

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Appeal No. 16/2005</p> <p style="text-align: center;">Date of Institution ... 09.12.2014 Date of Decision ... 20.03.2018</p> <p style="text-align: center;">Mr. Shah Nawaz, Presently Senior Clerk, Office of the District Education Officer (Female), Mansehra</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar. 2. The Secretary, Government of Khyber Pakhtunkhwa, Education (E&SE), Civil Secretariat, Peshawar. 3. The Director, Education (E&SE), Government of Khyber Pakhtunkhwa, Peshawar. <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for the appellant and Mr. Riaz Paindakheil, learned Assistant Advocate General on behalf of the respondents present.</p> <ol style="list-style-type: none"> 2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 13.05.2014 whereby he was awarded major penalty of reduction to lower post and against the order dated 11.11.2014 vide which the Review Petition of the appellant, filed against the original order dated 13.05.2014 was rejected. 3. Learned counsel for the appellant assailed the legality of the original impugned order on the ground that the penalty of 		

D.M.

20.03.2018

reduction in post/grade without specifying period is the violation of FR-29 and Rule 4(b) Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. Further argued that the impugned order of punishment is excessive and harsh.

4. As against that learned AAG argued that the impugned orders were issued after observing all the legal requirements and as such do not deserve any interference.

5. Argument heard. File perused.

6. Charge against the appellant, culminating to the impugned orders, is that he received cheque from the District Account Officer concerned and drawl from the bank and the amount was kept as cash in hand and refunded the same in government treasury under signature after the issue of 14 fake appointments of PST female teachers came to surface and that the relevant record of those 14 fake appointments was returned to him by the DAO Office which was missing.

7. Under Rule 4(b) Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 major penalty of reduction to lower post could be extended for a maximum period of five years.

8. Similarly FR-29 also envisages that if a government servant is reduced to a lower post, the authority ordering such reduction shall state the period for which it shall be effected.

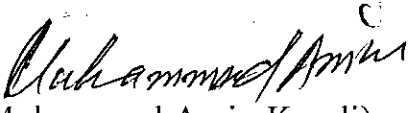
9. In view of the stated facts and circumstances of the case, the impugned order of punishment is modified and converted into the penalty of reduction to lower post for a period of four years. The


10/11/17
AAG

present appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

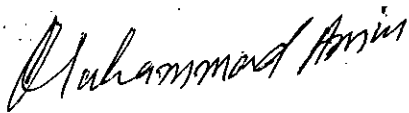
ANNOUNCED

20.03.2018


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

20.03.2018 Learned counsel for the appellant present. Mr. Riaz Paindakheil, learned Assistant Advocate General for the respondents present. Vide separate judgment of today of this Tribunal placed on file, the impugned order of punishment is modified and converted into the penalty of reduction to lower post for a period of four years. The present appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Amin Kundi)
MEMBER



(Muhammad Hamid Mughal)
MEMBER

11. 07.07.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.10.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Hamid Mughal)
Member

27.10.2017

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 16.01.2018 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Amin Khan Kundi)
Member

16.01.2018

Clerk of the counsel for appellant present. Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel for the appellant is not in attendance today. Adjourn. To come up for ~~reconsideration~~ arguments on 30.03.2018 before D.B.

(Gul Zeb Khan)
Member (E)

(Muhammad Hamid Mughal)
Member (J)

27.06.2016

Counsel for the appellant and Assistant AG for the respondents present. Rejoinder not submitted by learned counsel for the appellant and requested for further adjournment. Request accepted. Adjourned for rejoinder to 09.11.2016.

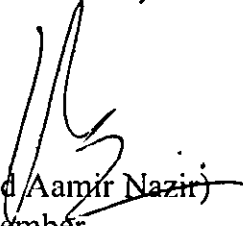

MEMBER


MEMBER

09.11.2016

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

16-3-17.


(Muhammad Aamir Nazir)
Member


(Pir Baksh Shah)
Member

16.03.2017

Mr. Taimur Khan, junior counsel for appellant and Mr. Muhammad Jan, Government Pleader for respondents present. Junior counsel for appellant requested for adjournment as senior counsel for appellant is stated busy in the Hon'ble Peshawar High Court. Adjournment granted. To come up for arguments on 07.07.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER.


