

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

SERVICE APPEAL NO.987/2023

Rooh Ullah

.....

(Petitioner)

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA  
THROUGH CHIEF SECRETARY AND OTHERS

.....

(Respondents)

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SECTION OFFICER (LITIGATION)  
HIGHER EDUCATION DEPARTMENT

Qazi Ayaz -

23-11-23  
23-11-23  
Permanant

**BEFORE THE HONORABLE SERVICE TRIBUNEL, KHYBER  
PAKHTUNKHWA, PESHAWAR**

①

**Service Appeal No. 987/2023**

Rooh Ullah

.....Appellant.

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 8972

Dated: 13-11-2023

.....Respondents

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 AND 3.**

**RESPECTFULLY SHEWETH: -**

**Preliminary Objections: -**

- 1) That the appellant has got no locus standi/cause of action to file the instant appeal.
- 2) That the appellant has not come to this Honourable Court with clean hands.
- 3) That the appellant is estopped by his own conduct to file the instant appeal.
- 4) That the appeal in hand, unaccompanied by an application for condonation of delay is badly time barred.
- 5) That the instant appeal is not maintainable in its present form.

**ON FACTS:**

1. Pertains to record, hence needs no comments.
2. Correct to the extent that the appellant submitted an application for leave to the Principal GDC, Sam, South Waziristan, which was accordingly forwarded to the Directorate of Education (Ex-FATA) for sanction. However the appellant instead of waiting for proper approval/sanction of the same left for his studies and remained absent for about two and a half years (862) days.
3. Incorrect, hence denied. The principal concerned submitted his statement that the college concerned was closed due to military operation and armed forces were stationed in the college building. In the meanwhile, the principal concerned retired from service and Syed Shah Lecturer in Economics took over the charge of Principal/DDO. Moreover, due to the Law and order situation and merger of erstwhile FATA with the Province the Directorate of Education FATA was unable to run the official business efficiently as the college remained closed for the educational activities. Furthermore, when the appellant submitted his arrival after remaining absent for 862 days, the Principal concerned forwarded/reported his case for seeking guidance of the Higher Education Department upon which the department initiated disciplinary proceedings under the E&D Rules 2011 against the appellant. He was served with charge sheet, statement of allegation and Mr. Nisar Ali PMS-BS-18 (Deputy Secretary Irrigation Department) was appointed as inquiry officer. Consequently in light of the inquiry conducted, the appellant was served upon show cause notice

wherein, major penalty of removal from service was imposed upon the appellant. Furthermore, the appellant was given an opportunity of personal hearing twice but the appellant did not bother to appear before the inquiry officer. (Copy of enquiry report is annexed-A).


- 4. Incorrect. As explained in the preceding para-3.
- 5. Correct to the extent that the appellant did not draw any salary/remuneration during the period for which he was absent from his duty. However, being a government servant the appellant was bound by the E&D Rules and was required to have waited for proper approval of his leave by the sanctioning authority, failing which disciplinary proceedings were initiated against the appellant.
- 6. Incorrect. As explained in the preceding paras.
- 7. Incorrect. The appellant is not aggrieved and have no cause to file the instant service appeal. He was so complacent that he even did not bother to avail the remedy of personnel hearing, which was offered twice to him.


**ON GROUNDS:**

- A. Incorrect. As explained in the preceding para-7 "on facts".
- B. Incorrect. As explained in the preceding para-2 "on facts".
- C. Incorrect. As explained in the preceding para-3 "on facts".
- D. Incorrect. As explained in the preceding para-3 "on facts".
- E. Incorrect. As explained in the preceding para-3 "on facts".
- F. Incorrect. As explained in the preceding para-2 "on facts".
- G. Incorrect. As explained in the preceding para-3 "on facts".
- H. Incorrect. As explained in the preceding para-3 "on facts".
- I. Para is "Legal", hence no comments.
- J. Incorrect. Hence denied, the appellant has been treated in accordance with the Law/Rules in vogue.
- K. Incorrect. Hence denied, the appellant has been treated in accordance with the Law/Rules in vogue.
- L. Incorrect. As explained in the preceding para-3 "on facts".
- M. That the respondents may also be allowed to raise additional grounds at the time of arguments.

**PRAYER:**

It is therefore, humbly prayed that the instant appeal be dismissed in accordance with law.

  
 NAQEM ASLAM CHAUDHRY  
 Chief Secretary,  
 Govt. of Khyber Pakhtunkhwa.  
 Respondent No. 1 & 2.


  
 ARSHAD KHAN  
 Secretary to the Govt. of Khyber,  
 Higher Education Department  
 Respondent No. 3

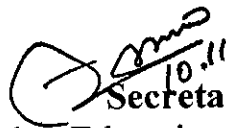


**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES & LIBRARY DEPARTMENT**

**AUTHORITY LETTER**

Mr. Sohrab, Lecturer/ Law Officer (BPS-17), Higher Education Department Khyber Pakhtunkhwa is hereby authorized to submit Joint Parawise Comments in the Service Tribunal, Peshawar in SA No. 987/2023 Titled Rooh Ullah Versus Govt. of Khyber Pakhtunkhwa Through Chief Secretary & Others on behalf of official respondents No. 1, 2 & 3.

  
 Chief Secretary,  
 Khyber Pakhtunkhwa.  
 Respondent No.1 & 2

  
 Secretary,  
 Higher Education, Department  
 Khyber Pakhtunkhwa.  
 Respondent No.3

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

(4)

Service Appeal No. 987/2023

Rooh Ullah

.....

Appellant

**VERSUS**



Govt. of Khyber Pakhtunkhwa  
Through Chief Secretary,  
& Others

.....

