


28.10.2016

Petitioner in person and Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Representative of the respondents submitted that implementation report is in process. Last opportunity is given. Respondents are directed to submit proper implementation report on the next date positively. To come up for implementation report on 13-1-17.

  
(MUHAMMAD AAMIR NAZIR)  
Member

13.01.2017

Counsel for the petitioner and Mr, Khursheed Khan, SO and Hameedur Rahman, AD alongwith Addl, AG for the respondents present. Representative of the respondents informed the Tribunal that judgment of the Tribunal has been implemented and submitted copy of notification dated 10.11.2016 placed on record. Learned counsel for the petitioner requested for withdrawal of the petition.

Dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED  
13.01.2017

  
Chairman  
13.01.17.

12.02.2016

Petitioner with counsel, M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) and Raham Taj, ADO alongwith Addl: A.G for respondents present. To come up for implementation report on 29.4.2016 before S.B.

  
Chairman

29.4.2016

Petitioner with counsel and M/S Khursheed Khan, SO and Hameedur Rahman, AD alongwith Addl: A.G for respondents present. Requested for further adjournment. Last opportunity granted. To come up for implementation report on 05.08.2016 before S.B.

  
Chairman

05.08.2016

Petitioner with counsel and Hameed ur Rehman, AD (litigation) alongwith Mr. Muhammad Jan, GP for respondents present. Requested for further adjournment. Request accepted. To come up for implementation report on 28.10.2016 alongwith Mr. Muhammad Jan, GP for respondents present.

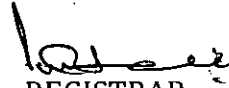


Implementation report not submitted. Representative of the respondents is directed to produce implementation report positively on 28.10.2016.

  
Member

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Execution Petition No. 152/2015

S.No.	Date of order proceedings	Order or other-proceedings with signature of judge or Magistrate
1	2	3
1	07.12.2015	<p>The Execution Petition submitted by Mr. Shafiq-ur-Rehman through Mr. Muhammad Asif Yousafzai Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	11-12-15	<p>This Execution Petition be put up before S. Bench on 11-12-15.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.12.2015	<p>Counsel for the petitioner present. Notice to respondents be issued for 12.2.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

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

Execution Petition No. 152 /2015

In Service Appeal No.159/2013


Shazigur Rehman - vs - Edu. Dept. etc

**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of Execution Petition	-----	01-03
2.	Stay Application	--	04-06
3.	Copy of Order (11.10.2012)	- A -	07
4.	Copy of Order (31.12.2012)	- B -	08
5.	Copy of Judgment dated 227.01.2015)	- C -	09-11
6.	Copy of Order (30.11.2015)	- D -	12
7.	Copy of Order (30.11.2015)	- E -	13
8.	Copy of Law Department Opinion	- F -	14-15
9.	Vakalat Nama	-----	16

  
APPLICANT/APPELLANT

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR

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

Execution Petition No. 152 /2015  
In Service Appeal No.159/2013

G.W.P. Province  
Service Tribunal

Diary No. 1347

Dated 7-12-15

Mr. Shafiq-ur-Rehman, Office Assistant,  
Office of the District Education Officer (Male),  
Peshawar.

**PETITIONER**

VERSUS

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

**RESPONDENTS**

.....

**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE JUDGMENT OF  
THIS HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**


.....

**RESPECTFULLY SHEWETH:**


1. That the applicant/appellant filed Service Appeal No.159//2013 in this august Tribunal against the order dated 11.10.2012 whereby the appellant was reverted to the lower post and against the final rejection order dated 31.12.2012. Copies of Orders are attached as Annexure-A and B.

