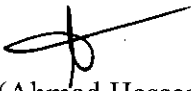


26.04.2017

Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant submitted an application for withdrawal of the instant appeal. In this respect his signature also obtained in the margin of the order sheet. Request accepted and the appeal is hereby dismissed as withdrawn . File be consigned to the record room.

ANNOUNCED:

26.04.2017


(Ahmad Hassan)
Member

23.01.2017

Clerk to counsel for the appellant and Assistant AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 28.02.2017 before S.B.


Chairman

28.02.2017

None present for appellant. Mr. Daud Jan, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Representative of the respondent-department informed that appellant has been reinstated in service. Appellant is not in attendance to conform the factum of reinstatement, so notice of prosecution be issued to appellant and his counsel for 27.03.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER

ul Hadis 27.03.2017

Law
02/4/17
17307-9698020-7

None present for the appellant, Mr. Adeel Butt, Additional AG for the respondents present. Notice be issued to the appellant and his counsel for 26.04.2017 before S.B.


(AHMAD HASSAN)
MEMBER

Before The KPK Service Tribunal, Peshawar

Service Appeal No 1057 / 2016

Shaukat Ali vs Education

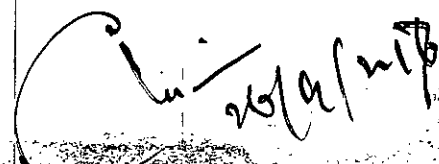
Application for withdrawal

Sir,

Respectfully submitted that the above mentioned appeal was filed in This Service Tribunal against the impugned order of "Compulsory Retirement" but during Proceeding of the Departmental Appeal of Appellant was accepted. so my humble Submission that the above mentioned Service Appeal may be withdrawn.

Appellant

Through


Khush D. Khan
(Advocate - Supreme Court)

Date 26-4-2017

08.11.2016

Appellant with counsel present. Preliminary arguments heard and case file perused. Learned counsel for the appellant submitted that at the relevant time the appellant was a Junior Clerk in the education department FATA. He argued that the appellant had nothing to do with the alleged illegal appointment, of the Teachers. He elaborated that he was neither a member of the Departmental Selection Committee nor the competent authority to have issued such orders. He submitted that besides the appellant, there were a lot of other civil servant, and officers working in the same office. That the duty assigned to the appellant was never to keep any office record in his custody and that the appellant has been unlawfully exposed to the imposition of major penalty of compulsory retirement. The learned counsel for the appellant stressed that no any show cause notice was issued to the appellant nor any opportunity of hearing was provided and enquiry report which ~~cast~~^{met} imposition of penalty was a fact finding enquiry. He argued that no charge sheet or statement of allegations was issued to the appellant and the penalty imposed is in violation of law and rules on the subject.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 14.12.2016 before S.B.


Member

4.12.2016

Junior to counsel for the appellant and Mr. Daud Jan, Superintendent alongwith Addl. AG for the respondents present. Requested for adjournment., To come up for written reply/comments on 23.01.2017 before S.B.

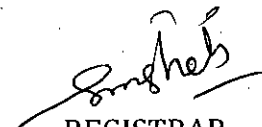




Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1057/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/10/2016	<p>The appeal of Mr. Shaukat Ali presented today by Mr. Khushdil Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	19-10-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26-10-2016</u></p> <p style="text-align: right;"> MEMBER</p>
	26.10.2016	<p>Clerk to counsel for the appellant present. Preliminary arguments could not be heard due to general strike of the bar. To come up for preliminary hearing on 08.11.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p> <p style="text-align: left;"></p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1057 /2016

Shaukat Ali,
Ex-Junior Clerk,
Govt. High School Uchat,
Lower Kurram Agency.....Appellant

Versus

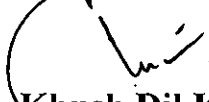
The Secretary,
Social Sector Department,
FATA Secretariat, Warsak Road,
Peshawar & others.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-4
2.	Copies of extracts of Service Book of the appellant.		A	5-13
3.	Copy of written question provided by the Inquiry Officers.	28-03-2016	B	0-14
4.	Copy of reply to written questions by appellant.	28-03-2016	C	0-15
5.	Copy of impugned order thereby appellant was compulsory retired.	06-06-2016	D	0-16
6.	Copy of inquiry report.		E	17-22
7.	Copy of departmental appeal filed by appellant.	20-06-2016	F	23-24
8.	Wakalat Nama			

Through


Appellant


Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 15 /10/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1057 /2016

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1088

Dated 17-10-2016

Shaukat Ali,
Ex-Junior Clerk,
Govt. High School Uchat,
Lower Kurram Agency.....

