

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1324/2015

Date of Institution ... 26.11.2015

Date of Decision ... 04.02.2019

Shakeel Bashir Masih S/o Bashir Masih, Ex-Sweeper PRIO, Pakhtunkhwa House, Islamabad R/o House No.155, Quarter No.100, Kachi Abadi, Street No. 26, F-6/2, Islamabad. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and four others. ... (Respondents)

Mr. Sawar Khan,
Advocate

--- For appellant.

Mr. Kabirullah Khattak,
Additional Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT

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

ARGUMENTS

2. Learned counsel for the appellant argued that he was appointed as Sweeper in Provincial Regional Information office, Islamabad vide order dated 16.05.2013. On the allegations of absence from duty enquiry proceedings were initiated and after conclusion major penalty of dismissal from service was imposed on him vide impugned order dated 13.10.2015. He preferred an undated departmental appeal, which was dismissed vide order dated 30.10.2015, hence, the present service appeal. Impugned order was passed without adherence to the procedure laid down in the Efficiency and Discipline Rules 2011. Neither statements of witness were

recorded nor opportunity of personal hearing was afforded to the appellant. In short he was condemned unheard.

3. On the other hand learned Additional Advocate General argued that the appellant has been treated accordingly to law and rules. All codal formalities were observed before passing the impugned order.

CONCLUSION

4. It is quite evident from the perusal of the enquiry report that the appellant admitted the charge of willful absence from duty in reply to the charge sheet and statement of allegations served on him. As inquiry was conducted against the appellant on the complaint of A.D, PRIO, Islamabad. Under the rules, the enquiry officer was bound to record the statement of the complainant and other concerned. It is not clear from the record, why statement of the complainant was not recorded. Learned AAG was also confronted on this point but had no explanation to offer. It led us to infer that the trial was not conducted in a fair and transparent manner.

5. On the other hand the appellant submitted a written complaint against Assistant Director Information, Provincial Regional Office, Islamabad and a fact finding enquiry was conducted by an enquiry committee headed by the then Secretary Information. Though no findings were given on the main issue but some recommendations were made against the appellant.

6. We would also like to draw the attention of the respondents to the show cause notice dated 17.02.2015 served on the appellant. As per requirement of the rules, a copy of the enquiry report was required to be annexed with the show cause notice but the respondents failed to do the needful. Being a serious departure from the invogue procedure snatched legitimacy/legality from the departmental

proceedings. Now turning to the impugned order apart from the allegations of absence from duty he was also awarded major punishment on the basis of fact finding enquiry, which was not conducted against the appellant.

7. Having gone through the above record and facts of the case we are of the considered view that due to the lapses, discrepancies and illegalities committed by the respondents opportunity of fair trial as enshrined in Article-10-A of the Constitution was denied to appellant. Learned counsel for the appellant succeeded in making out a strong case for de-novo inquiry to meet the ends of justice.

8. As a sequel to above, the appeal is partially accepted, impugned orders dated 13.10.2015 and 30.10.2015 are set aside. The respondents are directed to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. The issue of reinstatement of the appellant shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

ANNOUNCED

04.02.2019

Order

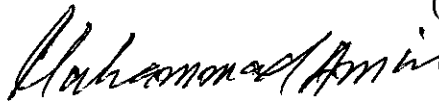
04.02.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Miss. Yasmeen Arshad, Deputy Director Information for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is partially accepted, impugned orders dated 13.10.2015 and 30.10.2015 are set aside. The respondents are directed to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. The issue of reinstatement of the appellant shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
04.02.2019



(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

30.11.2018

Appellant in person and Mr. Ziaullah, DDA for the respondents present.

Appellant requests for adjournment on the ground of indisposition of his counsel. Adjourned to 24.01.2019 for arguments before the D.B.

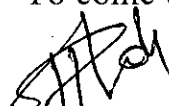

Member


Chairman

24.01.2019

Learned counsel for the appellant and learned Deputy District Attorney present. Adjournment requested. Adjourn.

To come up for arguments on 04.02.2019 before D.B



Member


Member



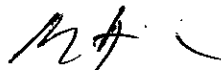
24.04.2018 Clerk to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Yasmin Khattak D.D for the respondents present. Clerk to counsel for the appellant seeks adjournment as Learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 05.07.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

05.07.2018 Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Yasmeen Arshed, Deputy Director Information for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 21.08.2018 before D.B.

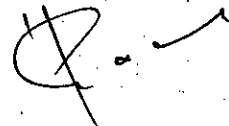

(Ahmad Hassan)
Member


(Muhammad Amin Kundi)
Member

21.08.2018. Due to Eidul Azha vacation,
the case is adjourned to 17-10-18.

Reader.

17.10.2018 Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the present. Junior to counsel for the appellant seeks adjournment that his counsel is not in attendance. Adjourned. To come up for arguments on 30.11.2018 before D.B.


Member


Member

INQUIRY REPORT

Reference this Directorate's Office Order No. INF/Estt:/4146-50 dated 27-08-2015 regarding inquiry against Mr. Shakeel Bashir Masih, Sweeper, Provincial Regional Information Office, Pakhtunkhwa House Islamabad for his willful absence from duty since June 17, 2015.

The undersigned in the capacity as Inquiry Officer submit the following after hearing the accused in person on 27-08-2015 as well as going through his written reply and the charge sheet served on him.

- a) That the accused had admitted both verbally and in writing that he remained absent from duty without submitting proper application due to some domestic problem. He also tendered written apology for that and sought forgiveness from the competent authority (written statement enclosed).
- b) That the accused failed to produce any concrete evidence/proof in his defense for the allegations leveled against him except an unsigned leave application.
- c) That the body language of the accused official was dubious during the course of hearing which indicated that he was concealing some facts from the undersigned.
- d) That the accused official had proven to be used to availing French leave and takes no interest in his official obligations.
- e) That the Assistant Director information, PRIO Pakhtunkhwa House Islamabad was very much right in recommending his termination from service as well as stopping his monthly salary for he had proved himself guilty of misconduct as well as willful absence from official duty.
- f) Keeping the position on ground in view, the undersigned recommends that the accused official may be penalized under the Government of Khyber Pakhtunkhwa Efficiency and Discipline Rules, 2011, please.



AMJAD ALI SHAH
(Inquiry Officer)


15/9/2015

DIRECTOR INFORMATION, KP

17.10.2017


Appellant in person and Mr. Muhammad Jan, DDA alongwith Miss. Yasmeen Akhtar, Deputy Director for respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 15.12.2017 before D.B.



Member
(Executive)


Member
(Judicial)

15.12.2017

Counsel for the appellant and Addl. AG alongwith Miss Yasmin Akhtar, Deputy Director for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 21.02.2018 before the D.B.


Member


Chairman

21.02.2018

Due to non availability of D.B. Adjourned. To come up on 24.04.2018 before D.B.


(Gul Zehra Khan)
Member

02.03.2017

Counsel for appellant and Ms. Yasmeen Arshed, AD (litigation) alongwith Muhammad Jan, Government Pleader for respondents present. Learned counsel for appellant seeks adjournment. Adjournment granted. To come up for arguments on 12.06.2017 before D.B.

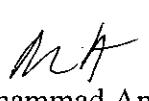

(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

12.06.2017

Clerk of the counsel for appellant and Miss. Yasmeen Arshad, Information Officer alongwith Mr. Kabir Ullah Khattak Assistant AG for the respondents present. Clerk of the counsel for appellant Requested for adjournment. 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 15/10/2017 before DB.


(Muhammad Hamid Mughal)
MEMBER

Appeal No. 1324/2015
Shakeel Bashir Masih vs Govt

20.10.2016

Appellant in person and Ms. Yasmeen Akhtar, AD alongwith Additional AG for respondents present. Written reply by respondents not submitted despite extension of last opportunity subject to payment of cost of Rs. 1000/-. Learned Additional AG requested for further time for submission of written reply. Last opportunity is further extended. To come up for written reply/comments on 28.11.2016 before S.B.


(PIR BAKHSH SHAH)
MEMBER


30.11.2016

Appellant in person and Ms. Yasmeen Arshad, Information Officer alongwith Addl. AG for respondents present. Written reply submitted. Cost of Rs. 1000/- also paid and receipt thereof obtained from the appellant. The appeal is assigned to D.B for rejoinder and final hearing on 02.02.2017.


MEMBER

02.02.2017

Appellant in person and Mr. Wasifullah, Supdt. alongwith Mr. Muhammad Jan, GP for respondents present. Rejoinder submitted and requested for adjournment. To come up for final hearing on 02.03.2017 before D.B.


Member


Chairman

Appeal No. 1324/2015
Shakeel Bashir Masih vs Govt

25.7.2016

Appellant in person and Mst. Yasmeen, Information Officer alongwith Addl. AG for the respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 25.08.2016 before S.B.


Chairman

25.08.2016

Clerk to counsel for the appellant and Mr. Syed Amir Hussain Shah, Assistant Director alongwith Addl. AG for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 20.10.2016 before S.B.


Chairman

Appeal No-1324/2015
Shakeel Bashir Masih vs Govt

01.12.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Sweeper when subjected to inquiry on the allegations of wilful absence for 15 days and dismissed from service vide impugned order dated 13.10.2015 where against departmental appeal was preferred on 21.10.2015 which was rejected on 2.11.2015 and hence the instant service appeal on 26.11.2015.

That the inquiry was not conducted in the prescribed manners and apart from allegations of absence from duty appellant was dismissed from service on the allegations of professional misconduct which was neither part and parcel of inquiry nor the inquiry officer was authorized to propose such punishment.

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 30.3.2016 before S.B.


Chairman

30.03.2016

Appellant Deposited
Security & Process Fee

Appellant in person present. Notices not issued due to non-deposit of security and process fee. The appeal is directed to deposit the same within a week and there-after notices be issued to the respondents for 30.5.2016 for submission of written reply before S.B.


Chairman

30.05.2016

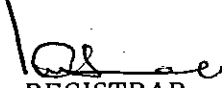

Appellant in person and Syed Amir Hussain, AD alongwith Addl. AG for the respondents present. Requested for adjournment. To come up for written reply/comments on 25.07.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1324/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.11.2015	<p>The appeal of Mr. Sakeel Bashir Masih presented today by Mr. Sawar Khan 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		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>01-12-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HON,ABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Appeal no. 1324/201

SHAKEEL BASHIR MASIH *VERSUS* GOVERNMENT OF KPK & OTHERS

I N D E X.

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
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6.	<i>show cause notice & dismissed order</i>	C	10-12
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8	<i>while impugned order</i>	E	19
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Shakeel Bashir Masih
APPELLANT

THROUGH

Sawar Khan
SAWAR KHAN

(ADVOCATE HIGH COURT)

OFFICE: NEAR OLD BAR ROOM KHYBER ROAD DISTRICT COURTS PESHAWAR.

CELL NO. 0301 5926939

①

**BEFORE THE HON,ABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

SERVICE APPEAL NO 1324 /2015

S.W.F. Province
Service Tribunal

Diary No. 1389

Dated 26-11-2015

SHAKEEL BASHIR MASIH S/O BASHIR MASIH, EX-SWEEPER PRIO,
PAKHTUNKHWA HOUSE, ISLAMABAD R/O HOUSE NO.155,
QUARTER NO. 100, KACHI ABADI, STREET NO. 26, F-6/2,
ISLAMABAD.

----- APPELLANT.

VERSUS

1. GOVERNMENT OF KHYBER PUKHTOONKHWA THROUGH CHIEF SECRETARY.
2. SECRETARY INFORMATION & PR'S DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR.
3. DIRECTOR INFORMATION KHYBER PAKHTUNKHWA PESHAWAR.
4. ASSISTANT DIRECTOR INFORMATION, PROVINCIAL REGIONAL INFORMATION OFFICE PAKHTUNKHWA HOUSE ISLAMABAD.
5. SECTION OFFICER (ADMN) INFORMATION AND PRS DEPARTMENT GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR.

.....Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT-
1974 FOR SETTING ASIDE THE IMPUGNED
ORDER OF DISMISSAL FROM SERVICE NO.
INF/ESTT/1-28/4741-45 DATED 13/10/2015 AND
ORDER OF THE LEARNED RESPONDENT NO.2
WHEREBY DEPARTMENTAL APPEAL OF THE
APPELLANT WAS NOT ACCEPTED AN IN
ILLEGAL MANNER.

Respectfully Sheweth,

The appellant submits as under:-

1. That the competent authorities pleased to appoint the Appellant on the recommendation/Approval of department Selection Committee (DSC) vide order No. INF/Estt:/14/27/2881-85 dated Peshawar 16/05/2013.

(Copy of appointment order is annexure A)

2. That after complying with the directions of appointment order, the appellant submitted his arrival report on 20/05/2013 and till then appellant was performing his duties with full zeal & zest, the Appellant never remained absent from duty except the period for which he was dismissed from service, due to the chronic disease of Appellant father and other family disputes/issues, the Appellant could not attend the duty but the Appellant in his reply to the show cause notice as well as before the Respondents prayed that the disputed period of leave may kindly be considered as leave without pay.