Respondents

**Affidavit**

I, Arshad Khan, Secretary Higher Education Department Khyber Pakhtunkhwa, Peshawar as per instructions of the respondents do hereby solemnly affirm and declare that contents of the accompanying Joint Para-wise Comments are correct to the best of my knowledge and belief and nothing has been concealed therein from this Hon'ble Court. Furthermore the respondents have neither been placed as ex-party nor right of defense struck-off / no cost imposed on respondents.

|  |  |
|--|--|
| <p><br/>Arshad Khan<br/>Secretary, Higher Education, Department<br/>Khyber Pakhtunkhwa.<br/>Respondent No.3</p> | <p>Through representative</p> <p><br/>Sohrab, Lecturer/Law Officer<br/>CNIC No. 17301-641896-9<br/>Mobile No. 6321-5778226</p> |
|--|--|

**ATTESTED**



**INQUIRY REPORT**

**DISCIPLINARY PROCEEDINGS AGAINST MR. RUHULLAH LECTURER IN CHEMISTRY (BS-17), GOVT. DEGREE COLLEGE SAM SOUTH WAZIRISTAN.**

**INTRODUCTION:**

The undersigned was appointed as inquiry officer to conduct formal inquiry against Mr Rohullah, lecturer in chemistry GDC Sam South Waziristan under the govt Khyber Pakhtunkhwa Govt servant (Efficiency & Disciplinary) rules,2011, vide Higher Education, Archives &Libraries Department letter even no dated 29 september,2021 (**Annex-I**). The following charges/allegations have been leveled against the accused lecturer (**Annex-II**).

1. He applied for extra ordinary leave for continuation of his PhD studies through Chinese govt scholarships at Beijing institute of china w.e.f 01-03-2018 to 30-07-2021 to Director Education Ex FATA on 22-02-2018 but instead of waiting for the approval of competent authority, he left the college for perusing his studies.
2. That he submitted his arrival to Principal, Govt Degree College Sam South Waziristan Tribal District on 10-07-2020 after remaining absent for about two and half years (862 days).

**BACKGROUND:**


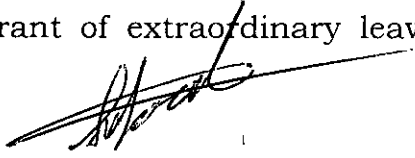
Mr. Ruhullah was appointed as lecturer in chemistry through public service commission vide notification no. FS/E/100-96 (Vol-15)/1313-20 dated 30-01-2018 (**Annex-III**) and reported for duty on 31-01-2018 to Principal Govt Degree College Sam South Waziristan. Thereafter he submitted application to the principal on 22-02-2018 (**Annex-IV**) for two years extraordinary leave for continuation of his PhD studies in Beijing institute of technologies, where he was enrolled for PhD studies prior to the appointment in higher education Department as lecturer. The application was forwarded to the Directorate of Higher Education Ex-FATA by the Principal Govt Degree College Sam South Waziristan on 22.02.2018. The Director Education Ex-FATA submitted the case to Section Officer (Education) FATA Secretariat on 12.03.2018. (**Annex-V**) In response, the Section Officer (Education) FATA requested the Director Education FATA on 26.03.2018 to provide leave account and leave application form of the concerned lecturer duly signed and countersigned

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by the Agency Account Officer South Waziristan Agency as well as Principal GDC Sam South Waziristan to proceed further in the matter (**Annex-VI**). The record is silent after issuance of this letter.

The matter was reported when the accused submitted his arrival report for duties after availing/consuming two years four months and nine days (862 days) on 10.07.2020. The principal GDC Sam south Waziristan reported case and seeking guidance of the higher education directorate for further course of action (**Annex-VII**). Thereafter the case was processed for initiating disciplinary proceedings under efficiency and disciplinary rules 2011 against the accused officer for violating the rules.

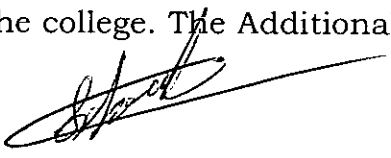
**PROCEEDINGS:**

Upon the nomination as Inquiry Officer, the accused was directed vide letter No.SO(E)Irr/9-3/2012/Misc:/Vol-VI dated 11<sup>th</sup> October, 2021 to appear before the enquiry officer for personnel hearing and submit his reply to the charges leveled against him on 14.10.2021 and also Director Higher Education was asked to depute a well conversant officer with the case to assist the inquiry officer and provide all the relevant record (**Annex-VIII**). On the date fixed, the accused lecture Mr Ruhullah and Departmental representative, Mr. Saqib, Assistant Director, Higher Education attended the office of the undersigned. The record pertaining the case was thoroughly perused and discussed with the departmental representative. Charge sheet/statement of allegations were read and explained to the accused officer and he was asked to submit his written defense in response to the charges levelled against him. Mr Ruhullah submitted his written reply (**Annex-IX**), wherein he stated that he had been enrolled in PhD Chemistry in Beijing Institute of Technology, China, in September, 2017 and had successfully completed the required course work/credit hours, prior to my selection as lecturer in Chemistry in 2018. Upon his appointment he reported arrival on 31.1.2018 and after 20 days of his joining the service he received instructions from the said university to report back for continuation of research work, or otherwise his PhD Programme would be liable to be cancelled. Therefore, he requested the Directorate of Higher Education, Ex-FATA vide application dated: 22.02.2018 for grant of extraordinary leave for continuation of PhD from China w.e.f



01-03-2018 to 30-07-202. The Director Education Ex-FATA processed his application for approval to the Section Officer (education) FATA Secretariate and verbally informed him to continue his studies in china. It was then assumed that since the college was in custody of Military forces, continuation of his studies will not affect the academic activities of students. The Principal had also received similar telephonic instructions for freezing salary of the applicant until he completes his studies and report back for discharging his services. He further stated in his written reply that leaving incomplete his PhD studies after course work would result to initiate punitive action against him, including recovery/re-imbusement of full university tuition fee and other living expenses incurred as per signed agreement. He further stated that his higher studies have neither affected students' academic activities, nor he received salaries for the given period. He took the silence, on the part of the Directorate, as a token of approval and utilized the Chinese Govt. scholarship to earn his PhD Degree and requested to kindly covert the same period into extraordinary leave on extreme compassionate grounds.