Appellant

Versus

1. The Secretary,
Social Sector Department,
FATA Secretariat, Warsak Road, Peshawar.
 2. The Director of Education,
FATA Secretariat, Warsak Road, Peshawar.
 3. The Add: Agency Education Officer,
Lower & Central Kurram Sadda
 4. The Agency Education Officer,
Lower & Central Kurram Sadda.....
- Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 06-06-2016 PASSED BY RESPONDENT NO. 2 WHILE ISSUED UNDER THE SIGNATURE OF RESPONDENT NO. 3 THEREBY HE WAS COMPULSORY RETIRED FROM SERVICE WITH EFFECT FROM 31-05-2016 AGAINST WHICH HE FILED DEPARTMENT APPEAL DATED 20-06-2016 BEFORE THE RESPONDENT NO. 1 WHICH WAS NOT DISPOSED OF WITH STATUTORY PERIOD OF 90 DAYS.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

Filed to day
Registrar
17-10-16

1. That appellant was initially appointed as Junior Clerk (BPS-05) in the education department FATA by an office order dated 28-08-2001 and since then he was performing his duty honestly, efficiently and without any complaint. He served the department for more than 15 years with unblemished service record as evident from the extracts of service book attached as **(Annexed-A)**.
2. That in this case neither charge sheet with statement of allegation has been framed nor any notice served upon the appellant regarding the alleged inquiry however on 08-03-2016 he was given a written question signed by the Inquiry Officers dated 28-03-2016 **(Annexed-B)** thereto on the same date he submitted reply **(Annexed-C)**.
3. That then impugned order dated 06-06-2016 **(Annexed-D)** was issued under the signature of respondent No. 3 thereby appellant was compulsory retired on the basis of baseless, unproved inquiry report. Copy of inquiry report attached as **(Annexed-E)**.
4. That appellant filed departmental appeal on 20-06-2016 **(Annexed-F)** against that vary impugned order before the respondent No. 1 which was not disposed of within statutory period of 90 days.

Hence the present appeal is submitted on the following amongst other grounds:-

Grounds:


- A. That appellant was not treated in accordance with law and rules on subject and respondents have unlawfully passed the impugned order in slip shod manner which is not sustainable under the law and liable to be set aside.
- B. That in the case of appellant neither charge sheet with statement of allegation has been framed nor he was served with any show cause notice and both these are mandatory requirements of the rules which were deliberately not fulfilled and the entire proceedings were conducted at the back of appellant without providing a fair opportunity of defence. Thus the findings of the inquiry committee have no legal sanctity, illegal, without lawful authority and having no binding effect.
- C. That before passing the impugned order of compulsory retirement no show cause notice was issued to appellant nor he was given personal hearing by the competent authority. Thus the impugned order passed at his back and he was condemned unheard so the impugned order is illegal being violative of principle of natural justice and not sustainable under the rules and liable to be set aside.
- D. That respondent authorities have acted in arbitrary manner and passed the impugned order in harsh manner in violation of fundamental rights guaranteed under Articles 4 and 10 A of the Constitution, 1973.
- E. That respondent No. 1 has also acted in arbitrary manner and without cogent reason the departmental appeal of appellant was not decided within statutory period as provided under the law and rules.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned order dated 06-06-2016 may kindly be set aside and appellant may graciously be reinstated into service with all back benefits.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through


Appellant


Khush-Dil Khan,
Advocate,
Supreme Court of Pakistan

Dated: 15/10/2016

1. Name *Sherkat Ali* Annex: A
P.5

2. Race *Masozai*

3. Residence *vill: Mirbagh F.R. Kurram.*

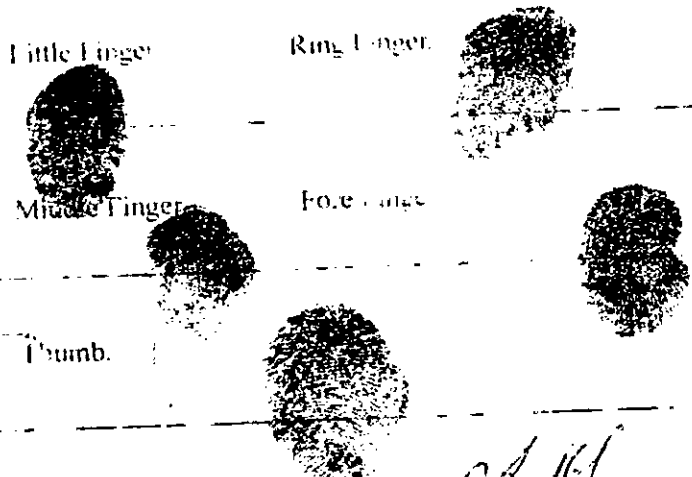
4. Father's name and residence *Hibat Khan*
(as above)

5. Date of birth by Christian era as nearly as can be ascertained *(11-8-1980)*
Eleventh August, one thousand nine hundred and eighty only.

6. Exact height by measurement *5' 6"*

7. Personal marks for identification *Scar over Rt. eye brow.*

8. Left hand thumb and Finger impression of (non-gazetted) officer



9. Signature of the concerned person *[Signature]*

Signature and name of the Head of the Office
Officer



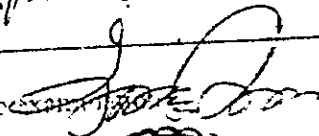
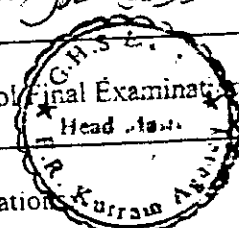
Heirs,

