

QBEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, ABBOTTABAD:

Service appeal No. 1217/2014

Date of institution ... 09.10.2014
Date of decision 23.05.2018

Wajid Iqbal, Principal Government Higher Secondary School, Baffa, Mansehra
Tehsil and District Mansehra. ... (Appellant)

Versus

1. Secretary Education (Elementary & Secondary Education) Khyber
Pakhtunkhwa, Peshawar and others. ... (Respondents)

Syed Asif Shah,
Advocate ... For appellant.

Mr. Muhammad Jan,
Deputy District Attorney ... For respondents.

MR. SUBHAN SHER, ... CHAIRMAN
MR. MUHAMMAD HAMID MUGHAL, ... MEMBER.

JUDGMENT

SUBHAN SHER, CHAIRMAN:-

Facts in brief, making the background of the present appeal are, that the appellant was initially appointed as Subject Specialist on 18.03.1993 and subsequently promoted to Grade-18 on 09.02.2014. During this period, he remained posted at various posts and stations. After establishment of District Torghar, some fake appointments were made and salaries were also withdrawn in the establishment of District Education Officer (Female) Torghar for which an enquiry was conducted, wherein the appellant alongwith others was also held responsible. So disciplinary proceedings were initiated against the appellant and he was served with charge sheet etc. which he duly replied. Ultimately, the enquiry committee held the appellant alongwith others responsible and different punishments were awarded to them. The appellant and two other officers were also punished by imposing minor penalty of stoppage of 3 increments for 3 years.

23.5.2018



Feeling aggrieved from the impugned order, the appellant preferred departmental appeal but the same could not be decided so far. So he instituted the present service appeal before this Tribunal.

2. Syed Asif Shah, Advocate, counsel for the appellant contended that the enquiry committee has punished the appellant whereas, in fact, he was neither present at the relevant time nor had played any role in the fake appointments and withdrawal of salaries as the said incident occurred in the establishment of DEO(Female) Torghar whereas the appellant was posted as D.E.O (Male) Torghar. He further contended that the official namely Shah Nawaz, now respondent No. 5 had withdrawn the salary amount under his fake signature and later-on, he immediately re-deposited the same in the relevant head. The learned counsel for the appellant requested this Tribunal to accept the present appeal and set aside the minor penalty imposed on the appellant.

3. Mr. Muhammad Jan, Deputy District Attorney opposed the contentions of the learned counsel for the appellant and stated that after holding proper enquiry, the appellant was held responsible and minor penalty was imposed for his slackness and negligence; He requested this Tribunal to dismiss the appeal of the appellant.

4. From perusal of the record attached with the appeal and produced by the representative of the respondents, some admitted facts came to the surface which are given below:-

5. All the 14 fake appointments were made in the establishment of DEO (Female) and salaries were also withdrawn by the Assistant named above who re-deposited the same in the same head of account. Similarly the appellant was posted as DEO (Male) and being a separate and independent hierarchy, he had no concern with the affairs of DEO(F). Similarly, the above mentioned fake appointments were made in the year, 2009 whereas the appellant was posted as DEO (Male) Battagram on 29.11.2011 and remained there for a period of 10 months and thereafter, his services were placed at the disposal of Hazara University on deputation basis. Again the enquiry committee held the appellant


SW. S. S. 2018.


2/11/18

responsible for his slackness and negligence but neither explained nor given detail as what type of slackness and negligence and in which capacity the appellant had committed.

6. From the above discussion, it becomes crystal clear that the appellant has successfully not only rebutted the allegations but proved with certain documents that fake appointments were made in the Female Section of Education Department in Torghar and he being a D.E.O (Male) had no role to play in the affairs of Female Section. Similarly he was not assigned any such duty or responsibility by the Authority which he did not fulfill and for which he could be held responsible. From the findings of enquiry committee it appears that the appellant alongwith Mst. Saeeda Anjum, D.D.E.O (F) and Mr. Muhammad Zulfiqar, District Accounts Officer, Torghar were imposed the above mentioned penalty which on the face of it is against the law as the above named Mst. Saeeda Anjum being D.D.E.O(F) and Muhammad Zulfiqar, District Accounts Officer certainly might have played some role in one form or the other but the appellant without attributing any specific role, was too clubbed with them and punished for the act which he had neither committed nor facilitated.

7. The pith of the foregoing discussion is that after considering the arguments of the learned counsel for the parties and consulting the available record, this Tribunal reached to the conclusion that the enquiry committee illegally and wrongly held the appellant responsible for fake appointments and punished in clear violation of law. As such, this appeal is allowed and the impugned order dated 13.05.2014 to the extent of present appellant is set aside. In the circumstances of the case, parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD HAMID MUGHAL)
Member


(SUBHAN SHER)
Chairman
Camp Court, Abbottabad.

ANNOUNCED
23.05.2018

1217/14


23.05.2018

Appellant Wajid Iqbal in person alongwith counsel Syed Asif Shah, Advocate present. Syed Naveed Akhtar Shah, ADEO representative of the respondents alongwith Mr. Muhammad Jan, Deputy District Attorney present.

Arguments heard and file perused.

Vide our detailed judgment of today placed on file, *this* - appeal is allowed and the impugned order dated 13.05.2014 to the extent of present appellant is set aside. In the circumstances of the case, parties are left to bear their own costs. File be consigned to the record room.


Member


 23.5.2018
Chairman
Camp court, A/Abad

ANNOUNCED
23.05.2018

17.01.2018

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Fakhar Saeed, Assistant for the respondents present. Senior counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 21.03.2018 before the D.B at camp court, Abbottabad.

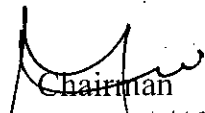

Member


Chairman
Camp court, A/Abad.

21.03.2018

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Muhammad Tausif, ADO for the respondents present. Learned District seeks adjournment as he did not prepare the case due to non-availability of record. To come up for arguments on 23.05.2018 before the D.B. at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

23.11.2016

Agent of counsel for the appellant and Mr. Fakhar Said, ADO alongwith Mst. Bushra Bibi, Government Pleader for respondents present. Due to incomplete bench, case is adjourned to 18.4.2017 for final hearing before D.B at camp court, Abbottabad.


Chairman

Camp court, A/Abad

18.04.2017

Counsel for the appellant and Mr. Fakhar Saeed, ADO alongwith Mr. Muhammad Bilal, Government Pleader for the ^{official} respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 17.10.2017 at camp court, Abbottabad.


Chairman

Camp court, A/Abad

17.10.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Fakhar Saeed, ADO for the respondents present. Learned counsel for the appellant seeks adjournment. To come up for arguments on 17.01.2018 before the D.B at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad.

6-


20.08.2015

Agent of counsel for the appellant, Mr. Abdullah Khan, DEO alongwith Fakhar Saeed, ADO and Mr. Muhammad Tahir Aurangzeb, GP for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Comments on behalf of respondents No. 1 and 2 submitted while learned GP relies on the same on behalf of respondents No. 3 and 4. Written reply on behalf of private respondent No. 5 has already been submitted. None present for respondent No. 6. Proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for 16.12.2015 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

16.12.2015


None present for appellant. M/S Fakhar Said, ADO (lit.) and Zahid Ayaz, Senior Auditor alongwith Mr. Muhammad Siddique, Sr.GP for official respondents No. 1 to 4 and agent of counsel for private respondent No. 5 present. Due to non-availability of D.B, appeal adjourned for rejoinder and final hearing before D.B to 21.6.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

21.6.2016


None present for appellant. Mr. Abdullah Khan, DEO (M) alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Notices be issued to appellant his counsel for final hearing before D.B on 23.11.2016 at camp court, Abbottabad.


Member


Chairman
Camp Court, Abbottabad.

Amount Deposited
Security & Process Fee

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 for 20.5.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad

4 20.5.2015 Agent of counsel for the appellant, Mr.Abdullah, EDO Tor Ghar alongwith Mr.Muhammad Tahir Aurangzeb, G.P for official respondents and agent of counsel for private respondent No.5 present. Written reply alongwith Wakalat Nama submitted by respondent No.5 while respondents No.1 to 4 requested for adjournment which is granted. To come up for written reply/comments on behalf of respondents No.1 to 4 on 16.6.2015 at camp court A/Abad.


Chairman
Camp Court A/Abad

5 16.6.2015 Appellant in person, Mr.Fakhar Said, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for official respondents and private respondent No.5 in person present. Requested for adjournment. To come up for written reply/ comments on 20.8.2015 before S.B at camp court A/Abad.




Chairman
Camp Court A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1217 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/10/2014	<p>The appeal of Mr. Wajid Iqbal presented today by Mr. Syed Asif Shah Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	17-10-14	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>16.3.15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	16.3.2015	<p>Counsel for the appellant present. Learned counsel for the appellant argued that vide impugned order dated 13.5.2014 minor penalty in the shape of stoppage of three increments was awarded against the appellant against which departmental appeal was preferred on 12.6.2014 which remained un-responded and hence the present service appeal on 9.10.2014.</p> <p>That the appellant was subjected to inquiry in respect of fake appointments of 14 females with which the appellant was having no association as he was DEO (M) and posted on deputation as Deputy Controller Examination at Hazara University.</p>

9-66 0324
818-1622

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal NO. 1217 / 2014

Wajid Iqbal.....Appellant

VERSUS

Secretary Education (Elementary & Secondary
Education), Khyber Pakhtunkhwa, Peshawar and
othersRespondents

SERVICE APPEAL

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Dated 09.10.2014

Wajid Iqbal
...Appellant

Through


SYED ASIF SHAH,
Advocate High Court,
Mansehra.

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Appeal No. 1217 /2014

Wajid Iqbal, Principal Government Higher
Secondary School, Baffa, Mansehra, Tehsil and
District MansehraAppellant

VERSUS

1249
09-10-2014

1. Secretary Education (Elementary & Secondary Education), Khyber Pakhtunkhwa, Peshawar.
2. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
3. Executive District Officer (Finance & Planning), District Torghar.
4. District Accounts Officer, Torghar.
5. Shahnawaz, Assistant office of District Education Officer, Torghar.
- ⑥. Manager, National Bank of Pakistan, Main Branch, Mansehra..... Respondents.

Respondent No - 6
Ex-parte vide order
Sheet No -

SERVICE APPEAL UNDER SECTION 4 OF
SERVICE ^{Tribunal Act, 1974} AGAINST THE ORDER/
NOTIFICATION NO.S.O(S/M)E&S E-D/4-17-
2013 DATED 13.05.2014 VIDE WHICH THE
MINOR PENALTY OF STOPPAGE OF
THREE INCREMENTS WAS IMPOSED UPON
THE APPELLANT.

9/10/14

PRAYER: -

On acceptance of instant appeal, the impugned order/notification dated 13.05.2014 may kindly be set aside and the appellant may graciously be exonerated from the charges levelled against him.

Respectfully Sheweth!

1. That, the appellant was initially appointed in the Education Department. The brief service record is as under: -

i. Initially appointment/posting:

Subject Specialist (Economics) dated 18.03.1993.

ii. Promotion to grade-18 on 09.02.2004.

iii. D.O Elementary and Secondary Education (Male) Shangla for more than three years.

iv. Principal Government High School Tarangri Bala, District Mansehra for one year.

v. D.O Elementary & Secondary Education (Male) Mardan for more than two years.

vi. D.O Elementary & Secondary Education (Male) Mardan for more than one year.

vii. Deputy Controller of Hazara University for more than one year.

viii. Presently working as a principal Government Higher Secondary School, Baffa.