(Copy of the Arrival report is annexure B, while show cause notice is annexure C)

3. That the Respondent No. 3 through impugned order No. INF/Estt:/1-28/4741-45 Dated Peshawar, the 13/10/2015 imposed major penalty of Dismissal from service, the impugned order is harsh, illegal, arbitrary, against the law and is liable to be set-aside, the appellant submitted his department appeal before Respondent No.2 against the order of dismissal but the same was also rejected through a non speaking order .

(Copy of the department appeal is annexure D while impugned order is annexure E)

4. That feeling aggrieved from dismissal order from service & finding of the learned appellate authority, the appellant prefers the instant appeal for reinstatement into service with all back benefits, by setting aside both the impugned orders, upon the following grounds, inter alia.

Grounds:

A. That the dismissal order as well as the impugned order of the learned appellate authority are against facts of the case, material available on file, law governing the subject & are, therefore illegal, unwarranted & ineffective in the eyes of law.

B. That the allegations of misconduct etc are wrong, incorrect, without any proof, based on false

allegations, moreover the main fault of the petitioner is his absence from duties from 15/07/2015 to 30/07/2015 i.e 15 days while the competent authority refused to order that the said period of absence as leave without pay, hence the impugned order is illegal and harsh.

- C. That the impugned dismissal order as well as that of the appellant authority are cubical, void ab-initio, & unwarranted & are liable for setting aside.
- D. That neither any cogent evidence or material was brought against the appellant, nor the appellant was properly heard in person, nor the appellant was allowed to cross examine the witness, nor the inquiry conducted was proper & strictly as per provisions governing the subject.
- E. That the allegation of absence from the duties of the appellant was not based on true facts, but rather has been victimized for reasons best known to the Respondents.
- F. That from all prospective the dismissal order as well as that of the appellate authority are illegal, wrong, unwarranted & are liable to be set a side.
- G. That the Respondent No.3 failed to consider the enquiry proceedings were conducted only in respect of absence of appellant in service while the impugned order was passed on the ground of misconduct, even otherwise the impugned order is harsh while keeping in view the nature of the duty, the status of the appellant etc.
- H. That there had neither been conducted any proper inquiry, nor the appellant was ever allowed to be heard in person, nor was ever allowed to defend his case.
- I. That even the appeal of the Petitioner was decided in vacuum and without affording any opportunity to the appellant to be heard in person. And thus not only the principles of natural justice was blatantly violated, but rather Section 24-A of the General Clauses Act was ruthlessly chucked out too.
- J. That under the law, the disciplinary action and particularly those carrying major punishments, in consequences, must be precedent-ally followed by a fair chance of defense, but have blatantly been violated in the instant case, which is not allowed under the law.

K. That from all prospective the impugned dismissal orders are wrong, illegal, void ab-initio, unwarranted and are liable to be set aside.

L. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of the instant appeal, the impugned orders of the Respondents be set aside and the appellant be reinstated into service with all back benefits.

Any other remedy deemed proper and just in the circumstances of the case, may also be extended in favor of appellant.

[Handwritten Signature]
Appellant

Through

[Handwritten Signature]
SAWAR KHAN

(ADVOCATE HIGH COURT)

CERTIFICATE

No appeal on the subject has earlier been filed by the appellant in above noted case before this Hon'ble Tribunal.

[Handwritten Signature]
Advocate

LAW BOOKS:-

1. Constitution of Islamic Republic of Pakistan
2. Case law according to need.

[Handwritten Signature]
Advocate

(5)

**BEFORE THE HON,ABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

SHAKEEL BASHIR MASIH *VERSUS* GOVERNMENT OF KPK & OTHERS

ADDRESS OF THE PARTIES

Appellant:-

SHAKEEL BASHIR MASIH S/O BASHIR MASIH, EX-SWEEPER PRIO,
PAKHTUNKHWA HOUSE, ISLAMABAD R/O HOUSE NO.155,
QUARTER NO. 100, KACHI ABADI, STREET NO. 26, F-6/2,
ISLAMABAD.

.....

Respondents:-

1. **GOVERNMENT OF KHYBER PUKHTOONKHWA THROUGH CHIEF SECRETARY.**
2. **SECRETARY INFORMATION & PR'S DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR.**
3. **DIRECTOR INFORMATION KHYBER PAKHTUNKHWA PESHAWAR.**
4. **ASSISTANT DIRECTOR INFORMATION, PROVINCIAL REGIONAL INFORMATION OFFICE PAKHTUNKHWA HOUSE ISLAMABAD.**
5. **SECTION OFFICER (ADMN) INFORMATION AND PRS DEPARTMENT GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR.**


Appellant

Through

SAWAR KHAN 

(ADVOCATE HIGH COURT)

6

**BEFORE THE HON,RABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

SHAKEEL BASHIR MASIH *VERSUS* GOVERNMENT OF KPK & OTHERS

AFFIDAVIT.

I (Shakeel Bashir Masih S/O Bashir Masih, Ex-Sweeper Prio,
Pakhtunkhwa House, Islamabad R/O House No.155, Quarter No. 100,
Kachi Abadi, Street No. 26, F-6/2, Islamabad.), declare 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
Hon'ble Court.

Shakeel Masih
Deponent

Identified by:

SAWAR KHAN
Advocate High Court Peshawar

ATTESTED





(7) Ann A

**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No. INF/Estt:/ 14-27/ _____
Dated Peshawar the ____/____/2013

OFFICE ORDER

Consequent upon the approval/recommendation of the Departmental Selection Committee (DSC) in its meeting held on 13.05.2013, the Competent Authority is pleased to order the appointment of Mr. Shakeel Bashir Masih S/O Mr. Bashir Masih as Sweeper (BPS-1) against the existing vacancy in the Provincial Regional Information Office, Islamabad with immediate effect.

TERMS AND CONDITIONS ARE AS UNDER:

1. He will be governed by such rules and orders as may be issued from time to time by the Government of Khyber Pakhtunkhwa for the category of the Government servants which he belongs.
2. If he wishes to resign at any time, he will have to submit two months notice or two months salary in lieu thereof.
3. He may be posted at any station in Khyber Pakhtunkhwa.
4. His appointment to the service shall be subject to the production of Medical Fitness Certificate from the Standing Medical Board.
5. He will be entitled to all the benefits of civil servants according to the rules.
6. He should join his post within 30 days of the issuance of this Office Order.
7. He will be on probation for a period of one year extendable for another one year.

Sd/-
**DIRECTOR INFORMATION,
GOVT. OF KHYBER PAKHTUNKHWA,
PESHAWAR.**

Attested & true copy
25/11

Endst: No. INF/Estt:/ 14/27/ 2881-85 Dated Peshawar, the 16/5/2013

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Section Officer (INF), Information, PRs & Culture Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Regional Information Officer, Provincial Regional Information Office, Islamabad.
- ✓ 4. Mr. Shakeel Bashir Masih S/ O Mr. Bashir Masih, Residents 100 Quarters Kachi Abadi St: No.26, Sector F-6/2, Islamabad
5. Bill Clerk.
6. Personal File of the Official.
7. Office Order File.
8. File No. 14/27.

Amay
**ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR**

To

The Director Information,
Govt: of Khyber Pakhtunkhwa, Peshawar

Subject:- **ARRIVAL REPORT.**


R/Sir,

In response your good office order No.INF/Estt:/14/27/2881-85, dated 16/5/2013. I submit my arrival report for duty as Sweeper (BPS-1) in Provincial Regional Information office, Islamabad today i.e May 20, 2013 (F.N).

Thanking you,

Yours Obediently,

Dated 20/5/2013.


(SHAKEEL BASHIR MASHI)
Sweeper,
Provincial Regional Information
Office,
Islamabad

Attested to be

True copy.

25/11



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No. INF/Estt:/PF/ 4200
Dated Peshawar, the 21/08/2015

REGISTERED


To

Mr. Shakeel Bashir Masih, Sweeper,
PRIO, Pakhtunkhwa House, Islamabad
Village: 100 Qtr: Kachi Abadi,
St. No. 26, F-6/2, Islamabad

Subject:- **ENQUIRY PROCEEDING**

The undersigned has been appointed as enquiry officer vide this Directorate's Endst: No. INF/ESTT:/4152-54, dated 17-8-2015 to conduct enquiry against you as you have already been charge sheeted for willfully absenting yourself from duty.

You are, therefore, directed to attend this office on 27-8-2015 at 11:00 AM for personal hearing and written defence, if any, in this connection.


(Syed Amjad Ali Shah)
Enquiry Officer

Endst: No. INF/ESTT:/_____ dated Peshawar the ___/8/2015.

Copy forwarded to the Assistant Director (Admn), with the request to depute a well conversant official in the case with relevant record to assist the undersigned in the enquiry proceedings please.


Enquiry Officer



(10) Ann C

**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

*No. INF/Estt:/PF/ 4473
Dated Peshawar, the 17/9/2015*

SHOW CAUSE NOTICE.

REGISTERED

I, Shuaib-ud-Din, Director Information as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby inform you, Mr. Shakeel Bashir Masih, Sweeper, PRIO, Pakhtunkhwa House Islamabad as follow:

- i. *You were charge sheeted vide this office memo: No. INF/Esst:/4151, dated 17.8.2015 for your wilfull absence from duty since 17.06.2015.*
 - ii. *An inquiry officer was appointed vide this office order No. INF/Estt:/4148-50, dated 17.8.2015 to conduct inquiry into the allegations leveled against you.*
 - iii. *The Inquiry Officer submitted his report on 15.09.2015 wherein he communicated that the charges levelled against you with regard to wilfull absence from official duty and misconduct had been proved. The Inquiry Officer has recommended that "the accused official may be penalized under the Government of Khyber Pakhtunkhwa Efficiency and Discipline Rules, 2011".*
- 2.) As a result thereof, I as competent authority, have tentatively decided to impose upon you the major penalty of *Dismissal from service* under Section 4-1 (b) iv of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.
4. If no reply to this notice is received within 15 days of its receipt, it shall be presumed that you have no reply to submit and in that case the aforesaid penalty shall be imposed upon you without any further correspondence.
5. Do you wish to be heard in person or not?.


**DIRECTOR INFORMATION
KHYBER PAKHTUNKHWA**

Mr. Shakeel Bashir Masih, Sweeper,
PRIO, Pakhtunkhwa House, Islamabad
Address: Quarter No.100, Kachi Abadi, Street No.26, F-6/2, Islamabad.
Cell # 0316-8069211

PR10
2015

2015
10
2015

Handwritten notes in Urdu, possibly a list or summary of items.

Main body of handwritten Urdu text, appearing to be a detailed list or report.

Attended to
the case
25/11

INF/ESH/PR/473
Show Cause Notice
2015

2/10/15
Handwritten signature

Show Cause Notice
17-9-2015

Handwritten notes at the bottom of the page, including a circled number (11).



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

(12)

No.INF/Estt./1-28/_____
Dated Peshawar the ____/____/2015

ORDER

Consequent upon complaints with regard to willful absence from official duty and having a tainted career and involvement in undesirable activities, Mr.Shakeel Bashir Masih, Swpeer, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad was asked for explanation for the charges levelled against him, and as his account fell short of satisfaction, the undersigned being the Competent Authority thus proceeded against him under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

And whereas, a Show Cause Notice was issued to the accused official in light of the inquiry report submitted by the Inquiry officer, and as credible evidence of negligence/ misconduct was established on his part. Similarly, the findings of another enquiry report revealed his involvement in undesirable activities which could lead to irreparable damage. Hence, it was tentatively decided to impose upon him the major penalty of dismissal from service under the ibid Rules.

And whereas, the accused official could not defend his wilfull absence from duty and misconduct during the opportunity provided to him for personal hearing as well as written reply, I, therefore, as the Competent Authority believe that keeping further the accused official in government service is highly uncalled for and undesirable and thus while imposing on him the major penalty of Dismissal from Service as envisaged under Rule 4(1) (b) (iv) of the said Rules, the accused official is hereby dismissed from service with immediate effect.

(SHUAIB-UD-DIN)
DIRECTOR INFORMATION,
KHYBER PAKHTUNKHWA

Endst: No.INF/Estt./1-28/ 4741-45 Dated, Peshawar, the 13/10/2015.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. P.S to Secretary Information & PRs Department, Govt; of Khyber Pakhtunkhwa
3. Assistant Director Information, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad
- ✓ 4. Mr. Shakeel Bashir Masih S/O Bashir Masih, Ex-Sweeper R/O House No.155, Sakna -100 Quarter Kachi Abadi, Street No. 26, F-6/2, Islamabad
(Cell # 0316-8069211)
5. Office Order File.
6. Personal File of the Official.


DIRECTOR INFORMATION,
KHYBER PAKHTUNKHWA

(13)

Am :
'D'

BEFORE HON,ABLE SECRETARY INFORMATION & PR'S
DEPARTMENT, GOVT OF KHYBER PAKHTUNKHWA PESHAWAR.