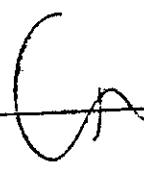
126

- ① Passed Intermediate Examination from BISE
- 2. Kohat under Roll No 5840 Session 2004 (S)
- 3. Marks obtained 466 out of 1100 grade D

Verification Roll No. _____ Dated _____ received back _____

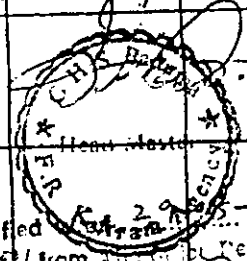
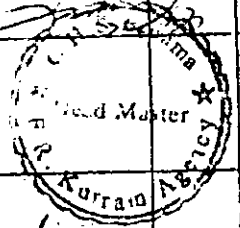
- ④ Passed MA From KUST Kohat under Roll No 15708 Session 2012 (A) marks obtained 528 out of 1100 result declared on 11-01-2013 in 2nd Division.
 Left thumb-impression.
- ③ Passed B.A From AIOU Islamabad under Roll No 5477087 Session 2007 marks obtained 515/500 Grade (C) Result declared 03/03/12.

Qualification	Date	Qualification	Date
English		① Passed SSC Exam: 1997 as a private candidate First Arts securing 359/350 marks & placed in grade 'D'.	
Pashtu		B.L. or B.A from BISE, Peshawar.	
Urdu		Pleadership exam 	
Plan-drawing		Training School Final Examiner Head 	
Finger print		Other qualification	
Drill instructing			
Court duties			
Reserve duties			



J/c Post ext GHS Balama FR.	Temp	1400/-				
		1				
		BPS-5 (210-10-5100)				
- do -	- do -	2100/-			1 ¹² / ₂₀₁	S. Shukla
- do -	- do -	2200/-			1 ¹² / ₂₀₁	S. Shukla
- do -	- do -	2300/-			1 ¹² / ₂₀₃	S. Shukla
- do -	- do -	2400/-			1 ¹² / ₂₀₄	S. Shukla
		Pay Revision 1-7-05				
		BPS-5 (2415-15-5965)				
"	"	2760/-			1-7-05	S. Shukla
"	"	2875/-			1-12-05	S. Shukla
BPS 2780 - 135-6820)		2990/-			1 ¹² / ₀₆	S. Shukla
3455						
		3580/-			1 ¹² / ₀₇	S. Shukla

Government to which debitible		Office or other Government	or praise of Government Se
			Appointed against J/c Post at G.H.S. Badama Kurram Agency vide D.E. FATA. Peshawar Endst no. 22122-23/2001 Peshawar the 28/8/2001.
30/11/2002	Inc		
30/11/2002	met.		Service Verified To 30-11-2001 from
30/11/2004	Inc.		
30/6/05	Pay Revision		
30/11/05	Inc		
30/11/06	Inc		
30/6/07	Revision of Pay.		
30/11/2007	Inc		
30/6/2008	Pay Revision		



G.H.S. Badama (F.A.), Kurram Agency.

G.H.S. Badama (F.A.), Kurram Agency.

G.H.S. Badama (F.A.), Kurram Agency.

G.H.S. Badama (F.A.), Kurram Agency.

G.H.S. Badama (F.A.), Kurram Agency.

G.H.S. Badama (F.A.), Kurram Agency.

G.H.S. B Kurram Agency.

GHS Badama Central Kurrum	off/Spec			
- do -	- do -			
a. Revise Entry deuto Special Increment				
- do -			3740	
- do -	- do -		390	
- do -	pay Revision 1-7-2008 BPS7(3530-190-9230)		4670	
- do -	- do -		4860	
J/Clerek Post GHS Sadda k/l	- do -		4860	11
- do -	- do -		5050	
- do -	- do -		5240	11 2010
J/Clerek Post GHS Ubrah	BPS7(5800-320-15400)			
- do -	- do -			
- do -			9000	

Date	Remarks	Signature	Post	Period for which debit-able	Head of the office or other attesting Officer	Remarks or censure, or of or praise of Government Service
30-11-05	Inc	A Khan				Service Verified w.r.t. e.o. 12.05 To 30.11.06 from The office Record
30-09-09	Inc	A Khan				
31-8-2007	Special Grant	A Khan				Granted Extra ordinary leave without pay w.e.f 1-10-2009 To 30-11-2010 (365) days
30-11-09	Inc	A Khan				vide Abo Kurram No. 8/100-4 /Pd- dated 12-10-2009
30-6-08	Pay Revision	A Khan				
30-11-08	Inc	A Khan				
30-10-09	Adjusted at CHS Sadda LK					
30-11-09	Inc					Service Verified from 01-12-07 to 30-11-09 from office record
30-11-2010	Inc		Head Master			
30-6-2011	Pay Revision		Head Master			
30-11-2011	Inc		Head Master			Service Verified from 01-12-07 to 30-11-09 from office record
30-11-2012	Inc		Head Master			
30-11-2013	Inc		Head Master			

A Khan
 HEAD MASTER
 G.H.S. Badma (FR
 Kurram Agency.

A Khan
 HEAD MASTER
 Central Kurram
 Service Verified from 01-12-07 to 30-11-09 from office record

received punishment or censure, or of praise of Government Service

Government to which debitible

Service Verification
Service Verified from 21-12-2008 to 30-9-2009 from office records.