(MUHAMMAD AAMIR NAZIR)
MEMBER

26.08.2015

Counsel for the appellant, M/S Khurshid Khan, SO and Iqbal Ahmed, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 24.11.2015 before S.B.


Chairman

24.11.2015

Appellant in person, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 3.3.2016 before S.B.


Chairman

03.03.2016

Appellant with counsel, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Para-wise comments submitted. Cost of Rs. 1000/- paid and receipt thereof obtained. The appeal is assigned to D.B for rejoinder and final hearing for 27.6.2016.


Chairman



Appeal No. 16/2015
Mr. Shah Nawaz

22.01.2015

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 13.05.2014, vide which the penalty of reduction to lower post was imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 11.06.2014 which was rejected vide order dated 11.11.2014 communicated to the appellant through fax on 26.11.2014, hence the instant appeal on 09.12.2014.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 10.03.2015 before the learned Bench-III.

Member

3 10.03.2015

Counsel for the appellant, M/S Khurshid Khan, SO for respondents No. 1 and 2 and Mosam Khan, AD for respondent No. 3 alongwith Addl: A.G present. Requested for Adjournment. To come up for written reply on 23.6.2015 before S.B.

Chairman

4 23.06.2015

Counsel for the appellant, M/S Khurshid Khan, SO for respondents No. 1 & 2 and Javed Ahmed, Supdt. for respondent No. 3 alongwith Addl: A.G present. Requested for adjournment. To come up for written reply/comments on 26.8.2015 before S.B.

Chairman

Appellant Deposited
Security & Process Fee
Rs. 300/- Bank
Receipt is Attached with File.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 16/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02.01.2015	<p>The appeal of Mr. Shah Nawaz resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>Le. Qul</i> REGISTRAR</p> <p style="text-align: center;">It is case is transferred to bench</p> <p style="text-align: center;">hearing to be held on</p> <p style="text-align: right;">CHAIRMAN</p>
2		

The appeal of Mr. Shah Nawaz Senior Clerk office of the DEO Mansehra received today i.e. on 09.12.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- In the memo of appeal many places have been left blank which may be filled in.
- 2- Annexure-C of the appeal is incomplete which may be completed.

No. 1685 /S.T,

Dt. 10/12 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

completion of *Sir.*

1. *removed.*
2. *Since the Dept has given only recommendations of inquiry committee which is already attached. The complete inquiry report may please be requisitioned from the report Dept.*

Re-submitted
Jari

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

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

Appeal No. 16 /2015

Mr. Shah Nawaz

V/S

Government of KPK etc.

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3.	Copy of Statement of Allegations	- B -	06
4.	Copy of Findings of Enquiry	- C -	07-09
5.	Copy of Show Cause Notice	- D -	10-11
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7.	Copy of Order (13.5.2014)	- F -	13
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APPELLANT
Shah Nawaz

Shah Nawaz

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

Taimur Ali Khan
TAIMUR ALI KHAN
Advocate

Goher Sajjad Khan
GOHER SAJJAD KHAN
Advocate

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 16 /2015

Mr. Shah Nawaz, Presently Senior Clerk,
Office of the District Education Officer (Female),
Mansehra.

A.W.F. Peshawar
No. 1423
09/12/2014

APPELLANT

VERSUS

1. The Government of KPK through Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, Government of Khyber Pakhtunkhwa, Education (E&SE), Civil Secretariat, Peshawar.
3. The Director, Education (E&SE), Government of Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

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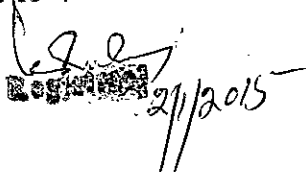
APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 13.5.2014 WHEREBY THE PENALTY OF REDUCTION TO LOWER POST WAS IMPOSED BY THE APPELLANT AND AGAINST THE ORDER DATED 11.11.2014 COMMUNICATED TO THE APPELLANT THROUGH FAX ON 26.11.2014 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

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9/12/14
PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 11.11.2014 AND 13.5.2014 MAY BE SET ASIDE AND THE APPELLANT MAY RESTORED TO HIS ORIGINAL GRADE/SCALE AND DESIGNATION OF OFFICE ASSISTANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to
and filed.