2. That the said appeal was finally heard along-with connected appeal on 27.01.2015. The Honourable Tribunal was kind enough to accept the appeal and the impugned orders were set aside with the direction to the competent authority that he may proceed against the applicant/appellant after fulfilling the codal formalities essential for conducting the inquiry in the prescribed manners within three months. In view of the afore-stated situation, the services of the appellants are restored to his position as it were before the imposition of penalties. The issue of back benefits shall be subject to the outcome of fresh inquiry. Copy of Judgment is attached as Annexure-C.
3. That the respondents were totally failed in taking any action within stipulated period of three months and remained mum on that issue till 30 November, 2015. The respondent, on 30.11.2015 issued two (2) orders wherein the applicant/appellant was restored with immediate effect without back benefits while in another order the appellant was restored w.e.from 27.1.2015 without back benefits, which LEGALLY could be w.e.from the imposition of penalty order dated 11.10.2012. Copies of Orders are attached as Annexure-D and E.
4. That it is worth to mention here that the judgment of this august Tribunal has attained the finality because the Law Department has already declared the case as un-fit for filing CPLA in the Honourable Supreme Court of Pakistan. Coy of Opinion is attached as Annexure-F.
5. That as the respondents have failed in taking any action against the applicant/appellant within stipulated period of three months and the judgment as also attained the finality, therefore, the applicant/appellant is entitled to be restored from the date of imposition of penalty with all back benefits.
6. That the respondents are not willing to obey the Judgment of this Tribunal and to save themselves , they are bent upon to proceed against the appellant again even after expiry of the stipulated period as mentioned in the Judgment.

It is, therefore, most humbly prayed that the respondents may be directed to obey the judgment of this august Tribunal in letter and spirit and restore the appellant w.e.from the date of imposition of penalty i.e. 11.10.2012 with all back benefits due to failure and not taking proceedings within stipulated period of three months. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of applicant/appellant.

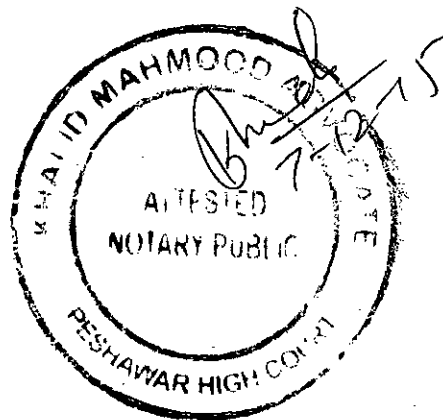
  
APPLICANT/APELLANT  
Shafiq-ur-Rehman

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.



  
DEPONENT

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

Execution Petition No. \_\_\_\_\_/2015  
In Service Appeal No.159/2013

Mr. Shafiq-ur-Rehman, V/S Government of KPK & Others.

.....  
**APPLICATION FOR RESTRAINING THE  
RESPONDENTS FROM CONDUCTING  
NEW/DENOVO PROCEEDINGS AGAINST THE  
APPLICANT/APPELLANT AS THEY FAILED TO  
CONDUCT THE SAME WITHIN STIPULATED  
PERIOD OF THREE MONTHS.**  
.....

**RESPECTFULLY SHEWETH:**

1. That the applicant/appellant filed Service Appeal No.159//2013 in this august Tribunal against the order dated 11.10.2012 whereby the appellant was reverted to the lower post and against the final rejection order dated 31.12.2012.
2. That the said appeal was finally heard along-with connected appeal on 27.01.2015. The Honourable Tribunal was kind enough to accept the appeal and the impugned orders were set aside with the direction to the competent authority that he may proceed against the applicant/appellant after fulfilling the codal formalities essential for conducting the inquiry in the prescribed manners within three months. In view of the afore-stated situation, the services of the appellants are restored to his position as it were before the imposition of penalties. The issue of back benefits shall be subject to the outcome of fresh inquiry.
3. That the respondents were totally failed in taking any action within stipulated period of three months and remained mum on that issue till 30 November, 2015. The respondent, on 30.11.2015



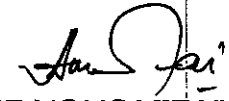
issued two (2) orders wherein the applicant/appellant was restored with immediate effect without back benefits while in another order the appellant was restored w.e.from 27.1.2015 without back benefits, which could be w.e.from the imposition of penalty order dated 11.10.2012.

4. That as the respondents have not taken any appropriate action within stipulated period, therefore, under the principle of fair play and justice, now they are not legally covered to take fresh proceedings after expiry of the stipulated period.
5. That the intention of respondents for taking fresh proceedings against the applicant/appellant after expiry of stipulated period is pregnant with malafide and also to save themselves from appropriate action by not taking the proceedings within stipulated period.
6. That the Judgment has attained the finality and also stipulated period of three months has been expired in the month of April, 2015, therefore, now the applicant/appellant can not be subjected to proceed and as the principle of justice, he is entitled for all back benefits and restoration to his original scale w.e.from the date of imposition of penalty.
7. That the paras of the said Execution Petition may be considered as integral parts of this application.