The Principal Govt. Degree College Sam South Waziristan was requested to attend the office of the undersigned for recording statement on 21.10.2021 vide letter dated: 15.10.2021 **(Annex-X)**. Due to some unavoidable reasons he attended the office of the undersigned on 25.10.2021. The case of disciplinary proceedings against Mr Ruhullah was explained to the principal concerned and he submitted his written reply. The principal GDC Sam South Waziristan in his written reply **(Annex-XI)** stated that Govt. Degree College Sam was closed due to Military Operation Rah-e-Nijaat in South Waziristan in October, 2009. After retirement of Principal GDC Sam, he, Syed Shah lecturer in Economics took over the charge of DDO on 27.12.2011. During the year 2018 the process of FATA merger started which shambled the whole system in FATA. The Directorate of Education FATA was unable to run the official business smoothly and everything was messed up. The first meeting of the principal of merged colleges was held with the director of Higher Education KP on 04.09.2019, where all the issues facing by the merged colleges were discussed. He brought the current situation of college into the knowledge of higher authorities with the hope to resolve the issues of the college. The Additional Director and the then Deputy Director visited the



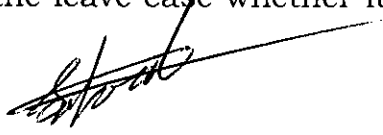
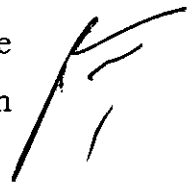


college but no solution was found. Currently about 170 students are enrolled in Second Year while, 90 students have applied online for various disciplines in First Year. As far as the case of Mr. Ruhullah is concerned, he did the legal process, handed over charge, prepared his master file and form pay-2 and forwarded to Directorate for extraordinary leave without pay and got telephonic assent with the directives that he may process the case through proper channel. The process of NOC and EOL was detracted by the merger of FATA into KP, as it widened the communication gap between the colleges and the Directorate and most of the cases remained in pending. When the principal was asked that the case remained undecided and being principal, he was responsible to report the matter to the concerned authorities. He stated that due to the merger of FATA and during the transition period the case of the Mr Ruhullah for EOL remained pending. He further explained that college remained in the occupation of security forces since 2009 and all the correspondence with the Directorate of Education FATA were made through personnel contacts due to which the official letters were usually received very late.

He further stated that all the legal formalities were fulfilled and he didn't draw a single penny from Govt. treasury. College was closed hence, there was no reason to issue show cause to the accused. He supposed that NOC would have been issued by the Directorate and will collect it latter on, as it was impossible to find it in the dump of documents shifted from FATA Directorate to Higher Education Directorate KP. The accused is now in Pakistan since the last one year but he as well as the other teaching staff of the college is unable to teach because of occupation of the college by Armed Forces.

He also requested that the case may be considered favorably to the accused keeping in view the rules and policy, so that the accused may be able to serve his community with the acquired skills, knowledge and perform his duties with single mindedness and devotion

The departmental representative was asked to provide the record of the leave case whether it was approved or rejected. He explained that the

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record handed over by the fata directorate was incomplete and jumbled so the decision on the subject case cannot be traced.

**FINDINGS:**

The available record pertaining to the case was perused. The statements of the accused lecturer as well as principal GDC Sam was recorded and ample opportunity was provided to the accused for explaining his position. It was revealed that the accused officer after appointment as a lecturer on 30-01-2018 and subsequently posting in Govt Degree College Sam South Waziristan applied for two years extra ordinary leave w.e.f 01-03-2018 in order to pursue his remaining PhD research work in China. The application of leave was returned with some observations by the Directorate of education FATA on 12-04-2018. The observations were not responded by the principal concerned and in the meanwhile the accused lecturer left the college without formal approval of the leave on 01-03-2018 and remained absent till 10-07-2020. During this entire period the principal as well as the accused lecturer did not bother to pursue the case as no record is available with the principal Govt Degree College Sam South Waziristan.

From perusal of the available record and in light of the recorded statement, it is evident that Mr. Ruhullah left the college without approval of extra ordinary leave, hence charge stands proved. However, it is pertinent to mention here that the Principal concerned has admitted in his statement that Mr. Ruhullah proceeded on leave and left the college on the verbal approval/directions of the Directorate of Education FATA as well as Principal.

The second charge is connected with the first charge, as no formal approval was granted to the lecturer concerned from the date he left the college i.e. 1.3.2018 till he returned back for duty on 10.7.2020. The accused lecturer remained absent for about two and a half years (862 days), hence charge No. II also stands proved.


R7


**CONCLUSION:**

Forgoing in view, it is concluded that the accused has left the college without NOC / approval for his EOL, remained absent from the duty for 862 days w.e.f. 1.3.2018 to 10,7,2020. It is further added that Directorate of Education FATA as well as the Principal GDC Sam South Waziristan was required to pursue the case and to convey the outcome to the accused lecturer, instead they verbally allowed the lecturer

*[Handwritten signature]*

to proceed on leave on the plea that the college is closed/non functional. Both, the then Director Education FATA and the Principal failed to discharge their responsibility. It is equally important to note that during the absence period, the accused has not received any salary and completed PhD Degree in Chemistry which has added qualified human resource to the department.

  
**(Nasar Ali)**  
Deputy Secretary (Admn)  
Irrigation Department





GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

No. SO(C-II)/HED/12-1/2021/Roohullah  
Dated Peshawar the 29<sup>th</sup> September, 2021

To

Mr. Nasar Ali (PMS BS-18),  
Deputy Secretary, Irrigation Department.

Subject: DISCIPLINARY PROCEEDING AGAINST MR. ROOHULLAH, LECTURER IN  
CHEMISTRY (BS-17) GOVT. DEGREE COLLEGE SAM, SOUTH WAZIRISTAN.

Dear Sir,

I am directed to refer to the subject noted above and to intimate that the Hon'ble Chief Secretary Khyber Pakhtunkhwa (being competent authority) is pleased to nominate you as Inquiry Officer to hold formal inquiry into the subject matter in respect of Mr. Roohullah, Lecturer in Chemistry GDC Sam South Waziristan, under the Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline) Rules, 2011.

It is therefore, requested to conduct an inquiry and submit the requisite report thereupon to the competent authority within the prescribed limit of time. Copies of Statement of Allegations and Charge Sheet are enclosed as well as Directorate of Higher Education will provide further record as and when needed by the Inquiry Officer, please.