21/12/2015

RESPECTFULLY SHEWETH:

1. That the appellant joined the Education Department in the year 1979 and has 35 years service with good record throughout, except the present accident.
2. That while working as Office Assistant at office of DEO, District Tor Ghar was charge sheeted for "Involvement by receiving cheque from District Accounts Officer concerned and drawl from Bank and the amount was kept as cash in hand and refunded the same in Government treasury under signature after the issue of fake appointments of 14 PST female teaches came to surface. Also the relevant record of those 14 fake appointments of PST Female Teachers has been returned to you by the DAO office which is now missing". Since the other BPS-18 officers were involved in the matter, therefore, the Chief Minister being competent authority for them also charge sheeted the appellant by nominating the 2 officers namely Muhammad Hamayun and Fazal Manan as Enquiry Officers. Copies of Charges sheet and Statement of Allegations are attached as Annexure-A and B.
3. That then the enquiry was conducted at the back of the appellant and the appellant was not allowed to cross examine the record and witnesses against him during the proceedings. However, the enquiry committee without any fault on the part of the appellant recommended the punishment of reduction to lower post. Copy of Findings of Enquiry Committee is attached as Annexure-C.
4. That on the basis of recommendations of the enquiry committee, the appellant was served with show cause notice which was properly replied in time by the appellant and denied all the allegations leveled against him once again. Copy of Show cause Notice and Reply are attached as Annexure-D and E.
5. That on 13.5.2014, the penalty of reduction to lower power was imposed by the appellant. The appellant against that order filed Appeal/Review on 11.6.2014 and the same has been rejected for no good grounds on 11.11.2014. The appellant received the rejection order on 26.11.2014 through FAX. Copies of Order, Appeal and Rejection Order are attached as Annexure-F, G and H respectively.

6. That now the appellant comes to this august Tribunal on the following grounds amongst the others.

GROUND:

- A) That the impugned order dated 13.05.2014 and 11.11.2014 is against the law, facts, norms of justice and material on record, therefore, not tenable.
- B) That the final rejection order is not a speaking order which is the violation of Section-24 of the General Clauses Act as well as the Judgment of the Honourable Supreme Court of Pakistan reported as 1991 SCMR Page-2330.
- C) That neither the appellant was associated with inquiry proceeding nor has any statement of witnesses been recorded in the presence of the appellant. Even a chance of cross examination is also not provided to the appellant which is violation of norms of justice.
- D) That the appellant has been condemned unheard and has not been treated according to law and rules.
- E) That even the appellant has been punished for no fault on his part, rather the responsible high-ups have been saved and the appellant has been made an escape goat.
- F) That the penalty of reduction to lower post is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- G) That the penalty of reduction in rank/grade without specifying period is the violation of FR-29 and as such the order is liable to be set aside.
- H) That the appellant has not been treated according to law and rules.
- I) That the enquiry proceedings were conducted in questionnaires form and such enquiry has been held in violation of law in various judgments passed by Apex Courts.

J)

That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT
Shah Nawaz

Shah Nawaz

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

Taimur Ali Khan
Advocate

Goher Sajjad Khan
Advocate

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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

ATTESTED
A

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 tricks added names of ten PSTs. Two PSTs were shown as newly appointed in January, 2012. Mst Saeaa Anjum, DDEO (F) a newly appointed through Public Service Commission was posted there without providing proper training. Being newly District offices were not properly established. It was observed that DEO, E&SE Torghar or DO(Male) and DO(Female) had not issued any authority letters to designated persons who can present bills and collect cheques of their offices. Cheques pertaining to Deputy District Officer (Female) Torghar bears code TG-6006 which is used for Male Teachers. Accordingly cheque was issued in favour of Deputy District Officer (Primary) Torghar without mentioning therein male or female. Thus it being open 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.

ATTESTED
[Signature]

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 stands 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.

- 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 Toghar 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 Toghar 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.