It is, therefore, most humbly prayed that the respondents may be restrained from taking fresh action against the applicant/appellant as they failed to meet the requirement within stipulated period of three months. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of applicant/appellant.

  
APPLICANT/APELLANT  
Shafiq-ur-Rehman

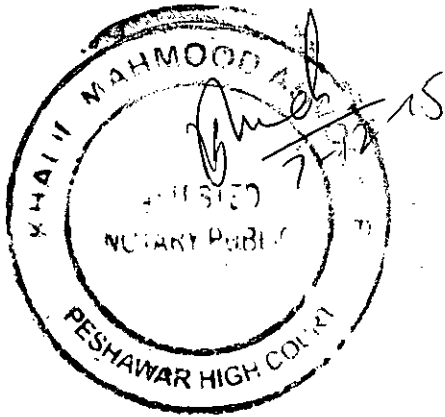
THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.

  
DEPONENT



TO BE SUBSTITUTED BEARING THE SAME NO. & DATE

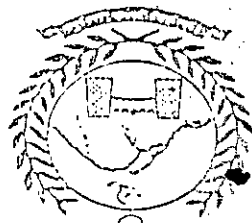
A



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the October 11, 2012

NOTIFICATION



NO. SO(SA/1)F&SE/D/4-17/2012/Gohar Ali Ex-EDO F&SE Peshawar

WHEREAS Mr. Shafiq-ur-Rehman, Ex-Cashier (BS-14) Office of the EDO F&SE Peshawar (Now Assistant in Directorate F&SE) was proceeded against under Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges of corruption as mentioned in the show cause notice dated 07.06.2012.

AND WHEREAS Mr. Muhammad Humayun, Secretary (BPS-21) Science and Technology Department, Khyber Pakhtunkhwa, Peshawar was appointed as Enquiry Officer to conduct enquiry against the accused official, for the charges leveled against him in accordance with the rules.

3. AND WHEREAS the Enquiry Officer after having examined the charges, evidence on record and explanation of the accused official has submitted the report.

4. AND WHEREAS a Show Cause Notice was served upon Mr. Shafiq-ur-Rehman, Ex-Cashier (BS-14) Office of the EDO F&SE, Peshawar (Now Assistant in Directorate F&SE) dated 07.06.2012.

5. AND WHEREAS The Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, enquiry report, explanation of the accused official in response to the Show Cause Notice is of the view that the charges of corruption against the accused official have been proved.

6. NOW THEREFORE, in exercise of the Powers conferred under Rule-14 (5) ii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Reduction to Lower Post" upon Mr. Shafiq-ur-Rehman, Ex-Cashier (BS-14) Office of the EDO F&SE Peshawar (Now Assistant in Directorate F&SE) with immediate effect.

SECRETARY

ENDS/TOR EVEN NO. & DATE

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary and Secondary Education, Khyber Pakhtunkhwa.
3. PSO to Chief Minister Khyber Pakhtunkhwa, Peshawar.
4. Executive District Officer (E&SE) Peshawar.
5. District Accounts Officer, Peshawar.
6. Mr. Shafiq-ur-Rehman, Assistant in Directorate F&SE, Khyber Pakhtunkhwa, Peshawar.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Govt. of Khyber Pakhtunkhwa.
9. Office order file.

(MUJEEB-UR-REHMAN)

ATTESTED



A





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

No. SO (S/M) E&SED/4-17/2012/Gohar Ali Ex-EDO & Others  
Dated Peshawar the December 31, 2012

To

- i. Mr. Jamil-ur-Rehman,  
Ex-Executive District Officer,  
Elementary & Secondary Education, Peshawar,  
(Now Principal GHSS No. 1 Peshawar City).
- ii. Mr. Iftikhar Ahmad,  
Ex-District Officer (Male),  
Elementary & Secondary Education, Peshawar,  
(Now Principal GHS Rashakai Mardan).
- iii. Mr. Shafiq-ur-Rehman,  
Cashier, Office of the EDO E&SE Peshawar,  
(Now Assistant in Directorate E&SE).
- iv. Mr. Fida Hussain,  
Junior Clerk, Office of the EDO E&SE Peshawar,  
(Now Junior Clerk in GHSS No. 1 Peshawar City).
- v. Mr. Muhammad Zubair,  
Junior Clerk, Office of the EDO E&SE Peshawar,  
(Now in GHS Dabgari Gate Peshawar City).
- vi. Mr. Himayatullah,  
PET, Office of the EDO E&SE Peshawar,  
(Now PET in GMS Mohalla Hidayat Shah Peshawar).