Atk...

Service Ver... 1-10-2009 to 31-10-2009 from office records.

Atk...

Adjusted at 19415
Sadda Lower Kurram
against Special Account.
Post vide AEC Lower
Kurram Sadra 10-5-2009
File No. 39 - dated 5-9-2010

C.C.
Sadda

72571-724/8/10 Memo of C 2
All 8pts Adv. Inc of 1-9-07 to
30-6-2010 18776/-

T.No: 379
13-10-14

Arrear of pay & allowances
on upgradation to BDS: II
Wdy 1-6-2014 to 30-9-2014
Rs: 8284/-

Atk...
RAB

P.13

Government of Pakistan
District Accounts Office Kurram at Ara C
Monthly Salary Statement (October-2015)

Personal Information of Mr SHAUKAT ALI d/w/s of HAIBAT KHAN

Personnel Number: 00669614 CNIC: 2130103272623 NTN:
 Date of Birth: 11.08.1980 Entry into Govt. Service: 28.08.2001 Length of Service: 14 Years 02 Months 005 Days

Employment Category: Active Permanent

Designation: JUNIOR CLERK 00000016-Min. Of K.A & N.A & S.F.R
 DDO Code: KM0042-Head Master GHS Uchat Kurram Agency
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: EDU-KU-4357 Interest Applied: Yes GPF Balance: 28,304.00
 Vendor Number: 80184134 - SHAUKAT ALI 0776 120014509 ABL

Pay and Allowances: Pay scale: BPS For - 2015 Pay Scale Type: Civil BPS: 11 Pay Stage: 11

Wage type		Amount	Wage type		Amount
0001	Basic Pay	15,085.00	1000	House Rent Allowance	1,234.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1528	Unattractive Area Allow	1,000.00	1948	Adhoc Allowance 2010@ 50%	2,980.00
2148	15% Adhoc Relief All-2013	1,749.00	2174	Adhoc Relief Allow-2014	1,166.00
2198	Adhoc Relief All 7.5%	1,131.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3300	GPF Other Govt.Emp	-873.00	3661	E.E.F (Exchange)	-100.00
3701	Benevolent Fund(Exchange)	-180.00	3704	Group Insurance(Exchange)	-115.00
3711	Addl.Group Insuranc(Exch)	-13.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till October-2015: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 28,701.00 Deductions: (Rs.): -1,281.00 Net Pay: (Rs.): 27,420.00

Payee Name: SHAUKAT ALI

Account Number: 0000000120014509

Bank Details: Allied Bank Limited, 250776 Shaheen Market Sadda Kurram Agency Shaheen Market Sadda Kurram Ag, Kurram Agency

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KURRAM

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: shaukat741@yahoo.com

ATTESTED

Question: - I. Mr. Majid Gul has ^{P.M} appointed 16 PST teachers illegally during his tenure (2013) and you were on J/c post at that time. Being Custodian of the office provide the following documents to the enquiry committee.

- ① Advertisement copy.
- ② Selection committee.
- ③ Interview list.
- ④ Merit list.
- ⑤ Appointment orders.
- ⑥ Copies of S/Books of these teachers.
- ⑦ Dispatch registers.

~~Handwritten signature~~
28/3/16
Enquiry officer
SST at GHS
Sakhi Ahmad Shahr

Handwritten signature
28/3/16
AD. 2 DEPARTMENT
Enquiry officer

محترمت جناب انیلو انیری افسسز صاحبہ

Annex "C" P. 15
جناب عالی!
تذرا رہا ہے کہ آپ صاحبان سولہ ایپلٹ کے بارے

میں جو سوالات پوچھے ہیں، اُسکا جواب درج ذیل ہے۔
جناب! اُس وقت میں واقعہ دفتر میں کثیت جوئیئر گلرک ڈیوٹی سرانجام دے رہا تھا۔

جناب والہہ میں کثیت کیوئیئر ایپلٹ کام کر رہا تھا۔ حیرا زیادہ تر کام دفتر میں ٹائٹنگ کرنا تھا۔

اپنے مطلوبہ ریکارڈ کا جو علم نہیں ہے۔ کیونکہ افسسز صاحبان میں مزید سٹاف کام کر رہے تھے۔ اور حیرا ٹرانسفر بھی تقریباً مانجھے سے ہو چکے۔ اپنے بھی جو علم نہیں ہے کہ ریکارڈ کس کے پاس ہیں۔

لہذا آپ صاحبان سے استدعا ہے کہ حیرا یہ جواب تسلی بخش قرار دے کر تاحیات دیکھو رہو گے۔

28/03/2016

ایکتاب سٹوٹ علی/آ
گورنمنٹ ہائی سکول اودھت ٹوٹر کم
A



ADD: AGENCY EDUCATION
OFFICE SADDA: KURRAM AGENCY.

PHONE: 0926-520674 FAX 0926520674

No. _____/Edu:

Dated Sdda: the _____/_____/2016

Annex. D
P. 16

COMPULSORY RETIREMENT ORDER

Consequent upon the Directorate of Education FATA Peshawar Endst No: 6251 dated 01-06-2015 Mr. Shaukat Ali Ex J/C at Add: AEO Office Sdda now working at GHS Uchat Lower Kurram is hereby Compulsory retired with effect from 31-05-2016.