Fazal Manan
FAZAL MANAN
 Director
 Provincial Institute of Teachers
 Education Peshawar

ATTESTED
Muhammad Humayun
MUHAMMAD HUMAYUN
 Chairman
 Provincial Inspection Team

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. Shah Nawaz Assistant office of the
District Education Officer, Male Torghar

Subject: - SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of the Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the Major Penalty of "Reversion to lower post" 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:

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

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

SECTION OFFICER (SCHOOLS/MALE)

ATTESTED
[Signature]

(11)

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. Shah Nawaz, Assistant Office of the District Education Officer, (Male) Torghar** 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) Guilty of Corruption

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Reversion to Lower post 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.

Mr. Shah Nawaz, Assistant Office of the
District Education Officer, (Male) Torghar

ATTESTED
[Signature]

E
12

To
The Section Officer (Male)
Government of Khyber Pakhtunkhwa
Peshawar.

Subject: SHOW CAUSE NOTICE

Memo:
Please refer to your No. SO(SM) E&SED/4-17/2013/Wajid Iqbal & Other Dated Peshawar the 1st January 2014. Received through District Education Officer (M) Tor Ghar on 28-02-2014.

With due respect, it is requested that I have already mentioned before the inquiry committee, that I was encashed/refunded the cheque from Bank on the direction of the then District Education Officer (M) Mr. Wajid Iqbal, being my superior and neighbor as well.

Sir this was not, my mandatory Duty. I have served in the department more then 32 years & I always performed my duty whole heartedly, efficiently and honestly. The recommendation of the inquiry officers are against the facts. I have never involved my self in any inefficiency/corruption, And in the instant case no loss to Ex chequer and amount have been deposited into Government treasury.

I therefore request to your kind honour, that keeping in view of the facts of the case, I may very kindly be exonerated from the charge leveled against me, more over, I also want to be heard in person please.

Dated: 4-3-2014

Your obediently
Shahnawaz
Shahnawaz Ex: Assistant
DO (Male) Tor Ghar Now
Assistant DEO (M) Mansehra

D. TEX COURIER SERVICE 0300-590					
OVER NIGHT	DTN	OVER LAND	Client No. <u>300748</u>	WEIGHT	
CLIENT REGD. NO.	ORIGIN	DESTINATION			
FROM: (SHIPPER) <i>Ms Shahnawaz</i>			TO: (CONSIGNEE) <i>Majidub Rehman</i>		
Courier Code <u>1</u> Date <u>3</u> SFA			Receiver Name <u>PKCO</u> Date <u>3</u> Time		
<small>TERMS & CONDITIONS: 1. DCS has right to inspect any shipment handling... 2. Liability of DCS for any loss or damage of property shall be the very strict... 3. DCS will not be held liable in any event for any... 4. DCS will not be held liable for any... 5. DCS has policy of progressive destruction of its records pertaining to... 6. DCS will not be held liable for any... 7. DCS will not carry... 8. DCS will not be held liable for any... 9. DCS will not be held liable for any... 10. DCS will not be held liable for any...</small>					

ATTESTED
[Signature]



H.H. Masroor / .86/

(H)

F

(13)

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:

Assistant (BS-14) office of the District Education Officer Male Torghar 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.

WHEREAS Mr. Shah Nawaz,

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. Shah Nawaz, Assistant (BS-14) office of the District Education Officer Male Torghar 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 major penalty of "Reduction to lower post" upon Mr. Shah Nawaz, Assistant (BS-14) office of the District Education Officer Male Torghar with immediate effect.

Endst: of Even No. & Date:

SECRETARY

Handwritten signature/initials

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/ Female), Torghar/ Mansehra.
- 5- District Education Officer (Female) Mansehra.
- 6- Mr. Shah Nawaz, Assistant BS-14 office of the District Education Officer Female Mansehra.
- 7- District Accounts Officer Torghar/ Mansehra.
- 8- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 9- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 10- PS to Special Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 11- Office order file.

Handwritten initials/signature and date 22/05

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

ATTACHED

Handwritten signature

- charge sheet
- statement of allegation
- Reply to charge sheet
- Inquiry report
- Show cause notice
- Reply to show cause notice.
- Penalty order.