Subject: - REVIEW PETITION IN DISCIPLINARY ACTION AGAINST MR. GOHAR ALI  
EX-EDO (BS-19) E&SE PESHAWAR & OTHERS.

I am directed to refer to your review petitions dated 19-11-2012, 13-11-2012, 06-11-2012, 21-11-2012, 20-11-2012 and dated nil respectively on the subject noted above and to inform you that the Chief Minister Khyber Pakhtunkhwa/Competent Authority has considered your review petitions and rejected/ filed your petitions having no valid grounds/ justifications.

(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)

**ATTESTED**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR



Appeal No. 159/2013

(Shafiq-ur-Rehman-vs-Govt. of KPK through Chief Secretary etc)

27.01.2015

JUDGMENT

Muhammad Azim Khan Afridi, Chairman: Appellant with counsel, M/S Khurshid Khan, S.O for respondents No. 1 to 3 and Hazrat Badshah, Incharge Litigation for respondent No. 4 alongwith learned Addl: A.G present. Arguments heard and record perused.

Vide our detailed judgment and order of today in connected appeal No. 100/2013 titled Himayatullah-Vs-Govt. of KPK through Chief Secretary and others, the appeal is accepted and the impugned orders are set-aside and it is directed that the competent authority may proceed against the appellant after fulfilling the codal formalities essential for conducting the inquiry in the prescribed manners within three months In view of the afore-stated situation, the services of the appellant are restored to its original position as it was before the imposition of penalty. The issue of back benefits shall be subject to the outcome of fresh inquiry.

Parties are left to their own costs. File be consigned to the record.

*Sd/- Muhammad Azim Khan Afridi*  
*Chairman*  
*Sd/- Abdul Latif Khan*  
*Member*

ANNOUNCED  
27.01.2015

Certified to be true copy  
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date of Presentation: 29-1-2015  
 Number of Vols: 400  
 Copying Fee: 4  
 Urgent:   
 Total: 4  
 Name of Copyist: [Signature]  
 Date of Copying: 9-2-2015  
 Date of Delivery: 9-2-2015

10



S.No. of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3

27.01.2015

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.100/2013  
(Himayatullah-Vs-Govt. of KPK through Chief Secretary and others)

JUDGMENT

Muhammad Azim Khan Afridi, Chairman: Appellant with counsel and Mr. Khurshid Khan, S.O for respondents No. 1 and 2 alongwith learned Addl: A.G for respondents present.

This order shall dispose of the instant Service Appeal No. 100/2013 as well as Service Appeal No. 104/2013 titled Jameel-ur-Rehman-Vs-Govt. of KPK through Chief Secretary etc, Service Appeal No.136/2013 titled Iftikhar Ahmad-Vs- Govt. of KPK through Chief Secretary etc, Service Appeal No. 159/2013 titled Shafiq-ur-Rehman-Vs- Govt. of KPK through Chief Secretary etc, Service Appeal No. 160/2013 titled Muhammad Zubair-Vs- Govt. of KPK through Chief Secretary etc and Service Appeal 161/2013 titled Fida Hussain-Vs- Govt. of KPK through Chief Secretary etc as identical questions of facts and law are involved therein.

Arguments of the learned counsel for the appellants as well as learned Addl: A.G heard and record perused with their assistance.

Brief facts of the afore-stated appeals are that one Gohar Ali, Ex-EDO Education Peshawar was proceeded against departmentally and was compulsorily retired from service. The said orders of compulsory retirement were challenged by the said officer before the august Peshawar High Court and, finally, he was reinstated in service by the Chief Minister vide notification dated 26.08.2013 during the pendency of the writ petition and, due to the afore-stated notification, writ petition No. 2179-P of 2012 titled Gohar Ali-Vs-Chief Secretary, KPK etc, was withdrawn by the said officer.

ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa Service Tribunal, Peshawar



On the strength of the said inquiry against Gohar Ali, the appellants were also proceeded against departmentally and show cause notice to each appellant was issued by the Chief Minister and only on the strength of the same, the appellants were awarded punishments including major penalties.