SECTION OFFICER (COLLEGES-II)

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa Peshawar alongwith Statement of Allegations and Charge Sheet to be issued to the accused and to nominate a well versed officer to assist the inquiry officer and provide all the relevant record.
2. Principal, Govt. Degree College Sam, South Waziristan.
3. PS to Secretary, Higher Education Department.
4. Master File.

SECTION OFFICER (COLLEGES-II)

Received on 5-10-2021

5/10

## DISCIPLINARY ACTION

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Roshullah, Lecturer in Chemistry (BS-17), Govt. Degree College Sam, South Waziristan Tribal District, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

### STATEMENT OF ALLEGATIONS

- i. HE applied for Extra Ordinary Leave for continuation of your Ph.D studies through Chinese Govt. scholarship at Beijing Institute of China w.e.f 01.03.2018 to 30.07.2021 to Director Education Ex-FATA on 22.02.2018 but instead of waiting for the approval of the competent authority, he left the college for pursuing his studies.
- ii. That, he submitted your arrival to Principal, Govt. Degree College Sam, South Waziristan Tribal District on 10.07.2020 after remaining absent for about two and half years (862 days).

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.

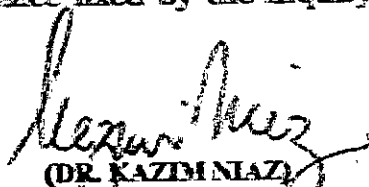
i. Mr. Nasar Ali (PMS-BS-18)

ii. Deputy Secretary, Information Deptt

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 (30) days after 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.



  
(DR. KAZIM NIAZ)  
CHIEF SECRETARY,  
KHYBER PAKHTUNKHWA

## CHARGE SHEET

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Roshullah, Lecturer in Chemistry (BS-17), Govt. Degree College Sam, South Waziristan Tribal District, as follows:

That you, while posted at Govt. Degree College Sam, South Waziristan Tribal District committed the following irregularities.

- i. You applied for Extra Ordinary Leave for continuation of your Ph.D studies through Chinese Govt. scholarship at Beijing Institute of China w.e.f 01.03.2018 to 30.07.2021 to Director Education Ex-FATA on 22.02.2018 but instead of waiting for the approval of the competent authority, you left the college for pursuing your studies.
  - ii. That, you submitted your arrival to Principal, Govt. Degree College Sam, South Waziristan Tribal District on 10.07.2020 after remaining absent for about two and half years (862 days).
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 (07) 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 the 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.

(DR. KAZIM NIAZ)  
CHIEF SECRETARY,  
KHYBER PAKHTUNKHWA

34 (13)  
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**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

No.SO(C-II)/HED/12-1/2021/Roohullah /1831-32  
Dated Peshawar the 29<sup>th</sup> September, 2021

To

Mr. Nasar Ali (PMS BS-18),  
Deputy Secretary, Irrigation Department.

Subject:

**DISCIPLINARY PROCEEDING AGAINST MR. ROOHULLAH, LECTURER IN  
CHEMISTRY (BS-17) GOVT. DEGREE COLLEGE SAM, SOUTH WAZIRISTAN.**

Dear Sir,

I am directed to refer to the subject noted above and to intimate that the Hon'ble Chief Secretary Khyber Pakhtunkhwa (being competent authority) is pleased to nominate you as Inquiry Officer to hold formal inquiry into the subject matter in respect of Mr. Roohullah, Lecturer in Chemistry GDC Sam South Waziristan, under the Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline) Rules, 2011.

It is therefore, requested to conduct an inquiry and submit the requisite report thereupon to the competent authority within the prescribed limit of time. Copies of Statement of Allegations and Charge Sheet are enclosed as well as Directorate of Higher Education will provide further record as and when needed by the Inquiry Officer, please.

  
SECTION OFFICER (COLLEGES-II)

**ENDST: NO. & DATE EVEN.**

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa Peshawar **alongwith Statement of Allegations and Charge Sheet to be issued to the accused and to nominate a well versed officer to assist the inquiry officer and provide all the relevant record.**
2. Principal, Govt. Degree College Sam, South Waziristan.
3. PS to Secretary, Higher Education Department.
4. Master File.

  
SECTION OFFICER (COLLEGES-II)

Investigation

By Sir

Director H. Education = 9330496 →  
265001 ~~27~~ 27

Dy-Director (Est) 2650017

Bashir sb. = 0333 4409198

AD = Estb = H. Edu: 0332-0955099

0321-90044  
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Roshnally

0345 8918558



The principal  
LDC Sam SMD

FD

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5  
—

Subject: Arrival

9 Mr. Rohullah Lecturer in chemistry  
LDC Sam SMD is hereby Submitted my  
arrival for duty today on 31-01-2018 (FIN)  
at the office of principal LDC Sam SMD  
vide Notification No: FS/E/100-96/(Vol-15) 1313-20  
and 1569-80, dated: 30/01/2018.

Certified that Mr Rohullah is  
available on 31-01-2018  
for the vacant post of Lecturer in  
Chemistry S/o Sam SMD  
31-01-2018 (FIN) vide  
Notification No: FS/E/100-96/(Vol-15) 1313-20  
and 1569-80

Yours sincerely

*[Signature]*

Rohullah S/o Abdul

Home ad

*[Signature]*

The Director Education,  
FATA Secretariat, Warsak Road  
Peshawar KPK.

Through Proper Channel

Subject: Request for Extraordinary leave.

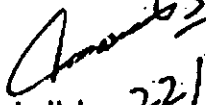
Respected Sir!

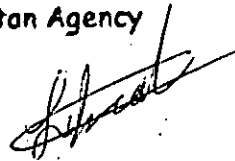
Please reference to the subject cited above. It is stated for your information and sympathetic consideration that I, Mr. Rohullah S/O Mr. Abdul Hameed enrolled in PhD in chemistry through Chinese Government Scholarship at Beijing Institute of Technology in 2017 (copy attached) and recently appointed as Lecturer in chemistry vide notification No. FS/E/100-96(Vol-15)/\_1313-20 dated 30/01/2018 and posted to GDC Sam Vide notification No. FS/E/100-96(Vol-15)/1569-80 (copies attached).