2. That, the appellant fulfilled all his duties with zeal and zest and neither there is any stigma on the service career of the appellant nor any complaint from the public at large has ever been lodged against the appellant.
3. That, initially due to some embezzlements in the department, an inquiry was initiated which was headed by District Coordination Officer, District Toghar at Judba. The same was entrusted to respondent No.3 for disposal. On the conclusion of said inquiry, the appellant was exonerated from the charge levelled against the appellant but in view of the negligence on the part of the appellant, the respondent No.3/inquiry office recommended the imposition of minor penalty on the appellant.

(Copies of the inquiry report is annexed as annexure "A").

4. That, on the basis of said inquiry, the appellant was served with a charge sheet dated 26.08.2013 as well as questionnaire, in response whereof the appellant submitted his written reply.

(Copy of the charge sheet and reply are annexed as annexure "B&C").

5. That, the reply of the appellant was detailed and reasonable but the competent

authority without paying any heed to the reply of the appellant, issued a show cause notice to the appellant on 01.01.2014.

(Copy of the show-cause notice is annexed as annexure "D").

6. That, in response to the show cause notice, the appellant submitted his reply on 10.01.2014 before the concerned authority.

(Copy of the reply is annexed as annexure "E").

7. That, the inquiry committee vide its findings dated 13.05.2014 issued impugned notification dated 13.05.2014 vide which minor penalty of stoppage of three increments was imposed upon the appellant.

(Copies of the inquiry report and impugned notification are annexed as annexure "F&G").

8. That, being aggrieved from the inquiry report, the appellant filed a departmental appeal before the competent authority on 12.06.2014 but till now no reply or response has been given to the appellant.

(Copy of the departmental appeal is annexed as annexure "G1").

9. That, the appellant being aggrieved, seeks the gracious indulgence of this Honourable Court for set asiding the impugned

notification, inter alia on the following grounds: -

GROUNDS

- i. That, the impugned order/notification passed by the respondents is wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, without lawful authority, capricious, against the rules and regulations hence nullity in the eye of law.
- ii. That, the inquiry conducted by the concerned authority is against the procedure as laid down in sections 11, 12 and 13 of Khyber Pakhtunkhwa Government (Efficiency & Disciplinary) Rules, 2011.
- iii. That, the discreet inquiry should have been conducted by the inquiry officer. The Chief Minister Khyber Pakhtunkhwa is not competent to conduct the inquiry, which is a clear cut violations of the rules and regulations.
- iv. That, the findings of the inquiry committee/ inquiry report is against the service rules/law and no substantive piece of evidence was brought against the appellant during departmental inquiry.

v. That, as a matter of fact the case titled as fake appointments of 14 female teachers was inquired into and allegation was levelled against the appellant of showing negligence and slackness in the performance of official duties and weak managerial/administrative control on the activities of the staff which resulted into fake appointments of 14 female teachers in District Education Office, Torghar. Consequently, the appellant's three advance increments have been withheld as a minor punishment. It is pertinent to mention here that the appellant was appointed as D.O (Male) and has no concern with the appointments of female teachers, this important fact has been ignored by the competent authority/inquiry officer concerned. The appellant in no way can be held responsible for the above-mentioned act.

vi. That, the concerned inquiry officer held responsible the appellant without quantum of proof as required under the law, that is presumption or surrounding circumstances, neither evaluated nor produced before the inquiry officer. Therefore, the recommendations advanced by the inquiry officer is without application of judicial mind, which is a material irregularity and illegality apparent on the face of record.

vii. That, actually the appointment of the subject teachers were made by E.D.O (S&E) Mansehra and were transferred to the newly established Torghar District and their salaries were drawn fraudulently by respondent No.5, under the fake signature of the appellant. The appellant was totally unaware about this fact because this is not the domain of the appellant. In these circumstances, the inquiry should be conducted against the said respondent No.5 and wholly and solely the exemplary punishment should be awarded to him but the appellant was made scapegoat in sheer violation of the rules, regulations and real facts. Real facts are as under: -

a. That, the salaries were drawn when the concerned officer EDO and DO(F)/DDO(F) were already in their chairs and appellant had no concerned with any appointment or with the release of the salaries of the female teachers. The appellant being District Officer (M) was responsible for the release of salaries of male teachers only but this important fact has been ignored by the inquiry officer/concerned authority just to save the skin of their blue eye chap.

b. That, the respondent No.5 who had drawn the salaries was not an

officially appointed official to draw the salaries of neither male nor the female teachers.

- c. That, the cheque of salaries was issued to DDO Primary Torghar, without specifying male or female DDO, was encashed by respondent No.5 on fake signature of the appellant and redeposited on the behalf of DO(F)/DDO(F).

(Photocopy of the cheque and redeposited cheque are annexed as annexure "H&I").

- d. That, the appellant came to know about the case through the inquiry officer when the appellant was serving in Hazara University as Deputy Controller on deputation during that period, when the respondent No.5 redeposited the embezzled amount on 09.04.2014.

(Copies of the notification dated 31.01.2014 and 08.02.2012 are annexed as annexure "J & K" respectively).

- e. That, the respondent No.5 has also put fake signature on the relieving certificate of female teacher while in those days, the appellant was posted on deputation in Hazara University.

(Copy of the relieving certificate is annexed as annexure "L").

- f. That, the inquiry officer inspite of knowing all the facts and the proofs of fake signatures made by respondent No.5 imposed the minor punishment of withholding three increments upon the appellatant.
- viii. That, before issuing the impugned order the inquiry report, relevant case material was not properly examined. Similarly it was not opined in the impugned order that whether the inquiry was conducted in accordance with law or not.
- ix. That, no charge was proved against the appellatant thus the inquiry report is nullity in the eye of law and is not binding upon the appellatant.
- x. That the defense version as advanced by the appellatant before the E.D.O Finance and Planning Department District Torghar, the member inspection team and other inquiry officer were not considered properly.
- xi. That, the appellatant suffered agonies due to multiple/parallel inquiries.
- xii. That, from the available material/evidence as produced against the appellatant, if properly evaluated would result into

exoneration of the appellant from the charges as levelled.


- xiii. That, it was on record that signature of the appellant on the back of the cheque are forged (which was recorded by the E.D.O Finance and Planning Department District Torghar in his conclusion of the inquiry), and the inquiry officer totally failed to appreciate the fact that the respondent No.5 and the bank officers are the main character behind the whole episode but the inquiry officers or competent authority has not tried to understand the real facts and it concludes that they have set their minds to punish the appellant in one way or other.

It is, therefore, most humbly prayed that on acceptance of instant appeal, the impugned order/notification dated 13.05.2014 may kindly be set aside and the appellant may graciously be exonerated from the charges levelled against him.

Dated 09.10.2014


Wajid Iqbal
...Appellant

Through


SYED ASIF SHAH,
Advocate High Court,
Mansehra.

— 11 —

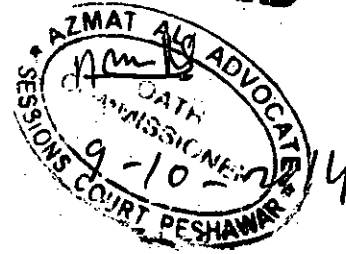
AFFIDAVIT.

I, Wajid Iqbal, Principal Government Higher Secondary School, Baffa, Mansehra, Tehsil and District Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 09.10.2014


Wajid Iqbal
(DEPONENT)

ATTESTED



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Wajid Iqbal.....Appellant

VERSUS

Secretary Education (Elementary & Secondary
Education), Khyber Pakhtunkhwa, Peshawar and
othersRespondents

SERVICE APPEAL

**APPLICATION FOR SUSPENSION OF
OPERATION OF IMPUGNED
ORDER/NOTIFICATION DATED
13.05.2014 TILL THE DISPOSAL OF
ABOVE-TITLED SERVICE APPEAL.**

Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of main service appeal.
2. That, the appellant has a prima facie case and there is every hope of its success.
3. That, the balance of convenience also lies in favour of the appellant.
4. That, if the operation of impugned order/ notification has not been suspended, the appellant would suffer an irreparable loss and

purpose of above appeal shall become
infructuous.

It is, therefore, most humbly requested that the
operation of impugned order/notification may
please be suspended till the disposal of main
appeal.

Dated 09.10.2014

Wajid Iqbal
Wajid Iqbal
...Appellant

Through

SYED ASIF SHAH
SYED ASIF SHAH,
Advocate High Court,
Mansehra.

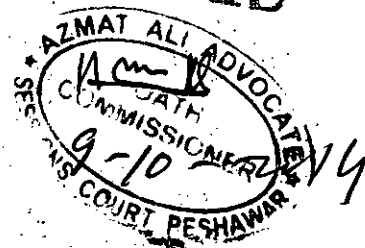
AFFIDAVIT.

I, Wajid Iqbal, Principal Government
Higher Secondary School, Baffa,
Mansehra, Tehsil and District Mansehra,
Appellant, do hereby solemnly affirm and
declare on oath that the contents of the
foregoing application are true and correct
to the best of my knowledge and belief
and nothing has been concealed from this
Honourable Court.

Dated 09.10.2014

Wajid Iqbal
Wajid Iqbal
(DEPONENT)

ATTESTED



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Wajid Iqbal.....Appellant

VERSUS

Secretary Education (Elementary & Secondary Education), Khyber Pakhtunkhwa, Peshawar and othersRespondents

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT

Wajid Iqbal, Principal Government Higher Secondary School, Baffa, Mansehra, Tehsil and District Mansehra.

RESPONDENTS

1. Secretary Education (Elementary & Secondary Education), Khyber Pakhtunkhwa, Peshawar.
2. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
3. Executive District Officer (Finance & Planning), District Torghar.
4. District Accounts Officer, Torghar.
5. Shahnawaz, Assistant office of District Education Officer, Torghar.
6. Manager, National Bank of Pakistan, Main Branch, Mansehra.

Dated 09.10.2014

Wajid Iqbal
...Appellant

Through

SYED ASIF SHAH,
Advocate High Court,
Mansehra.

OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
FINANCE & PLANNING DISTRICT TORGHAR
NO. 1540-41 /EDO(F&P)/TG:/Enquiry

Dated: 31 / 12 / 2012.

To:

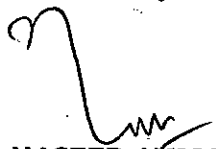
The District Coordination Officer
District Torgahar at Judbah.

Subject: INQUIRY REPORT OF 14 NOS FAKE APOINTMENTS OF PST FEMALE TEACHERS IN ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT DISTRICT TORGHAR.

Memo;

Please refer to your Endst: No. Nil dated 22/03/2012


Detail enquiry report along with all relevant documents/enquiry record of the subject cited enquiry is submitted herewith for further necessary action as desired please.


NASEER AHMAD
EXECUTIVE DISTRICT OFFICER
FINANCE & PLANNING DEPTT;
DISTRICT TORGHAR
(Enquiry Officer)

Endst: No & date Even:

Copy Forwarded to;

The EDO Elementary and Secondary Education Department District Torgahar for information please.


EXECUTIVE DISTRICT OFFICER
FINANCE & PLANNING DEPTT;
DISTRICT TORGHAR

Attested to be
true copy
7.1.12

16

**DETAIL INQUIRY REPORT OF FAKE APPOINTMENTS OF 14 NOS PST FEMALE
TEACHERS IN ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
DISTRICT TORGHAR.**

1. BRIEF HISTORY OF THE CASE:

Executive District Officer Elementary and Secondary Education Department District Torghar vide letter No. 796 dated 24/02/2012, No: 821-24 dated 05/03/2012 and No. 897-902 dated 15/03/2012 (**Annex 1, 2 &3**) has stated that while perusing the pay role for the month of January/February 2012 it has been observed that 14 Nos fake appointments of PST female teachers has been made in District Torghar. He further stated that in the result of these fake appointments an irreparable financial loss has been made to the Govt: exchequer. He therefore requested the District Coordination Officer Torghar for conducting an enquiry in to the case. In order to know the factual position and to address this public issue the honorable District Coordination Officer vide his Endst: No. Nil dated 22/03/2012 (**Annex-3**) has directed the EDO Finance and Planning for necessary action as per law.