REPRESENTATION OF SHAKEEL BASHIR MASIH

INDEX

NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	APPEAL/REPRESENTATION		1-3
2.	COPY OF THE APPOINTMENT ORDER		
3	COPY OF THE REPLY OF SHOW CAUSE		
4.	COPY OF THE ORDER OF DISMISSAL		

Handwritten signature
20/11

Handwritten signature
PETITIONER

SHAKEEL BASHIR MASIH S/O
BASHIR MASIH, EX-SWEEPER
PRIO, PAKHTUNKHWA HOUSE,
ISLAMABAD R/O QUARTER NO.
100, KACHI ABADI, STREET NO.
26, F-6/2, ISLAMABAD

Cell no. 0315 8069211

(14)

BEFORE HON,ABLE SECRETARY INFORMATION & PR'S
DEPARTMENT, GOVT OF KHYBER PAKHTUNKHWA PESHAWAR.

SUBJECT: APPEAL/REPRESENTATION AGAINST THE
ORDER NO. INF/ESSTT:/1-28/4741-45 DATED
13/10/2015 WHEREIN THE PETITIONER IS
DISMISSED FROM SERVICE WITH
IMMEDIATE EFFECT IN AN ILLEGAL
MANNER.

RESPECTED SIR,

Petitioner submits as under:-

1. That the petitioner belongs to Christian minority and the petitioner service was the sole source of livelihood of his poor family.
2. That the petitioner was performing his duties with full zeal and zest, the petitioner never remained absent from duty except the period for which he was dismissed from service, due to the chronic disease of petitioner father and other family disputes, the petitioner could not attend the duty but the petitioner in his reply to the show cause notice as well as before good self is praying that the disputed period may kindly be considered as leave without pay.

(Copy of the impugned order is annexed)
3. That the Director Information through impugned order No. INF/Estt:/1-28/4741-45 Dated, Peshawar, the 13/10/2015 imposed major penalty of Dismissal from service, the impugned order is harsh, illegal, arbitrary, against the law and is liable to be set-aside.

Attested &
in 20/11/11
25/11/11

(A)

4. That the allegations of misconduct etc are wrong, incorrect, without any proof, based on false allegations, moreover the main fault of the petitioner is his absence from duties from 15/07/2015 to 30/07/2015 i.e 15 days while the competent authority refused to order the said period as leave without pay, hence the impugned order is illegal and harsh.

(Copy of the petitioner application is annexed)

5. That the impugned order of Dismissal from service is against facts of the case, material available on file & law governing the subject & is therefore illegal, unwarranted & ineffective in the eyes of law.

Attended to
by 2009

MP
25/11

6. That the impugned order was passed in vacuum and without affording any opportunity to the petitioner to be heard in person. And thus not only the principles of natural justice was blatantly violated, but rather Section 24-A of the General Clauses Act was ruthlessly chucked out too.

7. That under the law, the disciplinary action and particularly those carrying major punishments, in consequences, must be precedent-ally followed by show cause notice, a proper inquiry and a fair chance of defense, but all have blatantly been violated in the instant case, which is not allowed under the law.

- 8. That from all prospective the impugned dismissal order is wrong, illegal, void ab-initio, unwarranted and is liable to be set aside.
- 9. That the petitioner is also requesting before your good self to be heard in person.

It is, therefore, respectfully prayed that on acceptance of the instant appeal/representation, the impugned order of Dismissal may kindly be set-aside and the petitioner be reinstated into service with all back benefits.

Any other remedy deemed proper and just in the circumstances of the case, may also be extended in favor of petitioner.

Shakeel Masih
PETITIONER

*Attested to be
true copy
25/11*

SHAKEEL BASHIR MASIH S/O BASHIR MASIH, EX-SWEEPER PRIO, PAKHTUNKHWA HOUSE, ISLAMABAD R/O QUARTER NO. 100, KACHI ABADI, STREET NO. 26, F-6/2, ISLAMABAD

Cell no. -----

AFFIDAVIT/VERIFICATION

I (SHAKEEL BASHIR MASIH S/O BASHIR MASIH, EX-SWEEPER PRIO, PAKHTUNKHWA HOUSE, ISLAMABAD), declare on oath that all the contents of appeal/Representation are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld.

Shakeel Masih
Deponent



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**
No.INF/Estt:/PF/ 5055
Dated Peshawar, the 06/11/2015

To

Mr. Shakeel Bashir Masih S/O Bashir Masih,
Ex-Sweeper, PRIO, Pakhtunkhwa House, Islamabad,
R/O Quarter No. 100, Kachi Abadi, Street No.26, F-6/2,
Islamabad.

Subject:- APPEAL/REPRESENTATION AGAINST THE ORDER NO.INF/ESTT:/1-28/4741-45 DATED 13-10-205 WHEREIN THE PETITIONER IS DISMISSED FROM SERVICE WITH IMMEDIATE EFFECT IN AN ILLEGAL MANNER.

I am directed to refer to the subject noted above and to enclose herewith a copy of the Section Officer (Admn), Information & Public Relations Department, Government of Khyber Pakhtunkhwa's letter No.PS/Secy/Inquiry/2015/Shakeel Masih/980-81 dated 02.11.2015 alongwith enclosure, which is self-explanatory for information, please.

Encl:- (As Above).

**ASSISTANT DIRECTOR (ADMN),
FOR DIRECTOR**

No.INF/Estt:/PF/ _____

Dated Peshawar, the ___ / ___ /2015

Copy forwarded for information to the:

1. Section Officer (Admn), Information & Public Relations Department, Govt: of Khyber Pakhtunkhwa w/r to his letter referred above.
2. Regional Information Officer, PRIO, Pakhtunkhwa House Islamabad with the request to ensure delivery of the letter to the ex-Sweeper at his residence.

**ASSISTANT DIRECTOR (ADMN),
FOR DIRECTOR**



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT CIVIL SECRETARIAT
PESHAWAR

Tel: 091-9210425 Fax: 091-9210387

No. PS/Secy/Inquiry/2015/Shakeel masih
Dated Peshawar, the 02-11-2015.

18

189

To

1. The Director Information
Khyber Pakhtunkhwa
2. The Provincial Regional Information Office, (PRIO)
Pakhtunkhwa House, F-5/2, Agha Khan Road,
Islamabad.

Subject: - APPEAL/REPRESENTATION AGAINST THE ORDER NO. INF/ESTT:/1-28/4741-45 DATED 13-10-2015 WHEREIN THE PETITIONER IS DISMISSED FROM SERVICE WITH IMMEDIATE EFFECT IN AN ILLEGAL MANNER.

I am directed to refer to the subject noted above and to state that an appeal was made by Mr. Shakeel Masih to Secretary Information being Appellant Authority which was not accepted by Secretary due to lack of fresh grounds.

The same was conveyed to him through a letter sent upon his residential address as per our record however, the copy of the same letter in enclosed herewith, with a request to kindly serve the same upon him too.

Encl: As above

JIBREEL RAZA
SECTION OFFICER (ADMN)

Diary No. 2607
Date 02-11-15
Director Information
Khyber Pakhtunkhwa Peshawar

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Registered Ann. E 1A
(19)

GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT CIVIL SECRETARIAT
PESHAWAR

Tel: 091-9210425 Fax: 091-9210387

No. PS/Secy/inquiry/2015/
Dated Peshawar, the 30-10-2015. 977

To

Mr. Shakeel Masih S/o Bashir Masih
Ex-Sweeper, PRIO, Pakhtunkhwa House, Islamabad.
R/O- Quarter No. 100, Kachi Abadi, Street No. 26, F-6/2,
Islamabad.

Subject: - APPEAL/REPRESENTATION AGAINST THE ORDER NO. INF/ESTT:/1-28/4741-45 DATED 13-10-2015 WHEREIN THE PETITIONER IS DISMISSED FROM SERVICE WITH IMMEDIATE EFFECT IN AN ILLEGAL MANNER.

Reference your petition dated 20-10-2015 make to the Secretary Information & PRs Department vide which quittance against the said impugned order was appealed.

Your appeal has carefully been examined but nothing convincing has been found. The Competent Authority has, therefore, turned down your appeal with regard to your quittance.

(JIBREEL RAZA)
SECTION OFFICER (ADMN)

10 روپے قیمت

ایڈووکیٹ / دستخط: _____

بار کونسل ابار ایسوسی ایشن خیبر پختونخواہ

راہ نمبر: 0315926929

28280

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس سٹیشنل KPK پشاور

دعویٰ:	کریمنل لا سیشنل
محل وقوع:	پشاور
موردہ:	_____
جرم:	_____
تھانہ:	_____

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام 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 تقریر جانے و فیصلہ برصفت دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق زریں ہد دستخط کرنے کا اختیار ہوگا، نیز بیسٹروٹ عدم پیروی یا تاخیر کی سزا یا جرم کی یا اہل کارنی اور منسوخی، نیز دائر کرنے اہل نگرانی و نظربانی و پیروی کرنے کا اختیار ہوگا اور بیسٹروٹ ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ماتحتہ پر ذراختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و بیسٹروٹ کے کار 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: 25-11-2015

مقام _____ کے لئے منظور ہے۔

6/11/8558528-9 Glalul Madia

نوٹ: اس کاپی کا کوئی بھی استعمال نہیں ہوگا

Attested & Accepted

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

APPEAL NO. 1324 OF 2015.

**Mr. Shakeel Bashir Masih S/O Bashir Masih Ex-sweeper PRIO,
Pakhtunkhwa House, Islamabad (Appellant)**

VERSUS.

1. Govt: of Khyber Pakhtunkhwa through Chief Secretary.
2. Secretary Information & PRs Department, Govt. of Khyber Pakhtunkhwa.
3. Director information Khyber Pakhtunkhwa, Peshawar.
4. Assistant Director Information Provincial Regional Information Office, Pakhtunkhwa house, Islamabad.
5. Section Officer (Admin) Information & PRs Department Govt. Of Khyber Pakhtunkhwa, Peshawar.

WRITTEN COMMENTS ON BEHALF OF RESPONDANT.

Preliminary Objection:

1. That the appellant has not come to this Honorable Tribunal with clean hands.
2. That the appellant has no cause of action.
3. That the appellant has concealed the material facts from this Honorable Tribunal.
4. That the Appellant has been estopped by his own conduct to file the appeal.
5. That the appeal is bad for misjoinder and non joinder of necessary parties.

Facts:

- 1). Pertains to record
- 2). Not true the Appellant was working as Sweeper in the Capital Information Office at Khyber Pakhtunkhwa House, Islamabad. It was proved in two inquiry reports that the petitioner is involved in immoral activities. Being a sensitive place he was verbally warned to refrain from such activities but of no avail. He even filed a complaint against his supervising officer. The proof of his involvement in immoral activities were proved in an enquiry conducted at the highest level by a committee comprising of the then Secretary Information & PRs, Additional Secretary Information, Director Information and Section Officer (Information) (Annexure-I) and the department thought that his presence could deteriorate the situation and lead to a bad name. The allegation of his misconducts, etc, are very much true and in the referred impugned order it is clearly mentioned that the Appellant was involved in undesirable activities and his presence at a sensitive place such as Khyber Pakhtunkhwa House Islamabad could bring a bad name to the department and even the province further the Applicant himself admitted his absence from duty.
- 3). The competent Authority imposed the major penalty after giving ample opportunities of hearing to the accused charge sheet statement of *allegation* (Annexure II), Enquiry Reports Enclosed. (Annexure-III).


Moreover, departmental appeal of the appellant was also rejected by the competent authority under the rules. Copy of the order is enclosed. . (Annexure-IV).

4). Appeal of the appellant is liable to be dismissed on the following grounds


GROUND

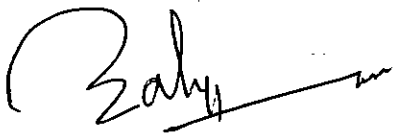
- (A): . Incorrect, the impugned orders are in accordance with laws and rules.
- (B):- Incorrect the allegation of misconduct proved against applicant.
- (c):- The impugned dismissal order is very much legal.
- (D):- incorrect, applicant himself admitted his absence and proved guilty in the enquiry.
- (E) Incorrect.
- (F):- Incorrect the impugned order is legal.
- (G):- As explained above.
- (H):- incorrect proper opportunities for defending himself was provided to the appellant.
- (I):- incorrect the Appellant was summoned to Peshawar and heard personally by the Director Information.
- (J):- Incorrect he was given every chance of defense- two enquiries are ample proof in this respect.
- (K):- All perspectives of the orders are very much legal.
- (L):- All codal formalities have been completed in the instant case. The respondent also seeks permission of this tribunal to adduce the ground during final hearing.

It is, therefore, requested that the Appeal in hand may please be dismissed with cost throughout.


ASSISTANT DIRECTOR
(Litigation)


SECTION OFFICER (ADMN)
Information Department


DIRECTOR INFORMATION
GOVT: OF KHYBER PAKHTUNKHWA


SECRETARY INFORMATION
GOVT: OF KHYBER PAKHTUNKHWA

Subject: **Inquiry against Regional Information Officer (RIO) for alleged harassment**

Consequent to submission of an application by Shakeel Bashir Maseeh, Sweeper at RIO Islamabad levelling serious charges of harassment against Mr. Liaqat Amin, Regional Information Officer (RIO), Islamabad (**PUC**), the Secretary Information constituted an Inquiry Committee comprising of himself, Additional Secretary Information, Director Information and Section Officer (Admin).