It is pertinent to mention here that I have studied all the required courses and passed with 90% marks and my research is successfully in progressing. As higher studies is need of hour and play crucial role in development of countries.


Therefore keeping in view the greater public and institution's interest, Your Excellency is requested to be kind enough to grant extraordinary leave for completion/continuation of PhD studies and I will be bound to serve this Department for required period.

Yours sincerely,

  
Rohullah, 22/02/2018  
Lecturer in Chemistry, GDC Sam,  
South Waziristan Agency



Forwarded to the DE (FATA)  
~~with~~ for favourable consideration  
and with the remarks that  
the applicant may please  
be granted extraordinary  
leave for the purpose mentioned  
above according to the rules &  
policies please.

  
Principal  
G.D.C Sam

DIRECTORATE OF EDUCATION FATA SECRETARIAT  
WARSAK ROAD PESHAWAR PAKISTAN

PHONE NO. 091-9210166 FAX: 9210216

NO. 3652 / dated : / 2018

7 (17) 20  
38

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To  
The Section Officer (Education)  
FATA Secretariat

Request for Extra Ordinary Leave

Subject:-

Memo:-

I am directed to refer to the subject noted above and to enclose herewith an application forwarded by the Principal concerned alongwith the following documents in r/o Mr. Rohullah, new Public Service Commission Selectee as Lecturer (B-17) in Chemistry, posted at GDC Sam South Waziristan Agency containing request for Extra Ordinary leave w.e.f 01-03-2018 to 30-07-2021 in connection with the Admission in PhD in Chemistry at Beijing Institute of Technology University China under the Chinese Government Scholarship for onward submission to the Higher Education Department Khyber Pakhtunkhawa for further necessary action under the existing rules and policy in vogue, please.

Indst No 3653-54 / dated 12/3 2018  
Copy for information to the.

1. Principal GDC Sam SWA.
2. P.A. to Director Education FATA

Deputy Director (Colleges)

OIC

Deputy Director (Colleges)

OIC



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FATA SECRETARIAT  
(SOCIAL SECTORS DEPARTMENT)  
WARSAK ROAD, PESHAWAR  
SO/Edu/FATA/ 734  
Dated Peshawar 26/03/2018

327

To, The Director Education FATA,  
FATA Secretariat Peshawar.

Subject: - REQUEST FOR EXTRA-ORDINARY LEAVE

Dear Sir,

321

Kindly refer to your office letter No.3652 dated 12-03-2018 on the subject cited above in respect of Mr. Rohullah, newly Public Service Commission selectee as Lecturer (BS-17) in Chemistry, GDC Sam, South Waziristan Agency and to state to provide the leave account and leave application form of the concerned lecturer duly signed / countersigned by the Agency Accounts Officer South Waziristan Agency and Principal GDC Sam, South Waziristan Agency to proceed further in the matter please.

*[Signature]*  
Section Officer (Education) FATA

Copy forwarded to the:

- 1. PS to Secretary SSD FATA.

*[Signature]*  
Section Officer (Education) FATA

J 27/3/2018  
DY (Esbs) DDC  
1781 G  
28/3/2018  
DA (C)



OFFICE OF THE PRINCIPAL GOVERNMENT DEGREE COLLEGE SAM  
SOUTH WAZIRISTAN TRIBAL DISTRICT

Phone No: 03449388699  
No. 1740

Email: [gdcswtd@gmail.com](mailto:gdcswtd@gmail.com)  
Dated: 30-03-2021

40  
9  
19  
[Signature]

The Director,  
Higher Education Khyber Pakhtunkhwa.

Subject: Resumption of Charge/ Duty

Dear Sir,

P-39/P

Reference your Letter No. 7416-17/CA-II Estt/ Roohullah/Chemistry dated 25. 03. 2021 on the subject captioned above; Mr. Rohullah was appointed as Lecturer in Chemistry vide Notification No. F/S/E/100-96 (Vol-15)/\_1313-20 dated 30. 01. 2018 and the officer reported for duty on 31. 01. 2018 to the undersigned.

2. Thereafter, he submitted application to the undersigned on 22. 02. 2018 for Extraordinary leave for continuation of his Ph.D studies in Beijing institute of Technology (BIT) wherein he was enrolled prior to his appointment. The undersigned forwarded his application to the Directorate of Education Ex-FATA, in which the applicant had requested for the grant of two years extraordinary leave. More so, he was on duty with the undersigned till 01. 03. 2018.

3. Thereafter, the concerned lecturer reported for his duties, after availing/consuming 02 years 04 months and 09 days (862 days) for completion of his PhD, to this college vide Arrival Report dated 10. 07. 2020, which is still performing his duties with the undersigned.

4. It is pertinent to mention here that in pursuance of the telephonic directions received from the Directorate of Education, Ex-FATA, to keep his salaries frozen until his return from PhD and till date his salaries, including the initial pay, have been frozen, which await guidelines from the higher authorities/ directorate of higher education, Khyber Pakhtunkhwa.

Submitted for further necessary action at the end of Directorate of Higher Education, Khyber Pakhtunkhwa, with a request for further guidance/instruction, whether the lecturer concerned should be released his salaries from 10. 07. 2020 till date including his initial pay or otherwise.

Principal,  
Govt: Degree College, SAM,  
South Waziristan Tribal Distt:

[Signature]

DDE

Director  
01 APR 2021  
8027 269  
Entry # Page #



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT

No. SO(E)/Irr:/9-3/2012/Misc:/Vol-VI  
Dated Peshawar the 11<sup>th</sup> October, 2021

To

Mr. Roohullah,  
Lecturer in Chemistry GDC Sam South Waziristan.