In light of the above directives of the District Coordination Officer Torghar, the undersigned collected information from all the stack holder like Education department Torghar, Education department Mansehra, District accounts office Torghar, District accounts Office Mansehra etc so as to conduct a fact finding inquiry in to the case. The statements of some of the officers /officials of the education department as well as accounts office were also recorded.

2. FINDINGS OF THE ENQUIRY:

In light of the record collected and statements recorded from various stack holders it was found that;

1. 14 Nos source-I forms of female PST teachers (trained and untrained) duly signed by the District Officer Education (Female) were submitted to the DAO Torghar for activation and payment of salaries. (**Annex 4 to 17**)
2. All the 14 Nos female PST teaches were shown to be appointed in November 2009 vide office orders No. 19635-48 dated 16/11/2009 and No. 19649-78 dated 16/11/2009. As the District Torghar has been created in may, 2011 it means that the appointment orders were issued by the Education Department District Mansehra.
3. Of the total 14 Nos source-I forms, 12 Nos are returned from leave cases where as 02 Nos are fresh appointments. All these teachers were proceeded on leave just after their first appointments in November 2009.
4. The District Accounts Officer Torghar made payments against these source-I forms. Payment of Rs. 150240/- was made to deputy District Officer (primary) Torghar

Attached to
be time copy
M. L. Y.

vide cheque No. 0382140 dated 27/01/2012 (Annex-18). Where as payment of Rs. 11475/- and Rs. 11475/- were accordingly credited to the bank accounts of the 02 Nos teachers (Mst: Haleema Sadia and Mst: Nazma Shahreen). The cheque was drawn/encashed from the bank by Mr. Shah Nawaz Assistant of the Education department Torghar. On the back of the cheque the statement recorded that "Please pay to Mr. Shah Nawaz Assistant" and signed by the District Officer Male E&SE Torghar. Also the payment was received by Mr. Shah Nawaz assistant under his signature.(Annex-19)

5. According to the statement of Mr. Muhammad Zulfiqar the then District accounts Officer Torghar, that during representing the source-I forms for activation of pay, all the relevant record like original Service books, appointment orders, age and health certificates, posting/adjustment orders to schools and arrival reports were provided to the District accounts office by Mr. Shah Nawaz Assistant but the same was again collected from accounts office by him after pay activation for office record. (Annex-20)
6. Mr. Muhammad Zulfiqar the then DAO Torghar in another statement has stated that that the source-I forms were submitted with complete record like original Service books signed by the competent authority, appointment orders, age and medical fitness certificates. All these cases were examined and initialled by the concerned auditor and checked by the Assistant Accounts Officer (AAO). After then the source-I forms were accepted for punching in SAP System. However all the original record was returned to the concerned S/Auditor who gives it to the concerned assistant for photocopying for office record. However the concerned assistant not returned the record to the DAO Office and making excuses for it. (Annex-21)
7. The original record on the basis of which the source-I form was activated and payment made was found missing as it is neither available with the Education Department (Mansehra/Torghar) nor with DAO (Mansehra/Torghar).
8. The appointments orders were issued in 2009 in District Mansehra. However according to the statement of the EDO E&SE Department Mansehra, he categorically denied and stated that he does not make any appointment of these 14 Nos PST female teachers. He does not have any record of these appointments nor have any information about these teachers. (Annex-22)
9. Mr. Wajid Iqbal, the then DO male E&SE Department Torghar, has stated that no such appointments of PST Female teachers has been made in District Torghar. All these appointments are fake and bogus. The Education office Torghar has no record like appointment orders, posting/adjustment orders, grant of leave, service books, source-I forms etc of these 14 Nos PST Female teachers. He also disown the signature recorded on cheque and stated that these signature are bogus. (Annex-23, 24 & 25)
10. Mst: Saeeda Anjum, the then DO Primary (Female) E&SE Department Torghar (presently serving at DI Khan) was also contacted telephonically. She also stated that her signature recorded on the source-I forms are fake and bogus. She has neither signed any such source-I form nor any appointments made in education department Torghar during her period of stay as District officer Female. All these 14 Nos

Attached to be
true copy
J. K. A.

appointments are fake. She also stated that the dealing clerk of her office was Mr. Abbas and not Mr. Shah Nawaz.

11. Mr. Shah Nawaz assistant of education department Torghar in his statement has said that he was authorized by Mr. Wajid Iqbal DO Male Education department Torghar for encashment of the cheque. Also the said amount was refunded in to Govt: treasury on the directives of the DO male. **(Annex-26,27,28 & 29)**
12. It was also found that the dealing clerk of the DO Primary female office was Mr. Abbas. However all the 14 Nos cases were processed by Mr. Shah Nawaz. The source-I forms along with original record were presented to DAO Office Torghar by Mr. Shah Nawaz. Also the cheque was received by him and drawn from bank by him. And after the disclosure of this fraudulent case the same amount was deposited in Govt: treasury by Mr. Shah Nawaz. The concerned dealing assistant Mr. Abbas has also stated that the cheque was received and cashed by Mr. Shah Nawaz and the amount was also recovered from him. **(Annex-30 & 31)**
13. In this connection the attested specimen signature of both the District Officers (Male & Female) was obtained so as to tally with the signature on the cheque and source-I forms. After thorough observation it was found that the signature recorded on cheque and source-I form are not tallying with that of the DO Male and DO Female respectively. **(Annex-32 & 33)**
14. It was also found that the amount drawn from bank has already been deposited back in the Govt; treasury by Mr. Shah Nawaz vide challan No.02, Rs. 150240/- dated 27/03/2012, Challan No. 01 Rs. 11475/- dated 09/04/2012 and Challan No. nil Rs. 11475/- dated 09/04/2012. **(Annex- 34,35 &36)**
15. It was also found that amongst these 14 Nos PST teachers one PST Teacher Mst. Rubina Bibi has ben transferred to DI Khan. However as per record of the DAO Office Torghar her LPC has also not been presented by his office for counter signature.
16. It was found that there is contradiction in statements of the DAO Torghar Mr. Muhammad Zulfiqar. As according to his statements all the original relevant record like Service books, appointment orders, health fitness certificates etc were found attached with the source-I form submitted to his office **(Annex- 20 & 21)**. However the EDO E&SE Department Mansehra and DO E&SE Department Torghar has categorically denied that no such appointments has been made nor any such record available with them. **(Annex-22 & 37)**
17. The DAO Torghar before activation of source-I form has requested the EDO E&SE Torghar vide his office letter No. DAO/TG/223-24 dated 24/12/2011 **(Annex-38)** for verification/authentication of the appointment orders bearing No. 19635-48 dated 16/11/2009 and No. 19649-78 dated 16/11/2009. It is however later on the source-I forms of all these 14 PST Teachers were activated and payment made to them without the verification/authentication of the appointment orders by the EDO E&SE Department Torghar.
18. The DAO himself as well as the pre audit staff of the DAO Torghar also failed to enquire/observe before activation of the source form that there is no such rule to grant leave for a period of more than two years to an employee from the date of joining his/her service.

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be true copy
M. A. M.

3. CONCLUSIONS OF THE ENQUIRY:

On the basis of the above findings the following conclusions were drawn:

1. It was conclude that all these 14 Nos PST teachers appointments are fake and bogus. All the relevant record like Service books, appointment orders, medical certificates, adjustment orders etc were also bogus and fake in their nature and the same has disappeared from the scene as this fraudulent case come to the surface.
2. The signature of the DO Male on the cheque drawn from the bank are also fake and bogus as it does not tally with his attested specimen signature.
3. Similarly the signature of the DO Female on the source-I forms are also fake and bogus as it does not tally with her attested specimen signature.
4. The officers and officials of the DAO Torghar fail to scrutinize the claim according to the pre-audit yard sticks as they entertained the claim without the verification and authentication of the appointment orders from the competent authority. They also failed to maintain the relevant record of the claim as required for post-audit/inspection purposes.
5. In the DAO Office Torghar there exist no record of any document which could established the pre-audit of these claim as required for the claim of the first appointment.
6. Both the officers (DO male and Female) of the E&SE Department Torghar also show negligence in their official duties. Also it seems that they were losing financial and management control of their respective offices. It is however as per statement of the DO Male, Mr. Wajid Iqbal, during the months of November and December, 2011 he was busy with the EDO E&SE for his shifting to hospital at Abbottabad and then to Peshawar etc, who got major accident on 20/11/2011.
7. As District Torghar is a newly created District. The strong mafias and master minds in education department throughout the Province has tried of taking the advantage of this newly born set up and as such with the close coordination and involvement of the DAO Office Torghar have attempted to manage for drawl of salaries of 14 Nos PST teachers on fake appoint orders and record.
8. The cheque was received from DAO Office and drawn from bank by Mr. Shah Nawaz Assistant and the amount was kept by him as cash in hand and refunded by him in Govt: treasury under his signatures after the issue becoming surfaced.
9. According to statements of the DAO office all the relevant record has been returned to Mr. Shah Nawaz. However Mr. Shah Nawaz has stated that he has no such record.

4. RECOMMENDATIONS:

On the basis of the above conclusion and facts and figures the following recommendations are hereby made:

*Attested to be true copy
D. Anwar*

1. The competent authority if deemed appropriate may serve both the concerned officers (Mr. Wajid Iqbal the then DO Male and Mst: Saeeda Anjum the then DO Female) of the Education Departments Torghar with any minor penalty under the E&D rules on the basis of their negligence in their official duties and lack of managerial/administrative/financial control of their offices.
2. The competent authority if deemed appropriate may serve the concerned official Mr. Shah Nawaz assistant of the Education Department Torghar with any major penalty under the E&D rules on the basis of his close and deep involvement in this case.
3. Regarding the concerned officers/officials of the DAO Office Torghar, in this connection an enquiry has already been conducted in the same case by the DAO Mansehra vide Accountant General Khyber Pakhtunkhwa Peshawar letter No. Admn-I/Estt-II/TG/3915 dated 12/06/2012 (Annex-39). The concerned enquiry officer, Mr. Mushtaq Ahmad Swati, DAO Mansehra in his enquiry report has already recommended action against the concerned officers/officials of the DAO office Torghar as follow:

"The competent authority if deemed appropriate may serve show cause notice to the officers/officials of the DAO Torghar for their negligence, non observance of prescribed measures/abiding by rules and Connivance/collaboration in paying way for pilferage of public money".

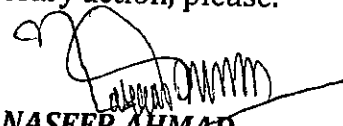
In his recommendation he recommended the following officers/officials for the above action:

1. Mr. Muhammad Zulfiqar DAO (Annex-40)
2. Mr. Afra Siab AAO (Annex-40)
3. Mr. Abdul waheed Senior Auditor (Annex-40)

In this regard the concerned authorities may be approached to initiate action, if already not initiated, as per recommendation of the enquiry officer please.

4. It is also recommended that if possible the EDO E&SE Department Torghar may obtained the educational documents and CNICs of these 14 Nos female teachers and forward the same to the concerned BISEs and NADRA offices for cancellation of their educational certificates/documents and CNICs..

Enquiry report submitted for further necessary action, please.


NASEER AHMAD
EXECUTIVE DISTRICT OFFICER
FINANCE & PLANNING DEPTT;
DISTRICT TORGHAR
(Enquiry Officer)

*Attended to be
True copy
2.11.11*



21- **Annexure "B"** PROVINCIAL INSPECTION TEAM

Block No. 15, Attached Department Complex,
Khyber Road, Peshawar Cantt.