2. Following staff of the Regional Information Office, Islamabad was called for on dates noted against each for probing into the matter to establish the veracity of the allegations or otherwise:

S.No	Name and Designation	Date	Statement Flag
01.	Mr. Liaqat Amin, RIO, Islamabad	19 th August, 2015	Flag-A
02.	Mr. Shakeel Bashir Maseeh, Sweeper	Do	Flag-B
03.	Mr. Ali Akkber, Driver	20 th August, 2015	Flag-C
04.	Mr. Rashid, Chokidar	20 th August, 2015	Flag-D
05.	Mr. Maqsood, Assistant	21 st August, 2015	Flag-E

3. Following charges were levelled against Mr. Liaqat Amin, RIO, Islamabad by Mr. Shakeel Bashir Maseeh, Sweeper:

- i. That the accused has illegally stopped the pay of the complainant.
- ii. That alcohol/liquor was provided by complainant to the accused under duress.
- iii. That an Afghan namely Abdur Rehman used to stay in the office of the accused and has bad intentions for the wife of the complainant.
- iv. That the accused forcefully took the mobile of the complainant amounting to Rs. 15000/-
- v. That he used to talk to Mr. Sikander Sherpao, MPA.
- vi. That the accused has harassed the wife of the complainant.

Charge No. 1:

The complainant has himself stated in his written statement and also confessed during the inquiry proceedings that he was absent from duty without leave with effect from

15th July, 2015, therefore, accepting his absence from duty and thereby validating the initiation of disciplinary action against him and stoppage of pay.

Conclusion in respect of Charge No. 1:

On record the disciplinary action against the complainant was initiated way back on written reports of RIO, Islamabad and sustained disciplinary action has been started in July for his continued absence from duty resulting in the stoppage of his pay with effect from 1st July and charge sheet etc have been issued with an Inquiry Officer already nominated under the E&D Rules.

Moreover, as the complainant himself has confessed his absence therefore there is no need to dwell upon this charge further.

Charge No. 2:

Reply of the Accused:

The accused denied the allegation altogether. He stated that if he wanted to enjoy, he could go outside the office.

Reply of the Complainant:

The complainant stood by his accusation to the extent of provision of liquor, however, he stated that the phrase 'thrice in week' has been inscribed erroneously; it was thrice in a month. Moreover, he stated that all the other issues except the harassment issues occurred before the abolishment of Directorate that is 18 months ago. He was specifically asked why it has taken for him around 18 months to report this - to which he did not have a satisfactory answer.

Conclusion in respect of Charge No. 2:

Neither the accused nor the complainant could provide substantial proof in support of their claims due to the fact that minimum 18 months have lapsed in between and as the chowkidar had given a statement saying that no such activity occurred in the office premises (and has been noted that it is indeed highly unlikely that a public office with VIPs at a stone throw away could be used as such with guards on gates round the clock), due to its subsidiary nature the accusation cannot be proved beyond any doubt.

3

Charge No. 3:

Reply of the Accused:

The accused stated in his statement that journalists from all around the country visit him, and his office and he keeps a close liaison with them as it is a part and parcel of his duty. Moreover, he flatly rejected that accusation of any acquaintance with any Mr. Abdur Rehman. Moreover, as far as stay of the same is concerned, he testified in his statement that he sometimes used to be in the office till late night as Governor and Chief Minister's activities in Islamabad warranted release of news items to press in late hours.

Reply of the Complainant:

The Complainant has stated that this has wrongly been written. Both the statements that is of bad intentions of Mr Abdur Rehman towards his wife and stay of Mr. Abdur Rehman, are separate.

Conclusion in respect of Charge No. 3:

Collating the statements of both the complainant and accused, and the sensitivity of KP House Islamabad in eyes of all our Agencies it can be deducted that any person, especially Afghan national, cannot have stayed in office premises for any length of time.

Charge No. 4:

Reply of the Accused:

The accused stated that he had not taken any mobile from the complainant.

Reply of the Complainant:

The complainant has repeated his accusation in the questioning session as well as in the written statement about the captioned charge, howsoever, he said as the matter occurred some 18 months ago, therefore, he can neither produce the receipt nor box of the mobile phone.

Conclusion in respect of Charge No. 4:

Keeping in view the financial and social position of both the complainant and the accused, the time factor and lack of any substantial evidence, the charge cannot be proved.

4

Charge No. 5:

In reply to this charge both the accused and the complainant stated that this communication pertained to the time when Mr. Sikander Sherpao was in office as Provincial Minister in the tenure of the present government in the beginning - therefore, this charge needs no further probe or elaboration.

Charge No. 6- Harassment Issue:

The Committee has tried its best to collate the statements of both the accused and the complainant and other staff members which are duly spelled out below as one comprehensive narrative (and this is very sensitive both religiously and officially and may even endanger the life of the complainant Sweeper). The words in bold-italic are the facts as they came forth:

Background:

1. The complainant stated that he has been married for a long time and his wife has two daughters before marriage to him (***It was later proved that the lady he was calling his wife is actually not even married to him and he has two kids of his own from her***);
2. During Mid-June/End-June he eloped with one of his step daughters from home with the purpose of marrying her (***Infact his "first" wife whose daughter he had eloped with has a Christian contract of marriage with the same daughter of Dec 2014***);
3. He came to Peshawar with that step daughter and absented himself from office (the complainant himself confessed this);
4. His first wife went to KP House Islamabad with some documents early in the morning and raised hue and cry for inquiring the whereabouts of her missing husband. However, she was dealt with by the Chokidar and the Assistant and was asked to leave the premises of the KP House. Flagged statements of both the officials converge on this point;
5. As per his statement, the complainant came to Peshawar on 15th July with his step-daughter and stayed at the house of Mr. Ali Akber, Driver of RIO Office Islamabad in his



5

village at Takhtabad. The Driver has accepted this statement as true and has also submitted a written testimony inter alia to this effect also;

6. He converted to Islam on the 18th July along with the step daughter and entered into marriage with her in the Court on 22nd July. Nikahnama is placed at **Flag-F (Here he was specifically asked if his conversion was due to the fact that in Christianity one cannot marry while wife is alive he said yes);**

7. On 24th July his wife went to KP House, Islamabad looking for her husband again (both complainant and accused agree) - even on this day the complainant says no harassment had happened;

8. After getting some glimpses that her husband and her daughter have eloped to Peshawar for getting married, she came to Peshawar on the 25th July and took back her daughter to Islamabad (Home) **(Here the testimony of Mr Ali Akbar, Driver is important who stated that on Eid day he took the complainant and the girl to mosque to convert them to Islam and afterwards got a call from the "First" wife to return her daughter to her. He (Ali Akbar) panicked and told her to send the father and get the girl);**

9. The complainant says that his first wife **(even who he had actually not married)** went to RIO Office Islamabad on 26th July with an application for appointment in his stead and there she "overheard" the RIO telling the staff to sexually assault her. On hearing this she ran away and called him on telephone to narrate the episode - and so this is the exact sexual harassment complaint **(here he was specifically asked as to why, when one day earlier she had brought her daughter back would she call him, and he said she did so through intermediary);**

10. RIO on the other hand says she approached the staff (and not him) that she has been left by husband explaining the whole marriage deal and asking them to appoint her in his stead **(This statement of RIO is corroborated both by the Assistant who actually wrote the application for her and the Chowkidar in their statements before the Committee);**

11. When asked the complainant agreed that she was not his wife as per even his religion after the marriage to her daughter -and he has been told by a Bishop (the picture he produced is placed at **Flag-G**) to re-marry her as per Christian religion;

12. He also stated that for this he will reconvert to Christianity and he was strictly told not to say this ever again;

13. When we asked that when she (the original one) was no more his wife on 26th how could he say the RIO asked him to bring her (the original wife) so that pay is started - he said no actually he called the RIO on 3rd of August but the RIO did not meet him as his (RIO's) wife was in delivery in hospital;

14. The RIO has also accused Mr Behramand, former Director Information to be behind this application as in his allegation both the girls (step daughters of the complainant) work at his home and he wants to be posted as RIO Islamabad.

15. The Chowkidar has added that they have repeatedly asked the security staff not to allow the woman to enter KP House. He also corroborated the statement that he went to deliver the absence notices to the complainant's house but he refused to receive them and was now living with the "first??" wife as well as the step daughter he had eloped with.

Conclusion in respect of the Harassment Charge:

1. It seems that the complainant, due to the fact that he had eloped with "step daughter" and had taken her away from his home due to fear of his first wife ?? absented himself from duty for which disciplinary action is in hand and his pay has been stopped. This is one of the strong reasons for him to have brought about such nature charges and followed them through.

2. Moreover, with such a sordid story and the religious issues attached to the complainant who has converted to Islam (a fact known by all staff - and obviously others) and is openly airing second thoughts, not only his retention in service is NOT desirable but there can be in future genuine security concerns to his self as well.

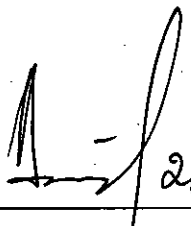
7

Similarly the attitude of the family especially the claimed (and then disclaimed) first wife in raising hue and cry in KP House etc is also quite alarming for the good name of the KP House Islamabad as well as the VIPs visiting it and may create any embarrassment at a moment's notice.

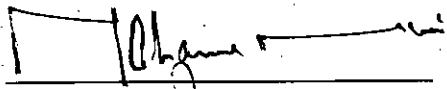
RECOMMENDATIONS:

1. Disciplinary action against the complainant may be continued and completed in minimum possible time due to his wilful absence as acknowledged by him;
2. The Complainant may be meanwhile suspended and his entry to KP House Islamabad may be banned as his presence can at any time create law & order situation with extreme outcomes (separate letter is being written to Secretary Administration KP for this); and
3. Entry of his whole family including the first wife ??, step daughter-cum-second wife may be banned in the premises of KP House Islamabad to avoid any future complications and extreme outcomes.

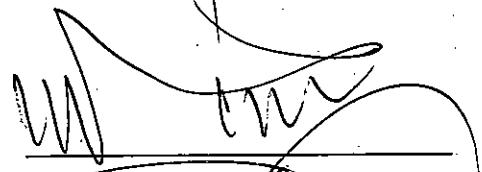
1. Muhammad Abid Majeed, Secretary Information


26 Aug 15

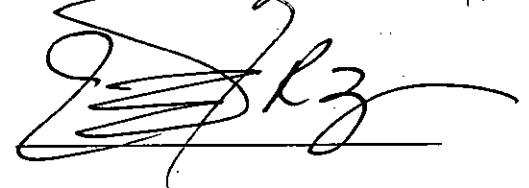
2. Nasir Khan, Additional Secretary Information



3. Shuaib ud Din, Director Information



4. Jibreel Raza, SO (Admin) Information Dept





GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT CIVIL SECRETARIAT PESHAWAR
Tel: 091-9210425 Fax: 091-9210387

No. SOG (INF)2-6/2015/
Dated Peshawar, the 26th Aug, 2015

To

The Director Information,
Khyber Pakhtunkhwa.

Subject: **INQUIRY AGAINST REGIONAL INFORMATION
OFFICER (RIO) FOR ALLEGED HARASSMENT**

I am directed to refer to the subject noted above and to state that an enquiry has been conducted in the subject matter by an inquiry committee comprising of Secretary Information, Additional Secretary, Director Information and Section Officer (Admn) (copy enclosed).

2- The recommendation of inquiry report are at page No.07 of the report.

3- I am further directed to request to implement and continue the recommendation at S.No.01 regarding the disciplinary action proceedings against the complainant already in process.

(JIBREEL RAZA)
SECTION OFFICER (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT CIVIL SECRETARIAT
PESHAWAR

Tel: 091-9210425 Fax: 091-9210387

No. SOG(INF)2-6/2015/
Dated Peshawar, the 26th Aug, 2015

To

sl
26-8-15

The Secretary
Administration Department,
Government of Khyber Pakhtunkhwa

Subject: **INQUIRY AGAINST REGIONAL INFORMATION OFFICER (RIO) FOR ALLEGED HARASSMENT**

Dear Sir,

I am directed to refer to the subject noted above and to state that an inquiry has been conducted in the subject matter by an inquiry committee comprising of Secretary Information, Additional Secretary, Director Information and Section Officer (Admn) (copy enclosed).

2- The recommendation of the inquiry committee is at page No.07 of the enclosed inquiry report.

3- The recommendation pertaining to your Department are at S.No. 02 & 03 which recommend a ban on entry of Mr. Shakeel Bashieer Maseeh, Sweeper and his family to Khyber Pakhtunkhwa House, Islamabad to avoid happening of an untoward incident.

4- I am therefore, directed to request to kindly direct the management of Khyber Pakhtunkhwa, Islamabad to implement the ban on entry of above named Sweeper and his family in the premises of the House Please.

Yours faithfully,


(JIBREEL RAZA)

SECTION OFFICER (ADMN)

9/c



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT CIVIL SECRETARIAT PESHAWAR
Tel: 091-9210425 Fax: 091-9210387

No. SOG(INF)2-6/2015/
Dated Peshawar, the Aug 31, 2015

455

To

The Principal Secretary to Chief Minister,
Khyber Pakhtunkhwa.

