

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1169/2015

Date of Institution ... 19.10.2015

Date of Decision 29.11.2017

Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19,
Govt: College of technology, Swat.

... (Appellant)

VERSUS

1. The Chief Minister, Province of Khyber Pakhtunkhwa, Chief Minister's Secretariat, Peshawar and 3 others.
... (Respondents)

MR. KHUSH DIL KHAN
Advocate

... For appellant

MR. ZIAULLAH,
Deputy District Attorney,

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the
learned counsel for the parties heard and record perused.

FACTS

2. The appellant was compulsorily retired vide impugned order dated 03.06.2015 against which he filed review petition on 22.06.2015 which was not

responded to and thereafter he filed the present service appeal on 19.10.2015. The charge against the appellant was mainly misconduct/inefficiency.

ARGUMENTS.

3. The learned counsel for the appellant argued that without going into the detail regarding proof of factual controversy the very enquiry report is illegal for the reason that one of the members of the enquiry committee did not participate/associate himself in the enquiry proceedings. That this fact was acknowledged by none other than the other member of the enquiry committee in the enquiry report (para-5). That the penalty imposed on the basis of such enquiry report is illegal.

4. On the other hand, the learned Deputy District Attorney argued that the charges against the appellant stood proved as is apparent from the detail enquiry report. That the appellant was also awarded minor penalty prior to the present major penalty. That all the codal formalities were fulfilled.

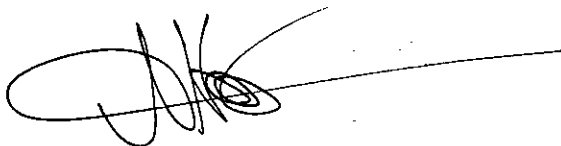
CONCLUSION.

5. Para-5 of the report of the enquiry committee has unequivocally mentioned that Mr. Shakeel Ahmad, D.G Technical Education, member of the enquiry committee, did not associate in the enquiry proceedings and he just signed the report. The reasons given in this para was that he being head of attached department had ordered special audit and the other reason was that he conducted initial fact finding enquiry in the said case. According to the enquiry report the

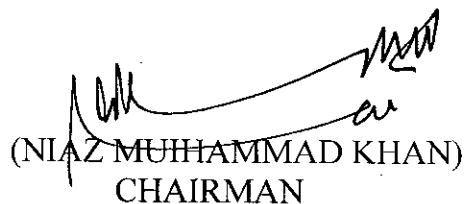
stance of the said member was held to be principled stance however, his request was not acceded to.

6. The very constitution of the enquiry committee was illegal in view of sub rule-3 of Rule-10 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules 2011. According to this sub rule any person conducting preliminary enquiry cannot be made enquiry officer for formal enquiry. Hence, the non association by said member was justified. The very constitution of the enquiry committee was therefore illegal. Secondly by not associating in the enquiry report by one of the members has made the finding of the committee not only illegal but also nonest as this report shall be deemed to be given by only one member of the enquiry committee which is not correct.

7. This Tribunal does not deem it appropriate to enter into the merits of the charges as whole enquiry report is illegal. In view thereof the present appeal is accepted. The appellant is reinstated in service, however, the department is directed to hold *de-novo* proceedings within a period of four months after receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER



(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
29.11.2017

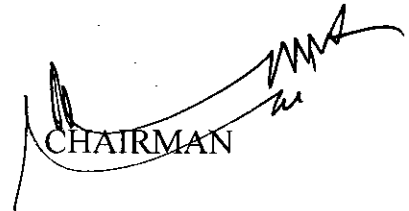
29.11.2017

Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, this appeal is accepted. Parties are left to bear their own costs. File be consigned to the record room.



MEMBER



CHAIRMAN

ANNOUNCED
29.11.2017

08.03.2017

Appellant with counsel and Mr. Usman Ghani; Sr. GP
alongwith Mr. Gul Badshah, Assistant for respondents present.
Learned Sr. GP requested for adjournment. To come up for
arguments on 22.05.2017 before D.B.



(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER



22.05.2017

Appellant in person present. Mr. Kabir Ullah Khattak
Assistant AG for the respondent present. Appellant requested for
adjournment. Adjourned. To come up for arguments on 11.09.2017
before D.B.


(Gul Zeb Khan)
Member
(Muhammad Amin Khan Kundi)
Member

11.09.2017

Clerk to counsel for the appellant and Addl:AG for
respondents present. Clerk to counsel for the appellant seeks
adjournment. Adjourned. To come up for arguments on 29.11.2017
before D.B.


Member
(Executive)
Member
(Judicial)

10.10.2016

Appellant in person and Mr. Ziaullah, GP for respondents present. Appellant requested for adjournment. To come up for arguments on 14.02.2017 before D.B.

Member

Chairman

09.11.2016

^{Appellant}
Counsel for the submitted an application for early hearing. Case file requisitioned. Application allowed. To come up for arguments on 02.12.2016 instead of 14.02.2017. Parties be informed accordingly.

(PIR BAKISH SHAH)
MEMBER

02.12.2016

Counsel for the appellant and Additional AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjournment granted. To come up for arguments on 08.03.2017 before D.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER

(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

1169/2015

12.04.2016

Appellant in person and Mr. Muhammad Rasool, AD alongwith Addl. A.G for the respondents present. Appellant requested for adjournment. Amended appeal be furnished in office within a week where-after the same to be scrutinized and put up before the court on 02.06.2016 before S.B.


Chairman

02.06.2016

Appellant in person and Gul Badshah, Assit. and Muhammad Rasool AD alongwith Addl. AG for the respondents present. Written reply on amended appeal submitted. The appeal is assigned to D.B for rejoinder and final hearing for 09.08.2016.


Chairman

09.08.2016

Agent to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 10-10-16.


Member


Member

26.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Associate Professor at Government College of Technology Swat when subjected to inquiry on 14 charges enumerated in the charge sheet and vide impugned notification dated 3.6.2015 compulsorily retired from service against which he preferred review petition dated 22.6.2015 which was not answered and hence the instant service appeal on 19.10.2015.

That the inquiry committee has based his findings on a fact finding report and audit special report and has conducted no regular inquiry. That neither any opportunity of hearing was afforded to the appellant nor any witness examined or cross-examined and, moreover, one Shakeel Ahmed, D.G Technical Education was just a signatory to the inquiry as reflected from para-5 of the report (Page 19 and 20).

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 8.2.2016 before S.B.

Appellant Deposited
Security & Process Fee




Chairman

08.02.2016

Appellant with counsel and Assistant A.G for respondents present. Application for impleading off Managing Director Technical Education and Vocational Training Authority (TEVTA) as a party in the panel of respondents submitted notice whereof given to learned Assistant AG. Arguments heard and record perused.

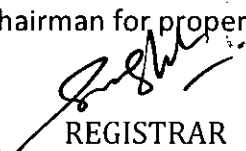

Since the Directorate of Technical Education and Manpower Training has been replaced by the said authority i.e TEVTA headed by Managing Director as such the application is allowed. Amended memo of appeal be submitted within a week, whereafter notice be issued to the newly impleaded respondent for 12.4.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1169/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19.10.2015	<p>The appeal of Engineer Bakht Muneer presented today by Mr. Khushdil Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26-10-15</u>.</p> <p> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1169 /2015



Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

The Chief Minister,
Province of Khyber Pakhtunkhwa, Chief Minister's
Secretariat, Peshawar & others.....Respondents

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3.	Copy of charge sheet / statement of allegations	16-07-2013	B	8-11
4.	Copy of reply filed by appellant to charge sheet in pursuance of letter dated 02-08-2013	13-08-2013	C	12-16
5.	Copy of inquiry report	19-05-2014	D	17-46
6.	Copy of letter thereby show cause notice dated 26-12-2014 was sent to appellant	14-01-2015	E	47-50
7.	Copy of reply to show cause notice filed by appellant		F	51-52
8.	Copy of impugned notification thereby major penalty of Compulsory Retirement from Service was awarded to appellant	03-06-2015	G	0-53
9.	Copy of review petition which was duly forwarded vide letters dated 23-06-2015 and 03-07-2015	22-06-2015	H	54-56
10.	Wakalat Nama			


Appellant
Through

Khush Dil Khan
Advocate,
Supreme Court of Pakistan
9-B, Haroon Mansion,
Khyber Bazar, Peshawar.
Cell # 091-2213445

Dated: 16 / 10/2015

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

Service Appeal No. 1169 /2015

K.W.P. Province
Service Tribunal
Diary No. 1270
Date 19-10-2015

Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

1. The Chief Minister,
Province of Khyber Pakhtunkhwa,
Chief Minister's Secretariat, Peshawar.
2. The Chief Secretary,
Govt, of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
3. The Secretary,
Govt, of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education
Department, Peshawar.
4. The Director General,
Technical Education, & Manpower Training,
Peshawar.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 AGAINST THE IMPUGNED ORDER
DATED 3rd JUNE 2015 THEREBY APPELLANT WAS
AWARDED MAJOR PENALTY OF COMPULSORY
RETIREMENT FROM SERVICE BY THE
RESPONDENT NO.1 AGAINST WHICH HE FILED
REVIEW PETITION ON 23rd JUNE 2015 BUT SAME
WAS NOT DISPOSED OF WITHIN STATUTORY
PERIOD OF NINETY DAYS.**

Handwritten notes:
19-10-15
15-10-15

Respectfully Sheweth,

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

1. That appellant initially joined the Technical Education Department as Instructor (Mechanical) in BPS-17 on 4th January 1988 then on the recommendations of Khyber Pakhtunkhwa Public Service Commission, Peshawar he was appointed as principal of Vocational College in BPS-18 vide order dated 31st May 1993 thereafter promoted to the post of Associate Professor BPS-19 on 22nd March 2008. Since then he was performing his duties honestly, efficiently and served the department for more than 28 years with excellent service record. At the time of passing impugned order, appellant was at serial No.2 of the final seniority list of Associate Professors (BPS-19) stood on 31st December 2014.
2. That all of sudden, on 26th July 2013 (**Annexed 'A'**) a letter was issued from the office of Respondent No.3 under the signature of Deputy Secretary (Admin)/SO-III thereby appointed an inquiry committee, copy of this letter alongwith copies of charge sheet with statement of allegations (**Annexed 'B'**) which were duly signed by Respondent No.1 dated 16th July 2013 were also communicated to appellant which were contained of 14 charges inter related and similar nature to which appellant filed a detail reply on 13th August 2015 (**Annexed 'C'**) in pursuance of letter dated 2nd August 2013.

3. That the inquiry committee carried out the inquiry and its report dated 19th May 2014 (**Annexed 'D'**) was sent to appellant with the copy of show cause notice duly signed by Respondent No.1 dated 26th December 2014 under covering letter dated 14th January 2015 (**Annexed 'E'**). The appellant submitted reply (**Annexed 'F'**) to show cause notice and objected the inquiry proceedings and its findings.
4. That Respondent No.2 issued the impugned notification dated 3rd June 2015 (**Annexed 'G'**) thereby appellant was awarded major penalty of "**Compulsory Retirement from Service**" with immediate effect against which he filed review petition dated 22nd June 2015 (**Annexed 'H'**) before the Respondent No.1 which was forwarded vide letters dated 23rd June 2015 and 3rd July 2015 but the same was not disposed of within statutory period of ninety days.

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

Grounds:

- A. That the allegations as leveled against the appellant in the charge sheet/statement of allegations are frivolous, baseless and unproved so denied in toto and liable to be set aside being not sustainable under the law and rules on subject.
- B. That at page 3 of the inquiry report, chairman of inquiry committee (**Syed Kamran Shah**) candidly admitted that the other member of the committee Mr Shakeel Ahmed, Director General Technical

Education has remained away from the entire inquiry proceedings and only he affixed his signature to the inquiry report. It indicates that the entire proceedings of inquiry was conducted by single member which is against the spirit of law and vitiate the entire proceedings. Thus the impugned order based on such illegal proceedings has no legal affect and void ab ni tio.

- C. That Syed Kamran Shah, Chairman/senior member of the inquiry committee has unlawfully conducted the inquiry by himself alone against the rules on subject and the subsequent findings and recommendations based on such defective inquiry proceedings have no legal sanctity and inoperative against the rights of appellant.
- D. That Mr Shakeel Ahmed, the junior member of the inquiry committee has unlawfully singed the inquiry report when he abstained from the inquiry proceedings which is unjust and unfair. Thus the inquiry report is invalid and untenable.
- E. That the alleged inquiry committee has not conduct a proper regular inquiry in the case of appellant, by itself it has done nothing as required under rules on subject only it reproduced and relied on the reports of special internal audit party and report of facts findings committee earlier held in this case and in the light of these reports it furnished its findings and recommendations which are without lawful authority and the impugned order based thereon has no legal sanctity and invalid liable to set aside.

- F. That the member who alone conducted the inquiry, has not followed the procedure as laid down in the rules, neither statement of any official witness recorded nor record examined in the presence of appellant or provided an opportunity of cross-examination to him rather it conducted the inquiry in slipshod manner which is not sustainable under the rules.
- G. That the impugned order passed at the back of appellant so he condemned unheard thus the impugned order is without lawful authority being violative of principle of natural justice.
- H. That impugned order is tainted with malafide intention and the proceedings against appellant were initiated at the instance of Ex-Minister. Thus appellant was victimized.
- I. That the impugned punishment is not commensurate with the offence which is harsh, unjust and unfair and not sustainable under the rules liable to be set aside.
- J. That Respondent No.1 was under legal obligation to consider the review petition filed by appellant and passed an appropriate order but he failed to do so and unlawfully kept it pending which is unfair and unjust.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned order dated 3rd June 2015 thereby imposed major penalty of "**Compulsory Retirement from Service**". on appellant may graciously

in the service

be set aside and appellant may kindly be reinstated with all back benefits.