Tele: 9210956-9212270

No. 919 /INSP/19/By Name Inq/PIT/2013

Dated: August 26, 2013

To

- 1) Mr. Wajid Iqbal,
Principal, GHS, Baffa
District Mansehra.
- 2) Mst. Saeeda Anjum,
Deputy District Education Officer (Female),
D.I.Khan.
- 3) Mr. Shah Nawaz,
Assistant, Office of the District Education Officer,
District Torghar.
- 4) Mr. Muhammad Zulfiqar,
District Accounts Office,
Mansehra.

Subject: Inquiry Into fake Appointment of Fourteen (14) Female Teachers in District Education Office Torghar.

Memo:


According to the Elementary & Secondary Education Department Notification No.SO(S/M)E&SED/4-17/2013/Wajid Iqbal & others: dated 22.8.2013 (copy attached) the competent authority has constituted an Inquiry Committee comprising of following to conduct inquiry into the subject matter:-

- i. Mr. Muhammad Humayun,
Chairman (BS21),
Provincial Inspection Team,
Khyber Pakhtunkhwa, Peshawar.
- ii. Mr. Fazal Manan,
Director (BS-20),
Provincial Institute of Teachers Education Peshawar.
2. Copies of Charge Sheets & Statement of Allegations (in duplicate) duly signed by the Competent Authority are enclosed. One copy of Charge Sheet & Statement of Allegation duly signed may be returned as taken of receipt.
3. You are directed to submit your written reply within seven days of the receipt of Charge Sheet & Statement of Allegation failing which it shall be presumed that you have no defense to put in & in that case ex-parte action shall be taken.

Attached to be true copy
J. A. K.

4. You may also intimate whether you desire to be heard in person or otherwise.

5. You are also directed to attend the office of the Chairman, Provincial Inspection Team, Block No.15, Attached Department Complex, Khyber Road, Peshawar Cantt. along with relevant record on 05/09/2013 at 10:00 hours for further proceedings in the case.

 26-8-13

CHAIRMAN
Provincial Inspection Team/
Inquiry Officer

Encl: (As above)

Endst: No. & Date of Even:

Copy forwarded to the:

- Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department with the request to kindly nominate a departmental representative to assist the Inquiry Committee during inquiry proceedings.

sd -
CHAIRMAN
Provincial Inspection Team/
Inquiry Officer

Attested to be
true copy
N. K. M.

CHARGE SHEET - 23 -

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Wajid Iqbal, Ex-Deputy District Education Officer (BS-18) (Male) Torghar (Now Principal (BS-18) GHS Baffa District Manshera as follows:-

That you, while posted as Deputy District Education Officer (BS-18) (Male) Torghar committed the following irregularity:

"Committed negligence and slackness in the performance of official duties and weak managerial/ administrative/ financial control on the activities of the staff which resulted into fake appointments of 14 female teachers in District Education Office Torghar."

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

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

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

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

6- A Statement of Allegations is enclosed.

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

Mr. Wajid Iqbal, Ex-Deputy District Education Officer (BS-18) (Male) Torghar
(Now Principal (BS-18) GHS Baffa District Manshera.

*Attached to be
true copy
[Signature]*

DISCIPLINARY ACTION — 24 —

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that, Mr. Wajid Iqbal, Ex-Deputy District Education Officer (BS-18) (Male) Torghar (Now Principal (BS-18) GHS Baffa District Manshera, has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

"Committed negligence and slackness in the performance of official duties and weak managerial/ administrative/ financial control on the activities of the staff which resulted into fake appointments of 14 female teachers in District Education Office Torghar."

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

- i. Mr. Mohammad Hamayun
- ii. Mr. Faqir Manan
- iii. _____

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

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

CHIEF MINISTER
KHYBER PAKHTUNKHWA

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

Mr. Wajid Iqbal, Ex-Deputy District Education Officer (BS-18) (Male) Torghar (Now Principal (BS-18) GHS Baffa District Manshera.

Attested to be true
2.1.11

To

The Chairman (inquiry officer)

Provincial Inspection Team.

Subject: Written replies to the questions in questionnaire regarding inquiry about fake appointments of fourteen female teachers in DEO office Torghar.

Sir,

Reference to letter No. 1022/INSP/19/By Name Inq/PIT/2013

I submit the following replies to the questions given in the questionnaire.

1. In the very beginning when the office at Torghar was established and I took over as D O (M), Mr. Abbas a teacher who was dealing with account matters of primary male teachers in EDO office Mansehra was detailed to Torghar office and was assigned the account of primary male and female teachers. Another Mr. Muneer (a teacher) on detailment was assigned the account matter of middle and high school and the staff of D O office. Their assignments as mentioned above were ordered as per rule in office order book. The officer in charge may be asked by the inquiry officer to produce and submit a copy of order book before the inquiry committee. As per directives of the inquiry committee I myself requested the officials personally to provide a copy of the order book but they gave no response. As per directives of inquiry committee I am sending another request to them to provide the order book. (A copy of the letter is attached here with) (Annexure 1)
It is further requested that only the dealing clerks of the office according to the office order do all the transactions regarding salaries/orders etc and no post of cashier exists in the EDO office. As requested above only Mr. Muncer and Mr. Abbas were responsible for accounts matters.
2. Mr. Shah Nawaz has never been assigned the duties to draw or redeposit any amount concerning any financial matters of the office. He was assigned the duties of reconciliation of the expenditure etc. He was not assigned any financial responsibilities or other sensitive matters in the office because of his being victim of moral turpitude and involvement in immoral activities such as drinking, receiving hush money and bad reputation. These involvements were once brought verbally into the notice of EDO but he treated all of these habits as his personal matters.
3. Mr. Shah Nawaz who was not concerned with any drawl or deposition of salaries etc drew the salaries and in cashed the salary cheque of the fourteen subject teachers under my fake signature.

Attached to be
true copy
S. K. N.

The case has already been inquired into and proved by the inquiry officer appointed by the DCO Torghar. If deem suitable all such signature may be rechecked and verified by the experts /concerned quarter.

It is also brought into your kind notice that on these dates DEO (Female) and EDO were in chair and I had no concern with the salaries of the primary female teachers. Cheque was drawn on 27/01/2012 during these dates

- 4. I had applied for posting as DY controller exams on deputation to Hazara University and a letter for deputation was sent to the secretary education on 30/01/2013, and my deputation order was issued on 08/02/2012 and was relieved from the office on 11/02/2012, (annexure II) Preparation of bills and encashment of cheque on 27/01/2012 were processed at the time when EDO was in the hospital after accident and was replaced by new one. At that time both the new EDO and DO (Female) were in chair and I had no concerned with salaries of female teachers nor I have been directed by higher officer in this respect.

All this process should have been done through the office of EDO and DO (Female) which have been by-passed and encashment was made under my fake signature.

I came to know about the whole case later on during departmental inquiry when I was on deputation in Hazara University.

After when the case was detected, the drawn amount was re deposited on two different dates 27/03/2012 and 19/04/2012. During these days I was working in Hazara University on deputation, and no questions of retainment of the cash by me arise. By which order, by whom and why the cash has been retained only the concerned office knows better, as I was not working in that office and was quite ignorant of these practices

- 5. When all facts have been found that the appointments and the drawl of salaries of fourteen female teachers and re deposition of salaries are fake and inquiry committee gave its recommendation it is the duty of the sitting EDO and DO's to take measures for avoiding such illegal practices .At present I am working as principal of G.H.S.S Baffa. My efficiency and ability to perform duties well can be verified from the controller office Hazara University, DEO office Mardan, DEO office Shangla, as Principal G.H.S.S Baffa, and the reporting officers of all these offices.

Attached to be true copy
7-1-12

Obediently yours
Wajid Iqbal
Principal:
G.H.S.S Baffa.
Ex DO (M) E&S Education Torghar

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO (S/M) E&SED/4-17/2013/Wajid Iqbal & others
Dated Peshawar the January 01, 2014

To

Mr. Wajid Iqbal, Ex-District Officer E&SE/
Ex-Deputy District Education Officer Male (BS-18) District Torghar.
(Now Principal BS-18 GHS Baffa Mansehra).

Subject: - **SHOW CAUSE NOTICE**

I am directed to refer to the subject noted above and to enclose herewith a copy of the Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the Minor Penalty of "Stoppage of three increments" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2013 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. Your reply should reach to this Department **within Seven (07) days** of the delivery of this letter otherwise ex-parte action shall be taken against you.

Encl: As Above:Endst: of even number & date:

Copy of the above is forwarded to PS to Secretary E&SE Department Khyber Pakhtunkhwa.

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

SECTION OFFICER (SCHOOLS/MALE)

Mr. Wajid Iqbal, Ex-District Officer E&SE/ Ex-Deputy District Education Officer (Male)
(BS-18) Torghar (now Principal BS-18 GHS Baffa Mansehra)

Attested to be
true copy
Wajid Iqbal

SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Wajid Iqbal, Ex-District Officer E&SE/ Ex-Deputy District Education Officer (Male) (BS-18) Torghar (now Principal BS-18 GHS Baffa Mansehra) as follows:

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

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

- (i) Inefficient
- (ii) Misconduct

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of stoppage of three increments under rule 4 of the said rules.

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

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

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
24.12.13.

*Attached to be
true copy
- M -*

Mr. Wajid Iqbal, Ex-District Officer E&SE/ Ex-Deputy District Education Officer (Male)
(BS-18) Torghar (now Principal BS-18 GHS Baffa Mansehra)

TO

The Chief Minister ,
Khyber Pakhtun Khwa

Subject

APPEAL/REPLY REGARDING "SHOWCAUSE
NOTES "NO .SO(S/M)E&SED / 4-17/ 2013 WAJID
IQBAL & OTHERS DATED PESHAWAR
JNUARY 01,2014

It is requested that I have already brought all the facts into
Your kind notice .Vide my letter "Written replies question in questionair regarding
inquiry about fake appointments of Fourteen female teacher in EDO E& SE office
Torghar.dated16.9.2013.

It is once again requested in your kind honour that

- 1) The appointments of these teachers were made by E D O E&S E
Mansehra and were transferred to newly established distt Torgher.
- 2) That Mr Shah Nawaz Assistant, who had drawn the salaries of these
teachers ,was not the officially appointed person.. He was assigned only the
reconciliation of the accounts. He fraudulently drew the amount under my fake
signatures.
- 3) These salaries were drawn when the E D O and D O (F) were already on
chair and they were dealing there duties including financial matters .
- 4) That I came to know about the case, through the inquiry officer when I
was working in Hazara university on deputation and was quit ignorant of the said
case
- 5) As the appointments and the transfers were of the female teachers and
in the presence E D O and D O (f) , the under signed does;nt have any role in
there appointments ,transfers and drawing of there salaries.
- 6) That all the things were done fraudulently out of the office by MR Shah
Nawaz with the help some of his supporters which is not on the record of the
office.
- 7) MR Shah Nawaz re deposited the drawn amount when I was on
deputation in Hazara university.

It is therefore requested that I m quite innocent in this matter and
imposition of any punishment upon me will be an act of injustice and
indiscrimination. It is also requested that any query about my abilty and honesty
can be asked from the high ups in departments where I worked.

It is also requested that I may be heard in person for further
clarification

J. Iqbal
Sincerely Yours
Wajid Iqbal PrincipaH.S.S Baffa,
Ex D O M E & SE Torl G. ghar

Date:10/01/2014

*Attested to
be true copy
D. H. T.*

SUBJECT: INQUIRY REGARDING FAKE APPOINTMENTS OF FOURTEEN FEMALE TEACHERS IN DISTRICT EDUCATION OFFICE TORGHAR.