During the course of argument, learned counsel for the parties including Addl: A.G, while assisting the Court, agreed that no regular inquiry was conducted and as such penalties imposed against the appellants were not in accordance with law. It was further agreed that in view of the changed circumstances including reinstatement of Gohar Ali, Ex-EDO the competent authority is required to conduct fresh inquiry keeping in view the change circumstances and provisions of law.

In view of the afore-stated situation, the appeals, referred to above, are accepted and the impugned orders are set-aside and it is directed that the competent authority may proceed against the appellants after fulfilling the codal formalities essential for conducting the inquiry in the prescribed manners within three months. In view of the afore-stated situation, the services of the appellants are restored to their positions as it were before the imposition of penalties. The issue of back benefits shall be subject to the outcome of fresh inquiry.

Parties are left to their own costs. File be consigned to the record.

*Sd/- Muhammad Azim Khan Afzali*  
Chairman  
*Sd/- Abdul Latif*  
Member

ANNOUNCEE  
27.01.2015

Certified to be true copy

*[Signature]*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date  
29-1-2015

*[Handwritten notes and signatures]*  
2015



**REGISTERED**



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

**D** **(12)**

**NOTIFICATION**

Dated Peshawar the November 30, 2015

**NO.SO(S/M)E&SED/4-17/2015/Jamil-ur-Rehman & others:** In pursuance of Khyber Pakhtunkhwa Service Tribunal Peshawar judgment dated 27-01-2015 in Appeal No.159/2013, the Competent Authority is pleased to set aside the penalty of "Reduction to lower grade/ lower post" imposed vide this department notification No.SO(S/M)E&SED/4-17/2012/Gohar Ali Ex-EDO E&SE Peshawar dated 11-10-2012 in r/o Mr. Shafiq-ur-Rehman Assistant office of District Education Officer Male Peshawar without back benefits w.e.f 27-01-2015. However, the grant of back benefits to the said official will be subject to the outcome of fresh inquiry against him.

2. **No TA/DA is allowed.**

**SECRETARY**

**Endst: of even No. & Date :-**

Copy forwarded to the:

- i. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- ii. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
- iii. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
- iv. District Education Officer Male, Peshawar.
- v. Mr. Shafiq-ur-Rehman, Assistant office of District Education Officer Male Peshawar.
- vi. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- vii. Office order file.

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

**ATTESTED**

A

D

15

**REGISTERED**



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

**E (13)**

**NOTIFICATION**

Dated Peshawar the November 30, 2015

**NO.SO(S/M)E&SED/4-17/2015/Jamil-ur-Rehman & others:**

In pursuance of Khyber Pakhtunkhwa Service Tribunal Peshawar judgment dated 27-01-2015 in Appeal No.159/2013, the Competent Authority is pleased to set aside the penalty of "Reduction to lower grade/ lower post" imposed vide this department notification No.SO(S/M)E&SED/4-17/2012/Gohar Ali Ex-EDO E&SE Peshawar dated 11-10-2012 in r/o Mr. Shafiq-ur-Rehman Assistant office of District Education Officer Male Peshawar without back benefits with immediate effect. However, the grant of back benefits to the said official will be subject to the outcome of fresh inquiry against him.

2. **No TA/DA is allowed.**

**SECRETARY**

**Endst: of even No. & Date :-**

Copy forwarded to the:

- i. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- ii. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
- iii. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
- iv. District Education Officer Male, Peshawar.
- v. Mr. Shafiq-ur-Rehman, Assistant office of District Education Officer Male Peshawar.
- vi. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- vii. Office order file.

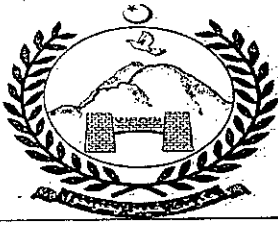
  
(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

**ATTESTED**  


112

(13)

F 14



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

No.SO(Lit)/LD/9-5(6)E&SED/2015/678457  
Dated Peshawar the 17/03/2015

To

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

Subject:

SERVICE APPEAL NO.159/2013 SHAFIQ UR REHMAN VS GOVT.  
OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY  
AND OTHERS.