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

[Handwritten signature]

Appellant

Through

Khush Dil Khan
Khush Dil Khan,
Advocate,
Supreme Court of Pakistan

16.10.2015

GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND TECHNICAL
EDUCATION DEPARTMENT



26th July, 2013

Dated Peshawar, the _____

1. Syed Kamran Shah (PCS SG BS-20)
Special Secretary, Environment Department.

2. Mr. Shakeel Ahmad (BS-20)
Director General, Technical Education Department.

Subject:- DISCIPLINARY ACTION AGAINST ENGR: BAKHT MUNIR, EX-PRINCIPAL, GCT TIMERGARA AT DIR LOWER

Dear Sir,

I am directed to refer to the subject noted above and to state that the Competent Authority (Chief Minister) has been pleased to appoint you as Inquiry Committee to conduct formal inquiry under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 against Engr. Bakht Munir, Ex-Principal (BPS-19), Government College of Technology Timergara Dir (Lower) (presently working as Associate Professor, Govt. College of Technology Swat) in connection with involvement in an alleged embezzlement of government money & financial irregularities etc

2. I am further directed to enclose herewith copies of the Charge Sheet and Statement of Allegation duly signed by Competent Authority (Chief Minister) and served upon the accused officer. You are requested to initiate disciplinary proceedings against him under the provision of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011 and submit report within stipulated period of thirty (30) days positively.

Encl: as above.

Yours Faithfully,

(ANWAR-UL-HAQ)
DEPUTY SECRETARY-(Admin)/SO-III

Endst: No and date even.

Copy forwarded to:-

1. The DG, Technical Education and Manpower Training Peshawar with request to depute an officer well conversant with the case to assist the Inquiry committee and provide them all relevant record as required by the Inquiry Committee.
2. Engr. Bakht Munir Ex-Principal (BPS-19), Government College of Technology Timergara Dir (Lower) (presently working as Associate Professor, Govt. College of Technology Swat.) alongwith copy of the charge sheet /statement of allegation with the direction to appear before the Inquiry Committee on the date, time & place as and when fixed for the purpose of inquiry proceedings.
3. PS to Secretary IC & TE.
4. O/O file.

ATTESTED

Received on 1/8/13
1.00 PM

DEPUTY SECRETARY-(Admin)/SO-III

Annex: B

P B

43

CHARGE SHEET

Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge Mr. Eng. Ehsan Muneer, Ex - Principal, Govt. College of Technology, Timaragara presently working as Associate Professor, Govt. College of Technology, Swat as follows:-

1. Being a Principal of Govt. College of Technology, Timaragara Dir (Lower) the accounts record maintained by you is miserably poor. The Govt. cash book has not been maintained for a period of 19 months (April, 2011 to October, 2012) despite that the complete record of accounts of regular budget as well as 2nd shift program remained in your custody for maintenance.
2. The purchase Committee, the Store Purchase Officer and the Storekeeper of the institute have shown their ignorance regarding all purchases made by you alone without observing the legal and codal formalities.
3. No stock entries have been made regarding the purchases made in your tenure.
4. Sanction order of the Directorate General Technical Education & Manpower Training, Khyber Pakhtunkhwa shown to the Enquiry Committee is fake as the sanctioned amount is beyond the powers of the Director General. The concerned Deputy Director (Budget & Accounts) has also confirmed his signatures on the sanctioned order as bogus.
5. The receipt books regarding the tuition and admission fees which you have collected from students during your tenure have not been maintained by you making it difficult to determine the actual amount of receipts.
6. Cash book of the regular budget (morning shift program) is blank since September, 2011 and no voucher is available for reference. Similarly the 2nd shift cashbook is also blank since April 2012.
7. You have failed to deposit in the concerned Bank Accounts and Government treasury, the receipts and other charges collected from the students in your tenure.
8. Vouchers against the drawls made from the 2nd shift program have not been produced before the Enquiry Committee during investigation.
9. You have obtained signatures of the regular and daily wage staff involved in 2nd shift program on blank proforma and thus charged more claim from the public exchequer against less-payment to the staff. Furthermore you have also affixed their bogus signatures on such proforma.
10. Due to the absence of relevant record in the cash book the payments made to most of the staff members of the 2nd Shift program for the month of October 2012 cannot be determined.
11. You have collected admission fee of Rs.130400/- (Rupees One Lac Thirty Thousand & Four Hundred only) and students fine charges of Rs.17000/- (Rupees Seventeen Thousand only) but the same have not been deposited in the concerned Bank Accounts and Government Treasury.
12. That in view of the above charges, the expenditures of Govt. funds for the years 2010 and 2011 which amount to a total of Rs. 1396561/- (Rupees Thirteen Lacs Ninty Six Thousand Five Hundred & Sixty One) (other than pays and allowances) is conjure. Similarly the Special Audit Report has calculated the receipts of Rs.13110000/- (Rupees One Crore Thirty One Lacs & Ten thousands only) from the 2nd shift and Rs.3839250/- (Rupees Thirty Eight Lacs, Thirty Nine Thousand, Two hundred & Fifty) from the morning shift program but correct and timely deposit of all these funds by you stands fictitious. The figures of the special report's 2nd shift and Morning Shift Private funds are based on enrolments as actual receipts are not available and the cash books are incomplete.

ATTESTED

P-9 (44)

13. The expenditures worth millions of rupees out of Private/ Second shift funds are not supported by verified vouchers. All codal formalities have been ignored and hence declared doubtful and vulnerable to misappropriation.

14. The income from the sales of prospectus, fines and hostel is around Rs.350,000/- (Rupees Three Lacs & Fifty Thousand only) which has the same doubtful status as submitted in para-12 above.

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

You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer / Enquiry Committee, as the case may be.

Your written defense if any, should reach the Enquiry Officer / Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex- parte action shall be taken against you.

Intimate whether you desire to be heard in person.

A statement of allegations is enclosed.

Dated: 18th July
June, 2013

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER
COMPETENT AUTHORITY

ATTESTED

P/10 (45)

DISCIPLINARY ACTION

I, **Feroz Khattak**, Chief Minister, Khyber Pakhtunkhwa as the Competent Authority am of the opinion that **Eng: Sakhi Munir**, Principal BPS- 19, Govt. College of Technology, Timergara Dir (Lower) has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of Rule -3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

1. Being a Principal of Govt. College of Technology, Timergara Dir (Lower) the accounts record maintained by him is miserably poor. The Govt cash book has not been maintained for a period of 19 months (April, 2011 to October, 2012) despite that complete record of accounts of regular budget as well as 2nd shift program remained in his custody for maintenance.
2. The purchase Committee, the Store Purchase Officer and Storekeeper of the Institute have shown their ignorance regarding all purchases made by him alone without observing the legal and codal formalities.
3. No stock entries have been made by him regarding the purchases made in his tenure.
4. Sanction order of the Directorate General, Technical Education & Manpower Training, Khyber Pakhtunkhwa shown by him to the Enquiry Committee is fake as the sanctioned amount is beyond the powers of the Director General. The concerned Deputy Director (Budget & Accounts) has also confirmed his signatures on the sanctioned order as bogus.
5. The receipt books regarding the tuition and admission fees which he has collected from students during his tenure has not been maintained by him making it difficult to determine the actual amount of receipts.
6. Cash book of the regular budget (morning shift program) is blank since September, 2011 and no voucher is available for reference. Similarly the 2nd shift cash book is also blank since April, 2012.
7. He has failed to deposit in the concerned Bank Accounts and Government Treasury, the receipts and other charges collected from the students in his tenure.
8. Vouchers against the draws made from the 2nd Shift program have not been produced before the enquiry committee during investigation.
9. He has obtained signatures of the regular and daily wage staff involved in 2nd shift program on blank proforma and thus charged more claim from the public exchequer against less-payment to the staff. Furthermore, he has also affixed their bogus signatures on such proforma.
10. Due to the absence of relevant record in the cash book the payments made to most of the staff members of the 2nd Shift program for the month of October 2012 cannot be determined.
11. He has collected admission fee of Rs.130400/- (Rupees One Lac Thirty Thousand & Four Hundred only) and as students fine charges of Rs. 17000/- (Rupees Seventeen Thousand only) but the same have not been deposited in the concerned Bank Accounts and Government Treasury.

ATTESTED

- 12. That in view of the above charges, the expenditures of Govt. funds for the years 2010 and 2011 which amount to a total of Rs.1396561/- (Rupees Thirteen Lacs Ninety Six Thousand Five Hundred & Sixty One) (other than pays and allowances) is conjure. Similarly, the Special Audit Report has calculated the receipts of Rs.13110000/- (Rupees One Crore Thirty One Lacs & Ten thousands only) from the 2nd shift for three years and Rs.3839250/- (Rupees Thirty Eight Lacs, Thirty Nine Thousand, Two hundred & Fifty) from the morning shift program but correct and timely deposit of all these funds by him stands fictitious. The figures of the special report's 2nd shift and Morning Shift Private funds are based on enrolments as actual receipts are not available and the cash books are incomplete.
- 13. The expenditures worth millions of rupees out of Private / Second shift funds are not supported by verified vouchers. All the codal formalities have been ignored and hence declared doubtful and vulnerable to misappropriation.
- 14. The income from the sales of prospectus, fines and hostel is around Rs.350, 000/- (Rupees Three Lacs & Fifty Thousand only)- which has the same doubtful status as submitted in para-12 above.
- 15. For the purpose of enquiry against the said accused with reference to the above allegation, an enquiry officer / enquiry Committee , consisting of the following, is constituted under rule-III of the Khyber Pakhtunkhwa , Government Servants (Efficiency & Discipline) Rules,2011:-

- i. Syed Kamran Shah (D.C.S. SG BS-20)
- ii. Mr Shakeel Ahmad (BS-20) DG

- 16. The enquiry Officer / Committee shall, in accordance with the provision of the ibid rules, shall provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
- 17. The accused and a well conversant representative of the Department shall join the proceedings on a date, time and place fixed by the Enquiry Officer / Committee.

Dated: ^{July} 16th June, 2013

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER
COMPETENT AUTHORITY

ATTESTED

Annex: C (47)
P-12

To
Syed Kamran Shah
Special Secretary, Environment Department
Enquiry Officer,

Subject: **DISCIPLINARY ACTION AGAINST ENGINEER BAKHT MUNIR EX-PRINCIPAL G.C.T. TIMERGARA DIR LOWER**

R/Sir,

Kindly refer to your letter No. PS/S. Secy/Env/2012, 2076 dated 02.08.2013 addressed to Secretary to Govt. of KPK Industries Commerce and Technical Education Department Peshawar duly endorse to me of even No. and date.

My para-wise replies to the statement of allegations/charge sheet are as follows:

1. It is submitted that both the Govt. funds accounts and 2nd shift funds accounts were assigned/operated by Mr. Israr Head Clerk but later on, on his verbal request only 2nd shift funds accounts was assigned to Mr. Laiq Senior Clerk in addition to Morning shift accounts. Due to non cooperation/not taking interest by the concerned ministerial staff in official duties, the accounts record so maintained is miserable poor. I verbally directed them several time to complete the accounts record, but they failed to do so deliberately and thus I took the 2nd shift record in my custody for maintenance being responsible for it in September 2012. While the Govt. funds record was still remained in custody of Mr. Israr Head Clerk as well as private funds morning shift account with Mr. Laiq S/clerk as usual.

For the maintenance of 2nd shift funds record efforts was started and records upto 03/2012 was maintained/completed. Meanwhile the special audit party arrived on 23.10.2012 and took all the auditable record for audit purpose.

2. All the purchases were made by adopting all the legal codal formalities as required under the rules and question of ignorance of purchase committees, S.P.O. and S/keeper does not arise (photo copies of the codal formalities already observed are attached as Annex. 61 To 66)
3. All stock entries have been made properly in the relevant stock registers (Ann: 67 To 72)
4. Mr. Israr Head clerk dealing assistant of Govt. funds is totally responsible for it.
5. The tuition fees and admission fees so realized from the students have already been deposited in to Govt. Treasury through challans as detailed below:
 - (i) Rs.1,19,400/- deposited vide challan No.54 dated 22.05.2011
 - (ii) Rs.1,41,900/- deposited vide challan No.59 dated 27.05.2012
 - (iii) Rs.1,21,320/- deposited vide challan No.71 dated 31.10.2012

(Photo copies of challans are attached as Annex. 73 to 75.)