1- ORDER OF INQUIRY

According to Elementary & Secondary Education Department Notification No. SO(S/M)E&SED/4-17/2013/Wajid Iqbal & Others dated 22.8.2013, the Competent Authority constituted an Inquiry Committee comprising of the following to conduct inquiry into the subject matter (Annexure A):-

- i. Mr. Muhammad Humayun
Chairman (BS21), Provincial Inspection Team.
- ii. Mr. Fazal Manan,
Director (BS-20), Provincial Institute of Teachers Education,
Peshawar.

The Inquiry Committee shall conduct inquiry against the following officers/officials of Elementary & Secondary Education and Finance Departments and submit report to the Competent Authority within thirty (30) days positively:-

- 1) Mr. Wajid Iqbal, Ex-DDO (Male) Torghar.
Now Principal, GHS, Baffa, District Mansehra.
- 2) Mst. Saeeda Anjum, Ex-DDO (Female) Torghar.
Now Deputy District Education Officer (Female), D.I.Khan.
- 3) Mr. Shah Nawaz,
Assistant, Office of the District Education Officer,
District Torghar.
- 4) Mr. Muhammad Zulfiqar,
District Accounts Officer, Torghar.

2- BACKGROUND

During November, 2009 the Executive District Officer (E&SE) Mansehra appointed six (Trained) Primary School Teachers vide Endorsement NO. 19645-48/PTC (F)/09/KD dated 16-11-2009 (Annexure-B) and 23 (Untrained) PSTs Females vide Endorsement No. 19649-78//PTC(F)/09/KD dated 16-11-2009 (Annexure-C). The Provincial Government announced establishment of Torghar as District in May, 2011. After the creation of Torghar as a District different offices were established. Appointment order No. 19649-78/PTC(F)/09/KD dated 16-11-2009 was changed by using photo

Attached to be true copy
N. Khan

State tricks and particulars of following ten PSTs were incorporated by deleting names of ten PSTs.

S.No.	Name of Teachers	Father's Name
1.	Miss. Rubina Raeen	Mr. Abdul Malik
2.	Miss. Rubina Bibi	Mr. Azmat Khan
3.	Miss. Haleema Sadia	Mr. Muhammad Tariq
4.	Miss. Taliat Shahreen	Mr. Saif Ur Rehman
5.	Miss. Asma Noreen	Mr. Muhammad Iqbal
6.	Miss. Hina Rehim/Rehman	Mr. Saif Ur Rehman
7.	Miss. Nazma Shaheen	Mr. Masta Jan
8.	Miss. Farah Iqbal	Mr. Muhammad Iqbal
9.	Miss. Rani Gul	Mr. Dildar
10.	Miss. Qurat Ul Ain	Mr. Jaffar Shah

Twelve PSTs were granted two years leave without pay immediately after the appointment without any formal notification, simply made entries in the service book. After availing leave they were adjusted in different Schools in district Torghar

11.	Miss. Aniq Rani	Mr. Muhammad Parvez
12.	Miss. Saima Hussain	Mr. Hussain Khan

Following two PSTs were shown as newly appointed teachers in January 2012.

13.	Miss. Saima Bibi (newly appointed)	Mr. Muhammad Zulfiqar
14.	Miss. Alia Fareed (newly appointed)	Mr. Muhammad Fareed

It was claimed that original Source-1 Forms, Service Books, Medical & Transfers orders were presented in the District Accounts Office, Torghar for payment of their salaries but nothing is available in the office of District Torghar except Source-1 Forms. After checking the documents sal amounting to rupees 1, 61,715/- was released and documents were returned in original. After detection of fake appointment payment of sal was stopped immediately. Amount already drawn by the Educat

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Department was deposited in the Treasury on 27-3-2012 and 9-4-2012. No loss has been caused to the provincial exchequer but it earned bad name for the Government.

3- PROCEEDINGS

Copies of the Charge Sheets and Statement of Allegations were issued to all the accused on 26.8.2013 (Annexure-D). They were asked to return one copy of the Charge Sheet and Statement of Allegations duly signed as token of receipt. They were also directed to submit their written reply within seven (07) days, failing which it shall be presumed that they have no defense to put in and in that case ex-parte action shall be taken. Torghar is a backward District. In the absence of Trained staff Untrained teachers are also appointed. Due to non-availability of qualified candidates from District Torghar candidates from adjoining Districts i.e. Mansehra & Shangla are appointed but not from D.I.Khan. Statements of following officers were recorded:

S.No	Name	Designation	Annexure
1.	Mr. Abdul Waheed	Senior Auditor, DAO Torghar	E
2.	Mr. Afrasiyab	Assistant Accounts Officer, Torghar	F
3.	Mr. Tanveer Aslam	Assistant Accountant, DAO Mansehra	G
4.	Mr. Tauqeer Ahmad	Sub Accountant, DAO Mansehra	H
5.	Mr. Munir Akhtar	CT Teacher, GMS Daro Torghar	I
6.	Mr. Ghulam Abbas	CT Teacher, GHS Tilli Hassan Zai.	J
7.	Mst. Sofia Tabbassum	Deputy Directress (Estt) Directorate of E&SE	K
8.	Mst. Rashida	DDO (Female) Mansehra.	L
9.	Dr. Niaz Muhammad	Medical Supdt, DHQ Mansehra.	M

Mr. Abdul Waheed, Senior Auditor is an employee of Accountant General Khyber Pakhtunkhwa. Disciplinary action was initiated against him by the Accountant General. A minor penalty of stoppage three increments has been imposed upon him vide office order No. Admn-II/DIS/Abdul Waheed/

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Torghar. EDO as well as DEO (Female) both has taken their charge. The amount was re-deposited on 27.3.2012 and 19.4.2012 when I was working in Hazara University on deputation basis. The retention of cash by the EDO (Male) is not possible.

SA/DAOTorghar/2012-13/7432 dated 31-10-2012 is at (Annexure-N). Mr. Afrasiyab Assistant Account Officer is an employee of Controller General Accounts (CGA) Office. Disciplinary action has been initiated against him. However his case has yet to be decided by the dealing Department.

+ OBSERVATIONS

a- Mr. Wajid Iqbal Ex-DDO(Male) District Torghar.

Mr. Wajid Iqbal was appointed as Subject Specialist on 18.3.1993. His date of birth is 15.6.1965. Mr. Wajid Iqbal, Ex-DDO(Male) Torghar was charged as follows:

“Committed negligence and slackness in the performance of official duties and weak managerial/ administrative/ financial control on the activities of the staff which resulted into fake appointments of 14 female teachers in District Education Office Torghar.”

i) He personally appeared before the Inquiry Committee on 05.9.2013. He submitted his written reply on 4-9-2013 which is Annex at (Annexure-O). He stated that he was posted as District Officer (Male) Torghar vide Notification No. SO(S/M)/E&SE/4-16/10/Wajid Iqbal: dated 29.03.2011 (Annexure-P). He served as District Officer (Male), Torghar for a period of ten months. Subsequently his services were placed at the disposal of Hazara University on deputation basis for a period of three years vide No.SO(S/M)/E&SE/4-10/2012/Wajid Iqbal (DO) dated 8.02.2012 (Annexure-Q). Staff members in Mansehra Office were assigned duties to work for Torghar Education Office for the time being. Subsequently, District Officer (Female) was posted in the newly established Torghar office. Mr. Shah Nawaz Office Assistant was transferred from the EDO (E&SE) Mansehra to the EDO (E&SE) Torghar. He was dealing the affairs of Middle Schools in District Torghar. For want of facilities in District Toghhar record of newly established district office was partially shifted from Mansehra.

ii) Mr. Bahadar Khan, EDO Torghar was injured during a road accident. Subsequently, Mr. Sahibzada Hamid Mahmood took over the charge as EDO, Torghar. He added that during his tenure only six (06) Class-IV employees were appointed by Mr. Bahadar Khan after observing all the codal formalities. So far as drawing of salary of Female Teachers is concerned EDO (E&SE) & District Officer (Female) are responsible for the same. According to service

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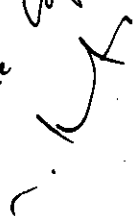
Mr. Abdul Wajid, DO(M) Torghar being his neighbor and boss. Cheques were encashed by him through Mr. Shah Nawaz, Office Assistant. Cash was retained by Mr. Shah Nawaz, Assistant for more than three months. After detection of embezzlement amount in question was re-deposited in the Treasury by Mr. Shah Nawaz, Assistant vide challan dated 27-3-2012 & 9-4-2012 (Annexure-S).

b- Mst. Saeeda Anjum, Deputy District Education Officer (Female), Torghar.

Mst. Saeeda Anjum served in Fauji Foundation for more than seventeen years as a teacher and Vice Principal at D.I.Khan and Nowshera. During April, 2011 she was selected as Head Mistress through Public Service Commission. She was also selected as District Officer (Female) in August, 2011 and posted as District Officer (Female) Torghar where she served w.e.f 22.8.2011 to 10.02.2012. Subsequently she transferred to D.I.Khan and presently she is working in District Tank. She was charged as follow:

“Committed negligence and slackness in the performance of official duties and weak managerial/ administrative/ financial control on the activities of the staff which resulted into fake appointments of 14 female teachers in District Education Office Torghar.”

She appeared before the Inquiry Committee on 5-9-2013. She submitted her written reply on 3-9-2013 which is at (Annexure-T). She stated that immediately after her selection by the Public Service Commission she was posted as Deputy District Education Officer (Female) at Torghar. There was no trained staff who assist her in discharge of her official duties. During my tenure no appointments of any female teacher had been made. I was absolutely unaware of the fake appointments of fourteen female teachers in district Torghar. She added that Torghar was a newly established district and there was no regular Cashier in the office of DEO(Female). Mr. Abbass and Mr. Munir (Teachers) were dealing with all the official accounts matters. She added that cash was not retained by her. Cheque was encashed by affixing signature of DEO (Male). Mr. Shah Nawaz, Assistant encashed the cheque and retained money with himself for more than three months. Amount in-question was deposited in the Treasury after her transfer to D.I.Khan. She added that being newly appointed District Officer no training was arranged for her, she

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neither signed Source-1 Forms of fake appointment nor such document were put up to her for signature.

ANALYSIS

She served as Deputy District Officer (Female) (E&SE) Torghar w.e.f 22-8-2011 to 10-2-2012. During her tenure bills were presented and cheques were issued in the favour of Deputy District Officer (Primary) Torghar. Moreover Miss. Rubina Bibi a candidate from District D.I.Khan was appointed as PST in District Torghar which is not permissible under the rules. She failed to issue authority letters to Mr. Abbass Khan and Mr. Munir who were dealing with accounts matters in the District Officer (Female) Office, Torghar. If she had designated a persons and issued Authority Letter for presenting bills and collecting cheques then this incident might have not happened. During her tenure case regarding Inter District Transfer of Miss. Rubina Bibi from Torghar to D.I.Khan was processed who was illegally appointed in District Torghar.

c- Mr. Shah Nawaz, Assistant

He joined Govt. service as Junior Clerk on 18.11.1979. His date of birth is 08.4.1959. He was transferred from EDO (E&SE) Mansehra to EDO (E&SE) Torghar. According to office order he was supposed to deal with cases of Middle Schools (Male) Medical reimbursement, Leave Salary and Reconciliation. He was charged as under :-

“Involved by receiving cheque from District Accounts Office concerned and drawal from Bank and amount was kept as cash in hand and refunded the same in Government Treasury under his signature after the issue of fake appointment of 14 PST female teachers came to surface. Also the relevant record of these 14 fake appointments of PST Female Teachers has been returned to him by the DAO office which is now missing.”