**Subject: DISCIPLINARY PROCEEDING AGAINST MR. ROOHULLAH,  
LECTURER IN CHEMISTRY (BS-17) GOVT. DEGREE COLLEGE SAM,  
SOUTH WAZIRISTAN**

The undersigned is appointed as Inquiry Officer by the Competent Authority i.e. Chief Secretary, Khyber Pakhtunkhwa vide Section Officer (Colleges-II) Govt. of Khyber Pakhtunkhwa Higher Education, Archives & Libraries Department letter No. SO (C-II)/HED/12-1/2021/Roohullah dated 29<sup>th</sup> September, 2021 to conduct an inquiry against you under (Efficiency & Discipline) Rules, 2011 in the subject case. Charge Sheets/Statement of Allegations have also been provided to me, as well as served upon you vide the aforementioned communication.

In order to probe into the case, you are, hereby directed to submit your reply to the charges leveled against you and also appear before the undersigned for personal hearing if so desired on 14.10.2021 at 11.00 A.M.

(NASAR ALI)

**Deputy Secretary (Admn)**

Irrigation Department

Ph# 091-9213122

**Endst: No and date even**

Copy forwarded for information to:-

1. The Director Higher Education, Khyber Pakhtunkhwa Peshawar to depute a well versed officer to assist the inquiry officer and provide all the relevant record.
2. The Section Officer (Colleges-II), Govt. of Khyber Pakhtunkhwa Higher Education, Archives & Libraries Department w/r to his above quoted letter.

**Deputy Secretary (Admn)**

Irrigation Department

*[Handwritten signature]*  
11/10/21

*[Handwritten signature]*

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4/20

Thursday, October 14, 2021

Mr. Nasar Ali (PMS-BS-18),  
The Worthy Deputy Secretary, Irrigation Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: DISCIPLINARY PROCEEDINGS AGAINST MR. ROOHULLAH, LECTURER IN  
CHEMISTRY (BS-17) GOVT: DEGREE COLLEGE SAM, SOUTH WAZIRIST.

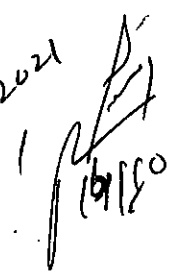
Respected sir,


In response to your letter No. SO (E)/Irr:/93/2012/Misc:/Vol-IV dated 11. 10. 2021 on the above captioned subject and the attached Charge Sheet issued by the Hon'ble Chief Secretary, Govt: of Khyber Pakhtunkhwa wherein the following charges have been framed against me;

1. "You applied for extra ordinary leave for continuation of your PhD studies through Chinese Government Scholarship at Beijing Institute of China which is effective from 01. 03. 2018 to 30. 07. 2021 to Director Education ex-FATA on 22. 02. 2018, but instead of waiting for approval of the competent authority, you left the college for pursuing your studies".
2. "That, you submitted your arrival to the Principal, Govt Degree College Sam, South Waziristan Tribal District on 10. 07. 2020 after remaining absent for about two and half years (862 days)".

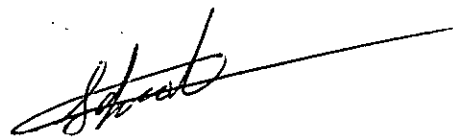
Now, through the courtesy of the instant reply, I beg leave to submit my reply/position as under with a hope for sympathetic and favourable disposal;



Received  
14/10/2021  
  
19/10

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1. That I had been enrolled in PhD (Chemistry) at Beijing Institute of Technology, China, in 2017, prior to my selection as lecturer chemistry in 2018. Upon my appointment by the Higher Education Department ex-FATA, I reported for my duties on 31/01/2018. However, after 20 days of my joining the service, I received instructions from the said university to report back to the School of Chemistry, Beijing Institute of Technology, China, for continuation the research work, or otherwise, my PhD programme was liable be cancelled as per the said instructions. Dictated by broad spectrum public and academic interests, contributing to the existing body of knowledge and consequently enlightening the youth of the region with new dimensions of research based knowledge, I requested the Directorate of Higher Education, Ex-FATA vide application dated 22. 02. 2018 for grant of extraordinary leave for continuation of PhD from China (Copy of leave application attached as Annexure-A).
  
2. That looking at the complex situation I faced, the Director Higher Education Ex-FATA was kind enough to mark my application for an early processing, and verbally informed me to continue the studies. It was then assessed that since the college was in custody of military forces fighting against militants, therefore continuation of my studies would not affect the academic activities of students. The Principal of Govt: Degree College had received similar telephonic instructions for freezing salaries of the applicant until he completes his studies and reports back for discharging his services at Govt Degree College Sam, SWTD (Copies of the letters Principal of Govt: Degree College Sam are attached as Annexure-B,C & D) .
  
3. That my higher studies have neither affected students' academic activities, nor have I received salaries for the given period. More so, I took the silence, on the part of the Directorate, as a token of approval and utilized the Chinese Government Scholarship to earn my PhD degree. It is pertinent to mention here that my higher studies has enabled me to contribute to the already existing ocean of knowledge, bring positive impact on the learning process of students and good reputation to the prestigious department having PhD faculty and publication of research articles.





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Therefore, in light of the above mentioned position, I humbly tender the instant reply in your honour and humbly solicit your Majesty for every compassionate and sympathetic outcome. Your highness is further prayed to kindly convert the said period into extra ordinary leave on extreme compassionate grounds.

Yours faithfully,

Rohullah

Lecturer in Chemistry,

Govt Degree College Sam,

Tribal District South Waziristan

14/10/2021

(A)

45 / 14 (24)

The Director Education,  
FATA Secretariat, Warsak Road,  
Peshawar KPK.

*Through Proper Channel*

Subject: Request for Extraordinary leave.

Respected Sir!

Please reference to the subject cited above. It is stated for your information and sympathetic consideration that I, Mr. Rohullah S/O Mr. Abdul Hameed enrolled in PhD in chemistry through Chinese Government Scholarship at Beijing Institute of Technology in 2017 (copy attached) and recently appointed as Lecturer in chemistry vide notification No. FS/E/100-96(Vol-15)/\_1313-20 dated 30/01/2018 and posted to GDC Sam Vide notification No. FS/E/100-96(Vol-15)/1569-80 (copies attached).

It is pertinent to mention here that I have studied all the required courses and passed with 90% marks and my research is successfully in progressing. As higher studies is need of hour and play crucial role in development of countries.