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6. (i) As per reply at S.No.01 above
(ii) All the relevant files of vouchers (morning shift program) already handed over to Mr. Muhammad Fayaz S/Clerk Audit Section DTE&MT Peshawar (photocopy of receipt attached as Annex.767077)
7. (i) All the morning /2nd shift funds so realized from the students have actually been deposited/credited into Bank Accounts, the Bank of Khyber (BOK) Timergara as per detailed given blow:

(a) Morning shift account under account No.9062

<u>S.No.</u>	<u>Date</u>	<u>Amount Deposited</u>
1.	28.09.2011	Rs.236370/-
2.	29.09.2011	Rs.500000/-
3.	30.11.2011	Rs. 90,000/-
4.	07.12.2011	Rs.1500/-
5.	31.01.2012	Rs.120000/-
6.	03.02.2012	Rs.218000/-
7.	12.03.2012	Rs.1000/-
8.	30.04.2012	Rs.21800/-
9.	21.05.2012	Rs.109000/-
10.	21.05.2012	Rs.67090/-
11.	23.05.2012	Rs.141700/-
12.	27.08.2012	Rs.212400/-
13.	29.08.2012	Rs.212400/-
14.	29.08.2012	Rs.106200/-
15.	26.09.2012	Rs.159300/-
16.	15.10.2012	Rs.95580/-
17.	27.10.2012	Rs.170500/-
18.	01.11.2012	Rs.20000/-
19.	01.11.2012	Rs.10000/-
20.	05.11.2012	Rs.428610/-

G.Total Rs.2921450/-
→ (Rs 3578130/-)

(b) Second shift account under account No.9196

<u>S.No.</u>	<u>Date</u>	<u>Amount Deposited</u>
21.	22.07.2011	Rs.912500/-
22.	28.07.2011	Rs.587300/-
23.	31.10.2011	Rs. 1100000/-
24.	30.11.2011	Rs.260000/-
25.	20.12.2011	Rs.200000/-
26.	27.02.2012	Rs.650000/-
27.	05.04.2012	Rs.325000/-

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28.	17.04.2012	Rs.286000/-
29.	03.05.2012	Rs.91000/-
30.	07.05.2012	Rs.195000/-
31.	09.05.2012	Rs.195000/-
32.	01.06.2012	Rs.100000/-
33.	05.07.2012	Rs.182000/-
34.	27.08.2012.	Rs.600000/-
35.	26.09.2012	Rs.900000/-
36.	15.10.2012	Rs.300000/-
37.	05.11.2012	Rs.590840/-
38.	16.11.2012	Rs.110,000/-
	G.Total	Rs.7474640/-

(Rs.8095640)

(Photo copies of Bank deposits slip + statements attached as Annex.78 To 109)

8. As per reply at para 6(ii) above all the relevant voucher file of 2nd shift also have been handed over to Mr. Muhammad Fayaz S/Clerk Audit section DTE & MT Peshawar
9. The complaint of obtaining signatures of regular and daily wages staff on blank proforma is quite baseless which has no weight and as such the actual claim have been charged from the public exchequer and paid to them getting their own signatures. The question of bogus signature is quite baseless blame.
10. Payment for the month of October 2012 to the concerned staff members of 2nd shift program has been made by the Principal on chair in November 2012.
11. As per reply of para-5 above, the amount of admission fee had already been deposited combinely with Tuition fee through challans into Govt. Treasury.
12. (i) I took over charge of the Principal post in 01/02/2011 and the regular budget for the Fiscal years 2010-11 and 2011-12 have been utilized by adopting all the codal formalities under the rules.
(ii) List of actual numbers of enrollment of students for the Session 2010-11, 2011-12 and 2012-13 and the realization/deposits of funds pertaining to 2nd shift and morning shift program which is self explanatory to the matter is attached at Annex.110-118
13. As per reply at para 2 above, all the codal formalities i.e demands of the concerned staff. Calling of quotations/tenders through various committees, store completion, certificates vouchers and receipts etc. have been fulfilled and the expenditures incurred which is not doubtful and not vulnerable to misappropriation.
14. The actual income from the sales of prospectus fines and hostel already deposited are as follows:

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S.No.	Year	Description	Actual Amount	Amount Deposited
1.	2011-12	Sale of prospectus	Rs.100000/-	Rs.100000/- (R.No.32 dated 01.06.2012
	2012-13	-do-	Rs.110000/-	Rs.110000/- (R. No.38 dated 16.11.2012)
2.	2011-12	Hostel	Rs.122000/-	Rs.122000/- Voucher no.39 dated 29.06.2012)
	2012-13	-do-		

(Admission was under process with Mr. Engineer Badshah Zeb, Hostel Warden)
 (Photo copies of all the receipt along with Bank statements are attached as Annex//9 to 129)

It is further to mention that:

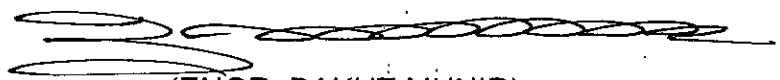
- (i) Being one of the Senior Officer of the Department the high ups ignored my legal rights to obtain my comments to the baseless complaints by lodging direct enquiry, which is hopeless.
- (ii) The subject matter is quietly based on personal grudges of the Ex-Minister for TE&MT and other enmity for not honouring their illegal activities/demands.
- (iii) The enquiry committee exaggerated from their "Task" assigned to them by Director Technical Education M.T. vide letter No. DGTE&MT/Estt-II/A-03TTB/Vol.II/6912(1-7) dated 20.12.2012 (copies attached as Annex/2/ to 132)"
- (iv) As per question of incomplete cash book and other record is concerned, the worthy Secretary Industries and DTE&NT were verbally and on written from requested for provision of the records, but no response was given by the concerned Principal in chair (photocopies of my request are attached as Annex./23. to 132-141)

In light of the above facts and figures duly supported by the relevant records and proofs, it is prayed that the allegation leveled against me may kindly be considered null and void and may please be solved/settled favourably.

Thanks

Dated:13th August 2013

Yours Obediently



(ENGR. BAKHT-MUNIR)
 Ex-Principal G.C.T.Timergara
 Now working as
 Associate Professor
 G.C.T.Mingora-Swat

13/08/13

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MOST IMMEDIATE



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT**

NO. PS/S. SECY/ENV/2012-2076

DATED 02-08-2013

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To

The Secretary to Govt; of Khyber Pakhtunkhwa,
Industries, Commerce and Technical Education,
Department, Peshawar.

SUBJECT:- DISCIPLINARY ACTION AGAINST ENGR: BAKHT MUNIR, EX-PRINCIPAL, GCT
TIMERGARA AT DIR LOWER.

Dear Sir,

Please refer to your letter No. SOIII(IND)TE/5-22/2013/Bakht Munir dated 26th July
2013 on the above captioned subject received in this office on 01/08/2013 at 1300 hours.

2. For formally initiating the process you are requested to please take necessary action on
the following:-

- i. The Enquiry Committee in the subject case may be formally notified;
- ii. A Departmental Representative may be designated by name for assistance/facilitating the Enquiry Committee during the enquiry proceedings with, interalia, responsibility for producing of the relevant record /document as and when required;
- iii. A self contained/brief, highlighting, interalia, back ground and other details of the case may be provided alongwith copies of relevant documents including previous fact finding enquiry report(s) etc. on/by 07/08/2013 positively.
- iv. The Departmental representative may be deputed to attend this office on 07/08/2013 at 1200 hrs, besides ensuring his presence during the proceedings scheduled for 13/08/2013 at 1000 hrs positivity.
- v. The accused officer may be directed to appear before the Enquiry Committee on 13/08/2013 at 1000 hrs at the office of Special Secretary Environment Department Govt of Khyber Pakhtunkhwa Khyber Road Peshawar.

3. Please ensure expeditious action within the given time lines which would be highly appreciated.

(Syed Kamran Shah)
Special Secretary, Environment Department
Enquiry Officer

Endst: No & Date Even

Copy for information and necessary action is forwarded to:-

1. Mr. Shakeel Ahmad (BS-20) Director General, Technical Education Department for information and further necessary action. He may please make himself available for enquiry proceedings on the 13/08/2013 at 1000 hrs being a member of the Enquiry Committee.
2. The Director General Technical Education and Manpower Training Peshawar. He may ensure appearance of the accused officer Engr: Bakht Munir (Ex-Principal Govt: of Technology of Timergara) presently working as Associate Professor, Govt. College of Technology Swat.

Engr: Bakht Munir (Ex-Principal Govt: of Technology of Timergara) Associate Professor, Govt. College of Technology Swat with the direction to submit his requisite statement in writing to the Enquiry Committee within the stipulated time frame. A copy of the Charge Sheet/Statement of Allegations is enclosed for his information and necessary action. He is further directed to appear before the Enquiry Committee on 13/08/2013 at 1000 hrs positively.

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(Enquiry Officer)

Annex: D
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REPORT OF FINDINGS OF THE INQUIRY

DISCIPLINARY PROCEEDING
AGAINST ENGINEER BAKHT MUNIR,
EX- PRINCIPAL, GOVERNMENT
COLLEGE OF TECHNOLOGY,
TIMERGARA AT DIR LOWER UNDER
THE KPK GOVT. SERVANTS
(EFFICIENCY & DISCIPLINE)
RULES, 2011.

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Subject: DISCIPLINARY PROCEEDING AGAINST ENGINEER BAKHT MUNIR, EX-PRINCIPAL, GOVERNMENT COLLEGE OF TECHNOLOGY, TIMERGARA AT DIR LOWER.

Through the Industries, Commerce & Technical Education Department, Government of Khyber Pakhtunkhwa letter No. SO-III (IND) -TE/5-22/2013/-Bakht Munir dated 26.7.2013 a two member Committee, comprising Syed Kamran Shah, Special Secretary (BS-20) Environment Department, Government of Khyber Pakhtunkhwa and Mr. Shakeel Ahmad, Director General (BS-20), Technical Education, Khyber Pakhtunkhwa, was constituted for disciplinary proceedings against Engineer Bakht Munir, Ex-Principal (BS-19), Government College of Technology, Timergara, Lower Dir under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 (**Annex-A**).

According to the Charge Sheet/Statement of Allegations, the accused Engineer Bakht Munir has been charged as under (**Annex-B**):

- 1) Being Principal of Govt: College of Technology, Timargara Dir (Lower) the accounts record maintained by you is miserably poor. The Govt: cash book has not been maintained for a period of 19 months (April, 2011 to October, 2012) despite that the complete record of accounts of regular budget as well as 2nd shift program remained in your custody for maintenance.
- 2) The purchase Committee, the Store Purchase Officer and the Storekeeper of the institute have shown their ignorance regarding all purchases made by you without observing the legal and codal formalities.
- 3) No stock entries have been made regarding the purchases made in your tenure.
- 4) Sanction order of the Directorate General Technical Education & Manpower Training, Khyber Pakhtunkhwa shown to the Enquiry Committee is fake as the sanctioned amount is beyond the powers of the Director General. The concerned Deputy Director (Budget & Accounts) has also confirmed his signatures on the sanctioned order as bogus.
- 5) The receipt books regarding the tuition and admission fees which you have collected from students during your tenure have not been maintained by you making it difficult to determine the actual amount of receipts.
- 6) Cash book of the regular budget (morning shift program) is blank since September, 2011 and no voucher is available for reference. Similarly the 2nd Shift cashbook is also blank since April 2012.
- 7) You have failed to deposit in the concerned Bank Accounts and Government Treasury, the receipts and other charges collected from the students in your tenure.
- 8) Vouchers against the drawls made from the 2nd Shift program have not been produced before the Enquiry Committee during investigation.
- 9) You have obtained signatures of the regular and daily wage staff involved in 2nd shift programme on blank proforma and thus charged more claim from the public exchequer against less payment to the staff. Furthermore you have also affixed their bogus signatures on such proforma.
- 10) Due to the absence of relevant record in the cash book the payments made to most of the staff members of the 2nd Shift Program for the month of October 2012 cannot be determined.



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- 11) You have collected admission fee of Rs. 130,400/- (Rupees One Lac Thirty Thousand & Four Hundred only) and students fine charges of Rs. 17,000/- (Rupees Seventeen Thousand only) but the same have not been deposited in the concerned Bank Account and Government Treasury.
- 12) That in view of the above charges, the expenditure of Govt. funds for the year 2010 and 2011 which amount to a total of Rs. 13,96,561/- (Rupees Thirteen Lacs Ninety Six thousand Five Hundred & Sixty one only) (other than pays and allowances) is conjure. Similarly the Special Audit Report has calculated the receipts of Rs. 1,31,10,000/- (Rupees One crore, Thirty one Lacs & Ten Thousand only) from the 2nd shift and Rs. 38,39,250/- (Rupees Thirty Eight Lacs, Thirty Nine Thousand, Two hundred & Fifty only) from the morning shift program but correct and timely deposit of all these funds by you stands fictitious. The figures of the special reports 2nd shift and Morning Shift Private funds are based on enrolments as actual receipts are not available and the cash books are incomplete.
- 13) The expenditures worth millions of rupees out of Private/Second Shift funds are not supported by verified vouchers. All codal formalities have been ignored and hence declared doubtful and vulnerable to misappropriation.
- 14) The income from the sales of prospectus, fines and hostel is around Rs. 350,000/- (Rupees Three Lacs & Fifty Thousand only) which has the same doubtful status as submitted in para-12 above.

3. In view of non issuance of any formal notification, Industries, Commerce & Technical Education Department was asked, inter alia, to formally notify the inquiry Committee besides designating a departmental representative (**Annex-C**). As (no departmental representative came up on 7.8.2013) or for the inquiry proceedings on 13.8.2013 despite specific instructions contained in the Chairman Inquiry Committee's above referred letter dated 02.08.2013, Secretary IC&TE was again urged through the letter dated 15.08.2013 to do the needful (**Annex-D**). Moreover, (he was further requested to get the time period extended with the approval of the Competent Authority as two-third span of the prescribed period of thirty days had already passed due to inaction on the part of the Administrative department/departmental representative.)