Add: Agency Education Officer
Lower & Central Kurram Sdda

Endst No 4495 /Edu Dated 6/6/2016.

- 1:- Director of Education FATA Warsak Road Peshawar.
- 2:- Agency Account Officer Kurram Parachinar.
- 3:- Headmaster GHS Uchat Lower Kurram.
- 4:- Official concerned.

[Signature]
Add: Agency Education Officer
Lower & Central Kurram Sdda



FATA SECRETARIAT
DIRECTORATE OF EDUCATION

WARSAH ROAD PESHAWAR, PAKISTAN
PHONE: 091-9210166 FAX 091-9210216

NO. 6351
A-12/HAYAT KHAN S-1

DATED

1/6/16

Amir E
P. 17

To

✓ The Agency Education Officer
Lower/Central Kurrum Sadda.

Subject:

ENQUIRY AGAINST MR. MAJID GUL EX-AEO LOWER/CENTRAL
KURRUM IN 17 ILLEGALE APPOINTMENTS WITHDRAWAL OF
RS<205600?MRC WITHOUT PROPER APPROVAL/PROCEDURE.

I am directed to enclose herewith a copy of enquiry report on the subject cited above and to state that to cancel/null and void the illegal appointments orders of 17 number teachers issued by Mr. Majid Gul Ex- Addl: Agency Education Officer Lower/central Kurrum from the date of their appointment with the recovery of salaries made to them into Govt. Treasury.

Move over issue compulsory retirement order in respect of Mr. Shoukat Ali Ex-J/C at Addl: AEO Office now working at GHS Uchat as recommended by Enquiry Officer being a part of these illegal activities.

An amount of Rs. 2,05,600/- may be recovered from Mr. Majid Gul Ex Addl: AEO Lower/central and deposited into Govt. Treasury and a copy of challan may be furnished to this Directorate for record.

Encls A A

DY: DIRECTOR (ESTAB)