Therefore keeping in view the greater public and institution's interest, Your Excellency is requested to be kind enough to grant extraordinary leave for completion/continuation of PhD studies and I will be bound to serve this Department for required period.

Yours sincerely,

Rohullah, 22/02/2018  
Lecturer in Chemistry, GDC Sam,  
South Waziristan Agency

Forwarded to the DE (FATA) ~~with~~ for favourable consideration and with the remarks that the applicant may please be granted extraordinary leave for the purpose mentioned above according to the rules & policies please.

Principal  
G.D.C Sam



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D

**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

No.SO(C-II)HED/13-1/2021/Rohullah  
Dated Peshawar the 26<sup>th</sup> January, 2021

To

The Director,  
Higher Education Khyber Pakhtunkhwa,  
Peshawar.

SUBJECT: **RESUMPTION OF CHARGE / DUTY**

I am directed to refer to the subject noted above and to communicate the following observations:-

- i. From the letter dated 20-10-2020 received from Principal, it is crystal clear that Mr. Rohullah has neither been issued NOC nor Extra Ordinary Leave (without pay) as he was already enrolled for Ph.D degree in China prior to his selection/ appointment.
- ii. The Principal concerned has not received any instructions /information due to the occupation of the college by security forces.
- iii. The Lecturer concerned has not received even his initial salary as per his submitted application for grant of Extra Ordinary Leave (without pay).
- iv. The Lecturer concerned has not been relieved by the Principal due to non-receipt of any written instructions from the Directorate of Higher Education.
- v. It is not clear as to whether personal file of the Lecturer concerned is available in the Directorate of Higher Education or otherwise.

in view of the above facts as well as his absence from duty for such a long time why disciplinary action was not initiated under the relevant rules against him and why decision of this department is being sought for action against Mr. Rohullah Lecturer in Chemistry after submission of his application for NOC and Extra Ordinary Leave (without pay) on 22-02-218?

(HAYAT UR REHMAN)  
SECTION OFFICER (COLLEGES-II)

(B)

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16/26

OFFICE OF THE PRINCIPAL GOVERNMENT DEGREE COLLEGE SAM  
SOUTH WAZIRISTAN TRIBAL DISTRICT

Phone No: 03449388699  
No: 11

Email: [gdcswtd@gmail.com](mailto:gdcswtd@gmail.com)  
Dated: 20-10-2020

To

The Administrative Officer,  
Directorate of Higher Education Khyber Pakhtunkhwa,  
Rano Garhi, Peshawar.

**Subject: Resumption of Charge/Duty**

Please reference to your letter No.18535 dated 15/10/2020 on the subject captioned above, wherein certain observations have been raised regarding Extraordinary Leave (without pay) to the concerned lecturer who had submitted application to the than directorate of education FATA for continuation of his PhD from Beijing Institute of Technology.

2. The concerned Lecturer had submitted applications dated 22/02/2018 for NOC and Extraordinary leave (without pay) for continuation of his Ph.D, in which he had already been enrolled prior to his selection/appointment. His applications were forwarded to Directorate of Higher Education FATA Secretariat, Peshawar considering their telephonic instructions and guidance. (Copies of his applications and covering letter are attached as Annexures A-C).

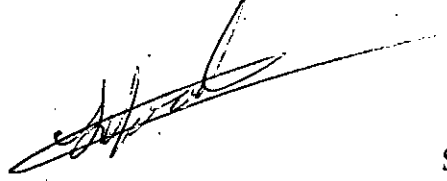
3. It is pertinent to mention here that GDC Sam has been under the control and custody of security forces since military offensives against insurgency in the area. Hence, college being closed, the undersigned has not received any instructions and other information from the Directorate of Higher Education KP whether the concerned lecturer has been granted the said leave or otherwise.

4. More so, concerned lecturer has not received even his initial salary as per his submitted application for grant of extra ordinary leave without pay and telephonic instructions of Ex-Directorate of Higher Education FATA secretariat KP.

5. In addition, relieving order has not been served on the concerned lecturer because the undersigned has not received any written instructions from the directorate in that regard.

Therefore, his personal file at the directorate may kindly be perused for determining his leave status and further necessary action please.

Regards



Principal,  
Govt Degree College Sam,  
South Waziristan Tribal District



OFFICE OF THE PRINCIPAL GOVERNMENT DEGREE COLLEGE SAM  
SOUTH WAZIRISTAN TRIBAL DISTRICT

Phone No: 03449388699  
No. 1740

Email: [gdcswtd@gmail.com](mailto:gdcswtd@gmail.com)  
Dated: 30-03-2021



The Director,  
Higher Education Khyber Pakhtunkhwa.

Subject: Resumption of Charge/ Duty

Dear Sir,

Reference your Letter No. 7416-17/CA-II Estt;/ Roohullah/Chemistry dated 25. 03. 2021 on the subject captioned above; Mr. Rohullah was appointed as Lecturer in Chemistry vide Notification No. FS/E/100-96 (Vol-15)/\_1313-20 dated 30. 01. 2018 and the officer reported for duty on 31. 01. 2018 to the undersigned.

2. Thereafter, he submitted application to the undersigned on 22. 02. 2018 for Extraordinary leave for continuation of his Ph.D studies in Beijing institute of Technology (BIT) wherein he was enrolled prior to his appointment. The undersigned forwarded his application to the Directorate of Education Ex-FATA, in which the applicant had requested for the grant of two years extraordinary leave. More so, he was on duty with the undersigned till 01. 03. 2018.

3. Thereafter, the concerned lecturer reported for his duties, after availing/consuming 02 years 04 months and 09 days (862 days) for completion of his PhD, to this college vide Arrival Report dated 10. 07. 2020, which is still performing his duties with the undersigned.

4. It is pertinent to mention here that in pursuance of the telephonic directions received from the Directorate of Education, Ex-FATA, to keep his salaries frozen until his return from PhD and till date his salaries, including the initial pay, have been frozen, which await guidelines from the higher authorities/ directorate of higher education, Khyber Pakhtunkhwa.