4. Thereupon, formal orders as to the Constitution of the Inquiry Committee were issued vide the Industries, Commerce & Technical Education Department, Government of Khyber Pakhtunkhwa Office Order No. (SO-III (IND) TE/4-28/2013-14135) dated 15.8.2013. (**Annex-E**). Ultimately, (Engineer Mughal Baz Khan, Deputy Director (P&D) at Directorate General of Technical Education Manpower Training, Khyber Pakhtunkhwa was nominated as the departmental representative for the subject inquiry. However, no action was taken on the request for further extension in the time frame assigned to the Inquiry Committee for completion of its task.)

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5. Meanwhile the other member of the Inquiry Committee, (Mr. Shakeel Ahmad, Director General (BS-20) Technical Education requested the administrative department for

nomination of somebody else as member of the Inquiry Committee because he being head of attached department had ordered Special Audit and then initial fact finding probe against the accused officer (**Annex-F**). His was a principled stand; however, the administrative department vide its letter No. SO-III (IND) TE/5-22/2013/Bakht Munir/14785 dated 20.08.2013 regretted to make any change at this stage (**Annex-G**). For ensuring fair play, Mr. Shakeel Ahmad, Director General, Technical Education though maintained his formal association as member of the Inquiry Proceedings by affixing his signature to its report of findings, he practically remained away from the Inquiry Proceedings with a view to keeping the process unbiased. The member's intent and spirit is appreciated.

BACKGROUNDS

6. The accused Engineer Bakht Munir served as Principal Government College of Technology, Timergara, Dir Lower from February 2011 to October, 2012. Prima facie during his incumbency, his financial management and handling of accounts etc. remained irregular, unsatisfactory and violative of rules/instructions etc. As a result of the complaints by the regular staff as well as contract employees of Government College of Technology, Timergara a Special internal Audit of the accounts was ordered. Meanwhile, the accused had been posted out. However, in view of adverse/unfavourable findings of the Internal Audit Party, initial fact finding inquiry was initiated. The preliminary probe confirmed financial mismanagement, irregular transactions, breach of integrity and violations of rules/instructions/codal formalities on the part of the accused officer. Hence initiation of instant disciplinary proceedings against him under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 with a tag of fourteen allegations/charges brought up against the accused.

7. During the course of inquiry proceedings, besides the accused officer, the following officers/officials of the Directorate General of Technical Education & Manpower Training and Government College of Technology, Timergara (Dir Lower) were interviewed/questioned and their statements recorded:-

- 1) Mr. Muhammad Mustafa, Principal Government College of Technology Timergara (Dir Lower), who replaced the accused officer as principal w.e.f. 31.10.2012 (AN) (**Annex-H**).
- 2) Mr. Hidayatullah (ex-Deputy Director (P&D), Directorate General of Technical Education), now serving as Secretary Khyber Pakhtunkhwa Board of Technical Education (**Annex-I**).
- 3) Member of the Audit Party comprising Munir Gul, Deputy Director (Admn) Directorate General Technical Education Khyber Pakhtunkhwa, Engineer Amir Zeb, Assistant Professor GCT Mingora, Swat, Bacha Rehman Superintendent, GCT Mingora (Swat) and Muhammad Fayaz Sernior Clerk (Audit), Director General, Technical Education(**Annex-J**).

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- 4) Haider Ali, Assistant Professor Islamiat GCT, Timergara (Lower Dir) (then assigned with responsibility as officer incharge Admission also) **(Annex-K)**.
- 5) Rehmat Islam, Assistant Professor (Mathematics), GCT, Timergara (Dir Lower) (performed responsibility as SPO with the accused at GCT, Timergara from February to June 2011) **(Annex-L)**.
- 6) Karimullah, Lecturer Electrical Department at GCT Timergara (Dir Lower) (Also served and Store Purchasing officer) **(Annex-M)**.
- 7) Mukhtiar Ahmad, Assistant Professor (Economics), GCT Timergara (Dir Lower) (also worked as Incharge Transport at GCT Timergara) **(Annex-N)**.
- 8) Engineer Badshah Zeb, Lecturer GTC, Timergara (Dir Lower) (Also served as Hostel Incharge) **(Annex-O)**.
- 9) Muhammad Laeeq, Senior Clerk, at GCT, Timergara (Dir Lower) **(Annex-P)**.
- 10) Muhammad Israr, Head Clerk at GCT, Timergara (Dir Lower) **(Annex-Q)**.
- 11) Rafiullah, Junior Clerk at GCT, Timergara (Dir Lower) **(Annex-R)**.
- 12) Muhammad Tariq, Store Keeper at GCT, Timergara (Dir Lower) **(Annex-S)**.
- 13) Ziarat Gul, Shop Assistant-cum-Clerk at GCT, Timergara (Dir Lower) **(Annex-T)**.
- 14) The accused Engineer Bakht Munir (then Principal GCT, Timergara, Dir Lower), presently serving as Associate Professor (Mech) (BS-19), Government College of Technology, Mingora, Swat **(Annex-U)**.

FACTS

8. Examination/Statements of the accused officer as well as other officers/officials concerned and perusal of the relevant record have brought out the following facts :-

- i. The accused, Engr. Bakht Munir, Associate Professor (Mech.) (BPS-19) was posted as Principal, Govt. College of Technology, Timergara (Dir Lower) vide the Industries, Commerce & Technical Education Department Govt. of Khyber Pakhtunkhwa Notification No. - SOIII(IND)TE/4-25/2010 dated 17-01-2011 **(Annex-V)**.
- ii. He served as Principal GCT, Timergara w.e.f. 01-02-2011 to 31-10-2012. It was his second stint against that position.
- iii. On the instruction of the then Minister for Technical Education & Manpower Training, a special internal audit of all accounts (i.e. Regular Fund, 2nd Shift and other procurements) pertaining to Financial Year 2010-11 and Financial year 2011-12 of certain Technical Education Institutions including GCT, Timergara was ordered vide the Directorate General Technical Education & Manpower Training Khyber Pakhtunkhwa Office Order No. DGTE&MT/Audit/5890(1-6) dated 22/10/2012 **(Annex-W)**.
- iv. Accordingly, Committee headed by Mr. Munir Gul, Deputy Director (Admn), DG TE&MT and comprising Engr. Amir Zeb, Assistant Professor, Govt. College of

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Technology, Mingora (Swat), Bacha, Rehman, Supdt. Govt. College of Technology, Mingora (Swat) and Mr. Fayaz, Senior Clerk (Audit), Dte. General TE&MT, KPK, carried out special internal audit of Government College of Technology, Timergara (Dir Lower) for financial year 2010-11, 2011-12 and 2012-13 on 23-10-2012. Out of the said audit period, financial transactions made during 1st. February 2011 to 30th October 2012 pertained to the tenure of the Accused, Engr. Bakht Munir as Principal **(Annex-X)**.

v. He was posted out from the post of Principal Govt. College of Technology, Timergara vide the Industries, Commerce, Mineral & Technical Education Department Govt. of Khyber Pakhtunkhwa Notification No. SOIII (IND)TE/4-25/2012 dated 18-10-2012 and handed over the charge on 31-10-2012 (AN) accordingly **(Annex-Y)**.

vi. He took over charge as Associate Professor (Mech.) at Govt. College of Technology, Saidu Sharif on 01-11-2012 (F.N)

vii. After his transfer, his successor, Mr. Muhammad Mustafa as new Principal, GCT, Timergara through his letter No. GCT/TMG/PF/7098 dated 12/11/2012 addressed to the Director General Technical Education and Manpower Training, KPK complained about, inter alia, non handing over of relevant record to him relating to Govt. Regular Accounts, Student Funds, Hostel Fund and 2nd Shift Programme besides non obtaining clearance certificate by the accused officer **(Annex-Z)**.

viii. Besides, through his letter No. GCT/TMG/STAFF/8014 dated 17/11/2012, the new (Successor) Principal, GCT Timergara (Dir Lower) also forwarded a joint application of sixteen contract employees of the college, hired by the accused during his incumbency, demanding their salaries of morning as well as 2nd Shift for October, 2012 **(Annex-AA)**.

ix. Moreover, a joint application dated 10-12-2012 was also addressed to Director General, Technical Education & Manpower Training, KPK by sixteen teaching / clerical / ministerial staff of GCT, Timergara against corruption, financial, mal-practices and administrative irregularities by the accused Engr. Bakht Munir during his tenure as Principal **(Annex-BB)**.

x. Principal Govt. College of Technology, Mingora (Swat) through his letter No. GCT/MNG/Admn/3303 dated 19/11/2012 addressed to Director General, TE&MP, KPK, sought advice that after reporting on duty on 7th November, 2012 dated GCT, Mingora replacing Engr. Muhammad Mustafa, Associate Professor, the accused Engr. Bakht Munir was unwilling to perform duty restricted to teaching only instead of Head of Department. The Principal further intimated that on the other hand Minister Technical Education & Manpower (Nawabzada Mahmood Zeb) had telephonically instructed him not to involve the accused in any administrative duty and keep him restricted to teaching work **(Annex-CC)**.

xi. The new Principal, who had replaced the accused Engr. Bakht Munir at GCT, Timergara (Dir Lower), through the Office Order No. GC T/TMG/O.O./8049 dated 30/11/2012 brought it on record that relevant account documents including cheque books, cash books, ledgers and Main stock Register etc. were not available as the same had been taken over by the special internal audit party for examination. Certain officers including Mr. Haider Ali, Assistant Professor Mr. Rehmat Islam, Asstt. Professor, Mr. Mukhtiar Ahmad, Lecturer and Mr. Badshah Zeb, lecturer were named as witnesses thereto. It was further reported that in the absence of the relevant record, fresh record had had to be started in consultation with and telephonic permission of the Dte. Gen. **(Annex-DD)**.

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xii. DG TE&MT, KPK, through the Office Order No. DGTE&MT/Estt-11(A-03TTB/Vol:ii/6912 (1-7) dated 20/12/2012 constituted an inquiry committee of the following officers for probing the complaint submitted by the Principal Govt. College of Technology, Timergara (Dir Lower) against the alleged irregularities and financial embezzlement by the accused during his tenure as the Principal

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GCT Timergara and the complaint submitted by the Principal Govt. College of Technology , Mingora (Swat) regarding the accused officer's refusal to share the teaching load (**Annex-EE**).

- a. Prof. Shah Fayaz Khan,
Principal, GCMS, Kohat.
- b. Engr. Munib Ullah Khattak,
Principal, GATTC, Hayatabad (Peshawar)
- c. Engr. Mughal Baz Khan,
Dy. Dir. (P&D) Dte. Gen. TE&MT, KPK, Peshawar.

xiii. Accordingly, the fact finding inquiry committee started the probe on 22/12/2012 and having completed the assigned task submitted its report of findings, confirming financial irregularities, mismanagement and corrupt practices by the accused (**Annex-FF**).

xiv. Based on the findings of the said fact finding probe, charge- sheet / statement of allegations were framed and instant disciplinary proceedings under the KPK Govt. Servants (E&D) Rules 2011 have been ordered with the approval of the competent authority (Chief Minister KPK) against the accused Engr. Bakht Munir, the then Principal GCT, Timergara (Dir Lower) (**Annex-A**).

FINDINGS

9. In the light of the interviews/hearing of the accused officer as well as the officers/officials concerned of the Directorate General of Technical Education & Manpower Training, Khyber Pakhtunkhwa and Govt. College of Technology, Timergara (Dir Lower), perusal of their statements, and examination of the relevant record, the following findings have come out :-

- (i) The accused officer, Engineer Bakht Munir, holding domicile of Dir District, had originally been inducted in Govt. service on adhoc basis as Instructor (Mechanical) (BS-17) vide the Education Department, Govt. of NWFP Notification No. SO(TE)/2-35/87 dated 29-12-1987 (**Annex-GG**). However, later-on his services were regularized through Notification No. SO(TE)/2-1/79 dated 04-09-1988 (**Annex-HH**).
- (ii) His service profile, since his induction till initiation of the instant disciplinary proceedings, has been as under (**Annex-II**):-

Sr.	The officer remained posted at:	Tenure	Designation
01.	Govt: Polytechnic Institute, Haripur	04.01.1988 to 06.02.1988	Instructor BS-17
02.	Govt: Polytechnic Institute, Swat	15.02.1988 to 20.09.1989	Instructor BS-17
03.	Govt: Vocational Institute, Chakdara	21.09.1989 to 30.05.1993	Instructor BS-17
04.	Govt: Vocational Institute, Kalaya	31.05.1993 to 07.03.1995	Principal BS-18 and DDO

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05.	Govt: Vocational Institute, Chakdara	08.03.1995 to 14.09.2000	Principal BS-18 and DDO
06.	Govt: Polytechnic Institute, Swat	15.09.2000 to 28.08.2006	Assistant Professor BS-19
07.	Govt: Polytechnic Institute, Buner	01.09.2006 to 31.03.2008	Principal BS-18 and DDO
08.	Govt: College of Technology, Timergara	01.04.2008 to 31.01.2010	Principal BS-19 and DDO
09.	Govt: College of Technology, Bannu	01.02.2010 to 31.01.2011	Associate Professor BS-19
10.	Govt: College of Technology, Timergara	01.02.2011 to 30.10.2012	Principal BS-19 and DDO
11.	Govt: College of Technology, Swat	06.11.2012 to date	Associate Professor BS-19