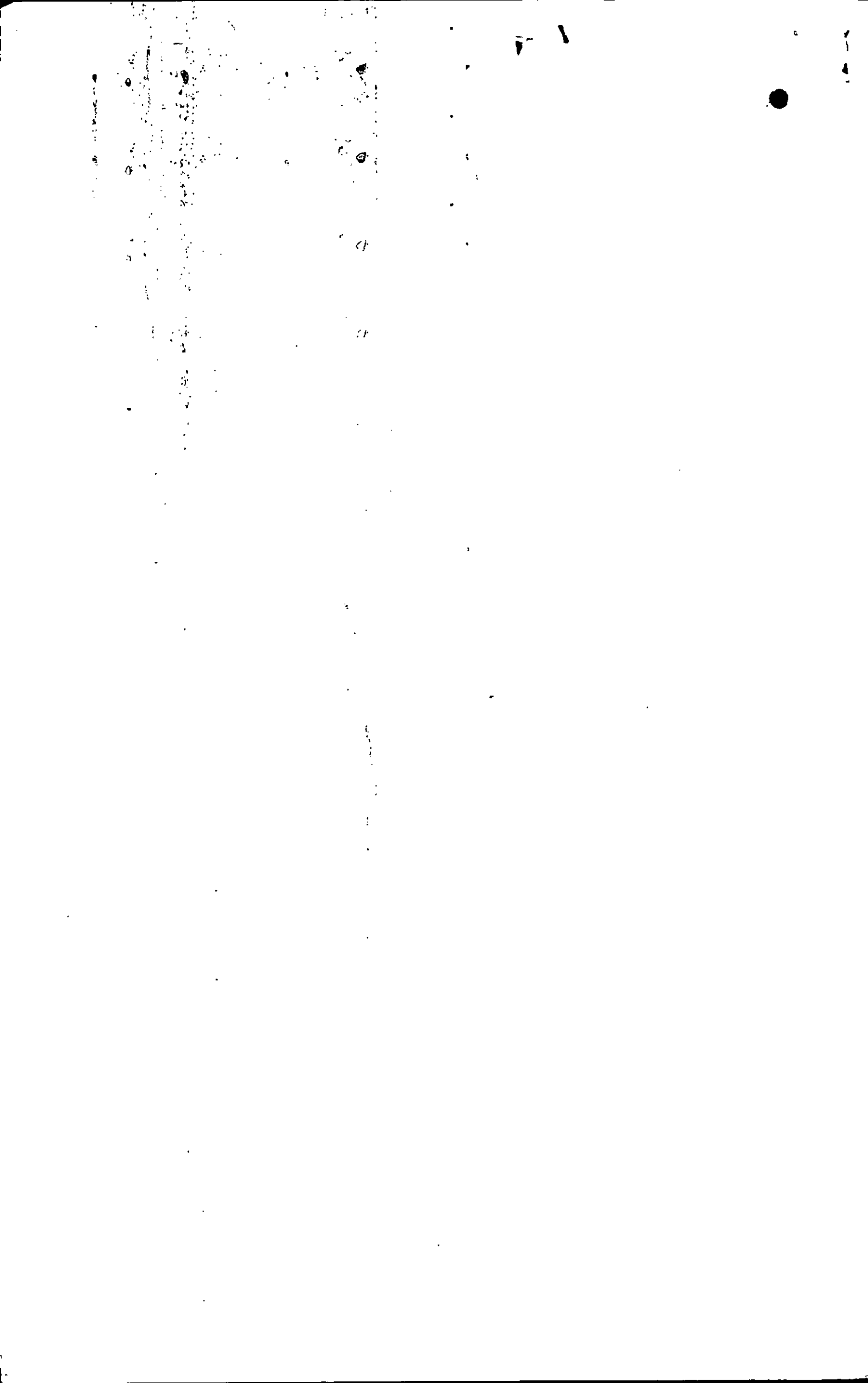
CC

Copy to:-

- 1 PS to Secretary SSD
- 2 Superintendent Estab Local Directorate
- 3 Section Officer (Edu) SSD FATA
- 4 PA to DE FATA
- 5 Dealing Asstt: concerned in Local Directorate.

ATTESTED

DY: DIRECTOR (ESTAB)





FATA SECRETARIAT
DIRECTORATE OF EDUCATION

WARSAK ROAD PESHAWAR, PAKISTAN

PHONE: 091-9210166 FAX 091-9210216

NO. 54/11 DATED 12/5/16
A-127 MAJID GUL EX-ADDL AEO LOWER/CENTRAL KURRAM

P.18

To

✓
The Section Officer (Edu)
Social Sector Department
FATA Secretariat

Subject:

ENQUIRY AGAINST MAJID GUL EX-ADDL AEO LOWER & CENTRAL KURRAM IN 17 ILLEGAL APPOINTMENTS WITHDRAWAL OF RS. 205600/- MRC WITHOUT PROPER APPROVAL/PROCEDURE.

I am directed to enclose herewith a copy of enquiry report conducted against Majid Gul Ex-Addl: AEO Lower/Central Kurram for taking further necessary action in light of recommendations, please.

Encl: As Above

CC

DY: DIRECTOR (ESTAB)

Copy to:-

P.A to D.E FATA

DY: DIRECTOR (ESTAB)

Plz forward to quarters
concerned.

S.O/Ced

18/5/16

19/5/16

ATTESTED

Mr. Sohbat Khan Ex-AAEO Lower Kurram was given Questionnaire at r/c for his view and comments in the illegal appointments made by Mr. Majid Gul without adopting legal procedures and practice in vogue

P.19

To

The Director Education FATA

Subject: Enquiry Against Mr. Majid Gul Ex-Add: AEO Lower & Central Kurram in 17 Illegal Appointments and Withdrawal of Rs.205600/- MRC without Proper Approval / Procedure.

Reference:

Kindly reference to your office letter No.3193-97/A-12/ Majid Gul Ex-Add: AEO Lower & Central Kurram dated 16/03/2016 regarding subject cited above (F/A).

Note: The number of teachers illegally appointed by Mr. Majid Gul Ex-Add: AEO Lower & Central Kurram Agency are actually 17 not 16.

1. Procedure Adopted for Enquiry:

(A). In the subject case the following officers / officials were interviewed and they were also given Questionnaire for their views and comments.

1. Mr. Majid Gul Ex-Add: AEO Lower & Central Kurram.
2. Sohbat Khan Ex-AAEO Lower Kurram.
3. Azad Khan AAEO Central Kurram.
4. Shaukat Ali Ex-JC of Addl: AEO Office Lower & Central Kurram.
5. Sadique Akbar JC Addl: AEO Office Lower & Central Kurram.

(B). Views and Comments of the Interviewers:

1. Mr. Majid Gul Ex-Add: AEO

Mr. Majid Gul Ex-Add: AEO who has appointed 16 PST illegally in his tenure (2013) and drew Rs.205600/- from MRC head without observing codal formalities and procedure. I personally contacted him for inquiry but he would made lame excuses. Later on on 28.03.2016 I went to Addl: AEO Lower & Central Kurram Office for the said enquiry on time and he was again informed to attend the office. He was given a Questionnaire at F/B for his views and comments. First, he was reluctant to take the Questionnaire and objected that the inquiry officer was not eligible to conduct enquiry against him. But later on he took the Questionnaire after consultation with his colleagues. He did not provide the requisite information/documents demanded in the Questionnaire and returned it with the remarks, that can be seen at F/B.

2. Sohbat Khan Ex-AAEO Addl: AEO Lower & Central Kurram Agency.

Mr. Sohbat Khan Ex-AAEO Lower Kurram was given Questionnaire at F/C for his view and comments in the illegal appointments made by Mr. Majid Gul without adopting legal procedures and practice in vogue

Handwritten notes:
Action taken by SO Lakes
24/04/16
Copy sent to committee
5/5/16

Handwritten notes:
4/20/16
AD/CE

ATTACHED

Being the responsible Ex-AAEO at that time, he returned the Questionnaire with remarks that he had no information in this case and he held responsible Mr. Majid Gul for all the illegal activities at that time.

