst. Ayesha Qureshi produced three years voluntary service experience certificate as Library Assistant issued from the defunct FATA Secretariat and handed over the same to Mr. Zahir Ullah Khan ex-Director (the appointing authority and chairman of the DSC). He stated that Mr. Zahir Ullah Khan told the DSC that Ayesha Qureshi requested the ETEA for the grant of 10 marks for her 3 years voluntary service experience (issued by the FATA Secretariat). The same was referred to him by ETEA with the instruction of telephonic verification from the issuing authority. Mr. Zahir Ullah telephonically confirmed the certificate from the issuing authority and thereafter granted 10 marks. Therefore, Mst. Ayesha Qureshi was recommended for appointment. While explaining his role as a member of the DSC, he stated that it was his duty to assess the suitability of the candidates and making subsequent recommendations for selection on merit and therefore he fulfilled his duty. He further stated that it was for the chairman of the DSC either to accept or reject the recommendations of the DSC or verify the documents,

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experience certificate from the relevant forums. As member of the DSC he cannot be held responsible after the issuance of the appointment order of the recommended candidates.


He defended the appointment of Mst. Maryam Sahibzada against another / additional post under 10% reserved quota for female in accordance with terms of advertisement to increase or decrease the number of the positions. He defended that he was not given an opportunity of defense or clarification during the fact-finding inquiry conducted by the Higher Education Department.

7. STATEMENT OF MR. ZAHIR ULLAH EX-DIRECTOR ARCHIVES.

Mr. Zahir Ullah ex-Director Archives/chairman of the DSC and appointing authority for the post of Assistant, who has not been charged in the present inquiry, stated that Mst. Ayesha Qureshi then serving as Librarian-II BPS-09 since 25/10/2018 applied for the post of Assistant reserved for 10% female quota. The said post was advertised by the Directorate on 12/03/2019. After declaring provisional result, Mst. Ayesha Qureshi submitted an application dated 21/02/2020 to ETEA for counting of her three years voluntary service experience as Library Assistant in the defunct FATA Secretariat. The ETEA had forwarded the said application to him for confirmation from the issuing authority i.e. FATA Secretariat. After telephonic confirmation of the same from the concerned quarter, the DSC members unanimously recommended for award of ten (10) marks of experience to said Mst. Ayesha Qureshi. He also defended the appointment of another / additional post under the 10% reserved quota for female and appointed Mst. Maryam Sahibzada in order to reduce overall deficiency in female quota keeping in view the recruitment of a large number of male class-IV in the Directorate. He stated that it was his right and prerogative to appoint another person under the female quota on the grounds of increasing or decreasing any post as per terms of advertisement for the post.

8. STATEMENT OF MR. MUHAMMAD ALI BHATTI CONSULTANT / LIBRARIAN OF EX-GOVERNOR SECRETARIAT.

Mr. Muhammad Ali Bhatti Consultant/Librarian of ex-Governor Secretariat stated that experience certificate issued by him in respect of Mst. Ayesha Qureshi is genuine (Annexure-G).


DEPUTY DIRECTOR
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar Page 4 of 5

9. FINDINGS:

After recording statements of the relevant officers and perusal of relevant record, it is clear that Mr. Zahir Ullah Khan, the then Director and Chairman of the Committee recruited the female Assistant wrongly and misconstrued the criteria as laid down in ESTA Code vide Notification No. SOR-I-(S&GAD)4-1/75(Vol.III) dated 26-05-2000 and letter No SOR-I(S&GAD)4-1/75 dated 22-07-1998 (Annexure -H). However, the selected candidate has acquired Bachelor and Master Degree in the field of Library and Information Science (MLIS) from Allama Iqbal Open University (AIOU), Islamabad and other candidates have specialties in other fields. So, in case of any such preference this should have been mentioned in the advertisement or the service rules should contain such a restriction for the assistants of Directorate of Archives and Libraries.

The record shows that after taking charge of the post of Director, Ms. Raheela Hafeez tried to take the matter to the concerned quarters for verification of the experience certificate (Annexure - I). She also suggested an inquiry to the administrative department to resolve the issue permanently (Annexure - J).

From the given statements, it is obvious that confirmation of the experience certificate and subsequent allotment of 10 marks was the sole decision of then Director being an appointing authority/chairman of the Departmental Selection Committee. But it would be more appropriate that the then Director, instead of telephonic confirmation, which is not covered under the rules, should have preferably issued a letter to the concerned authority and granted provisional marks against experience. The haste and urgency by the said committee in recruitment should have been avoided. Moreover, the voluntary service is not given to someone for the purpose of reaping its benefits without fulfilling the criteria of selection on merit. The allowing of experience marks against voluntary service/jobs, if allowed, may become a precedent and difficult to cope with in future. So, confining within the boundaries of this inquiry, there is no doubt in concluding that the Chairman behavior was a bit careless and other members should also have added, at least their dissenting note. Thus, in the absence of any dissenting note by any member over this inclusion of the so-called experience certificate, the charges are partially proved against the accused officers.

(Handwritten Signature)
(Imad A. Lohani) Nov 18, 2022
Managing Director


Khyber Pakhtunkhwa Education Foundation


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DEPUTY DIRECTOR
Directorate of Archives & Libraries
Khyber Pakhtunkhwa, Peshawar

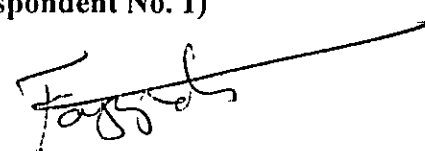
Authority letter

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The undersigned answering respondents do hereby authorize Mr. Muqārab Khan Deputy Director, Directorate of Archives & Libraries Khyber Pakhtunkhwa to represent them and file comments in the Khyber Pakhtunkhwa Service Tribunal Abbottabad bench in Service appeal 1760/2023 titled Ayesha Qureshi Vs Government of Khyber Pakhtunkhwa. He is further authorized to file C.M application and also file reply to C.M application by the applicant/appellant.


Secretary, Higher Education Department
Government of Khyber Pakhtunkhwa
(Respondent No. 1)


Director
Directorate of Archives & Libraries
Khyber Pakhtunkhwa
(Respondent No 2)


Librarian
Public Library Mansehra
(Respondent No. 3)