Subject: - **INQUIRY AGAINST REGIONAL INFORMATION OFFICER (RIO)**
FOR ALLEGED HARASSMENT

Dear Sir,

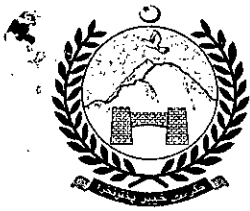
I am directed to refer to the subject noted above and to state that an inquiry has been conducted in respect of subject captioned above under the Chairmanship of Secretary Information.

2- Moreover, a copy of inquiry report comprising of seven (07) pages is enclosed herewith for your record please.

Yours faithfully,


(JIBREEL RAZA)
SECTION OFFICER (ADMN)





**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No.INF/Estt./1-28/_____
Dated Peshawar the ____/____/2015

OFFICE ORDER

Consequent upon the recommendations of the Inquiry Committee, the services of Mr. Shakeel Bashir Masih, Sweeper, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad are hereby suspended with immediate effect till the completion of ongoing inquiry.

Sd/-
**DIRECTOR INFORMATION
KHYBER PAKHTUNKHWA**

Endst:No.INF/Estt./1-28/ 4474-77 Dated Peshawar, the 17/9/2015

Copy forwarded to the

1. Section Officer (Admn), Information and PRs Department, Govt: of Khyber Pakhtunkhwa w/r to his letter No.SOG(INF)2-6/2015 dated 26.8.2015.
2. Assistant Director, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad.
3. Mr. Shakeel Bashir Masih, Sweeper, PRIO, Pakhtunkhwa House, Islamabad, Quarter No.100, Kachi Abadi, Street No.26, F-6/2, Islamabad.
4. Personal File of the official.
5. Office order File.

Keep in relevant file P1

Assst

28 Sep, 15

Shan
ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR

12



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No. INF/Estt./1-28/_____
Dated Peshawar the ____/____/2015

ORDER

Consequent upon complaints with regard to willful absence from official duty and having a tainted career and involvement in undesirable activities, Mr. Shakeel Bashir Masih, Swpeer, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad was asked for explanation for the charges levelled against him, and as his account fell short of satisfaction, the undersigned being the Competent Authority thus proceeded against him under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

And whereas, a Show Cause Notice was issued to the accused official in light of the inquiry report submitted by the Inquiry officer, and as credible evidence of negligence/ misconduct was established on his part. Similarly, the findings of another enquiry report revealed his involvement in undesirable activities which could lead to irreparable damage. Hence, it was tentatively decided to impose upon him the major penalty of dismissal from service under the ibid Rules.

And whereas, the accused official could not defend his wilfull absence from duty and misconduct during the opportunity provided to him for personal hearing as well as written reply, I, therefore, as the Competent Authority believe that keeping further the accused official in government service is highly uncalled for and undesirable and thus while imposing on him the major penalty of Dismissal from Service as envisaged under Rule 4(1) (b) (iv) of the said Rules, the accused official is hereby dismissed from service with immediate effect.

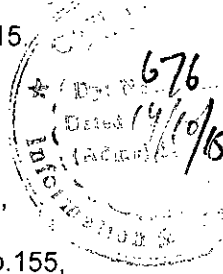
(SHUAIB-UD-DIN)
DIRECTOR INFORMATION,
KHYBER PAKHTUNKHWA

Endst: No. INF/Estt./1-28/ 4741-45 Dated, Peshawar, the 13/10/2015

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. P.S to Secretary Information & PRs Department, Govt; of Khyber Pakhtunkhwa
3. Assistant Director Information, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad
4. Mr. Shakeel Bashir Masih S/O Bashir Masih, Ex-Sweeper R/O House No.155, Sakna -100 Quarter Kachi Abadi, Street No. 26, F-6/2, Islamabad (Cell # 0316-8069211)
5. Office Order File.
6. Personal File of the Official.

Handwritten notes and signatures on the left margin.



**DIRECTOR INFORMATION
KHYBER PAKHTUNKHWA**

Handwritten signature and date: 20/08/14

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GOVERNMENT OF KHYBER PAKHTUNKHWA
Provincial Regional Information Office
Pakhtunkhwa House, F-5/2, Agha Khan Road, Islamabad.

Islamabad July 2, 2015.

Mr. Shakeel Bashir Masih
Sweeper
Provincial Regional Information Office
Pakhtunkhwa House, Islamabad

Subject: - EXPLANATION

It has been noted that you have been habitually absenting yourself from office duty and even if you come to the Office it is always a casual appearance never ever remaining for half of the day what to speak of the closing hours. Since the reopening of this Office in March this year hardly a week had passed during which you have appeared in the Office even for a short moment for half of the days.

You have been repeatedly asked verbally and in writing to behave and concentrate on your duties but in vain. It happened so, despite the fact that you are still on probation and your services, as you have been informed time and again, have so far not been confirmed.

It is therefore, you are directed to explain your position as to why disciplinary action is not taken against you. In case you are not interested in this job, as you have been tilling to your colleagues whenever you are asked and it has been heard that you have joined some private job, you should not waste public time and resources and straight away submit your resignation in writings.

Your reply should reach this Office within three days positively failing which action under E&D Rules will be taken against you.

Liaqat Amin
Assistant Director Information
Provincial Regional Information Office
Pakhtunkhwa House, Islamabad.

Copy forwarded to the Director Information, Government of Khyber Pakhtunkhwa, Peshawar with the request that the absence and appearance of the official, if any, has been fully brought on record of this Office and it seems that the Official is no more interested in his duties.

ADPI



GOVERNMENT OF KHYBER PAKHTUNKHWA
PROVINCIAL REGIONAL INFORMATION OFFICE
PAKHTUNKHWA HOUSE
ISLAMABAD

Islamabad, July 4, 2015.

Office Order

Mr. Shakeel Bashir Masiah, Sweeper who is absent from the Office without any intimation since June 17, 2015 and who as of habit and routine constantly absenting himself from duties, has not only refused to respond to any call on his cell phones but repeated visits and the messages left at his residence. Going by the hearsay he has joined some private job and thus has also refused to personally collect official correspondence despite the fact that on occasions he has been seen in the vicinity of this House. Thus, there is no option but to recommend action against him under the E&D Rules and stop his salary immediately from July 1, 2015. }

Therefore, the monthly salary of Mr. Shakeel Bashir Masiah, Sweeper of this Office stands stopped from July 4, 2015.

Liaqat Amin
Assistant Director In formation
Provincial Regional Information Office
Khyber Pakhtunkhwa (Frontier) House,
Islamabad.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa Peshawar with the request to stop payment of salary of the above official from July 1, 2015.
2. The Director Information, with the request to terminate the services of the said Official, who is on probation and has not been confirmed so far.
3. The Official, at his residence
4. Personal file .

Assistant Director In formation
Provincial Regional Information Office
Khyber Pakhtunkhwa (Frontier) House,
Islamabad.

SE

31/7/15



Through: Email

GOVERNMENT OF KHYBER PAKHTUNKHWA
Provincial Regional Information Office
Pakhtunkhwa House, F-5/2, Agha Khan Road, Islamabad.

Islamabad July 27, 2015.

The Director Information
Khyber Pakhtunkhwa
Civil Secretariat Peshawar.

Subject: - WELLFUL ABSENCE OF Mr. SHAKEEL BASHIR MASIH, SWEEPER

Sir,

I am directed to refer to the willful absence from duty of Mr. Shakeel Bashir Masih, Sweeper and his conduct below:-

1. He was appointed as Sweeper in this Office on 16.5.2013. While he was on probation when he was posted to the Office of Commissioner Peshawar in June 2014, as a result of the "restructuring of the Directorate of Information". However, he did not report for duty there but when this Office was restored he reported for duty here. Thus, that whole year he received his salary because of the court orders in different writ petitions filed by other employees of the Directorate of Information on different grounds, but he neither reported for duty to the Commissioner Peshawar nor to the Director Information.
2. Once this Office was restored in March 2015, he reported for duty here and his salary was also paid as usual. However, most of these days he never attended the Office on time nor he ever remained on duty till the closing hours besides absenting himself from duty at will.
3. In view of his conduct and behavior, maintenance of record regarding his arrival for and departure from duty was started which shows that:
 - i. He appeared for a while and left immediately on 14/3/2015 and 18/3/2015.
 - ii. He remained on casual leave for three days from 13/4 to 15/4/2015.



Through: Email

GOVERNMENT OF KHYBER PAKHTUNKHWA
Provincial Regional Information Office
Pakhtunkhwa House, F-5/2, Agha Khan Road, Islamabad.

Islamabad August 10, 2015.

The Director Information
Khyber Pakhtunkhwa
Civil Secretariat Peshawar.

Subject: **WELLFUL ABSENCE OF Mr. SHAKEEL BASHIR MASHI, SWEEPER**

Sir,

In continuation to this Office letters dated July 4, and July 27, 2015 on the subject above, and action on which is still awaited, it is informed and submitted that:

1. The wife(?) of the official has visited this office despite having been prohibited by the Chowkidar and Assistant of this Office. She had requested that she be allowed to work in this Office in place of her spouse (?), the said official. This request, she has been categorically stated cannot be entertained at this level and stage. As far as his salary, as she demanded, it also cannot be released or paid at this stage, she was explained. To avoid any further deterioration of the situation she has been strictly prohibited not to come to this office any more.
2. She has also shown some stamp papers to the Assistant of this office, of which the later has made photo copies which may not be directly related to his working and duties but speaks a lot of his (the official's) behavior and mental status. The Driver of this office, who as per chance was in Peshawar on Eid holidays had also practically come across the incident mentioned in these papers, but he seems to had just helped the official resolve his family problem under the spirit of Islam (purely in religious terms) and humanity at large. As stated, the only concern for us is that of his mental status and general behavior here. (Copies of these documents three pages are attached).

3. That on the evening of 7th and 8th, 2015, as has been telephonically informed and as his house is situated nearby there, he and his wife (?) were seen sitting with an officer and a driver of our Directorate in the Super Market (F-6 Markaz) enjoying fast food and cold drinks for long. As this Office had filed serious complaints against the said Officer and he, the said Officer has successfully maneuvered to stall any action on these complaints so far; it seems they were hatching some conspiracy while sitting in the super market on both these occasions.


For Information Please!

Your obedient servant

Liaqat Amin
Assistant Director Information

P-162

Placed below an enquiry report in light of this office order No. INF/Estt:/4146-50, dated 17-8-2015 in respect of Mr. Shakeel Bashir Masih, Sweeper, PRIO, Khyber House Islamabad for further necessary action please.


(Amjad Ali Shah)
Enquiry Officer

Assistant Director (Admn)

On file, M.

SE

JM
15/09/15

Diary No. 2088
Date 15/9/15
Directorate of Information
Khyber Pakhtunkhwa Peshawar

- iii. Appeared for a while and left immediately on 13/5/2015 and 26/5/2015. ✓
 - iv. Remained absent from 15/6/2015 to 17/6/2015 and when called for duty sent application for three days casual leave.
 - v. Remained absent from 22/6/2015 to 27/6/2015.
 - vi. Appeared in Office for a while on 30/6/2016 but left immediately without any intimation as usual.
 - vii. He is absent since 6/7/2015 without any intimation and we have heard nothing about him since then.
4. On July 2, 2015, he was asked in writing to explain his position about his casual appearance and no attention to duty in office but he refused to even receive the said explanation even when repeatedly delivered to him at his residence which is nearby at F-6/2, Islamabad.
 5. Thus, on July 4, 2015 his salary was stopped from the A.G Office and as usual he used to refuse receiving the copy of this letter also, he was sent a copy of it through registered post.
 6. On occasions he has been even seen inside the premises of the Pakhtunkhwa House, where this Office is situated but he has never come here either to receive any of the aforementioned correspondences or look after his duties and thus is keeping himself incommunicado.

In view of the above, it seems to be clear that he is not interested in his job and being on probation, it is requested that his services be terminated forthwith.

Your obedient servant

Liaqat Amin

Assistant Director Information

Copies of explanation and office order regarding stoppages of the salary of the official, though already sent but, are attached for ready reference.



GOVERNMENT OF KHYBER PAKHTUNKHWA
PROVINCIAL REGIONAL INFORMATION OFFICE
PAKHTUNKHWA HOUSE
ISLAMABAD

Islamabad, July 4, 2015.

Office Order

Mr. Shakeel Bashir Masiah, Sweeper who is absent from the Office without any intimation since June 17, 2015 and who as of habit and routine constantly absenting himself from duties, has not only refused to respond to any call on his cell phones but repeated visits and the messages left at his residence. Going by the hearsay he has joined some private job and thus has also refused to personally collect official correspondence despite the fact that on occasions he has been seen in the vicinity of this House. Thus, there is no option but to recommend action against him under the E&D Rules and stop his salary immediately from July 1, 2015.


Therefore, the monthly salary of Mr. Shakeel Bashir Masiah, Sweeper of this Office stands stopped from July 1, 2015.


Liaqat Amin

Assistant Director information
Provincial Regional Information Office
Khyber Pakhtunkhwa (Frontier) House,
Islamabad.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa Peshawar with the request to stop payment of salary of the above official from July 1, 2015.
2. The Director Information, with the request to terminate the services of the said Official, who is on probation and has not been confirmed so far.
3. The Official, at his residence
4. Personal file .