3. Azad Khan Present AAEO Central Kurram Agency.

Mr. Azad Khan was also handed a Questionnaire for providing the requisite information at F/D. He provided 11 number of appointment orders out of total 17 and informed that the other requisite documents are not available in the office detail is as under, available appointment orders and payroll are at F/E.

S#	Name of Teacher	F/Name	Post	Date of Appointment with Order No.	Name of School
1.	Reshma Qayum	Qayum Khan	PTC	27.06.2013 No.4506-8/Edu	GGMS Tarali
2.	Nargis Mir	Manan Mir	PTC	27.06.2013 No.4502-5/Edu	GGPS Sherkhan Pakha
3.	Rooh Naz	Amir Khan	PTC	27.06.2013 No.4467-69/Edu	GGPS Shamkanri
4.	Rubee Mushtaq	Mushtaq	PTC	27.06.2013 No.4521-23/Edu	GGPS Jawdara
5.	Gul Maheeda Naz	Pir Gul Badsha	PTC	27.06.2013 No.4509-11/Edu	GGPS Trangawali
6.	Ihsanullah	Haji Alam Gul	PTC	27.06.2013 No.4533-35/Edu	GPS Shah Ibrahim
7.	Anwar Gul	Maqbal Khan	PTC	27.06.2013 No.4518-20/Edu	GPS Kurat CK
8.	Shazina	Muhammad Sulaiman	PTC	27.06.2013 No.4474-76/Edu	GGPS Shahbaz Sam CK
9.	Naima	Gul Akbar	PTC	27.06.2013 No.4499-4501/Edu	GGPS Shahbaz Sam CK
10.	Shakeela Aman	Aman Khan	PTC	27.06.2013 No.4527-29/Edu	GGPS Bagan
11.	Habib Ur Rehman	Sayed Nazir	PTC	27.06.2013 No.4487-89/Edu	GPS Durrani LK
12.	Nasreen	Muhammad Jan	Record Not Found in Education Office but Mr. Azad Khan provided payroll.		
13.	Zia Ur Rehman	Rehmat Shah	Record Not Found in Education Office but Mr. Azad Khan provided payroll of the teacher.		
14.	Habib Khan	Muzaffar Khan	Record Not Found in Education Office but Mr. Azad Khan provided payroll of the teacher.		
15.	Roshan Tara	Hashim Khan	Record Not Found in Education Office but Mr. Azad Khan provided payroll of the teacher.		
16.	Zuhra Jalil	Abdul Jalil	Record Not Found in Education Office but Mr. Azad Khan provided payroll of the teacher.		
17.	Muhammad Din	Shams Uddin	Record Not Found in Education Office but Mr. Azad Khan provided payroll of the teacher.		

4. Mr. Shaukat Ali Ex-JC.Addl: AEO-Office-Kurram Agency.

Mr. Shaukat Ali was given a Questionnaire at F/F and asked for providing the required / requisite documents which were related to his job descriptions, but he stated that he was not related with the subject case as he was not needed.

5. Mr. Sadique Akbar J/C.Addl: AEO.Lower.&Central.Kurram.Agency.

Mr. Sadique Akbar was asked through a Questionnaire at F/G to provide the requisite information / documents but he stated that he had no record of the teachers who were been appointed by Majid Gul, illegally.

2. Findings.

1. The accused Mr. Majid Gul stated that the inquiry officer is not authorized to conduct inquiry against him instead of providing the requisite information to the inquiry officer. He was not cooperative with the enquiry officer and stated that he is not in a position to provide the requisite information. It seems that he has inducted illegal teachers (Male/Female) in the system without observing codal formalities. Being Government servant Mr. Majid Gul SET Ex- Addl: AEO Lower & Central Kurram Agency is liable to be proceeded against E& D Rule 3 Sub Rule (b+c).

2. From the statements of all the other officers and officials of Addl: AEO Office Lower & Central Kurram Agency interviewed, it was cleared that there is no proper record of the 16 number of teachers appointed by Mr. Majid Gul illegally without observing codal formalities in the office of Addl: AEO Lower & Central Kurram Agency.

3. All the Officers / Officials of the Addl: AEO Office Lower & Central Kurram were asked to provide the following documents, but they could not provide the record to the inquiry officer. Mr. Azad Khan the seating AAEO provided the attached appointment orders and payroll.

- i. Advertisement.
- ii. Selection Committee.
- iii. Interview Lists.
- iv. Merit Lists
- v. Appointment Orders.
- vi. Service Books.
- vii. Dispatch Register.

ATTESTED

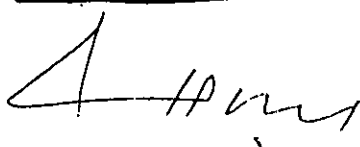
3. Recommendations.

1. The Addl: AEO Lower & Central Kurram may be directed to cancel / null and void the illegal orders issued of the above 17 number teachers by Mr. Majid Gul Ex-Addl: AEO Lower & Central Kurram Agency from the date of their appointments with the recovery of salaries made to them from the Government treasury.

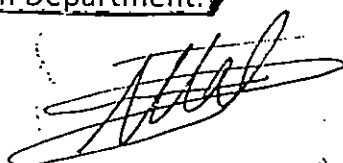
2. The amount Rs.205600/- as drawn by Mr. Majid Gul Ex-Addl: AEO Lower & Central Kurram Agency without formal sanction may be recovered from him and be submitted through challan in the Government treasury.