BEFORE THE CHIEF MINISTER KHYBER PAKHTUNKHWA

9
14

**DEPARTMENTAL APPEAL/ REVIEW
AGAINST THE ORDER DATED 13.5.2014
WHEREBY THE PENALTY OF REVERSION
HAS BEEN IMPOSED ON APPELLANT.**

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was working as office Assistant in the EDO office District Torgher.
2. That charge sheet and statement of allegation was served to the appellant in which the appellant was charged that while posted as Assistant (PBS-14) office of the District education Torgher committed the following irregularity
"involved by receiving cheque from District account Office concerned and drawl from Bank and the amount was kept in hand and refunded the same in Government Treasury the signature after the issue of fake appointments of 14 PST female teachers come to the surface. Also the relevant record of these 14 fakes appointments of the PST female Teachers has been returned to him by the DAO office which is now missing".
3. That showcase notice was issued to the appellant after inquiry in which the appellant was directed to reply in 7 days. The appellant replied to show cause notice in time and stated in that reply that he encashed/refunded the cheque from Bank on the

ATTESTED

[Signature]

direction of then DEO(M) Mr. Wajid Iqbal being his superior.

- 4. That one sided inquiry was conducted on the back of the appellant and no chance of hearing was given to the appellant.
- 5. That 13.5.2014 impugned order was passed in which the appellant has imposed major penalty of "Reduction to lower post".

GROUND:

- A) That order dated 13.5 2014 is against the law, facts and norms justice, therefore liable to be set aside.
- B) That neither the appellant was associated with inquiry proceeding nor has any statement of witnesses has been recorded in the presence of the appellant. Even a chance of cross examination is also not provided to the appellant which is violation of norms of justice.
- C) That the appellant has been condemned unheard and has not been treated according to law and rules.
- D) That even the appellant has been punished for no fault on his part , rather the responsible high ups have been saved and the appellant has been made a escape goat.
- E) That the penalty of reduction to lower post is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- F) That the penalty of reduction in rank/grade without specifying period is the violation of FR-29 and as such the order is liable to be set-aside.

It is, therefore, most humbly prayed that the impugned order dated 13.5.2014 may be set aside and appellant may be restored to his original post with all back and consequential benefits. Any other remedy, which this august Court deems fit and

ATTESTED



appropriate that, may also be awarded in favour of the appellant.

Shah Nawaz
APPELLANT
Shah Nawaz. 11/6/2014
Ex-Assistant Office.
Presently:
S/Clerk, DEO (Female)
Mansehra.

No. 591

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

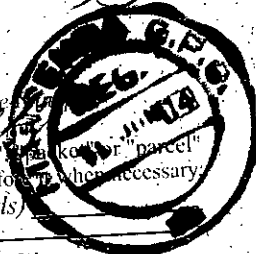
Received a registered* addressed to: Chief Mansehra Date: 11/6/14 Rs. 25

Initials of Receiving Officer: MS *Write here "letter", "postcard", "book" or "parcel" with the word "insured" before when necessary.

Insured for Rs. (in figures) 1000 (in words) one thousand

Insurance fee Rs. 100 Ps. 100 Weight 100 Kilo Grams

Name and address of sender: Mansehra 11.6.14



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

No.SO(S/M) E&SED/4-17/2013/Wajid Iqbal & others.
Dated Peshawar the November 11, 2014

To

- i. Mr.Wajid Iqbal,
Ex-District Officer (M) BS-18 E&SE Torgher
(now Principal BS-18 GHS Baffa District Mansehra.
- ii. Mst. Syeda Anjum,
Ex-District Officer (F) BS-18 E&SE Torgher
(now Dy. District Education Officer Female BS-18 Tank).
- iii. Mr. Shah Nawaz,
Assistant BS-14 office of the District Education Officer
Male Torgher.

Subject: - REVIEW PETITION IN DISCIPLINARY ACTION AGAINST MR. WAJID IQBAL,
THE THEN DISTRICT OFFICER (BS-18) MALE AND MST. SYEDA ANJUM THE
THEN DISTRICT OFFICER (BS-18) FEMALE E& SE TORGHAR.

I am directed to refer to your review petition dated nil, 10-06-2014 and 11-06-2014 respectively on the subject noted above and to state that the Chief Minister Khyber Pakhtunkhwa/ Competent Authority has considered your review petitions and rejected having no valid grounds.