Assistant Director Information
Provincial Regional Information Office
Khyber Pakhtunkhwa (Frontier) House,
Islamabad.

A P/A

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13/7

GOVERNMENT OF KHYBER PAKHTUNKHWA
PROVINCIAL REGIONAL INFORMATION OFFICE
PAKHTUNKHWA HOUSE, F-5/2
ISLAMABAD

Islamabad, Aug: 12, 2015.

The Director Information
Government of Khyber Pakhtunkhwa
Peshawar.

Copy No. 1603
Date 12-8-15
Provincial Information Office
Government of Khyber Pakhtunkhwa

Subject: - WELLFUL ABSENCE OF Mr. SHAKEEL BASHIR MASIH, SWEEPER

In continuation to this Office letters dated July 4, July 27 and August 10, 2015 on the subject above, and action on which is still awaited, it is informed and submitted that though the official called the undersigned on cell phone stating to come to the Office on 10/8/2015 but neither he had come to the Office nor have we so far heard anything more from him.

Thus, it is informed that the Official is still absent.

Obediently Yours

Liaat Amin
Liaat Amin
Assistant Director Information

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CHARGE SHEET.

I, Shuaib-ud-Din, Director Information as Competent Authority, hereby charge you, Mr. Shakeel Bashir Masih, Sweeper, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad as follow:

That you while posted as Sweeper has made yourself guilty of misconduct:

- i. That the Assistant Director, Provincial Regional Information Office, Islamabad has called your explanation on July 2, 2015 stating that you have been habitually absenting yourself from office/ duty and even if you come to the office it is always a casual appearance neve ever remaining for half of the day what to speak of the closing hours.
- ii. That you have repeatedaly been asked verbally as well as in writing to behave yourself and concentrate on your duties but in vain.
- iii. That an Office Order was issued by the Assistant Director, PRIO Pakhtunkhwa House, Islamabad on July 4, 2015 that you remained absent from the office/duty without any intimation since June17, 2015 prompting him to stop your salary w.e.f. July 1, 2015. He further alleged that you not only refused to respond to his telephonic calls but also gave no heed to the repeated visits and messages left at your residence.
- iv. That the Assistant Director, PRIO Islamabad sent a complaint against you on July 27, 2015 regarding your willful absence from office/duty and suggested for your termination from service.

By the reasons mentioned above, you appear to be guilty of misconduct and guilty of habitually absenting yourself from duty without prior approval of leave under section-3 (b) and (d) of the Government of Khyber Pakhtunkhwa, Efficiency & Discipline Rules 2011 and have rendered yourself liable to all or any of the penalties specified in section-4 of the ordinance ibid. }

You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Enquiry Officer.

Your written defense, if any, should reach the Enquiry Officer within the specified period failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

It may be intimated as to whether you desire to be heard in person or otherwise.

11

A statement of allegations is enclosed.

of

8
**DIRECTOR INFORMATION
GOVT: OF KHYBER PAKHTUNKHWA,
PESHAWAR**



12

**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No. INF/Estt:/PF/
Dated Peshawar, the ___ / ___ /2015

DISCIPLINARY ACTION

1. I, Shuaib-ud-Din, Director Information as competent authority, am of the opinion that Mr. Shakeel Bashir Masih, Sweeper, Provincial Regional Information Office, Islamabad has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section-3(b) and (d) of the Government of Khyber Pakhtunkhwa, Efficiency & Discipline Rules 2011.

STATEMENT OF ALLEGATIONS.

That the Assistant Director, Provincial Regional Information Office, Islamabad has called your explanation on July 2, 2015 stating that you have been habitually absenting yourself from office/ duty and even if you come to the office it is always a casual appearance never ever remaining for half of the day what to speak of the closing hours.

That you have repeatedly been asked verbally as well as in writing to behave yourself and concentrate on your duties but in vain.

That an Office Order was issued by the Assistant Director, PRIO Pakhtunkhwa House, Islamabad on July 4, 2015 that you remained absent from the office/duty without any intimation since June 17, 2015 prompting him to stop your salary w.e.f. July 1, 2015. He further alleged that you not only refused to respond to his telephonic calls but also gave no heed to the repeated visits and messages left at your residence.

That the Assistant Director, PRIO Islamabad sent a complaint against you on July 27, 2015 regarding your willful absence from office/duty and suggested for your termination from service.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Syed Amjad Ali Shah, Information Officer is appointed as Enquiry Officer under section-10 of the E&D Rules.

3. The Enquiry Officer shall, in accordance with the provisions of the 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.

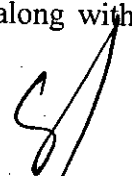
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

**DIRECTOR INFORMATION
GOVT: OF KHYBER PAKHTUNKHWA,
PESHAWAR**

Endst: No.INF/Estt:/ 4152-54 Dated Peshawar, the 17/8/2015

A copy on the above is forwarded to:-

1. Syed Amjad Ali Shah, Information Officer for initiating proceedings against the accused under the provision of the Section 3(b) and (d) of the Government of Khyber Pakhtunkhwa, Efficiency & Discipline Rules 2011.
2. Mr. Shakeel Bashir Masih, Sweeper, PRIO, Pakhtunkhwa House, Islamabad, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of the enquiry proceedings.
3. Mr. Salim Khan, Assistant Director (Admn) with the request to detail a departmental representative well conversant with the facts of the case along with relevant record to assist the Enquiry Officer during the enquiry proceedings.


DIRECTOR INFORMATION
GOVT: OF KHYBER PAKHTUNKHWA,
PESHAWAR.



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

INF/Estt./1-28/_____
Dated Peshawar the ____/____/2015

OFFICE ORDER

As directed by the competent authority, Syed Amjad Ali Shah, Information Officer is hereby appointed as Enquiry Officer to conduct probe regarding the misconduct of Mr. Shakeel Bashir Masih, Sweeper, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad for his willful absence from official duty since June 17, 2015.

The report should be submitted within thirty days period after the receipt of this letter.

**ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR**

Dated, Peshawar, the 17/8/2015.

Endst: No. INF/Estt./ 4/46-50

Copy forwarded to:-

1. P.A to Director Information, Khyber Pakhtunkhwa.
2. Syed Amjad Ali Shah, Enquiry Officer.
3. The Assistant Director, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad.
4. Mr. Shakeel Bashir Masih, Sweeper, PRIO, Pakhtunkhwa House, Islamabad.
5. Office Order File.

**ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR**

0316-8069211: برائے نمبر

61101-8558528-9: برائے نمبر

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Main body of handwritten text, likely a report or letter, discussing various administrative or political matters.

Diary No: 1640
Date: 17-8-17

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**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No. INF/Estt:/PF/_____
Dated Peshawar, the ____/____/2015

REGISTERED

To

Mr. Shakeel Bashir Masih, Sweeper,
PRIO, Pakhtunkhwa House, Islamabad
Village: 100 Qtr: Kachi Abadi,
St. No. 26, F-6/2, Islamabad

Subject:- **ENQUIRY PROCEEDING**

The undersigned has been appointed as enquiry officer vide this Directorate's Endst: No. INF/ESTT: ⁴¹⁴⁶⁻⁵⁰ ~~4146-50~~, dated 17-8-2015 to conduct enquiry against you as you have already been charge sheeted for willfully absenting yourself from duty.

You are, therefore, directed to attend this office on 27-8-2015 at 11:00 AM for personal hearing and written defence, if any, in this connection.

(Syed Amjad Ali Shah)
Enquiry Officer

Endst: No. INF/ESTT: / 4201 dated Peshawar the 21 /8/2015.

✓ Copy forwarded to the Assistant Director (Admn), with the request to depute a well conversant official in the case with relevant record to assist the undersigned in the enquiry proceedings please.

[Signature]
Enquiry Officer

SE
AE

[Signature]
21/8

[Signature]
21/8



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

INF/Estt./1-28/_____
Dated Peshawar the ____/____/2015

OFFICE ORDER

Mr. Ali Akbar, Driver is hereby transferred from Provincial Regional Information Office, Pakhtunkhwa House, Islamabad and posted in the Directorate of Information, Peshawar against the vacant post with immediate effect for being under report.

**Sd/-
DIRECTOR INFORMATION
GOVT: OF KHYBER PAKHTUNKHWA
Dated Peshawar, the 25/8 /2015**

Endst: No. INF/Estt./1-28/ 4237-42

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Information & PRs Department, Peshawar
3. Assistant Director, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad.
4. Assistant Director (Transport).
5. Mr. Ali Akbar, Driver.
6. P/File of the Official.
7. Bill Clerk.
8. Office order file.

ole 
**ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR**



Through: Email

GOVERNMENT OF KHYBER PAKHTUNKHWA
Provincial Regional Information Office
Pakhtunkhwa House, F-5/2, Agha Khan Road, Islamabad.

Islamabad Sept.1, 2015.

The Director Information
Khyber Pakhtunkhwa
Civil Secretariat Peshawar.

Diary No. 1980
Date 3/9/15
L. Information
Khyber Pakhtunkhwa Peshawar

Subject: - WELLFUL ABSENCE OF Mr.SHAKEEL BASHIR MASIH, SWEEPER

Sir,

I am directed to refer to this Office various correspondence on the subject above and to inform that the Official, Mr.Shakeel Bashir Masih, Sweeper is still absent without any intimation.

Your obedient servant

Liaqat Amin
Assistant Director Information

APN / Enquiry Officer

*Crime copy to
Enquiry officer, N*

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*Darinda
[Signature]*

*AM
3/9*


SE

INQUIRY REPORT

Reference this Directorate's Office Order No. INF/Estt:/4146-50 dated 17-08-2015 regarding inquiry against Mr. Shakeel Bashir Masih, Sweeper, Provincial Regional Information Office, Pakhtunkhwa House Islamabad for his willful absence from duty since June 17, 2015.

The undersigned in the capacity as Inquiry Officer submit the following after hearing the accused in person on 27-08-2015 as well as going through his written reply and the charge sheet served on him.

- a) That the accused had admitted both verbally and in writing that he remained absent from duty without submitting proper application due to some domestic problem. He also tendered written apology for that and sought forgiveness from the competent authority (written statement enclosed).
- b) That the accused failed to produce any concrete evidence/proof in his defense for the allegations leveled against him except an unsigned leave application.
- c) That the body language of the accused official was dubious during the course of hearing which indicated that he was concealing some facts from the undersigned.
- d) That the accused official had proven to be used to availing French leave and takes no interest in his official obligations.
- e) That the Assistant Director information, PRIO Pakhtunkhwa House Islamabad was very much right in recommending his termination from service as well as stopping his monthly salary for he had proved himself guilty of misconduct as well as willful absence from official duty.
- f) Keeping the position on ground in view, the undersigned recommends that the accused official may be penalized under the Government of Khyber Pakhtunkhwa Efficiency and Discipline Rules, 2011, please.


AMJAD ALI SHAH
 (Inquiry Officer) 15/9/2015

DIRECTOR INFORMATION, KP

خدمت صاحب اسٹٹ ڈائریکٹر القاضی صاحبہ

ن اسلام آباد

صاحب عالی

موربانہ گذارش ہے کہ فردی کارڈ پوسٹ ہو جائے

اور جسے فردی کارڈوں زخمی ہے لہذا فردی ڈیوٹی پر حاضر ہوتے

تہ قاصر ہے لہذا آپ صاحبان مہربانی کر کے فردی کو دس دن

چھٹی دیگر شکر فرمائیں

عین نواز شاہ پوٹی

القاضی

آپنا تالبدار بندہ شکیل مسیح خانہ ب

Shakil Masih

مورفہ ۱۵-۷-۷

1. The following submission of Annual Confidential Report of performance evaluation Report by above as per instructions issued with help of Mr. P. K. Singh, Officer of the Commission, within the specified period as provided in the instructions issued by the Govt under the Khyber Pakht. Province Civil Servants Act, 1973. It is done in time.

(Approved with B.S.D. copy) (vi)
(Registration with notification dated 26-5-2014)

indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or

any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or

making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or

conviction for a moral offence by a court of law.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Province Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. Grounds for proceedings.---A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- ✓(d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

4. Penalties.---(1) The following are the minor and the major penalties, namely:

- (a) Minor penalties:
 - (i) Censure;
 - (ii) Withholding, for a specific period, promotion or increment

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subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- (iii) Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;
- (b) Major penalties:
 - (i) Reduction to a lower post or pay scale or to a lower stage in a time scale.
 - (ii) Compulsory retirement;
 - (iii) Removal from service; and
 - (iv) Dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

5. Initiation of proceedings---(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

- (a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry;

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) a Government servant is involved in subversive activities; or
- (iv) it is not reasonably practicable to give such an opportunity to the accused; or



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT CIVIL SECRETARIAT PESHAWAR
Tel: 091-9210425 Fax: 091-9210387

No. SOG (INF)2-6/2015/
Dated Peshawar, the 26th Aug, 2015

2100

To

The Director Information,
Khyber Pakhtunkhwa.

Diary No.
Date: 16/9/15
Department of Information
Khyber Pakhtunkhwa Peshawar

Subject: **INQUIRY AGAINST REGIONAL INFORMATION OFFICER (RIO) FOR ALLEGED HARASSMENT**

I am directed to refer to the subject noted above and to state that an enquiry has been conducted in the subject matter by an inquiry committee comprising of Secretary Information, Additional Secretary, Director Information and Section Officer (Admn) (copy enclosed).