3. The illegal appointments and withdrawal of such huge amount from the Government treasury without adopting proper procedure, not fulfilling the codal formalities in appointments of 17 number PTC teachers and non-cooperative with the enquiry officers, it shows that the officer is so bold in committing violations of the rules in vogue will repeat the actions in future too, so major penalty (compulsory retirement) under E & D Rule 4(b) II (compulsory retirement) is suggested for the servant (Mr. Majid Gul Ex-Addl: AEO Lower & Central Kurram Agency) in the best interest of the Education Department and public Service. The case may be conveyed to Director (E & SE) KPK for implementation through Secretary SSD FATA.

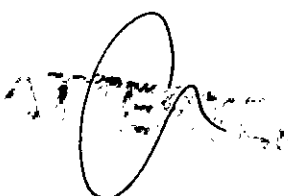
4. Being custodian of the office and office record the reply of Mr. Shaukat Ali J/C is not satisfactory and it seems that he has been a part of these illegal activities done by Mr. Majid Gul Ex-Addl: AEO Lower & Central Kurram Agency, so major penalty 4(b) II (Compulsory retirement) is also suggested for Mr. Shaukat Ali Ex-J/C Addl: AEO Lower & Central Kurram Agency presently working at GHS Uchar Lower Kurram Agency in the best interest of Education Department.



Abdul Manan
Asstt: Director (Establishment)
DE FATA



Muhammad Altaf Bangash (Co)
SET GHS Sakhi Ahmad Shah
Lower Kurram Agency



To

The Secretary,
Social Sector Department,
FATA Secretariat,
Warsak Road, Peshawar.

Date: 20/6/16
Amir F
P.23
DS L5

Subject: DEPARTMENTAL APPEAL UNDER RULE 3 OF THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPEAL) RULES, 1986 AGAINST THE IMPUGNED ORDER PASSED BY THE DIRECTOR OF EDUCATION FATA PESHAWAR ISSUED BY ADD: AGENCY EDUCATION OFFICE LOWER AND CENTRAL KURRAM SADDA UNDER ENDST NO. 4455 /EDU DATED 06-06-2016 THEREBY APPELLANT WAS COMPULSORY RETIRED FROM SERVICE WITH EFFECT FROM 31ST MAY 2016.

Respected Sir,


1. That appellant has joined the Education Department FATA as Junior Clerk on 28-08-2001 and since then he was performing his duty honestly, efficiently and without any complaint. He served the department for more than 15 years with splendid service record.
2. That all of sudden appellant was served with the impugned order dated 06-06-2016 thereby he was shown compulsory retired from service with effect from 31st May 2016 based on fake, incompetent, illegal inquiry report. **Copy of the inquiry report and order of compulsory retirement are attached.**
3. That in the case of appellant neither charge sheet with statement of allegation has been framed nor he was served with any show cause notice and both these are mandatory requirements of the rules on subject which was deliberately not fulfilled and the entire proceedings were conducted at the back of appellant without providing a fair opportunity of defence. Thus the findings of the inquiry committee have no legal sanctity, illegal, without lawful authority and violative of principle of natural justice and having no binding effect.

(Handwritten signature)

4. That before passing the impugned order of compulsory retirement no show cause notice was issued to appellant nor he was given personal hearing by the competent authority. Thus the impugned order passed at his back and he was condemned unheard so the impugned order is illegal being violative of principle of natural justice and not sustainable under the rules and liable to be set aside.

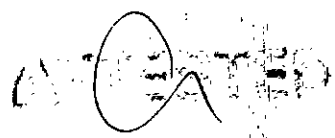
5. That respondent authorities have acted in arbitrary manner and passed the impugned order in harsh manner in violation of rules and appellant was not treated in accordance with law and the impugned order passed in violation of Articles 4 and 10 A of the Constitution, 1973 and liable to be set aside.

It is, therefore, humbly requested that on acceptance of this departmental appeal, the impugned order dated 06-06-2016 may kindly be set aside and appellant may graciously be reinstated in service with all back benefits.


Yours faithfully,

Shaukat Ali,
Ex-Junior Clerk,
Govt. High School,
Uchat, Lower Kurram Agency

Dated: 20 / 6 / 2016



WAKALAT NAMA

IN THE COURT OF 1c.P.1c Service Tribunal Peshawar

Shaukat Ali Ex. Junior

Cherlc Govt High

Shahid Kurrum Agenc Appellant(s)/Petitioner(s)

VERSUS

The Secretary

Social Sector department

Peshawar othe

Respondent(s)

I/We Shaukat Ali do hereby appoint
Mr. Khush Dil Khan, Advocate in the above mentioned case, to do all or
any of the following acts, deeds and things.


1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

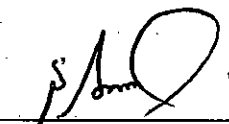
In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by



Khush Dil Khan
Advocate, Supreme Court of Pakistan

9-B, Haroon Mansion
Khyber Bazar, Peshawar.


Signature of Executants