- (iii) It was his second tenure as Principal, Govt. College of Technology, Timergara (Dir Lower), spanning over period from 01-02-2011 to 30-10-2012, during which his alleged corruption, mal-practices and financial irregularities first attracted a special internal audit, then a fact finding probe and finally the instant disciplinary proceedings under the KPK Govt. Servants (E&D) Rules 2011.
- (iv) Previously too he was posted as Principal Govt. College Timergara (Dir Lower) and he held that position from 12-04-2008 to 31-01-2010 **(Annex-JJ)**. But none of the charges brought up against him pertains to his previous incumbency of that post.
- (v) He was reported to be in good books of the then Provincial Minister for Technical Education & Manpower Training. His posting on the position of Principal, GCT, Timergara (Dir Lower) second time after less than a year of his transfer from there manifestly testified to the accused officer's close relationship with the political boss.
- (vi) Seemingly, the intimate affinity with the Minister somehow turned soured later on. Special internal audit of the accused officer's incumbency as Principal GCT, Timergara (Dir Lower) for the period 2010-11 to 2011-12 was also ordered on the instructions of the then Minister Technical Education & Manpower Training as clearly mentioned in the said order dated 22-12-2012 **(Annex-W)**.
- (vii) The four member special internal audit committee carried out the assigned task, categorizing the income/expenditure of the institution into Regular Budget for the year 2010-11 & 2011-12, Second Shift Programme, Morning shift / Private Fund, Prospectus, Hostel, Store and Miscellaneous.
- (viii) The Special Internal Audit Party made the following findings / observations in its report (Annex-x):-

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a) Regular Budget 2010-11 & 2011-12

- The expenditure made without codal formalities e.g. obtaining sanctions from the competent authority, calling quotation / tender etc.
- The expenditures were irregular and needed proper justification.

b) 2nd Shift Programme

- From a total of 1040 students enrolled in 2nd shift during 2010-11, 2011-12 and 2012-13, a total amount of Rs. 1,31,10,000/- was collected.
- Expenditure done on hiring of teaching staff etc. but no proper record is available to verify.
- The audit party viewed the expenditure done as irregular and not as per the policy framed for 2nd shift programme.
- Justification of the principal needed.

c) Morning Shift / Private Fund

- During 2010-11 to 2012-13 from 1569 students, admitted in Morning Shift, a cumulative sum of Rs. 38,39,250/- was collected under Private Fund.
- Cash book not maintained.
- Vouchers not available.
- Sanction of the competent authority not available.
- The audit party viewed the expenditure irregular, needing justification.
- For payment of utility bills, amounts were reportedly drawn from both Morning Shift and 2nd Shift accounts but duplications could be traced if cash books accounts of both the Shifts had been maintained.

d) Prospectus

Reportedly @ Rs. 200/- per prospectus, 500 prospectus were sold during session 2011-12 and 550 prospectus during 2012-13. Thus a total amount of Rs. 2,10,000 was generated, against which only a sum of 100,000/- was deposited in the relevant account on 01-06-2012. Thus outstanding amount of Rs. 110,000/-

e) Hostel

- 32 students were residing in the hostel of GCT, Timergara who were charged @ Rs. 6500/- per student per year, including Rs. 1500/- as security & Menu allowance. Hence estimated generation of Rs. 4,16,000/- for two sessions i.e. 2011-12 and 2012-13.
- No record available to verify the expenditure done.
- Needs justification by the Principal

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f) Store

- As reported by the Store Keeper, the keys of the store were kept by the Principal in his custody.
- Missing of items like ceiling fans, tents, quilts etc. reported.
- Physical verification required.

g) Miscellaneous

- Certain contract employees complained of performing duties in both Morning and 2nd Shift programme but paid for one shift only, though salaries for the two shifts drawn by the Principal. Hence suspicion of double drawn.
- Students of Morning shift and 2nd shift were seated in the same class, spoiling the quality of education and violating the policy of 2nd shift.
- 2nd shift revenue not divided in to 60% and 40% as advised by the DGTE&MT.
- Govt. challans of admission and Tuition fee not shown to verify deposit of the amounts to Govt. Treasury.
- Over age fee and fine charged from the students but no record available.

(ix) The Internal Audit's observations as to the financial irregularities etc were communicated to the accused officer vide the DG, DTE&MT letter No. DGTE&MT/Audit/6196(1-6) dated 08-11-2012 for his reply within three days positively **(Annex-KK)**. In response the accused through his letter dated 15-11-2012, addressed to DG, DTE&MT asked for provision of all auditable record for making para-wise replies **(Annex-LL)**.

(x) Again through the DG, TE&MT, KPK letter No. DGTE&MT/Audit/A-13/6434(1-7) dated 23-11-2012, the accused officer was directed to submit his requisite para wise replies alongwith documentary proof within three days otherwise disciplinary proceeding should be initiated **(Annex-MM)**.

(xi) Meanwhile, through the DG, TE&MT, KPK letter No. DGTE&MT Audit/A-13/6449 (1-2) dated 26-11-2012, Principal Govt. College of Technology, Timergara (Dir Lower) was directed to depute a responsible officer/ official for taking back the relevant record, taken into custody by the Special Internal Audit Party for audit purpose **(Annex-NN)**.

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(xii) Accordingly, the said record was handed over by Mr. Muhammad Fayaz, Sr. Clerk, DGTE&MT to Mr. Muhammad Israr, Assistant, GCT, Timergara (Dir Lower), duly verified by Mr. Munir Gul, Deputy Director, DGTE&MT, KPK on 26-11-2012 **(Annex-OO)**.

(xiii) The accused officer, through his letter No. 01 dated 01-12-2012, addressed to Director Technical Education & Manpower Training, KPK, submitted his para-wise replies to the audit paras (Annex-PP). However, prima facie, he could not cogently and convincingly explain / justify irregularities in maintenance of accounts, retention of public money, legitimacy of expenditure, non-availability of requisite vouchers/receipts/record, proof of procurement made through proper codal formalities, and delayed deposit of Govt. dues / public money etc. Hence, constitution of a fact finding inquiry through the DG, TE&MT, KPK order dated 20-12-2012 (Annex-EE).



(xiv) The fact finding inquiry committee comprising Prof. Shah Fayyaz Khan (Principal, Govt. College of Management Sciences, Kohat), Engineer, Munibullah Khattak (Principal GTTC, Hayatabad, Peshawar) and Engineer Mughal Baz Khan (Deputy Director, P&D DG TE&MT) visited the Govt. College of Technology, Timergara (Dir Lower) and started probe on 22-12-2012. They questioned the accused officer, incumbent Principal and almost all the staff member and examined whatever record was available, including that returned by the Special Internal Audit, reportedly in the presence of all. The report of the fact finding contained sufficient incriminating material and contents against the accused officer (Annex-FF). According to para 2 of the said report, all the staff members also submitted an undertaking (Annexed) to the committee that their signatures on the detailed Urdu complaint submitted to the DG alongwith many other authorities of the Govt. and Chief Justice Peshawar High Court were genuine.

(xv) The following remarks / observations of the fact finding inquiry committee recorded under different heads in the report would be pertinent to mention to have a meaningfully effective grasp/ understanding of the state of affairs and working etc during the incumbency of the accused officer (Annex-FF).

(1) Govt. Funds

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- The record maintenance was miserably poor.
- The Govt. Cash Book had not been maintained for a period of 19 months (April 2011 to Oct. 2012)
- The record was taken by the accused in his custody.
- Indirect checking from expenditure statements, Abstract, contingent (AC) Bills and other files was tried but the record was in haphazard position.

- Since receipt books were not available, so the deposit of Tuition and Admission fees in Govt. Treasury could not be ensured.
- Neither documents like Tender, Comparative Statement, requirement list and purchase committee/SPO's report and stock entries could be found in record nor payment made was traceable.
- Million worth expenditure/receipts could not be checked or verified due to non-maintenance of books and non-availability of record and the expenditure /receipts stands doubtful.

(2). Private Funds (Morning / 2nd Shift & Hostel)

(A. RECORD)

- Record and book keeping was even worse here.
- The Morning Shift Cash Book was maintained only from Feb. 2011 to August 2011. It was blank for last fifteen months and vouchers were also not available for fifteen months.
- Similarly, the 2nd Shift Fund Cash Book was updated from Feb. 2011 to March 2012 and was blank for seven months.
- Non maintenance of cash book is a serious irregularity and makes all the receipts and expenditure during the period vulnerable to mis appropriation.
- The utilization of Hostel Fund was no different than that of the Private Funds and the record was improper.

(B. STAFF GRIEVANCES AND COMPLAINTS)

- The top to bottom staff (Regular and local contract) was full of grievances (against the accused) including obtaining their signatures on blank proforma for 2nd Shift remuneration and contract employee pay for making less payment and recording more

(C. ADMINISTRATIVE FINES)

- Computer generated and hand written receipts as well as printed receipts of student admission were produced by the staff, claiming that the amount realized had not been credited to the relevant accounts. However, the counter folios or office copies could not be traced in the available record. So the amounts in question remained suspicious.
- The fine received from students could only be taken into account if valid proof of its deposit is proved.

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3) CONCLUDING REMARKS

- The enquiry committee feels that the college has been handled like no man's land.
- Revenue generated from Morning Shift for same span has definitely been collected from the students but correct and timely deposit of all these funds by the college authorities stands fictitious.

- "The figures of the special report, 2nd Shift and Morning shift, Private Funds are based on enrolments as actual receipts are not available and the cash books are incomplete. So the committee has to rely on same data."
- "Further millions worth expenditures out of Private Second Shift Funds are not supported by verified vouchers and all other codal formalities have been ignored so, declared doubtful and vulnerable to mis-appropriation."

(xvi) During the tenure of the accused officer as Principal Govt: College of Technology, Timergara (Dir Lower), spanning from 01.02.2011 to 30.10.2012 (21 months in all), last five months of financial year 2010-11, a whole financial year of 2011-12 and first 4 months of financial year 2012-13 were covered. As such from the regular budget allocated for the institution, the following quantum of funds under head of Operating Expenses etc were available to him which were claimed to have been utilized as indicated hereunder respectively (the budgetary allocations for year 2010-11, 2011-12 & 2012-13 can be seen at **(Annex-QQ)**).

S.No	Period of Financial Year	Budget allocated/available (Rs)	Expenditure made (Rs)	Balance (Rs)
1.	(1.2.2010 to 30.6.2011) FY 2010-11	901376/-	835360/-	66016/-
2.	(1.7.2011 to 30.6.2012) FY 2011-12	727,000/-	725697/-	1303/-
3.	(1.7.2012 to 30.10.2012) FY 2012-13	15,42,600/-	87659/-	14,54,941/-

(xvii) According to the internal audit party the expenditures so made were irregular and need proper justification by the accused officer because the requisite sanctions from the competent authority, quotations, tender, demand lists, stock entries were not available, cash book not maintained and purchase committee not constituted.

(xviii) In view of the incomplete/deficient/record, the internal audit party has calculated the amounts of revenue/income etc generated from the students of morning / regular shift and second shift, on the basis of the respective enrolments, which came to Rs. 3839250/- & Rs. 13110000/- respectively. Respective details as to number of such students and the amount received their from were calculated to be as under:-

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(a) Morning shift

S. No	Session	Year	No of students	Fee Rate	Total amount
1.	2010-11	1 st	199	3630	722370/-
		2 nd	154	1800	277200/-
		3 rd	160	1800	288000/-
2.	2011-12	1 st	188	3630	682440/-
		2 nd	199	1800	358200/-
		3 rd	154	1800	277200/-
3.	2012-13	1 st	148	3630	537240/-
		2 nd	188	1800	338400/-
		3 rd	199	1800	358200/-
Total					3839250/-

(b) 2nd shift programme

S.No	Session	Year	No of students	Fee Rate	Total amount
1.	2010-11	1 st	105	12000	1260000/-
		2 nd	105	12000	1260000/-
		3 rd	137	12000	1644000/-
2.	2011-12	1 st	126	13000	1638000/-
		2 nd	105	12000	1260000/-
		3 rd	105	12000	1260000/-
3.	2012-13	1 st	126	15000	1890000/-
		2 nd	126	13000	1638000/-
		3 rd	105	12000	1260000/-
Total					13110000/-

There may have been variation in the number of the students and amount of money received from them because drop-outs and the defaulters who failed to deposit the prescribed fee / charges etc seem to have not been taken into account.

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(xix) Similarly the internal audit party reckoned the cumulative amount receivable from 32 hostel in-mates (students) @ Rs. 6500/- per student including security as well as mess advance for the session 2011-12 & 2012-13 to be Rs. 416000/-. Whereas according to the accused, the total amount received on that account was Rs. 122000/-. Likewise the internal audit estimated the proceeds from the sale of 500 prospectus

during session 2011-12 and 550 prospectus during session 2012-13 @ Rs. 200/- per prospectus to be cumulatively of Rs. 2,10,000/-. The accused officer in his statement has highlighted the same amount (further details in this regard can be perused in the internal audit report available at **Annex-X** and the joint statement of the members of the said audit party available at **Annex-J** respectively.