2- The recommendation of inquiry report are at page No.07 of the report.

3- I am further directed to request to implement and continue the recommendation at S.No.01 regarding the disciplinary action proceedings against the complainant already in process.

(JIBREEL RAZA)
SECTION OFFICER (ADMN)

Subject: **Inquiry against Regional Information Officer (RIO) for alleged harassment**

Consequent to submission of an application by Shakeel Bashir Maseeh, Sweeper at RIO Islamabad levelling serious charges of harassment against Mr. Liaqat Amin, Regional Information Officer (RIO), Islamabad (*PUC*), the Secretary Information constituted an Inquiry Committee comprising of himself, Additional Secretary Information, Director Information and Section Officer (Admin).

2. Following staff of the Regional Information Office, Islamabad was called for on dates noted against each for probing into the matter to establish the veracity of the allegations or otherwise:

<i>S.No</i>	<i>Name and Designation</i>	<i>Date</i>	<i>Statement Flag</i>
01.	Mr. Liaqat Amin, RIO, Islamabad	19 th August, 2015	<i>Flag-A</i>
02.	Mr. Shakeel Bashir Maseeh, Sweeper	Do	<i>Flag-B</i>
03.	Mr. Ali Akkber, Driver	20 th August, 2015	<i>Flag-C</i>
04.	Mr. Rashid, Chokidar	20 th August, 2015	<i>Flag-D</i>
05.	Mr. Maqsood, Assistant	21 st August, 2015	<i>Flag-E</i>

3. Following charges were levelled against Mr. Liaqat Amin, RIO, Islamabad by Mr. Shakeel Bashir Maseeh, Sweeper:

- i. That the accused has illegally stopped the pay of the complainant.
- ii. That alcohol/liquor was provided by complainant to the accused under duress.
- iii. That an Afghan namely Abdur Rehman used to stay in the office of the accused and has bad intentions for the wife of the complainant.
- iv. That the accused forcefully took the mobile of the complainant amounting to Rs. 15000/-
- v. That he used to talk to Mr. Sikander Sherpao, MPA.
- vi. That the accused has harassed the wife of the complainant.

Charge No. 1:

The complainant has himself stated in his written statement and also confessed during the inquiry proceedings that he was absent from duty without leave with effect from

15th July, 2015, therefore, accepting his absence from duty and thereby validating the initiation of disciplinary action against him and stoppage of pay.

Conclusion in respect of Charge No. 1:

On record the disciplinary action against the complainant was initiated way back on written reports of RIO, Islamabad and sustained disciplinary action has been started in July for his continued absence from duty resulting in the stoppage of his pay with effect from 1st July and charge sheet etc have been issued with an Inquiry Officer already nominated under the E&D Rules.

Moreover, as the complainant himself has confessed his absence therefore there is no need to dwell upon this charge further.

Charge No. 2:

Reply of the Accused:

The accused denied the allegation altogether. He stated that if he wanted to enjoy, he could go outside the office.

Reply of the Complainant:

The complainant stood by his accusation to the extent of provision of liquor, however, he stated that the phrase 'thrice in week' has been inscribed erroneously; it was thrice in a month. Moreover, he stated that all the other issues except the harassment issues occurred before the abolishment of Directorate that is 18 months ago. He was specifically asked why it has taken for him around 18 months to report this - to which he did not have a satisfactory answer.

Conclusion in respect of Charge No. 2:

Neither the accused nor the complainant could provide substantial proof in support of their claims due to the fact that minimum 18 months have lapsed in between and as the chowkidar had given a statement saying that no such activity occurred in the office premises (and has been noted that it is indeed highly unlikely that a public office with VIPs at a stone throw away could be used as such with guards on gates round the clock), due to its subsidiary nature the accusation cannot be proved beyond any doubt.

Charge No. 3:

Reply of the Accused:

The accused stated in his statement that journalists from all around the country visit him, and his office and he keeps a close liaison with them as it is a part and parcel of his duty. Moreover, he flatly rejected that accusation of any acquaintance with any Mr. Abdur Rehman. Moreover, as far as stay of the same is concerned, he testified in his statement that he sometimes used to be in the office till late night as Governor and Chief Minister's activities in Islamabad warranted release of news items to press in late hours.

Reply of the Complainant:

The Complainant has stated that this has wrongly been written. Both the statements that is of bad intentions of Mr Abdur Rehman towards his wife and stay of Mr. Abdur Rehman, are separate.

Conclusion in respect of Charge No. 3:

Collating the statements of both the complainant and accused, and the sensitivity of KP House Islamabad in eyes of all our Agencies it can be deducted that any person, especially Afghan national, cannot have stayed in office premises for any length of time.

Charge No. 4:

Reply of the Accused:

The accused stated that he had not taken any mobile from the complainant.

Reply of the Complainant:

The complainant has repeated his accusation in the questioning session as well as in the written statement about the captioned charge, howsoever, he said as the matter occurred some 18 months ago, therefore, he can neither produce the receipt nor box of the mobile phone.

Conclusion in respect of Charge No. 4:

Keeping in view the financial and social position of both the complainant and the accused, the time factor and lack of any substantial evidence, the charge cannot be proved.

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Charge No. 5:

In reply to this charge both the accused and the complainant stated that this communication pertained to the time when Mr. Sikander Sherpao was in office as Provincial Minister in the tenure of the present government in the beginning - therefore, this charge needs no further probe or elaboration.

Charge No. 6- Harassment Issue:

The Committee has tried its best to collate the statements of both the accused and the complainant and other staff members which are duly spelled out below as one comprehensive narrative (and this is very sensitive both religiously and officially and may even endanger the life of the complainant Sweeper). The words in bold-italic are the facts as they came forth:

Background:

1. The complainant stated that he has been married for a long time and his wife has two daughters before marriage to him (***It was later proved that the lady he was calling his wife is actually not even married to him and he has two kids of his own from her***);
2. During Mid-June/End-June he eloped with one of his step daughters from home with the purpose of marrying her (***In fact his "first" wife whose daughter he had eloped with has a Christian contract of marriage with the same daughter of Dec 2014***);
3. He came to Peshawar with that step daughter and absented himself from office (the complainant himself confessed this);
4. His first wife went to KP House Islamabad with some documents early in the morning and raised hue and cry for inquiring the whereabouts of her missing husband. However, she was dealt with by the Chokidar and the Assistant and was asked to leave the premises of the KP House. Flagged statements of both the officials converge on this point;
5. As per his statement, the complainant came to Peshawar on 15th July with his step-daughter and stayed at the house of Mr. Ali Akber, Driver of RIO Office Islamabad in his

village at Takhtabad. The Driver has accepted this statement as true and has also submitted a written testimony inter alia to this effect also;

6. He converted to Islam on the 18th July along with the step daughter and entered into marriage with her in the Court on 22nd July. Nikahnama is placed at *Flag-F (Here he was specifically asked if his conversion was due to the fact that in Christianity one cannot marry while wife is alive he said yes)*;

7. On 24th July his wife went to KP House, Islamabad looking for her husband again (both complainant and accused agree) - even on this day the complainant says no harassment had happened;

8. After getting some glimpses that her husband and her daughter have eloped to Peshawar for getting married, she came to Peshawar on the 25th July and took back her daughter to Islamabad (Home) *(Here the testimony of Mr Ali Akbar, Driver is important who stated that on Eid day he took the complainant and the girl to mosque to convert them to Islam and afterwards got a call from the "First" wife to return her daughter to her. He (Ali Akbar) panicked and told her to send the father and get the girl)*;

9. The complainant says that his first wife *(even who he had actually not married)* went to RIO Office Islamabad on 26th July with an application for appointment in his stead and there she "overheard" the RIO telling the staff to sexually assault her. On hearing this she ran away and called him on telephone to narrate the episode - and so this is the exact sexual harassment complaint *(here he was specifically asked as to why, when one day earlier she had brought her daughter back would she call him, and he said she did so through intermediary)*;

10. RIO on the other hand says she approached the staff (and not him) that she has been left by husband explaining the whole marriage deal and asking them to appoint her in his stead *(This statement of RIO is corroborated both by the Assistant who actually wrote the application for her and the Chowkidar in their statements before the Committee)*;

11. When asked the complainant agreed that she was not his wife as per even his religion after the marriage to her daughter -and he has been told by a Bishop (the picture he produced is placed at **Flag-G**) to re-marry her as per Christian religion;
12. He also stated that for this he will reconvert to Christianity and he was strictly told not to say this ever again;
13. When we asked that when she (the original one) was no more his wife on 26th how could he say the RIO asked him to bring her (the original wife) so that pay is started - he said no actually he called the RIO on 3rd of August but the RIO did not meet him as his (RIO's) wife was in delivery in hospital;
14. The RIO has also accused Mr Behramand, former Director Information to be behind this application as in his allegation both the girls (step daughters of the complainant) work at his home and he wants to be posted as RIO Islamabad.
15. The Chowkidar has added that they have repeatedly asked the security staff not to allow the woman to enter KP House. He also corroborated the statement that he went to deliver the absence notices to the complainant's house but he refused to receive them and was now living with the "first??" wife as well as the step daughter he had eloped with.

Conclusion in respect of the Harassment Charge:

1. It seems that the complainant, due to the fact that he had eloped with "step daughter" and had taken her away from his home due to fear of his first wife ?? absented himself from duty for which disciplinary action is in hand and his pay has been stopped. This is one of the strong reasons for him to have brought about such nature charges and followed them through.
2. Moreover, with such a sordid story and the religious issues attached to the complainant who has converted to Islam (a fact known by all staff - and obviously others) and is openly airing second thoughts, not only his retention in service is NOT desirable but there can be in future genuine security concerns to his self as well.



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No.INF/Estt:/PF/ 4473
Dated Peshawar, the 17/9/2015

SHOW CAUSE NOTICE.

I, Shuaib-ud-Din, Director Information as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby inform you, Mr. Shakeel Bashir Masih, Sweeper, PRIO, Pakhtunkhwa House Islamabad as follow:

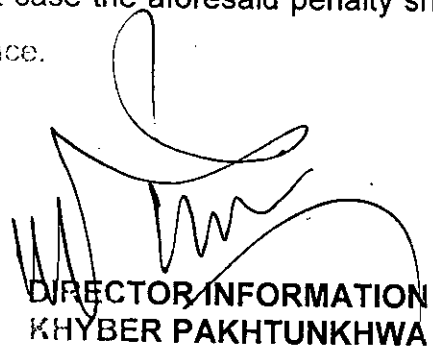
- i. You were charge sheeted vide this office memo: No.INF/Esst:/4151, dated 17.8.2015 for your wilfull absence from duty since 17.06.2015.
- ii. An inquiry officer was appointed vide this office order No.INF/Estt:/4148-50, dated 17.8.2015 to conduct inquiry into the allegations leveled against you.
- iii. The Inquiry Officer submitted his report on 15.09.2015 wherein he communicated that the charges levelled against you with regard to wilfull absence from official duty and misconduct had been proved. The Inquiry Officer has recommended that "the accused official may be penalized under the Government of Khyber Pakhtunkhwa Efficiency and Discipline Rules, 2011".

2.) As a result thereof, I as competent authority, have tentatively decided to impose upon you the major penalty of *Dismissal from service* under Section 4-1 (b) iv of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

4. If no reply to this notice is received within 15 days of its receipt, it shall be presumed that you have no reply to submit and in that case the aforesaid penalty shall be imposed upon you without any further correspondence.

5. Do you wish to be heard in person or not?.


DIRECTOR INFORMATION
KHYBER PAKHTUNKHWA

Mr. Shakeel Bashir Masih, Sweeper,
PRIO, Pakhtunkhwa House, Islamabad
Address: Quarter No.100, Kachi Abadi, Street No.26, F-6/2, Islamabad.
Cell # 0316-8069211



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No.INF/Estt:/PF/ 4473
Dated Peshawar, the 17/9 /2015

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5. Do you wish to be heard in person or not?


DIRECTOR INFORMATION
KHYBER PAKHTUNKHWA

Mr. Shakeel Bashir Masih, Sweeper,
PRIO, Pakhtunkhwa House, Islamabad
Address: Quarter No.100, Kachi Abadi, Street No.26, F-6/2, Islamabad.
Cell # 0316-8069211



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

33

No. INF/Estt./1-28/ 4740
Dated Peshawar the 13/10/2015

ORDER

Consequent upon complaints with regard to willful absence from official duty and having a tainted career and involvement in undesirable activities, Mr. Shakeel Bashir Masih, Swpeer, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad was asked for explanation for the charges levelled against him, and as his account fell short of satisfaction, the undersigned being the Competent Authority thus proceeded against him under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

And whereas, a Show Cause Notice was issued to the accused official in light of the inquiry report submitted by the Inquiry officer, and as credible evidence of negligence/ misconduct was established on his part. Similarly, the findings of another enquiry report revealed his involvement in undesirable activities which could lead to irreparable damage. Hence, it was tentatively decided to impose upon him the major penalty of dismissal from service under the ibid Rules.