Submitted for further necessary action at the end of Directorate of Higher Education, Khyber Pakhtunkhwa, with a request for further guidance/instruction, whether the lecturer concerned should be released his salaries from 10. 07. 2020 till date including his initial pay or otherwise.

Principal,  
Govt: Degree College, SAM,  
South Waziristan Tribal Distt:

**IMMEDIATE**



**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

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No.SO(C-II)/HED/12-1/2022/Roohullah  
Dated Peshawar the 05<sup>th</sup> September, 2022

To

The Director,  
Higher Education, Khyber Pakhtunkhwa,  
Peshawar.

Subject: **DISCIPLINARY PROCEEDINGS AGAINST MR. ROOHULLAH,  
LECTURER IN CHEMISTRY (BS-17) GOVT. DEGREE COLLEGE SAM,  
SOUTH WAZIRISTAN**

Dear Sir,

I am directed to refer to the subject noted above and to state that personal hearing will be conducted on **13.09.2022 (Tuesday) at 11:00 AM** in the office of the Chief Staff Officer to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

It is, therefore, requested to direct the accused Mr. Roohullah, Lecturer in Chemistry, Govt. Degree College Sam, South Waziristan to appear before the Hearing Officer on the above mentioned date, time & venue, please.

**SECTION OFFICER (COLLEGES-II)**

**ENDST: NO. & DATE EVEN.** /3721

Copy forwarded to the:-

1. Chief Staff Officer to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. PS to Special Secretary, Higher Education Department.

  
**SECTION OFFICER (COLLEGES-II)**

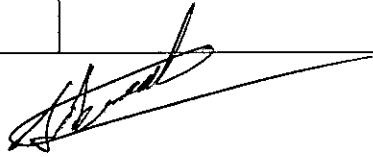


29/8/22

ATTENDANCE SHEET


PERSONAL HEARING IN THE CASE DISCIPLINARY PROCEEDING  
AGAINST MR. ROOHULLAH, LECTURER IN CHEMISTRY (BS-17)  
GOVERNMENT DEGRE COLLEGE SAM SOUTH WAZIRISTAN SCHEDULED  
ON TUESDAY 13.09.2022 AT 1100 HOURS IN THE OFFICE OF CSO TO CHIEF  
SECRETARY.

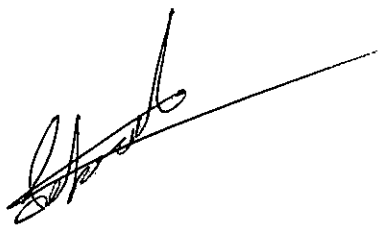
| S/No. | Name             | Designation          | Office/Mobile |
|-------|------------------|----------------------|---------------|
| 1.    | Ahza Sayyab      | AD. DHE              | 0332-8540339  |
| 2.    | Jafar Ullah Khan | C.O, C-11 Sectr, HED | 0346-9287672  |
| 3.    |                  |                      |               |
| 4.    |                  |                      |               |




The undersigned Mr. Afraz Syed AD-DHE and  
Mr. Sofan Ullah C.O H.E.D attended the office  
of CSO in connection to personal hearing  
1/8 of Mr. Rosh Ullah Lecturer in Chemistry,  
GDC Same South Waziristan.

Mr. Rosh Ullah was informed through  
Whatsapp No 0345-8918558 and registry Post No.  
16522 dated of 09-2022. But he only receive  
and seen the whatsapp, then telephonically  
tried but neither he received nor responded  
till dated time.

  
13/09/2022  
Afra Syed  
AD (Academic)  
Directorate of  
Higher Education



  
13/9/22  
Sofan Ullah Khan  
Higher Education  
Department





OFFICE OF CHIEF STAFF OFFICER TO  
CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

No. /CSO/Misc/Personal Hearing-HED /2022  
Dated Pesh: the 27<sup>th</sup> September, 2022

To

Mr. Roohullah, Lecturer in Chemistry (BS-17),  
Govt. Degree College Sam, South Waziristan.

Subject: -

**DISCIPLINARY PROCEEDING AGAINST MR. ROOHULLAH  
LECTURER IN CHEMISTRY (BS-17) GOVT. DEGREE COLLEGE  
SAM SOUTH WAZIRISTAN.**

Reference this office letter of even number dated 01.09.2022, the Competent Authority (Chief Secretary) has been pleased to nominate the undersigned as Hearing Officer in the instant case to grant opportunity of personal hearing to you. The notice was issued to you to attend personal hearing in the office of undersigned but you did not attend the personal hearing.

2. You are once again directed to appear before the undersigned in your own interest for personal hearing on **07-10-2022 (Friday) at 1100 hours**, failing which ex-party proceedings /decision shall be recommended to Competent Authority.

(Muhammad Taufique)  
Chief Staff Officer  
Tel: 091-9213685

27.9.22.

**Endst. No & Date Even**

Copy forwarded to:

1. Secretary Higher Education Department Khyber Pakhtunkhwa Peshawar with the request to kindly depute a well versed officer with the case to join the proceedings of personal haring as per above schedule. It is further requested to convey the same to the accused, please.

SECY HED  
File Received on  
Date 27/9/22  
Time

Chief Staff Officer to  
Chief Secretary

ATTENDANCE SHEET

PERSONAL HEARING IN THE CASE DISCIPLINARY PROCEEDING AGAINST MR. ROOHULLAH, LECTURER IN CHEMISTRY (BS-7) GOVERNMENT DEGREE COLLEGE SAM SOUTH WAZIRISTAN SCHEDULED ON FRIDAY 07.10.2022 AT 1100 HOURS IN THE OFFICE OF CSO TO CHIEF SECRETARY.

| S/No. | Name                | Designation | Contact No.  |
|-------|---------------------|-------------|--------------|
| 1.    | Arfan ulloh Khan    | C.O, HED    | 0346-9287672 |
| 2.    | S. Arbazan Ali Shah | Asst. DHE   | 0333-9559995 |
| 3.    |                     |             |              |
| 4.    |                     |             |              |
| 5.    |                     |             |              |
| 6.    |                     |             |              |
|       |                     |             |              |
|       |                     |             |              |
|       |                     |             |              |

*[Handwritten signature]*