He appeared before the inquiry committee on 5-9-2013. His written statement is at (Annexure-U). He stated that Mr. Wajid Iqbal, District Officer (Male) District Torghar directed him to receive a cheque relating to pay of female teachers as he was also the DDO for Female Institutions of the District and his neighbor as well. He admitted that cheque was enchshed under the signature of Mr. Wajid Iqbal by him. Mr. Wajid Iqbal asked him to retain

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cash. He will handover names of the female teachers but no one came to receive salary. Subsequently Mr. Wahid Iqbal was deputed to Hazara University. After his deputation I was directed to deposit the amount in to Government Treasury through challan. I neither submitted record nor received from the District Account Office I have served in the department for more than thirty two years honestly. For the first time I have been involved in illegal practice by obeying orders of my superiors. He requested that he may be exonerated from the charges level against him being innocent in the instant case.

ANALYSIS

Mr. Shah Nawaz Assistant in his statements admitted that he was dealing with monthly expenditure, Medical Reimbursement and Leave Salary of Middle Schools (Male). Bills of Female Teachers were deposited by the dealing hand. He only collected cheque from the District Account Officer Torghar on the direction of Mr. Wajid Iqbal the then DO (Male), Torghar. He also admitted that cheque was encashed under the authority of DO (Male). Cash was retained by him and finally deposited in Treasury on 27-3-2012 and 9-4-2013. He has not received documents from the District Accounts Office. He was dealing with monthly expenditure, leave salary and medical reimbursement cases. He was not supposed to process salary of female teachers.

d- Mr. Muhammad Zulfiqar, District Accounts Officer Torghar.

Date of birth of Mr. Muhammad Zulfiqar, is 14-12-1957. He joined service as Accounts Clerck on 1-5-1977. Mr. Muhammad Zulfiqar, District Accounts Officer, Torghar was charged as follows:-

- i- *Negligence*
- ii- *Non Observance of prescribed measure/abiding by rules and*
- iii- *Connivance/Collaboration, in paving way for pilferage of public money.*

He appeared before the Inquiry Committee on 5.9.2013. His written statement is at (Annexure-V). He stated that business of the District Accounts Offices is conducted in accordance with the Treasury Rules, Audit Code, Audit Manual and instructions issued by the Controller General of Accounts, Finance Division, Finance Department and the Accountant General from time to time. Fourteen Teachers were appointed by the DEO (E&SE), Mansehra on

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16.11.2009. Subsequently they were transferred to District Toghhar on 30.6.2011. Entire record of their transfer order, Service Book, and Medical Fitness certificates were presented in the District Accounts Office alongwith Source-I Form which were found in order. After processing Source-1 Forms were retained while other record was collected by Mr. Shah Nawaz, Assistant EDO Office. On detection of case, pay of newly appointed teachers was immediately stopped. Payment made vide Cheque No.382140 dated 27.01.2012 for Rs.1,50,240/- and Rs. 11,475/- in favour of Deputy District Officer (Primary) Toghhar was deposited into Treasury vide Challan dated 27-3-2012 & 9-4-2012.

District Accounts Officer Toghhar stated that record was returned by the concerned Auditor who was responsible to keep the record in safe custody. Auditor would be in a better position to explain to whom he has handed over record. His written reply shows that no formal authority letter was issued by the EDO, E&SE Toghhar to any official to deposit bills and to collect cheque. All the employees of his office used to come to Accounts Office for submission of bills and collection of cheques etc. It is the responsibility of the person collecting bills and giving cheques to ask for authority letter. Cheque amounting to Rs. 1,50,240/- and Rs. 11,475/- were collected by Mr. Shah Nawaz Assistant. Statement of DAO Toghhar with regard to appointment of Mst. Rubina Bibi as Primary School Teacher in District Mansehra/ Toghhar is irrelevant for the reason that being custodian of District Accounts Office he was supposed to check whether her appointment is in order. If not, he should have rejected pay bills.

ANALYSIS

• DAO wrote a letter to EDO (E&SE) Toghhar vide No. DAO/TG/223-24 dated 24-12-2011 that fourteen Female Teachers have been appointed during Nov, 2009 in District Manserha vide order bearing No. 19635-48 and 19649-78 dated 16-11-2009 and granted leave without pay. They have been adjusted in district Toghhar w.e.f 1-12-2011. He requested the EDO E&SE Toghhar that appointment and adjustment orders of Teachers may be verified (Annexure W). A copy of a letter was endorsed to District Officer (Female) for confirmation. Without waiting for the reply from the EDO he released pay. Miss Saima Bibi daughter of Mohammad Zulfiqar and Alia Fareed daughter of Mohammad Fareed were newly appointed candidates while remaining PSTs were appointed in 2009. Candidates appointed in 2009 and in January, 2012 were allotted Personnel Numbers 655434, 654146, 654147,

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654148, 654149, 654151, 654152, 654153, 654154, 654155, 654156, 654157 and 654158. Personnel Numbers 654156 and 654158 are newly appointed PSTs. Since Miss. Rubina Bibi hailing from D.I.Khan was appointed in District Torghar this issue was also ignored. Moreover bills were presented and cheque was collected by unauthorized persons. He also failed to retain record received in his office and returned the same. Newly appointed Teachers availed two years leave without pay just after their appointment without any valid reasons.

5- GENERAL OBSERVATIONS

According to the Service Rules the post of Primary School Teacher (PST) is required to be filled in by initial recruitment on merit at Union Council level, provided if no suitable candidate is available within the Union Council then from the adjacent Union Council on merit. Minimum qualification prescribed for the post of Primary School Teacher is as under:-

- i. "Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/Diploma in Education from a recognized Institute; or
- ii. Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University".

The age limit for Primary School Teacher is 18-35 years.

District Torghar is backward District. Qualified candidates particularly Female Teachers are not easily available therefore candidates from adjoining District Mansehra and Shangla are appointed. In the instant case Mst. Rubina Bibi, PST teacher hailing from D.I.Khan was appointed in District Mansehra which is not permissible under the rules (Annexure X). Subsequently she managed to get transfer herself from District Torghar to District D.I.Khan in Feb. 2012. During January 2012 Mr. Hamid Mehmood was posted as EDO (E&SE) Torghar while on the inter district proforma bears signature of Mr. Bahadar Khan, Ex-EDO Torghar. She has been adjusted as GGPS Kurai, D.I.Khan (Annexure-Y) from where she has drawn salary for the month of March, April and May, 2012. According to District Education Officer (Female) D.I.Khan letter No. 9451 dated 20-9-2012 attached at (Annexure-K) Miss Rubina Bibi, PST is absent from duty w.e.f 9-2-2013. However no action has been initiated against her by the DEO (Female) D.I.Khan. Original

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appointment order No. 19649-78/PTC(F)/09/KD dated 16-11-2009 was endorsed to Director E&SE Khyber Pakhtukhwa in which names of Miss Rubina Bibi and nine other fake appointees are missing. At the time of inter district Transfer Miss Rubina Bibi D/O Azmat Khan produced fake appointment orders in which her address has been shown as Kala Dhaka whereas she belongs to District D.I.Khan. At the time of processing of her request for inter District Transfer the Deputy Director (Estt), Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa had not asked how she was appointed in district Torghar and on what basis she wants inter District Transfer to D.I.Khan. Mst. Sofia Tabbassum, Deputy Director (Establishment), Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa may also be served with a Show Cause Notice why she had not properly examined the case of Miss. Rubina Bibi. Moreover, during January, 2013 Mr. Hamid Mehmood was working as EDO(E&SE) Torghar whereas Inter District Transfer proforma bears signature of Mr. Bahadar Khan Ex-EDO(E&SE), Torghar. Mr. Hamid Mehmood was working as EDO(E&SE) Torghar unearthed fake appointments of fourteen teachers. Presently he is Officer On Special Duty (OSD).

6- FINDINGS

Torghar is a backward area where qualified and eligible teachers particularly females are not easily available. Teachers from adjoining districts i.e. Mansehra and Shangla are appointed. At the time of establishment of Torghar there were no sanctioned posts. Staff already working in Mansehra was posted in the newly established District Torghar. Two teachers Mr. Abbas Khan and Mr. Munir were assigned the duties of Accounts Clerks on detailment basis. Moreover due to lack of facilities in District Torghar record was partially shifted from Mansehra. Some interested parties by using photo stste trick added names of ten PSTs. Two PSTs were shown as newly appointed in January, 2012. Mst Saeaa Anjum, DDEO (F) a newly appointed through Service Commission was posted there without providing proper documents. Being newly District offices were not properly established. It was found that DEO, E&SE Torghar or DO(Male) and DO(Female) had no authority letters to designated persons who can present bills and cheques of their offices. Cheques pertaining to Deputy District Officer (Female) Torghar bears code TG-6006 which is used for District Office Torghar. Accordingly cheque was issued in favour of Deputy District Officer Torghar without mentioning therein male or female. The cheque was encashed by District Officer (Male). Twelve PSTs were appointed

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in 2009 while two in January, 2012. All the appointees were allotted personnel numbers in continuous series which is not possible. Cheque was encashed by Mr. Shah Nawaz, Assistant dealing Middle Schools (Male). No entry was recorded in the cash book. Cash was deposited in the Treasury after three months. Original documents are neither available in the office of DEO (E&SE) Torghar nor District Accounts Office, Torghar. Inter district transfer proforma bears signature of Mr. Bahadar Khan, Ex-EDO (E&SE) whereas during January, 2012 Mr. Hamid Mehmood was working as EDO (E&SE) Torghar. Further observed that two years leave was granted to the twelve newly appointed Teachers without any formal notification and as such only entries in the service books were recorded. Inquiry Committee recommends that keeping in view above mentioned facts lenient action be taken against all the accused.

7- RECOMMENDATIONS

- I. Original appointment order was amended by using photo state tricks and names of PSTs were substituted. If cases are registered against fake appointees then they may disclose names of real culprits. Appointment order produced in the DAO, Torghar bears signature of Mst Chand Bibi, the then District Officer (Female) E&SE Mansehra now retired from service. Charges regarding negligence and slackness in the performance of official duties leveled against Mr. Wajid Iqbal Ex-Deputy District Education Officer (Male), Mst. Saeeda Anjum, Deputy District Education Officer (Female) Torghar and Mr. Muhammad Zulfiqar, the then District Accounts Officer, Torghar stand proved. They had not followed standing instructions otherwise this incident might have not happened. They may be served with Show Cause Notices and minor penalty of stoppage of three increments may be imposed as has already been done in case of Mr. Abdul Waheed, Senior Auditor.
- II. Mr. Shah Nawaz, Assistant who collected original documents from DAO Torghar, encashed cheque and retained cash with him for three months may be reverted to lower post. He may not be posted against cash dealing assignment in future.
- III. In order to avoid repetition of such incidents strict action may be taken against fake appointees. The DEO (E&SE) Torghar may be directed to register cases with Anti Corruption Establishment against fourteen candidates who were appointed on fake documents/basis.

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- IV. District Education Officer (Female) D.I.Khan may be directed to recover the amount illegally drawn by Miss. Rubina Bibi, issue termination orders on the basis of seeking appointment in District Mansehra through illegal means, obtaining inter district transfer under signature of Mr. Bahadar Khan in Jan, 2012 whereas Mr. Hamid Mahmood was working as EDO E&SE Torghar and also register case with Anti Corruption Establishment.
- V. DEO (E&SE) Torghar may ensure that proper procedure is followed for submission of bills and collection of cheques. "Authority Letters" are issued to designated persons who can only present bills and collect cheques from DAO office Torghar.
- VI. Disciplinary action may also be taken against Deputy Director (Estt.) Directorate of E&SE for failing to properly examine the case of Miss. Rubina Bibi hailing from District D.I.Khan and appointed in District Torghar in violation of service rules. During January, 2012 Mr. Hamid Mahmood was working as EDO E&SE Toghbar whereas inter District Proforma bears signatures of Mr. Bahadar Khan, Ex-EDO. Original appointment order dated 16-11-2009 does not contain name of Miss Rubina Bibi, PST (Annexure-C). On the basis of Fake appointment order she was allowed inter district transfer.
- VII. Mr. Hamid Mahmmod, Ex-EDO E&SE Toghbar who detected fake appointments of fourteen PSTs is OSD at the moment may be compensated by posting him anywhere in the Province.
- VIII. Newly appointed Officers of Management Cadre selected through the Public Service Commission may be provided proper training before posting them against such public dealing posts.