And whereas, the accused official could not defend his wilfull absence from duty and misconduct during the opportunity provided to him for personal hearing as well as written reply, I, therefore, as the Competent Authority believe that keeping further the accused official in government service is highly uncalled for and undesirable and thus while imposing on him the major penalty of Dismissal from Service as envisaged under Rule 4(1) (b) (iv) of the said Rules, the accused official is hereby dismissed from service with immediate effect.


(SHUAIB-UD-DIN)
DIRECTOR INFORMATION,
KHYBER PAKHTUNKHWA

Endst: No. INF/Estt./1-28/ 4741-45 Dated, Peshawar, the 13/10/2015.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. P.S to Secretary Information & PRs Department, Govt; of Khyber Pakhtunkhwa
3. Assistant Director Information, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad
4. Mr. Shakeel Bashir Masih S/O Bashir Masih, Ex-Sweeper R/O House No.155, Sakna -100 Quarter Kachi Abadi, Street No. 26, F-6/2, Islamabad
(Cell # 0316-8069211)
5. Office Order File.
6. Personal File of the Official.

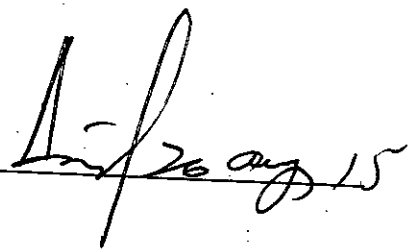

DIRECTOR INFORMATION,
KHYBER PAKHTUNKHWA

Similarly the attitude of the family especially the claimed (and then disclaimed) first wife in raising hue and cry in KP House etc is also quite alarming for the good name of the KP House Islamabad as well as the VIPs visiting it and may create any embarrassment at a moment's notice.

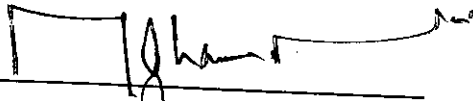
RECOMMENDATIONS:

1. Disciplinary action against the complainant may be continued and completed in minimum possible time due to his wilful absence as acknowledged by him;
2. The Complainant may be meanwhile suspended and his entry to KP House Islamabad may be banned as his presence can at any time create law & order situation with extreme outcomes (separate letter is being written to Secretary Administration KP for this); and
3. Entry of his whole family including the first wife ??, step daughter-cum-second wife may be banned in the premises of KP House Islamabad to avoid any future complications and extreme outcomes.

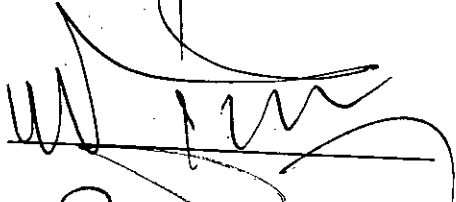
1. Muhammad Abid Majeed, Secretary Information



2. Nasir Khan, Additional Secretary Information



3. Shuaib ud Din, Director Information



4. Jibreel Raza, SO (Admin) Information Dept





**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No.INF/Estt./1-28/_____
Dated Peshawar the ____/____/2015

OFFICE ORDER

Consequent upon the recommendations of the Inquiry Committee, the services of Mr. Shakeel Bashir Masih, Sweeper, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad are hereby suspended with immediate effect till the completion of ongoing inquiry.

Sd/-
**DIRECTOR INFORMATION
KHYBER PAKHTUNKHWA**

Endst.No.INF/Estt./1-28/ 4474-77 Dated Peshawar, the 17 19 /2015

- Copy forwarded to the
1. Section Officer (Admn), Information and PRs Department, Govt: of Khyber Pakhtunkhwa w/r to his letter No.SOG(INF)2-6/2015 dated 26.8.2015.
 2. Assistant Director, Provincial Regional Information Office, Pakhtunkhwa House, Islamabad.
 3. Mr. Shakeel Bashir Masih, Sweeper, PRIO, Pakhtunkhwa House, Islamabad, Quarter No.100, Kachi Abadi, Street No.26, F-6/2, Islamabad.
 4. Personal File of the official.
 5. Office order File.


**ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR**

بخوالہ آئیے لیٹر نمبر INF/EOH/PP/4200 مورخہ 21/8/15 کے اور آئیے
 سامنے پیش ہونے کے ضمن میں درج ذیل گزارشات پیش خدمت ہے
 یہ کہ فدوع نے مورخہ 14/7/15 کو ڈپوٹ کر کے لپی گھر پلو مسائل کے
 وجہ سے 15/7/15 سے 30/7/15 تک بصیر کسی اطلاع کے بغیر حاضر رہے
 جبکہ لپے فدوع معافی چاہتا ہے۔ اور آئندہ اس قسم کی کوتاہی نہیں
 کریں گے، اسکے علاوہ فدوع کو نہ کوئی دفتر سے خط ملا ہے اور نہ
 آفسر کے ٹیلیفون معقول ہوئے ہیں۔ اسکے علاوہ آفسر نے جو الزامات
 پر لگائے ہیں وہ حقیقت پر مبنی نہیں ہیں۔ اور میرے اس دور ان سبھی
 طریقے سے لپے ڈپوٹ پر آنا چاہتا رہا۔ لیکن کبھی آفسر کے ساتھ ملاقات ہو
 سکا اور کبھی نہیں۔

بندہ اتنی حالت عاجزی سے گزارش کرتی ہے کہ اس دوران جو بھی غلطی ہوئی ہے
 اسے درگزر کریں چارٹ شیٹ معاف کر کے تنخواہ بحال کیا جائے۔
 فدوع یقین دلاتا ہے کہ بندہ آئندہ کسی قسم کی غلطی نہیں کریگا
 فدوع آئیے بچوں کو عمر بھر دعا کروں گی

Diary No. 1950
 Date 27/8/15
 Directorate of Information
 Muzibi, Khatkhwa Peshawar

العالمی
 امجد علی شاہ
 27/8/2015
 27-8-2015

آئیے انعام بخیل بشیر مسیح پراونشل انفارمیشن آفس بخٹو خروہ باؤس
 Anjum Ali Shah
 اسلام آباد
 27/8

Handwritten Urdu text, likely a letter or a page from a manuscript. The text is written in a cursive style and is mostly illegible due to blurring and fading. It appears to be a personal communication or a formal document. The text is written in Urdu script and is arranged in horizontal lines across the page. There are some markings and symbols interspersed within the text, possibly indicating specific points or corrections. The overall appearance is that of an old, handwritten document.

QalabulMashai

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محفوظ رہا۔ ڈاکٹر شری صاحب صاحب انعام شری، ڈاکٹر شری صاحب صاحب انعام شری، ڈاکٹر شری صاحب صاحب انعام شری

سوال :- جواب درخواست بابت Show Cause

Diary No. 2216 Notice No. 17-9-2015 P-184
Date: 2-10-2015
Director of Registration
Hyderabad

جناب عالی

جناب عالی سائل نیابت غریب اندر اپنے خاندان والوں کا واحد کفیل اندر لکھ
عاشی محل آ رہا ہے۔ اس کا Show Cause Notice INF/ESH/PP/4473

تاریخ 2/10/2015 کو وصول ہوا ہے۔ جناب سائل کی پوری فقیر اندر
اپنی تکی اندر سائل کو بلو تنازعات اندر جھڑپوں میں آجاتا جس سے سائل
شدید زخمی ہوئے ہیں۔ سائل وقت پر دفعتاً کو اطلاع
میں اس کا ایک روپیہ سے سائل آ رہا ہے۔ جناب سے حضرت خواجہ
جناب سائل نے دوران سزا میں بھی لکھنے اطلاع کو بھی لکھا ہے
من سائل نیابت غریب انسان ہے اندر آ رہا ہے۔
اس کی استدعا کرتا ہے کہ سائل سے سائل کی
اس کا تجربہ کار نے غلطی سے تنخواہ میں کٹوتی کر لی لیکن من سائل کو
توری سے نہ نکالیں۔ من سائل کی ایک غلطی کا اتنی بڑی سزا
دینے کی فکر سائل کو کرنا چاہی ہے اندر اپنے خاندان کا واحد
کفیل ہے۔

Handwritten signature and date 2/10

Handwritten initials and date 2/10

لکھنا استدعا ہے کہ من سائل کو ڈگری پر بحال لکھ
کر خدمت کا موقع ملے۔ زمانہ میں من سائل ہمیشہ آ رہا ہے
کا اعتبار ہے۔

من سائل
شکیل لکھنوی
PR10
امداد آباد

تاریخ 2/10/2015



Registered

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT CIVIL SECRETARIAT
PESHAWAR**

Tel: 091-9210425 Fax: 091-9210387

No. PS/Secy/inquiry/2015/
Dated Peshawar, the 30-10-2015. 971

To

Mr. Shakeel Masih S/o Bashir Masih
Ex-Sweeper, PRIO, Pakhtunkhwa House, Islamabad.
R/O- Quarter No. 100, Kachi Abadi, Street No. 26, F-6/2,
Islamabad.

Subject: - **APPEAL/REPRESENTATION AGAINST THE ORDER NO.
INF/ESTT:/1-28/4741-45 DATED 13-10-2015 WHEREIN THE
PETITIONER IS DISMISSED FROM SERVICE WITH IMMEDIATE
EFFECT IN AN ILLEGAL MANNER.**

Reference your petition dated 20-10-2015 make to the Secretary
Information & PRs Department vide which quittance against the said impugned
order was appealed.

Your appeal has carefully been examined but nothing convincing
has been found. The Competent Authority has, therefore, turned down your
appeal with regard to your quittance.

(JIBREEL RAZA)
SECTION OFFICER (ADMN)

971



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT CIVIL SECRETARIAT
PESHAWAR

Tel: 091-9210425 Fax: 091-9210387

No. PS/Secy/Inquiry/2015/Shakeel masih
Dated Peshawar, the 02-11-2015.

46
/980-81

To


1. The Director Information
Khyber Pakhtunkhwa
2. The Provincial Regional Information Office, (PRIO)
Pakhtunkhwa House, F-5/2, Agha Khan Road,
Islamabad.

Subject: - **APPEAL/REPRESENTATION AGAINST THE ORDER NO. INF/ESTT:/1-28/4741-45 DATED 13-10-2015 WHEREIN THE PETITIONER IS DISMISSED FROM SERVICE WITH IMMEDIATE EFFECT IN AN ILLEGAL MANNER.**

I am directed to refer to the subject noted above and to state that an appeal was made by Mr. Shakeel Masih to Secretary Information being Appellant Authority which was not accepted by Secretary due to lack of fresh grounds.

The same was conveyed to him through a letter sent upon his residential address as per our record however, the copy of the same letter in enclosed herewith, with a request to kindly serve the same upon him too.

Encl: As above


JIBREEL RAZA
SECTION OFFICER (ADMN)

o/c.



**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No. INF/Estt:/PF/_____
Dated Peshawar, the ____ / ____ / 2015

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To

Mr. Shakeel Bashir Masih S/O Bashir Masih,
Ex-Sweeper, PRIO, Pakhtunkhwa House, Islamabad,
R/O Quarter No. 100, Kachi Abadi, Street No.26, F-6/2,
Islamabad.

Subject:- APPEAL/REPRESENTATION AGAINST THE ORDER NO.INF/ESTT:/1-28/4741-45 DATED 13-10-2015 WHEREIN THE PETITIONER IS DISMISSED FROM SERVICE WITH IMMEDIATE EFFECT IN AN ILLEGAL MANNER.

I am directed to refer to the subject noted above and to enclose herewith a copy of the Section Officer (Admn), Information & Public Relations Department, Government of Khyber Pakhtunkhwa's letter No.PS/Secy/Inquiry/2015/Shakeel Masih/980-81 dated 02.11.2015 alongwith enclosure, which is self-explanatory for information, please.

Encl:- (As Above).

ASSISTANT DIRECTOR (ADMN),
FOR DIRECTOR

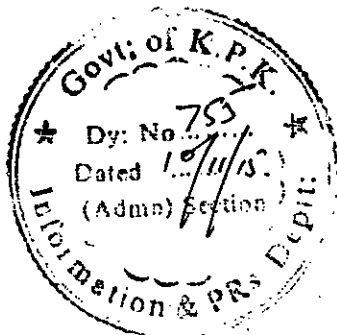
No. INF/Estt:/PF/ 5056-57

Dated Peshawar, the 06/11/2015

Copy forwarded for information to the:

1. Section Officer (Admn), Information & Public Relations Department, Govt: of Khyber Pakhtunkhwa w/r to his letter referred above.
2. Regional Information Officer, PRIO, Pakhtunkhwa House Islamabad with the request to ensure delivery of the letter to the ex-Sweeper at his residence.

ASSISTANT DIRECTOR (ADMN),
FOR DIRECTOR



[Handwritten signature]
10 NOV, 15.

بھارتی جناب کروڑ پتیوں کے لئے

شکلیں بشیرت عسیر بنام حکومت

رسید بابت - 1000 روپے

جناب عالی!

یہ کہ سائل کو صبح - 1000 روپے وصول

ہوا ہے۔ یہ رسید کو دی ہے تاکہ سند رہے۔

سائل

شکلیں بشیرت عسیر

30.11.16.

M. A. Madani

المرقوعہ = 30/11/16