(xx) The accused officer being the head of institution and drawing & disbursing officer concerned was supposed to ensure maintenance and updation of accounts/ accounts books properly and on regular footing. However, Internal Audit Party's report and findings of the preliminary inquiry highlight a very pathetic picture of accounts and manifest failure on the part of the accused officer, who remained the Principal of Govt: College of Technology, Timergara (Lower Dir) from 01.02.2011 to 30.10.2012 (21 months), According to the General Financial Rules he was required to ensure regular maintenance of accounts and periodical inspection/ checking / verification of all accounts books/registers, which he miserably failed to do. Both the cash books i.e, cash book of regular budget/funds and 2nd shift cash books, were not maintained regularly. The regular funds (Morning Shift) cash book was not maintained from 1st April 2011 to 30th October, 2012 (for 19 months out of 21 months tenure). While the cash book of the 2nd shift was also not maintained till, according to the accused officer's own admission in his written reply to Allegation No. 1 (**Annex-U**), September, 2012 when he had made the entries in the register but could do so for the period upto March, 2012 only. Both the cash books were inspected / checked during inquiry proceedings and found deficient. In his statement he tried to pass the responsibility on to Mr. Muhammad Israr (Head Clerk) and Mr. Muhammad Laeeq (Senior Clerk), attributing the omission / failure to keep accounts and maintain cash book to them despite repeated instructions. However, the accused officer could not produce any tangible evidence nor could cogently convince that why he had not taken any disciplinary action against the officials if they had not been maintaining accounts / cash books properly. Both the officials, blamed by him, denied the claim of the accused in their statements, which got support from verbal as well as written statements of other staff members. According to them all record, cash books, receipt books and even cheque books had been taken into personal custody by the accused officer. Mr. Laeeq, Senior Clerk, stated that though on paper

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the accounts of 2nd shift fund had been taken away from Mr. Muhammad Israr, Head Clerk, and handed over to him, in addition to Morning shift /Student fund accounts, but in reality the same had been taken into his own custody by the accused officer. It was also learnt from them that a brother of the accused officer would take care of the accounts matters. Practically, all accounts/cash books / receipt books remained in the personal custody of the accused officer, instead of the respective clerical staff, throughout his tenure as the Principal. As such regular upkeep/maintenance/updating of accounts/account books / cash books was entirely his responsibility.

(xxi) The accused officer in his written statement while replying to Allegation No.2, did add copies of bids/documents etc regarding a couple of procurement cases (**Annex-U**). However not only the special internal audit party as well as the preliminary inquiry committee had pointed out irregular / doubtful procurements done without conforming to codal/procedural formalities but the members of the special internal audit party in their joint statements (**Annex-J**) and Mr. Rehmat Islam, Assistant Professor Mathematics (store purchasing officer from February 2011 to June 2011 (**Annex-L**), Mr. Karimullah, Lecturer Electrical Department (designated as purchasing officer) (**Annex-M**) Mr. Muhammad Tariq, Storekeeper and Mr. Ziarat Gul Shop Assistant (**Annex-S**) in their verbal as well as written statements have denied any procurements of stores etc in reality. They have also disowned existence of any documentary proof as to fulfillment of prescribed codal formalities like sanction of the competent authority, quotation etc. All purchases / procurements from the regular budgetary allocations, indicated below, and the 2nd shift were done by the accused officer himself, by and large, without fulfilling requisite codal / procedural formalities. Though expenditure was claimed by him to have been made on procurements but whether or not store items / stock etc were actually purchased could not be confirmed due to non-availability of record and particularly in the absence of any entries in the stock register (s). The regular Budgetary Allocations for raw material / other stores etc. for FY 2010-11. 2011-12 and 2012-13 and claimed expenditure against them were as under :-

Allegation #02

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Year	Particular	Budgetary allocation	Expenditure claim
2010-11	Raw Material Other,	120,000/- 10,400/-	1,19,770/- 10,400/-
2011-12	Raw Material Other,	70,000/- 11,000/-	69,945/- 11,000/-
2012-13	Raw Material Others	150,000/- 11,000/-	149,886/- 10,990/-
	Grand Total	3,72,400/-	3,71,991/-

Call #03

(xxii) Main Stock Register which remained in the custody of Mr. Muhammad Tariq, being the store keeper, did not show any purchases of stores / stocks etc made. No entries in this regard have been recorded in the Stock Register. In his statement too, the store keeper has denied having received any items otherwise claimed to have been purchased (**Annex-S**). The accused officer did produce a small register which remained in his personal custody and in which he used to record such purchases. Strangely, the register is still in his custody despite his having been posted out from the position of Principal, GCT, Timergara (Lower Dir) w.e.f 30.10.2012, he should have handed it over to his successor. Anyway, that small register seemed to be some informal arrangement for personal information / record. However as mentioned earlier no stock entries were/have been made in the official main stock register which was physically checked during the inquiry proceedings.

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Call #040

(xxiii) The Sanction Order No. DGTE&MT/Acctt/3082 dated 21.06.2011 (**Annex-RR**) purportedly made by the DG, Technical Education & Manpower Training for Rs. 100150/- on account of purchase of training material for Govt. College of Technology Timergara (Dir Lower) and authenticated by Mr. Hidayatullah, an ex-Deputy Director (P&D) of the Directorate General proved to be fake and fabricated. On check up of the dispatch / issue register of the Directorate General TE&MT, KPK it transpired under their said reference number was in fact issued to a letter sent to Principal Govt Poly Technical Institute (W) DIKhan bearing issuance date of 15.6.2011 and not 21.06.2011 (**Annex-SS**). Moreover, at that time, Mr. Hidayatullah, Deputy Director could not have possibly put his signature thereon as he had already been posted out from that position (i.e Deputy Director B&A) who was then being held by Mr. Munir Gul Deputy Director as an additional charge (statement of Mr. Hidayatullah disowning the said sanction order is placed at **Annex-I**. Moreover, Director General TE&MT's sanctioning authority

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was / is up to Rs. 75000/-, whereas the said sanction order being for Rs. 100150/- was beyond his financial powers.

(xxiv) The accused in his written statement in reply to Allegations No.4 has held Mr. Muhammad Israr, Head Clerk dealing with Govt funds, responsible for the fake sanction order. However verbal as well as specific written testimony of Mr. Muhammad Israr (Head Clerk), **(Annex-Q)**. Mr. Rafiullah (Junior Clerk) **(Annex-R)** and Mr. Ziarat Gul (Shop Assistant) who used to deal with District Accounts Office Lower Dir **(Annex-T)** have clearly established that the said fake Sanction Order was prepared on the instructions of the accused officer, when a A/C Bill of Govt College of Technology had been returned by the District Accounts Officer Lower Dir, by Mr. Rafiullah, Junior Clerk who himself has admitted that fact. The A/C Bill was resubmitted by the accused officer under his own hand written note alongwith the (fake) Sanction Order duly verified by him **(Annex-TT)**. The AC bill was passed by the district accounts office accordingly. Preparing / fabricating a sanction order is also a criminal act, rendering those responsible liable to penal action.

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(xxv) Like other accounts books/record, receipt books were also kept by the accused officer in his custody which was not supposed to be the case. In his statement, while responding to Allegation No. 5, the accused officer has omitted to explain this aspect. Proper record of such payments was not kept and in the absence of relevant record / counter folios / receipt books, the special internal audit party, preliminary inquiry committee, college staff concerned could not determine the actual quantum of payments made on that account. Statements of Mr. Haider Ali, Assistant Professor Islamiyat (then officer incharge of admission, Mr. Muhammad Mustafa, (successor-Principal GCT, Timergara) and joint written statement of the members of special internal audit are relevantly worth perusal in this regard.

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(xxvi) In response, the accused officer has simply stated that a cumulative sum of Rs. 382,000/- was deposited in Govt treasury through three challans No. 54 dated 22.05.2011 (Rs. 1,19,400/-), No. 59 dated 27.05.2012 (Rs. 141,900/-) and NO. 71 dated 31.10.2012 (Rs. 1,21,320/-). While in the absence of the relevant record, on the basis of enrollment; the special internal audit party **(Annex-X)** as well as the preliminary inquiry Committee **(Annex-FF)** in their reports estimated total collection of Rs. 1,31,10,000/- from the admission /

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student of the 2nd shift and Rs. 38,39,250/- from admitted students of Morning/Regular shift during 2010-11, 2011-12 and 2012-13. The payments were made by the students against computer generated as well as hand written receipts besides regular printed receipts. The accused officer could not satisfy about the personal custody of receipt books, non-maintenance of record, deposit of less collected money against estimated large quantum of collected money, issuance / existence of computer generated and hand written receipts and missing/unaccounted for amounts. Indeed it is very difficult to reliably determine the actual amount of receipts on this account in the absence of complete relevant record.

(xxvii) Cash books of the regular budget / Govt funds as well as the 2nd shift cash book were not regularly maintained and updated during the tenure of the accused officer. The cash books of Govt Funds / morning shift was found void of entries since September, 2011 and that of the 2nd shift updated, though belatedly, upto March 2012 only when checked up during the inquiry proceedings. Detailed position has already been highlighted in Sub Para XX above as Allegations No. 6— is identical to Allegation No.1.

Alleg #06

(xxviii) According to the relevant provisions of the General Financial Rules and Treasury Rules, on receipt / payment/ collection of public money or Govt dues, the amount is required to be deposited in the Govt Treasury / Bank Account within 24 hours. As mentioned earlier, in the absence of accounts/record/receipt books, special internal audit party and preliminary inquiry committee, on the basis of enrollment, calculated total receipts of Rs. 3839250/- from the Morning (Regular) shift and Rs. 13110000/- from the 2nd shift. On the other hand, the accused officer in his reply to Allegation No. 7, has confirmed depositing, through 20 Nos of pay-slips, a cumulative amount of Rs. 29,21,450/- only in the case of morning shift. **Out of that a total sum of Rs. 458610/- was deposited through three slips i.e two dated 01.11.2012 and one dated 05.11.2012, after relinquishing the charge of Principal Govt College of Technology, Timergara (Lower Dir) on 30.10.2012** which is quite surprising and questionable besides being an undeniable proof of unlawful withholding of public money by the accused officer. Similarly in the case of evening shift receipts, the accused officer claimed to have deposited a total of Rs. 7474640/- in Account No. 9196 through 17 Nos slips. **Out of the said deposited**

Alleg #07

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amount, Rs. 590840/- through Bank Slip dated 05.11.2012 i.e five days after leaving the charge of Principal Govt. College of Technology, Timergara (Dir Lower). This also showed unauthorized and irregular retention of public money instead of depositing such amounts in the Govt. Treasury / Bank accounts within 24 hours. His (the accused) own admission in writing reflects unauthorized withholding / retention of Public / Govt money from one to three months. Besides the accused officer has failed to convincingly account for the deficient / missing amounts. All such acts of omission and commission are gross irregularities and serious violations. In this regard pointations by his successor Principal through his letter addressed to Director General, Technical Education & Manpower Training **Annex-Z** and **Annex-DD** and other staff members / witnesses are worth perusal. All payments received/collected on different accounts, including admission fee / hostel fee/receipts etc would be handled / kept by the accused officer instead that of the officials concerned, and deposited in the Treasury / Bank accounts by him at his will.

(xxix) In its report the inquiry committee had clearly observed that record and book keeping was even worst; the 2nd shift funds cash book had not been maintained regularly; rather it had been updated only from February, 2011 March 2012 (done by the accused officer as per his own statement, in September 2012) making all the receipts and expenditures during the period doubtful and vulnerable to misappropriation. The inquiry committee had also clearly highlighted non-availability of vouchers, blank/deficient cash books and random check up of drawls during which actual vouchers could not be traced in the relevant file. Even in the case of whatever vouchers were available, codal formalities like verification, physical checking and stock entry etc were not fulfilled (**Annex-FF**). Earlier the special internal audit party had estimated, on the basis of enrolment, total receipts from 2nd shift around Rs. 1,31,10,000/- and had also observed as to non-availability of proper record and non maintenance of cash books and stock register to verify and justify expenditures made from the 2nd shift fund. The accused officer had failed to produce requisite record / vouchers before the inquiry committee and to satisfy them (**Annex-X**). In his statement while responding to Allegation No. 8, the accused officer has tried to pass the buck on by saying that all the relevant vouchers had been handed over to Mr. Fayaz, Sr. Clerk, Audit section, DG, TE&MT (a

Allegation #08

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Report submitted by: ^{Syed} Mr. N. C. Shaha ^{Col. J. B. S.}
Secretary Establishment Inquiry Office

member of the special internal audit party). However his assertion is too simplistic and unconvincing as the special internal audit party's report did not support the accused's claim.