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

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

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

SECTION OFFICER (SCHOOLS/MALE)

ATTACHED

VAKALAT NAMA

NO. _____ /20

IN THE COURT OF Service Tribunal, Peshawar

Shah Nawaz (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

_____ (Respondent)
(Defendant)

I/We Shah Nawaz

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, ^{Taimur Ali Khan d. Goher Sajjad Khan} to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 8-12 /2014

Shah Nawaz
(CLIENT)

ACCEPTED

M. Asif
M. ASIF YOUSAFZAI
Advocate

Taimur Ali Khan
TAIMUR ALI KHAN
Advocate

Goher Sajjad Khan
GOHER SAJJAD KHAN
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 16/2015

Shah Nawaz Senior Clerk, O/O the DEO(F) MansehraAppellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.Respondents

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-3.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action / locus standai.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant service appeal is based on malafide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the Appellant is not an aggrieved person.
- 9 That the Appellant has been treated as per law, rules & policy.
- 10 That the appeal is not maintainable in its present form.
- 11 That the instant appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 12 That the instant Service Appeal is barred by law.
- 13 That the Appellant is not competent to file the instant appeal against the Respondents.
- 14 That the Notifications dated 13-5-2014 & 11-11-2014 are legally competent & in accordance with the law.

ON FACTS

- 1 That Para-1, needs no comments being pertains to the service record of the appellant.

- 2 That Para-2 is correct to the extent that the appellant has been charge sheeted by the Chief Minister Khyber Pakhtunkhwa, on charges of his involvement in a financial scam by receiving cheque from the District Accounts Officer Toorghar & drawl from the Bank & the said amount was kept as cash & hand & refunded the said amount in the Govt: treasury under the signatures after the issuance of the fake & bogus appointments orders of 14 PST female teachers has been returned to the appellant by the District Accounts Officer District Toorghar which is now missing. Hence the competent authority has been pleased to charge the appellant & issue a Charge Sheet, alongwith the statement of allegations upon the appellant. Further- more an enquiry was also order to be conducted through the Chairman Inspection Team & Director PITE Govt: of Khyber Pakhtunkhwa who submitted their enquiry report to the competent authority, wherein the appellant has been found guilty of corruption, misconduct & inefficiency. (Copy of the Charge Sheet & statement of allegations are attached as Annexures-A &B).
- 3 That Para-3 is incorrect & denied. The appellant has been served with a Show Cause Notice dated 01-01-2014 alongwith the statement of allegations in the light of the enquiry report duly replied by the appellant on 04-3-2014. But his reply could not satisfy the Respondent No: 2, hence a penalty of reduction to lower post has been imposed upon the appellant vide the impugned Notification dated 13-5-2014 issued by the Respondent No: 2 in the light of the facts & circumstances of the case. (Copy of the Show Cause Notice & impugned Notification are Annexures-C&D)
- 4 That Paara-4 is correct to the extent that a Show Cause Notice has been served upon the appellant which has been replied by the appellant in an unsatisfactory form, hence the impugned Notification dated 13-5-2014 against the appellant.
- 5 That Para-5 is correct to the extent that the penalty of reduction to lower post has been imposed upon the appellant by the Respondent No: 2 similarly his appeal / Review against the impugned Notification has also been regretted on the grounds of being without any merit & force.
- 6 That Para-6 is legal, however the Respondents further submit on the following grounds inter alia :-

GROUND

- A Incorrect & denied. The impugned Notification dated 13-5-2014 & 11-11-2014 are in accordance with law, rules & set procedure, hence are liable to be maintained.
- B Incorrect & denied. The impugned Notification is legal & speaking one as well as in accordance in law, rules & procedures
- C Incorrect & misleading on the grounds that the appellant has been directly charged in the enquiry report & full fledge opportunity of defense was provide to the appellant.
- D Incorrect & denied. The appellant has been treated as per law, rules & policy in the instant case. He has been served a Show Cause Notice dated 01-01-2014 alongwith providing a chance of his personal hearing in his defense on dated 16-4-2014 at 11.00 hours. However his reply to the Show Cause Notice & personal hearing could not satisfy the competent authority, hence the penalty of reduction to lower post has been imposed upon the appellant vide Notification dated 13-5-2014 by the Respondent No: 2 against the appellant.(Copy of the enquiry report as Annexure-E).
- E Incorrect & denied. The statement of the appellant is against the facts & circumstances of the case as mentioned above. Hence rejected.
- F Incorrect & denied. Detailed reply has been given above.