Dear Sir,

I am directed to refer to your letter NO.SO(Lit-II)E&SED/1-3/14/  
S.A#104/13/Jamil-ur-Rehman, dated 05-03-2015 on the subject noted above and to forward  
herewith minutes of the meeting held on 13-03-2015 under the Chairmanship of Secretary Law  
Department Khyber Pakhtunkhwa (which are self explanatory) for perusal and further necessary  
action, please.

Yours faithfully,

*(Signature)*  
17/3/15  
(Muhammad Ismail Khalil)  
SECTION OFFICER (Lit)

Endst: No.& Date Even.

Copy alongwith copy of minutes forwarded to the:

1. PS to Advocate General Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Law Department Khyber Pakhtunkhwa.
3. PA to Deputy Solicitor Law Department.

SECTION OFFICER (Lit)

*DLSE/E*

*116/*  
*17 3/15*

*17/3/2015*

*SO (L-II)*

**ATTESTED**

10

SERVICE APPEAL NO.159/2013 SHAFIQ-UR-REHMAN VS GOVT. OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND OTHERS.

A meeting of the Scrutiny Committee on the above titled subject was held on **13-03-2015** under the Chairmanship of Secretary Law Department in order to determine the suitability / Fitness of the subject case for filing of appeal in the upper forum or otherwise.


2. **Following attended the meeting:-**

- 1. Mr. M. Sohail  
Assistant Advocate General
- 2. Mr. Khurshid Ali  
Section Officer (Lit)  
E&SE Department
- 3. Mr. Raham Taj  
Legal representative of  
Directorate of E&SE Department
- 4. Mr. Shakeel Asghar  
Deputy Solicitor  
Law Department



3. At the very outset of the meeting, the Convener of the Committee apprised the members that honorable Services Tribunal passed the impugned order dated 27-01-2015 after seeking concurrence from the Additional Advocate General Services Tribunal regarding non-conducting of regular inquiry against the appellant and directed vide impugned order that competent authority may proceed against the appellant for conducting fresh inquiry after full-filling all the codal formalities in the prescribed manner within the period of three months.

4. Hence in view of above legal position it was decided that subject case was an unfit case for filing of appeal in the upper forum and advised to the Administrative Department to conduct the fresh inquiry (if seems fit and proper) within the limitation as mentioned by the honorable Service Tribunal as the honorable tribunal also directed the issue of back benefits shall be subject to the outcome of fresh inquiry.



(Shakeel Asghar)  
Deputy Solicitor

**ATTESTED**



1952

1952

1952

(12)



# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Shafiqur Rehman (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS


The C.S kpk etc (Respondent)  
(Defendant)

I/We Shafiqur Rehman (applicant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, 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 \_\_\_\_\_/20

  
( CLIENT )

ACCEPTED

  
**M. ASIF YOUSAFZAI**  
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

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the November 10, 2016

NOTIFICATION

SO(S/M)E&SED/4-17/2015/Jamil-ur-Rehman & others/170: The Competent Authority is pleased to exonerate the following officers from the charges leveled against them in pursuance of Peshawar High Court Peshawar judgement dated 22-09-2016 delivered in Writ Petition No. 1541-P/2016 and finalization of departmental proceedings as noted against each.

Name & Designation with present place of posting	Alleged Charges
Mr. Iftikhar Ahmad, Ex-District Officer BS-18 E&SE Peshawar (Principal BS-18 GHSS Hayatabad Peshawar).	Made irregularities in the purchase of Jute Tats, Science equipments and furniture. Attested a fake work order and processed bills on the basis of fake documents to Accountant General office during financial years 2009-10 and 2010-11.
Mr. Shafiq-ur-Rehman, Assistant office of the DEO Female Peshawar.	Managed fake work orders for supply of steel Almirahs with fake dispatch No. and dates during financial year 2009-10 and 2010-11. Took Rs. 300000/- from Anwar Bacha contractor for clearance of his bills and processed fake bills in Accountant General office.

Consequent upon the above they are allowed back benefits w.e.f 11-10-2012.

**SECRETARY**

Copy of even No. & Date:-

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Anti-Corruption Establishment Khyber Pakhtunkhwa, Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. Deputy Secretary (Legal), E&SE Department.
5. District Education Officer (Male/ Female), Peshawar.
6. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
8. Incharge EMISE E&SE Department.
9. Office order file.

S.O 22-I

Pls keep it in  
file

10/11/16

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