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Acc 7-09

(xxx) About eleven regular staff member, who were also performing duties in the 2nd shift, in their complaint addressed to DG, TE&MT, had alleged that the accused officer would obtain their signatures on a blank paper for later on sharing payments drawn in their name but actually paying them less amounts; making bogus signatures of certain employees including Mr. Liaquat Ali (Attendant/Clerk) Mr. Habib Muhammad (dispenser) Mr. Muhammad Tariq (Store keeper) and Mr. Shaukat Ali Sweeper; showing payments to certain unknown persons namely Engr. Najeebullah, in charge, Engr. Haji Munir, HOD Civil, and Enr. Shahid Iqbal, H&D T.Comp, but amounts would be pocketed by the accused himself; drawl of amounts by the accused officer over and above his titlement. Similar allegation had also been leveled through another (urdu) complaint purportedly from sixteen staff members (**Annex-BB**). Those of them who were examined / questioned by the inquiry committee have re-affirmed their allegations verbally; whereas three of them have also confirmed in writing as well that their signatures were fabricated by the accused who thus received the amounts himself by affixing their bogus signatures. They included Mr. Rafiullah, Junior Clerk (a total sum of Rs. 15,000/- for three months i.e September-November, 2011) (**Annex-UU**), Mr. Liaquat Ali, Attendant/Clerk (a total sum of Rs. 50,000/- for the period from November, 2011 to September, 2012) (**Annex-VV**) and Mr. Shaukat Ali Khan, Sweeper (a total sum of Rs. 18600/- for the period from August-November, 2011, November 2011, March & April 2012 and August & September 2012) (**Annex-WW**). As regards obtaining signatures on blank papers, despite statement of these staff members, nothing can possibly be proved against the accused at this stage. If they would really affix their signatures, as a token of receiving payments, on blank paper, the fault lied with them as being educated and mature persons they were not supposed to do such an immature act. That part of allegation cannot be proved against the accused substantively. Similar is the case with the alleged affixation of bogus / fake signatures by the accused officer, as it can only be proved through forensic test. If the allegation is proved, it may transform into a criminal act rendering the perpetrators/responsible persons to penal

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action. Anyway, though inevitably simplistic and routinish, the reply of the accused to Allegation No. 9 is difficult to be challenged at face value.

(xxxi) Though accounts / cash books were not regularly maintained / updated, and it was also alluded to in the preliminary / fact finding inquiry report under sub para "B. Staff Grievances and complaints of para titled "2. Private funds (Morning/2nd shift & Hostel" that certain staff members had submitted to the Director (DG TE&MT) that payment for October, 2012 for 2nd shift had not been made to them by the accused Principal but the same could not be checked again due to absence of record and non existence of entries in the cash books (**Annex-FF**). However Allegation No. 10 does not look tenable because salaries were due to be paid to the staff concerned of 2nd shift on 1st November, 2012 when the accused had left charge of Principal GCT, Timergara (Lower Dir) on 31.10.2012(A N). So it was the responsibility of his successor to ensure the payment. Moreover, it has been confirmed that the payment on account of salary for October, 2012 cumulatively amounting to Rs. 103825/- was made to the staff of 2nd shift (i.e thirteen in all) on 15.11.2012 vide the cheque No. 7097782 dated 15.11.2012 (**Annex-XX**). As such, the reply of the accused officer to the Allegation sounds convincing.

(xxxii) The Allegation No. 11 is linked / related to Allegation No. 5. It refers to non-deposit of admission fees of Rs. 130,400/-, purportedly reckoned by the preliminary fact finding inquiry on the basis of 16 computer generated and hand written receipts (doubtful for being not the official printed receipts) and fines amounting to Rs. 17000/- collected from the students; hence a total of Rs. 147400/- (**Annex-FF**). The accused officer has simply stated in his relevant reply that the amount was deposited alongwith sum of tuition fees as reported in his reply to Allegation No. 5 (**Annex-U**). He should have clarified the position by bringing up challans / deposit slips along with reconciliation statements of the District Accounts Officer / Bank concerned which he failed to do convincingly.

(xxxiii) In the case of Allegation No. 12, instead of financial years, calendar years of 2010 and 2011 have been mentioned which seems to be an inadvertent act as budgetary allocations are meant for financial years and accounts of the expenditure made or funds utilized there-from are also maintained accordingly. Anyway, only one month (i.e January, 2010) and that too from the previous tenure of the accused officer as

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Principal GCT, Timergara falls in the calendar year 2010, while calendar year 2011 encompassed last six months of Financial Year 2010-11 and first six months of Financial year 2011-12. Moreover, the highlighted figures of 1,31,10,000/- as total receipts from 2nd shift and Rs. 3839250/- from morning shift are based on total enrolment of students as had been taken into account by the special internal audit team and later-on upheld by the preliminary inquiry committee in its report given missing vouchers / receipt books and non-maintenance of accounts / cash books etc. Thus in the absence of complete accounts / record / vouchers etc, propriety and genuineness of the expenditure/utilization of funds during the tenure of the accused officer stand compromised and can not be ascertained unless a comprehensive external audit is carried out. The accused officer has failed to satisfy in his reply to Allegation No. 12 on these counts. Physical examination of cash books, stock register and other record produced and the oral as well as written statements rendered during the inquiry proceedings verify the prosecutions case. The accused officer in his reply to this allegation and the documents annexed thereto has claimed admission of lesser number of students, out of whom a significant number are claimed to have not paid the prescribed fees/charges. Moreover presence of such a considerable number of non-payee/defaulting students on the institution's roll more adversely reflects on the accused officer's (mis) management and working. Comparative position as to the numbers of enrolled students and payments received from them as per the report of the internal audit party and claim by the accused officer is as under:-

Morning Shift

Audit's Report			
S #	Period	Amount received	No. of enrolled students
1.	2010-11	Rs. 12,87,570/-	513
2.	2011-12	Rs. 9,97,840/-	521
3.	2012-13	Rs. 12,33,840/-	535
	Total	35,19,250/-	1569

The accused's claim		
Amount received	No. of enrolled student	No. of students who paid
	Not reported	
Rs. 14,63,550/-	492 (53 non payees)	439
12,14,800/-	497 (183 non payees)	314
26,78,350/-	989 (236)	753

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2nd Shift

Audit's Report			
S#	Period	Amount received	Enrolled students
1	2010-11	Rs. 41,64,000/-	347
2	2011-12	Rs. 41,58,000/-	336
3	2012-13	Rs. 47,88,000/-	357
Total		131,10,000/-	1040

The accused's claim		
Amount received	No. of enrolled students	No. of students who paid
Rs. 10,98,300/-	Not mentioned	93
Rs. 34,84,000/-	290 (22 non payees)	268
RS. 23,90,840/-	330 (150 non payees)	180
69,73,140/-	620 (172 non payees)	541

(xxxiv) Allegation No. 13 regarding the expenditure out of Private / 2nd Shift without verified vouchers is repetitive and general in nature. In the absence of properly maintained accounts / vouchers and in the face of deficient cash books / stock registers / relevant record, he could not substantiate genuineness of expenditure made, bonafides of funds utilized and conformity to prescribed codal / procedural formalities. In his reply to this allegation, the accused has failed to come up with any convincing and substantive defence with proper evidence. Both the special internal audit team and preliminary / fact finding inquiry committee termed the expenditure doubtful, irregular and thus potentially vulnerable to misappropriation. Findings of the inquiry proceedings too points to that direction given absence of evidence to the contrary on ground. Anyway, it has already been sufficiently discussed in foregoing paras.

Allegation #13

(xxxv) As regards Allegation No. 14, it brings up a total sum of the 350, 000, as income from sales of prospectus, fines and hostel being of doubtful status. The special internal audit party had confirmed 32 student as residents of hostel and reckoned a sum of Rs. 2,08,000/- charged from them @ Rs. 6500/- per student including Rs. 1500/- Security & Mess advance per year; thus a cumulative amount of Rs. 416000/- during 2011-12 and 2012-13 but without any record of expenditure made there from by the management. **Preliminary inquiry reports highlight Rs. 350,000/- as income from sales prospectus, fines and hostel;** however declaring status of the same as doubtful. On his part,

Allegation #14

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the accused officer has mentioned a total amount of Rs. 210,000/- accruing from sale of prospectus during two years (i.e Rs. 1,00,000/- during 2011-12 and Rs. 110,000/- in 2012-13) and Rs. 122000/- on account of hostel charges during 2011-12 only but giving no figures for 2012-13 on the plea that admission was then under process. Hence he has acknowledged a cumulative sum of Rs. 332000/- only which he claims to have been deposited. Thus there is a difference of Rs. 18,000/- only between the two accounts. However, in the absence of reconciled accounts / reconciliation statement duly verified by the DAO/Bank concerned, the factual position can not be ascertained.

(xxxvi) Seemingly, as a result of the inquiry proceedings, the accused officer have tried to get around and win over certain complainants, who testified against him, by making good their financial losses suffered by them on account of alleged less payments or mis-appropriated payments (of salaries) at the accused's hands. After conclusion of formal proceedings of the inquiry and before report writing they have submitted apparently at the behest of the accused officer, statements in writing which are quite contrary to the contents of their complaints as well as their written statement given before the inquiry committee (Statements of all the complainants / employees are placed at **Annex-YY**. Any way making payments to them by the accused on that account after more than one year in fact vindicates the complaint / charge brought up against him (the accused officer).

(xxxvii) Similarly, the accused officer has also tried to reconcile the accounts belatedly. After formal conclusion of the inquiry proceedings, a statement was received from him (the accused officer) highlighting purportedly the reconciliation of the figures / accounts as to income / revenue and expenditure made duly signed by the accused officer and GCT, Timergara's staff concerned and counter-signed by the incumbent Principal (**Annex-ZZ**). However another copy of the same reconciled statement but with addition of the following foot note has been separately received from Mr. Muhammad Mustafa, Principal GCT, Timergara which substantively nullifies the so called reconciliation statement (**Annex- AB**):-

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"Note:-The above table was prepared from the record shown by the Ex-Principal Mr. Bakht Munir but he could not provide it to the college so far now."

(xxxviii) Moreover, the incumbent Principal GCT, Timergara through a subsequent letter accompanied with an explanatory note has owned

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only the subsequent / second statement with the foot note placed at **Annex-AB**. Through the said explanatory letter, it has been conveyed that their signatures / counter-signature were obtained by the accused officer on the earlier Reconciliation. Statement i.e. placed at **Annex-ZZ** by trick with the promise that he would hand over the remaining / missing vouchers about the huge expenditure made by him (the accused) but he has not fulfilled the commitment so made. Moreover, it has been suggested by them that a special audit be carried out in order to ascertain clear picture of total income and expenditure relating to the accused officer's tenure. The said explanations / letter from the incumbent Principal (Mr. Ghulam Mustafa) and note by the three staff member concerned namely Haider Ali, Assistant Professor, Mr. Israr, Head Clerk and Mr. M. Laiq, Senior Clerk are worth perusal (please see **Annex-AC**).

(xxxix)

The 2nd shift Financial Rules for Govt College of Technology / Poly-Technic Institutes (from session 2009-10 onward) prepared by three member committee (including Engr. Sartaj Gul (Chairman), Principal GCT, Peshawar) (Engr. Sultan Arif Sarwar (Member), Principal GCT, Nowshera) (Engr. Shah Jehan (Member) Principal GCT, Swat) were circulated to all the institutions/formations concerned vide the Directorate of Technical Education & Manpower Training, Khyber Pakhtunkhwa; letter No. DTE&MT/M&E/5-8(policy)/3831 (1-19) dated 23.07.2009 for necessary action, but no formal official notification was seemingly issued (**Annex-AD**). According to the said Rules the accused officer being the Principal was entitled to receive emoluments @ Rs. 2000/- per class and thus for a maximum of 09 classes a sum of Rs. 18000/- per month in the 2nd shift. Contrarily the accused officer was receiving payments on that account at much higher rate i.e Rs. 55000/- per month at his own which was quite violative of the prescription of the said rules. He claimed that he was doing that at the verbal approval / orders of the then Provincial Minister Technical Education & Manpower but no documentary proof thereof could be made available to the inquiry committee.

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(xi)

The accused officer had previously too faced disciplinary proceedings under the Khyber Pakhtunkhwa. Removal from Service (Special Powers) Ordinance, 2000 for financial irregularities at Govt Vocational Institutes Chakdara in 2001. Engr. Muhammad Hashim, Associate Professor, Govt. Poly-Technic Institute, Haripur had been appointed the inquiry officer

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and the statement of allegation issued vide the Industries, Commerce, Mineral Development, Labour & Transport Department, Govt of (then) NWFP letter No. SO-III (IND) TE/4-50/2000 dated 26.11.2001. In his inquiry report submitted to the administrative department vide the Principal, Govt. Poly-Technic Institute, Haripur letter NO. GPI/HRI/2001/4064 dated 30.12.2001, the inquiry officer confirmed that the accused had committed irregularities in some cases and for that recommended, keeping in view his (the accused) long service, minor penalty as envisaged in the said Removal from Service (Special Powers) Ordinance, 2000 (copies of the said inquiry order, dated 26.11.2001 and the inquiry report are available attached with **Annex-II**). However, what onwardly happened could not be ascertained as the relevant file does not contain any specific reference in this regard.

(xii) Similarly, he had again been proceeded against under the then NWFP Removal from Service (Special Powers) Ordinance, 2000 for financial irregularities at Govt. College of Technology, Swat during 2005. The disciplinary proceedings were ordered vide the Industries, Commerce, Mineral Development, Labour & Technical Education Department. Govt of (then) NWFP letter No. SO-III (IND) TE/4-89/2005 dated 03.03.2005, after approval of the competent authority, whereby Mr. Dost Muhammad, Principal Govt Post Graduate College of Commerce, Thana was appointed inquiry officer (**Annex-AE**). In the said disciplinary proceedings, minor penalty of Censure was imposed on the accused officer vide the Industries, Commerce, Mineral Development, Labour & Technical Education Department, Govt of then, NWFP Notification No. SO-III(IND)TE/4-89/2005 dated 12.10.2005 (**Annex-AF**). The appeal of the accused against the penalty had also been rejected by the competent authority vide the administrative department's letter No. SO-III (IND) TE/4-89/2004/2581 dated 25.02.2006 (**Annex-AG**). However, subsequently the Khyber Pakhtunkhwa Service Tribunal through its decision dated 24.04.2006 Appeal No. 154/2006 set aside the orders dated 12.10.2005 and 25.02.2006 whereby respectively the penalty had been imposed and the appeal of the accused rejected (**Annex-AH**).