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[Signature]
FAZAL MANAN
 Director
 Provincial Institute of Teachers
 Education Peshawar

[Signature]
MUHAMMAD HUMAYUN
 Chairman
 Provincial Inspection Team



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the May 13, 2014

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2013/Wajid Iqbal & others:

WHEREAS Mr. Wajid Iqbal,

Ex-District Officer (BS-18), E&SE, Torghar (now principal BS-18 GHS Baffa Mansehra) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

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

- i. Mr. Muhammad Humayun, Chairman BS-21, Provincial Inspection Team, Khyber Pakhtunkhwa, Peshawar.
- ii. Mr. Fazli Manan, Director (BS-20) Provincial Institute of Teachers Education Peshawar.

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

4. **AND WHEREAS** a show cause notice was served upon Mr. Wajid Iqbal, Ex-District Officer (BS-18), E&SE, Torghar (now principal BS-18 GHS Baffa Mansehra) dated 01-01-2014.

5. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 16-04-2014 at 1100 hours, is of the view that the charges against the accused officer have been proved.

6. **NOW, THEREFORE**, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011; the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Stoppage of three increments" upon Mr. Wajid Iqbal, Ex-District Officer (BS-18), E&SE, Torghar (now principal BS-18 GHS Baffa Mansehra) with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (Male), Torghar/ Mansehra.
- 5- Mr. Wajid Iqbal, Principal BS-18 GHS Baffa Mansehra.
- 6- District Accounts Officer Torghar/ Mansehra.
- 7- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9- PS to Special Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 10- Office order file.

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

BEFORE THE CHIEF MINISTER K.P.K

Review petition U/S 17 of K.P.K Government Servant (E& D) Rules 2011 against the order dated: 13.05.2014.

Sir,

The review petition is as under:

1. That, the petitioner was initially appointed in Education Department. The brief service record is as under:
 - i) Initially appointment/posting:
Subject Specialist (Economics) dated 18.03.1993.
 - ii) Promotion to grade 18 on 09.02.2004.
 - iii) D.O Elementary and Secondary Education (Male) Shangla for more than three years.
 - iv) Principal G.H.S Trangri Bala District Mansehra for one year.
 - v) D.O Elementary and Secondary Education (Male) Mardan for more than two year.
 - vi) D.O Elementary and Secondary Education (Male) Torghar for more than one year.
 - vii) Deputy Controller of Examination Hazara University for more than one year.
 - viii) Presently working as Principal, G.H.S.S Baffa.
2. That on dated: Jan 1, 2014 petitioner was served a show cause notice about the inquiry.

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- 3. That on the conclusion of the inquiry the inquiry officer recommended withholding of three increments.
- 4. That, vide order /notification No. SO (S/M) E&SED/4-17/2013/Wajid Iqbal. The minor penalty of withholding of three increments was imposed on petitioner. Hence the petitioner seeks indulgence of your good office inter alia on following grounds.

GROUND

- I) That, the impugned order is against the law and facts, hence not tenable in the eye of law.
- II) That, the inquiry conducted by the concerned authority is against the procedure as laid down in sections 11,12 & 13 of K.P.K. Government (E & D) Rules 2011.
- III) That, the discreet enquiry should have been conducted by the inquiry officer.
- IV) The inquiry report is arbitrary, perverse, injudicious and violate the services rules/law and no substantive piece of evidence was brought against the petitioner during departmental inquiry.
- V) As a matter of fact the case titled as fake appointments of 14 female teachers was inquired into and allegation was leveled against the petitioner of showing negligence and slackness in the performance of official duties and weak managerial/administrative control on the activities of the staff which resulted into fake appointments of 14 female teachers in District Education Office Torghar. Consequently, the petitioner's three advanced increments have been withheld as a minor punishment.
- VI) That, the concerned inquiry officer held responsible the petitioner without quantum of proof as required under the law, that is presumption or surrounding circumstances, neither evaluated nor produced before the inquiry officer. Therefore, the recommendation advanced by the inquiry officers is without

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application of judicial mind, which is a material irregularity apparent on the face of record.

VII) Actually the appointment of the subject teachers were made by EDO(S&E) Mansehra and were transferred to the newly established Torghar district and their salaries were drawn fraudulently by Mr. Shah Nawaz, Assistant, under the fake signature of the petitioner:

- a. That these salaries were drawn when the concerned officer EDO and DO (F)/DDO (F) were already in their chairs and petitioner had no concern with any appointment or with the release of salaries of the female teachers. The petitioner being DO (M) was responsible for the release of salaries of male teachers only.
- b. That Mr. Shah Nawaz Assistant who had drawn the salaries was not an officially appointed official to draw the salaries of neither male nor the female teachers.
- c. That the cheque of salaries was issued to DDO primary Torghar, without specifying male or female DDO, was encashed by Mr. Shah Nawaz assistant on fake sign of the petitioner and redeposited on the behalf of DO(F)/DDO(F), (photocopy of said cheque is attached).
- d. That the petitioner came to know about the case through the inquiry officer when the petitioner was serving in Hazara University as D/Controller on deputation during that period.
- e. That Mr. Shah Nawaz assistant on the report of EDO redeposited the amount in the treasury.
- f. That, the inquiry officer in spite of knowing all the facts and the proofs of fake signatures made by Shah Nawaz assistant charged the petitioner with minor punishment of withholding three increment

VIII) That, before issuing the impugned order the inquiry report, relevant case material was not properly examined. Simiarily it was not opined in the impugned order that whether the inquiry was conducted in accordance with the law or not.

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The inquiry report is not satisfactory, because the charge was not proved against the petitioner.

- IX) That the defense version as advanced by the petitioner before the EDO Finance and Planning Department District Torghar, the member inspection Team and other inquiry officer was not consider properly.
- X) That the petitioner suffered agony due to multiple/parallel inquiries.
- XI) That, from the available material/evidence as produced against the petitioner if properly evaluated would result into exoneration of the petitioner from charges as leveled.
- XII) That, it was on record that signature of the appellant on the back of the cheque are forged (which was recorded by the EDO Finance and Planning Department District Torghar in his conclusion of the enquiry) and the inquiry officer totally failed to appreciate the fact that Mr. Shah Nawaz Assistant, District Accounts Officer Torghar and the bank officer are the main character behind the whole episode.

PRAYER

It is, therefore humbly prayed that the review petition may kindly be accepted and the impugned order no S.O(S/M) E&S E.D/4-17-2013/Wajid Iqbal and others dated: 13-05-2014 may be reviewed and the petitioner may graciously be exonerated from the charges leveled against him.

Wajid Iqbal
Principal GHSS Baffa.

Cc to:

1. Secretary E&SE Peshawar.

*Attested to be true copy
S. H. K.*

Annexure
"H"

247

AC No _____ AC Type _____ Pre-Audit Check _____ Dated _____

Pay to the order of _____

Payable in words _____

Rs. 150,240/-

Charge the same against the District Fund of District _____

This cheque is current for three months only after the month of issue.

Assistant Accountant General
District _____

Copy to Mr. Shahnawaz
ASCC

Inqul
District Officer (Male)
S.S. Educ. Tor Ghar

Singret Alkal
Shahnawaz
Shahnawaz
Shahnawaz

Received from
Shahnawaz

Inqul
District Officer (Male)
S.S. Educ. Tor Ghar

THE MANAGER, NATIONAL BANK OF PAKISTAN,

Dated 27/3/12

Received from D.O (F) TORGHAR

the sum of Rs. 150240/- to be credited to Government account
under the head Recovery of over payment 3914
on account of recovery of over payment

Manager

This portion to be returned to the payee received by the Agent.

Note: The Bank Agent is instructed not to receive money unless both portions of the invoice are carefully and clearly filled in.

Attached to be
true copy

(This portion to be transmitted by the Bank Agent to the
Treasury Officer in support of the credit in his daily accounts).

THE MANAGER, NATIONAL BANK OF PAKISTAN

Dated 8/4/12

Received from D.O (F) ELSE TORGHAR

the sum of Rs. 11475/- to be credited to Government account
under the head Recovery of over payment 3914

Annexure J - 50

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 4193 /F.No.A-12/Estab:1
Deputation B-17 & Above (M) 2011

Dated: Peshawar the 3/1/2012

To

The Secretary to Govt of
Khyber Pakhtunkhwa Elementary & Secondary
Education Department, Peshawar.

Subject: DEPUTATION

Memo:-

I am directed to refer to letter No. SO/S M/ E&SED/4-10/2012/Wajid Iqbal DO
Torghar, Dated: January 30, 2012, on the subject cited above and to state that Mr. Wajid Iqbal
BS-18, DO Torghar is proposed on Deputation basis to Hazara University, Manshera.

I am therefore requested that this office has no objection of above named officer
on deputation basis.

3/1/2012
Deputy Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Copy to:

1. PA to Director E&SE Khyber Pakhtunkhwa Peshawar

ed
Deputy Director (Establishment)

*Attested
to be true
copy
[Signature]*

Annexure K

51



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Dated Peshawar the February 08, 2012

NOTIFICATION

NO.SO(S/M) E&SED/4-10/2012/Wajid Iqbal (DO): The Competent Authority has been pleased to place the services of Mr. Wajid Iqbal, District Officer (BS-18) Elementary & Secondary Education District Tor Ghar at the disposal of Hazara University for posting as Deputy Controller of Examination (BS-18) on deputation basis for initial period of three (3) years.

2. Terms and conditions of his deputation shall be settled separately.

SECRETARY

Endst: of even No. & Date:

Copy forwarded for information and further necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. The Registrar, Hazara University, Mansehra.
4. District Accounts Officer Mansehra.
5. Executive District Officer E&SE concerned.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa
7. Officer concerned.
8. Office order File.

Attended to
be true copy
7.1.12

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

ANNALS X

Amexide L



52

RELIEVING CERTIFICATE

Mst Roubina Bibi PST GGPS, Murado (Tor Ghar) is hereby relieved of her duty on the fore/after noon of 29/2/2012 in compliance with the order issued by the Director of Elementary & Secondary Education Khyber Pakhtun Khawa Peshawar under Endst No. 2732-36. Dated.27/2/2012

She is directed to report for her duty to his new station District D.I.Khan immediately

[Signature]
District Officer
(E&S) Education Tor Ghar

District Officer
Elementary & Secondary
Education Tor Ghar
[Signature]

[Handwritten initials]

Attended to be
true copy
A.W. →

وکالت نامہ

بعدالت جناب
سروس ٹریبونل خیبر پختونخواہ پشاور
نام واجداقبال
سیکرٹری محکمہ تعلیم وغیرہ
دعویٰ یا جرم
سروس اپیل
منجانب اپیلانٹ

باعث تحریر آنکہ

پشاور ایبٹ آباد کمپ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی بمقام

سید آصف شاہ ایڈووکیٹ ہائی کورٹ مانسہرہ

بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو بروعدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے، نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپردداشتی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم استغابی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ پیروی مختیار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل اور اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختیار نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔
المترقوم 109 اکتوبر 2014ء

العبد العبد العبد العبد

سید آصف شاہ ایڈووکیٹ ہائی کورٹ مانسہرہ

ATTESTED & ACCEPTED

SYED ASIF SHAH,
Advocate High Court,
Mansehra.