- G Incorrect & denied. The referred rules of FR-29 is not applicable upon the case of the appellant in the light of above made submissions.
- H Incorrect & denied. The appellant has been treated as per law, rules & procedure vide Notification dated 13-5-2014 by the Respondent No: 2.
- I Incorrect, The statement of the appellant is misleading, hence denied.
- J The Respondents seek leave of this Honorable Tribunal to submit additional grounds & case law/ record at the time of arguments.

In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondent Department.



Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1 &2)



Director

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 3)

(A)

(13)

A
5

2013 10:40AM P1

CHARGE SHEET

I, **Pervez Khattak**, Chief Minister, Khyber Pakhtunkhwa as Competent Authority hereby charge you **Mr. Shah Nawaz**, Assistant (BS-14) Office of the District Education Officer, as follows:-

That you, were posted as Assistant (BS-14) Office of the District Education Officer, and you committed the following irregularity:

"Misused by receiving cheque from District Accounts Office and cashed and drawl from Bank and the amount was kept as cash in your possession and deposited the same in Government Treasury under your signature, prior the issue of fake appointments 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 you by the DAO office which is now missing".

In view of the above, you appear to be guilty of misconduct under Rule-3 of the 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 said Rules.

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

Your written defence, if any, should reach the inquiry officer/ inquiry committee within the stipulated time, failing which it shall be presumed that you have no defence to offer. In the case ex-parte action shall be taken against you.

You are, therefore, required to be heard in person.

Your written Allegations is enclosed.

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

CHIEF MINISTER
KHYBER PAKHTUNKHWA

Chief Minister
District Education Officer

(12)
B
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DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa Government, am of the opinion that, Mr. Shah Nawaz, Assistant District Education Officer Torghar, has rendered himself liable to be punished as he committed the following acts/ omissions, within the meaning of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1974.

STATEMENT OF ALLEGATIONS

"Involved by receiving cheque from District Accounts Officer concerned and drawl from Bank and the amount was kept in cash in hand and refunded the same in Government treasury with signature after the issue of fake appointments of 14 female teachers came to surface. Also the relevant record of these 14 fake appointments of PST Female Teachers has been returned to the DAO office which is now missing".

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

- i. Muhammad Hanayun
- ii. E. S. P. No. 113
- iii. _____

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

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

(PERVEZ KHATTAK)
CHIEF MINISTER
COMPETENT AUTHORITY

Mr. Shah Nawaz,
Assistant (BS-14) Office of the District Education Officer,
District 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

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To

✓ Mr. Shah Nawaz Assistant office of the
District Education Officer, Male Torghar

Subject - SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of the Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the Major Penalty of "Reversion to lower post" 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:

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

Endst: of even number & date:

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

SECTION OFFICER (SCHOOLS/MALE)

Assistant Office of the
District Education Officer, (Male) Torghar

7 (11) /

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. Shah Nawaz, Assistant Office of the District Education Officer, (Male) Torghar 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) Guilty of Corruption

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Reversion to lower post 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

Mr. Shah Nawaz, Assistant Office of the
District Education Officer, (Male) Torghar



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. Shah Nawaz, Assistant (BS-14) office of the District Education Officer Male Torghar 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. Shah Nawaz, Assistant (BS-14) office of the District Education Officer Male Torghar 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 major penalty of "Reduction to lower post" upon Mr. Shah Nawaz, Assistant (BS-14) office of the District Education Officer Male Torghar 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/ Female), Torghar/ Mansehra.
- 5- District Education Officer (Female) Mansehra
- 6- Mr. Shah Nawaz, Assistant BS-14 office of the District Education Officer Female Mansehra
- 7- District Accounts Officer Torghar/ Mansehra.
- 8- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 9- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa
- 10- PS to Special Secretary, E&SE Department, Khyber Pakhtunkhwa
- 11- Office order file.

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

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 673 /ST

Dated 02 /04/2018


To

The Director, Elementary & Secondary Education,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 16/2015, MR. SHAH NAWAZ.**

I am directed to forward herewith a certified copy of Judgment/Order dated 20/03/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