16-5

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1217/2014

Wajid Iqbal **Appellant**

VERSUS

Secretary Education (E&SE) KPK Peshawar & others.
..... **Respondents**

WRITTEN REPLY ON BEHALF OF RESPONDENTS
NO. 1, 2 ARE AS UNDER: -

Preliminary objections: -

1. That the appellant has got no cause of action/ locus standi.
2. That the minor penalty of with holding of three increments has been imposed upon appellant after conducting proper inquires against him, as he has committed negligence and slackness in the performance of official duty and lack of managerial/ administrative/ financial control of his office, which resulted into fake appointment of 14 female teachers in district education office Torghar.
3. That the appeal is not maintainable in its present form and liable to be struckdown.
4. That instant appeal is hopelessly time barred.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the instant appeal is against the prevailing law and rules.
7. That the appeal is filed by suppressing the material facts from honourable tribunal hence not maintainable.

Respectfully Sheweth!

1. That para No.1 of instant appeal relates to appellant service career, hence correct. No comments.
2. That para No.2 relates to appellant service career hence correct. No comments
3. In reply to para No.3 it is stated that inquiry has been conducted and the inquiry officer recommended the appellant for imposition of minor penalty of withholding of three increment, as he has shown misconduct in his official duty. (Copy of inquiry report has already been annexed).
4. Para No. 4 relate to record.
5. In reply to para No. 5, it is stated that show cause notice was issued to appellant after conducting proper inquiry against him in accordance with law.
6. Para No. 6 relates to record and the lenient view is taken with appellant, as he is not dismissed due to his misconduct. Because the matter relates to embezzlements in department, that 14 nos fake and bogus appointments of PST female teacher has been made in district Torghar and the same has disappeared from the scene as this fraudulent case come to the surface and after detection of fake appointments payment of salaries was stopped immediately. Amount already drawn by the education department was deposited in the treasury on 27.03.12 and 09.04.2012, no loss has been caused to the provincial exchequer but it earned bad name for the government.
7. In reply to para No. 7 it is stated that after having considered the charges and evidence on record, inquiry report, explanation of the accused, officer in response to show cause notice and personal hearing granted to appellant, the competent authority imposed minor penalty of stoppage of three increments upon appellant.

8. In reply to para No. 4, it is stated that order was passed on 13.05.2014, while appellant has badly failed to file department appeal within statutory period hence the instant appeal is liable to be dismissed.

GROUND: -

- i. That ground-i is incorrect hence denied, the order/ notification dated 13.05.2014 was passed after having considered the charges, evidence on record, inquiry report under rules and regulations of the department.
- ii. In reply to para-ii, it is stated that inquiry was conducted by the concerned authority in accordance with law.
- iii. In reply to para-iii it is stated that discreet inquiry has been conducted by the inquiry officer Naseer Ahmed EDO (Finance and planning) Department District Torghar and the other inquiry was conducted by the inquiry committee of Mr. Muhammad Humayun Chairman Provincial Inspection team and Mr. Fazal Manan Director Provincial institute of education Peshawar, in accordance with law.
- iv. That para-iv is incorrect, hence denied.
- v. That para-v is incorrect and subject to proof.
- vi. That para-vi is incorrect, appellant personally appeared before inquiry committee according to report of inquiry committee.
- vii. That para-vii is subject to proof.
 - a. That complete reply has already been given in preceding paras.
 - b. In reply to para-b it is stated that if appellant had designated a person and issued authority letter for presenting bills and collecting cheques then this incident might have not happened.
 - c. That para-c is subject to proof.
 - d. That para-d is subject to proof.

- e. That para-e is subject to proof.
- f. In reply to para-f it is stated that minor penalty of stoppage of three increments was imposed upon appellant as he has committed negligence and slackness in performance of official duty and lack of Administrative and financial control of his office.
- viii. That complete reply has already been given in preceding paras.
- ix. That para-ix is incorrect hence denied.
- x. That para-x is incorrect hence denied.
- xi. That para-xi is incorrect.
- xii. That complete reply has already been given.
- xiii. That para-xiii is incorrect.

It is, therefore, humbly prayed that on acceptance of the reply, the appeal of the appellant may kindly be rejected/dismissed with cost.

Respondent No -1 _____
Secretary Education (E&SE) KPK
Peshawar

Respondent No. 2 _____
Director (E&SE) KPK
Peshawar

District Education Officer
(Male) Tor Ghar

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1217/2014

Wajid Iqbal **Appellant**

VERSUS

Secretary Education (E&SE) KPK Peshawar & others.
..... **Respondents**

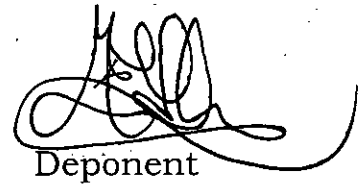
AFFIDAVIT

I, Mr. Abdullah Khan, D.E.O.,

District Torghar, do hereby affirm on oath that the contents of para wise comments are true and correct in the best of my knowledge and belief and nothing has been concealed from this honourable court.



9/6/15



Deponent

BEFORE THE K.P.K, SERVICE TRIBUNAL,
K.P.K. PESHAWAR

Wajid Iqbal.....**Petitioner**

Versus

Secretary Education etc.....**Respondents**

SERVICE APPEAL

WRITTEN REPLY ON BEHALF OF
RESPONDENT NO. 5

Respectfully sheweth!

PRELIMINARY OBJECTIONS:

- 1) Appellant has no cause of action against respondent No. 5.
- 2) Appellant has only arrayed respondent No. 5 in the panel of respondents to curtail his negligence's.
- 3) By the conduct of appellants, he (appellant) is not entitled to any relief claimed.

0-1-4
20.02.15

- 4) That present appellant malafidely burdened respondent No. 5 and his illegal practices which he performed during his service at Torghar.
- 5) That, there is no evidence at all for the allegations asserted against the respondent No. 5 on record.
- 6) That, present^t respondent never copied or signed signatures of appellant anywhere at any place.
- 7) That, signatures of appellant on cheque and other documents in the office during his (appellant) tenure be perused properly for comparison.
- 8) That, respondent No. 5 was not treated according to law and appellant in the present memo of appeal made respondent No. 5 a scape-goat as he had done in department^{-d} enquires.
- 9) That, the departmental enquiries was conducted is scure appellant and present respondent No. 5 was punished illegally with the collusion of present appellant.
- 10) That, respondent No. 5 had never ever done anything in violation of law during his whole service.
- 11) That, in departmental enquiry respondent No. 5 was not heard properly than, how he can be

responsible for findings of enquiry committee against the appellant.

- 12) That, the present appeal is instituted by the appellant against respondent No. 5 only to blackmail, harass & to fulfill his ulterior motives.

FACTUAL OBJECTIONS

That para No. 1 to 9 are not relevant with respondent No. 5 hence not liable to be answer and are subject to proof.

GROUND: -

- i) That, para No. I is incorrect. By practice of appellant, he/appellant be punished exemplary so that no high-up officials of any Government department will make scapegoat of any junior officer to save his skin from punitive action of law.
- ii) Para No. II is irrelevant for respondent No. 5 and hence not liable to be answered.
- iii) That, para No. III of grounds is not relevant and hence not liable to be answered. Moreover, respondent No. 5 was also involved in mentioned inquiry illegally to save appellant.

- iv) That, para No. IV is not liable to be answered, but findings of the inquiry committee against the respondent No. 5 are not true in its true prospective.
- v) That, para No. V is incorrect and is subject to proof.
- vi) That, para No. VI is not liable to be answered from respondent No. 5.
- vii) That, para No. VII is incorrect. Respondent No. 5 was not drawing and dispersing nor was an appointing authority. Respondent No. 5 was assigned by appellant to withdraw that cheque from bank and given his signed cheque to respondent No. 5. Signatures of appellant on cheques and his other signatures during his service at District Torghar ~~District~~ are to be considered. Appellant at first instance wrongly issued cheque to the respondent No. 5 and then kept cash in respondent No. 5's custody to hand-over the concerned teacher. When no one asked for withdrawn amount, respondent No. 5 bonafidely deposited the same amount. Moreover if there was no direct orders of appellant, then why he has not initiated any proceedings against respondent No. 5 during his service at District Torghar. This question also strengthens the stance of respondent No. 5.

- a) Para "a" of real facts is incorrect and subject to proof.
- b) Para "b" is incorrect. Appellant signed and issued cheque to respondent No. 5 just to collect cash from bank and hand it over to concerned officials/ teachers.
- c) Para "c" is incorrect. Signatures of all service record at Torghar of appellant be considered to reach at final conclusion.
- d) Para "d" is incorrect and subject to be proved through cogent and convincing evidence.
- e) Para "e" is incorrect and subject to proof.
- f) Para "f" is incorrect to the extent of allegations on present respondent.

- viii) Para VIII is incorrect.
- ix) Para IX is incorrect.
- x) Para X is incorrect.
- xi) Para XI is incorrect. By this conduct of appellant, respondent No. 5 suffered major punishment and agonies and is also defending his service till now in another departmental appeal before Service Tribunal.

- xii) Para XII is incorrect.

xiii) Para XIII is incorrect and are subject to proof about the allegations.

It is, therefore, humbly prayed that the instant appeal be dismissed to the extent of respondent No. 5 with heavy cost.

Dated 20.05.2015

Shahnawaz
(Respondent No. 5)

Through: -

KHURRUM SHAHZAD
Advocate High Court,
District Courts,
Mansehra

Shahnawaz
20/05
2015

AFFIDAVIT

I, SHAHNAWAZ (RESPONDENT NO. 5) DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING WRITTEN REPLY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

Shahnawaz
SHAHNAWAZ
(DEPONENT)



وکالت نامہ

بعدالت جناب خبر مخفون خواہ سروس ٹریڈینگز پرائیویٹ لمیٹڈ
 درجہ بنام سیکرٹری انجولینٹس پناور وغیرہ
 دعویٰ یا جرم اپیل سروس منجانب رسائی نمٹ نمبر (15) ٹی بی

باعث تحریر آنکہ

اندریں مقدمہ عنوان اپنی طرف سے برائے پیروی و جواب دہی مقام اپیل آمانڈ

”ختم سفیر داد ایڈووکیٹ ہائی کورٹ“

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ اختیار خاص روبرو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر پیشی پر حاضر نہ ہوں اور غیر حاضر کی وجہ سے کسی طرح ذمہ دار نہ ہوں گے۔ اگر مقدمہ کچھری کے علاوہ کسی اور جگہ کچھری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ کچھری کے علاوہ کسی اور جگہ سماعت ہوا یا کچھری سے اوقات سے اس کے پیچھے سماعت ہونے پر ظہر اولیٰ نالسان نہینے والا صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار دیکھنے وصول کرنے رسید دینے اور داخل کا ہر قسم کا بیان دینے اور پیردالتی و راضی نامہ دستبرداری و اقبال دعویٰ کا اختیار ہوگا۔ بصورت اپیل و براندگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم استثنائی یا فیصلہ قبل ازس ڈگری و اجراء ڈگری کسی دوسرے وکیل یا ایئر سٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں۔ ایسے مشیر قانون کو بھی اس امر میں وہی اختیار حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی پر سے پہلے ادا نہ کروں گا تو صاحب کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف سے خلاف نہیں ہوگا۔ جسے کل سامان پر دائرہ موصوف مثل ذات خود ذہن اور قول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ بند رہے۔ مضمون وکالت نامہ سن لیا اور آجی طرح سمجھ لیا اور منظور ہے۔

شاہنواز اسٹیف برائے دفتر (Deo) پورنور

✓ Such was

روز 20 مئی 2015

ATTESTED & ACCEPTED

BY: Khuram Shahzad
 Advocate High Courts,
 At Manshera.