(xiii) As per a news report published in Urdu daily "Mashriq", Peshawar dated 26.06.2013 (**Annex-AI**), Anti-Corruption Establishment, Khyber Pakhtunkhwa also took cognizance of the financial irregularities / bungling amounting to Rs. 18.00 million, by the accused officer which

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are the subject of the instant disciplinary proceedings. The ACE inquiry is under-way (**Annex-AJ**).

CONCLUSIONS

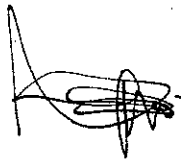
10. In the light of the statements/examination of the accused officer as well as other officers/ officials / staff concerned, the above stated FACTS, FINDINGS and Scrutiny of the available record, the following conclusions have been drawn:-

- i. *Except the main stock register, all accounts related documents/books including Cash books, Receipt books, Cheque books remained in personal custody of the accused officer instead of the officials concerned as otherwise required. This act was not only violative of the official practice/requirement / rules but also gave it a malafide intent. Thus the accused officer was totally responsible for their proper maintenance, updation and safe custody; he can not pass the buck on others.*
- ii. *The amounts received on different accounts including admission/tuition fees, fines, hostel charges, revenue etc would be collected and handed over to the accused officer instead of depositing the same in Govt. treasury / relevant bank accounts on daily basis or at the earliest as required under the General Financial Rules and Treasury Rules. Bank statements/relevant record and even his written statement clearly reflect that he deposited such public money after considerably longer periods. Where did he keep or what he would do with such receipts/amounts during the intervening/retention period was not known nor could be confirmed.*
- iii. *The accounts/cash books/ main stock-registers etc. were not regularly maintained/ updated and periodically checked/inspected/verified as otherwise required under the relevant rules/GFR. The accounts/ relevant record is deficient and incomplete compromising the genuine-ness and legitimacy of the budget utilization and the expenditure otherwise claimed to have been made by the accused officer during his tenure / incumbency as Principal GCT, Timergara.*
- iv. *There clearly was administrative as well as financial mismanagement/ irregularities and violation of and non-conformity to the General Financial Rules / codal formalities/Govt. instructions during the incumbency of the accused officer..*
- v. *In order to account for and set off the deficient / unaccounted quantum of funds/receipts etc. the accused officer has claimed higher scale of expenditure but could not substantiate the same with requisite vouchers / receipts /supportive documents. Hence compromised status of such exaggerated / inflated expenditure.*
- vi. *Similarly, procurements have either been inflated or done , by and large, without fulfilling requisite codal/procedural formalities.*
- vii. *There seemed a strong political favour and influence behind two tenures of the accused officer as Principal Govt. College of Technology, Timergara (Lower Dir) despite visible mismanagement and irregularities on his part.*

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- viii. *Signs of strong antagonism and resentment among his former subordinate colleagues / staff members towards the accused officer was palpably visible. There seemed to be significant polarization in the institute because of arbitrary, centralized and high-handed working style of the accused officer which got aggravated due to his financial irregularities/ mis-management and self-benefitting approach.*
- ix. *The Allegation No. 1 has been proved.*
- x. *The Allegation No. 2 has been substantially proved.*
- xi. *The Allegation No. 3 has been proved.*
- xii. *The Allegation No. 4 has been proved.*
- xiii. *The Allegation No. 5 has been proved.*
- xiv. *The Allegation No. 6 has been proved.*
- xv. *The Allegation No. 7 has been partially proved.*
- xvi. *The Allegation No. 8 has been proved.*
- xvii. *As regards Allegation No. 9, though the staff has reiterated the allegation of obtaining signatures on blank papers for charging/claiming more amounts and paying less but it cannot be proved at this stage. As regards affixing fake signatures, authenticity of the charge can only be ascertained through forensic test. Hence the Allegation has not been proved.*
- xviii. *Though Cash book of 2nd shift account too was not properly maintained and updated, the accused officer had relinquished the charge of Principal GCT, Timergara on 30-10-2012, while salary for Oct. 2012 was due for payment on or after 01-11-2012. Moreover, according to the record, the staff of 2nd shift was paid the salary for the month of October 2012 subsequently by the accused's successor Principal. Hence Allegation No. 10 has not been proved.*
- xix. *Allegation No. 11 has been proved.*
- xx. *Expenditure made during the tenure of the accused officer could not be fully substantiated / accounted for due to incomplete /deficient record and missing vouchers/receipts. Hence the Allegation No. 12 has been substantially proved.*
- xxi. *Allegation No. 13 is a repetitive one and general in terms. Anyway, as per available records and statements it has been substantially proved.*
- xxii. *The Allegation No. 14 has been partially proved.*



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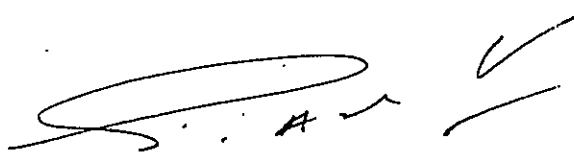

RECOMMENDATIONS

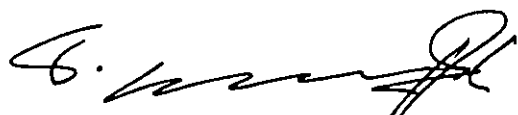
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In the light of the statements / examination of the accused officer as well as other officers / officials concerned, the above stated FACTS, FINDINGS and scrutiny of the available record, the following recommendations are made:-

- (i) The competent authority may impose any one of the major penalty from amongst those prescribed in Rule-4 (1) (b) of the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011, with or without any minor penalties as he deemed appropriate in the light of the findings of this inquiry report.
- (ii) Moreover, a special (external) audit of the accounts pertaining to the reported tenure (01.02.2011 to 30.10.2012) as well as previous tenure (01.04.2008 to 31.01.2010) of the accused officer as Principal GCT Timergara (Dir Lower) may be arranged / carried out in order to ascertain actual amount / quantum of income / receipts / expenditure and verification of accounts. On ascertainment of factual position and actual quantum of financial loss, recovery of the same from the accused officer must be ensured.
- (iii) The accused officer may not be posted as Principal of any institute or officer in-charge of any independent office involving financial transactions.
- (iv) Forensic examination / test of alleged bogus / fake signatures of certain employees by the accused officer on account of payment of salaries of the 2nd shift may be arranged.
- (v) Similarly, the issue of the said fake / fabricated sanction order dated 21.06.2011 for Rs. 100150/-, purportedly accorded by Director General, may be discreetly investigated and in the light of the findings of (forensic) investigation, criminal case be filed against the accused officer or those found responsible and accomplices accordingly.


SHAKEEL AHMAD
INQUIRY OFFICER


SYED KAMRAN SHAH
INQUIRY OFFICER

ATTESTED


Dated:- 14-05-2014

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P. 47

No.SOIII(IND)5-22/14/483

**GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND TECHNICAL
EDUCATION DEPARTMENT**

Dated Peshawar, the 14th January 2015

To: Mr, Bakht Munir,
Associate Professor (BPS-19)
Gvot, College of Technology, Swat.

Subject: **SHOW CAUSE NOTICE**

I am directed to refer to the subject noted above and to enclose herewith copy of the show cause notice, duly signed by the Competent Authority alongwith a copy of the enquiry report, conducted by Syed Kamran Shah (PCS SG BPS-20) Special Secretary, Establishment Department and Prof: Shakeel Ahmad (BPS-20) Director General, TE&MT for further necessary action at your end, please.

(Encl: Show Cause Notice &
enquiry report)

S/d
(SYED MUBARIK SHAH)
SECTION OFFICER-III

ATTESTED

SHOW CAUSE NOTICE

RUG

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 Bakht Munir, Ex-Principal (BPS-19)** Govt: College of Technology, Timergara presently working as Associate Professor (BPS-19), Govt: College of Technology, Swat as follows;

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity vide letter dated 15.05.2014; and
- (ii) On going through the findings and recommendations of the inquiry committee. The material on reword and other connected papers including your defence before the inquiry committee.

2. I am satisfied that you while posted as principal Govt; College of Technology, Timergara, Dir Lower committed the following acts / omissions in the Civil Suit specified in Rule-3 of the said rules:-

- (a) Being a Principal of Govt; College of Technology, Dir (Lower) the accounts record maintained by you is miserably poor, The Govt: cash book has not been maintained for a period of 19 months (April, 2011 to October, 2012) despite that the complete record of accounts of regular budget as well as 2nd shift program remained in your custody for maintenance.
- (b) The purchase Committee, the Store Purchase Officer and the Storekeeper of the institute have shown their ignorance regarding all purchases made by you alone without observing the legal and codal formalities.
- (c) No stock entire have been made regarding the purchase made in your tenure.
- (d) Sanction order of the Directorate General Technical Education & Manpower Training, Khyber Pakhtunkhwa shown to the Enquiry Committee is fake as the sanctioned amount is beyond the powers of the Director General. The concerned Deputy Director (Budget & Accounts) has also confirmed his signatures on the sanctioned order as bogus.
- (e) The receipt books regarding the tuition and admission fees which you have collected from students during your tenure have not been maintained by you making it difficult to determine the actual amount of receipts.

ATTESTED

- (f) Cash book of the regular budget (morning shift program) is blank since September, 2011 and no voucher is available for reference. Similar the 2nd shift cashbook is also blank since April 2012.

- (g) You have failed to deposit in the concerned Bank Accounts and Government Treasury, the receipts and other charges collected from the students in your tenure.

- P-49
- (h) Vouchers against the drawls made from the 2nd shift program have not been produced before the Enquiry Committee during the investigation.
- (i) You have obtained signatures of the regular and daily wage staff involved in 2nd shift program on blank proforma and thus charged more claim from the public exchequer against less-payment to the staff. Furthermore you have also affixed their bogus signatures on such proforma.
- (j) Due to the absence of relevant record in the cash book the payments made to most of the staff members of the 2nd shift program for the month of October 2012 cannot be determined.
- (k) You have collected admission fee of Rs. 13400/- (Rupees One Lac Thirty Thousand & Four Hundred only) but the same have not been deposited in the concerned Bank Accounts and Government Treasury.
- (l) That in view of the above charges, the expenditures of Govt: funds for the years 2010 and 2011 which amount to a total of Rs, 1396561/- (Rupees Thirteen Lacs Six Thousand Five Hundred & Sixty One) (other than pays and allowances) is conjure. Similar the Special Audit Report has calculated the receipts of Rs. 13110000/- (Rupees One Crore Thirty One Lacs & Ten Thousands ony) from the 2nd Shift and Rs 3839250/- (Rupees Thirty Eight Lacs, thirty Nine Thousands, Two Hundred & Fifty) from the morning Shift program but correct and timely deposit of all these funds by you stands fictitious. The figures of the special report's 2nd shift and Morning Shift Private funds are based on enrolment as actual receipts are not available and the cash books are incomplete.
- (m) The expenditures worth millions of rupees out of Private / Second Shift funds are not supported by verified vouchers. All codal formalities have been ignored and hence declared doubtful and vulnerable to misappropriation.
- (n) The income from the sales of prospectus, fines and hostel is around Rs 350000/- (Rupees Three Lacs & Fifty Thousands only) which has the same doubtful status as submitted in para-12 above, thus you are guilty of inefficiency, in the meaning of Rule-2 Sub Section (h)(i) of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011.
3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of "Removal from Service" under Rule-4 of the said rule.
4. You are, thereof, required to show cause s to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.


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5. If no reply to this notice is received within seven (07) days or not more than fifteen (15) 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.

6. A copy of the findings of the inquiry committee is enclosed.

Mr. Bakht Munir,
Associate Professor (BPS-19)
Govt: College of Technology, Swat.

S/d
(PERVEZ KHATTAK)
Chief Minister, Khyber Pakhtunkhwa
26-12-2014


ATTESTED

Annex: E P-4755
No. SOIII(IND)5-22/14 483

GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND TECHNICAL
EDUCATION DEPARTMENT

Dated Peshawar, the 14th January, 2015



To
Mr. Bakht Munir,
Associate Professor (BS-19),
Govt. College of Technology, Swat.

Subject: SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith copy of the show cause notice, duly signed by the Competent Authority alongwith a copy of the enquiry report conducted by Syed Kamran Shah (PCS SG BS-20) Special Secretary, Establishment Department and Prof. Shakeel Ahmad (BS-20) Director General, IE&MT for further necessary action at your end, please.

(Encl: Show Cause Notice
& enquiry report)

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14/1/15
(SYED MUBARIK SHAH)
SECTION OFFICER-III

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SHOW CAUSE NOTICE

Pervéz Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Bakht Munir, Ex-Principal (BS-19) Govt. College of Technology, Timergar presently working as Associate Professor (BS-19), Govt. College of Technology, Swat as follows:

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity vide letter dated 15.05.2014; and
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including you defence before the inquiry committee.

2. I am satisfied that you while posted as Principal Govt. College of Technology, Timergara, Dir Lower committed the following acts/omissions in the Civil Suit specified in Rule-3 of the said rules:-

- a) Being a Principal of Govt. College of Technology, Dir (Lower) the accounts record maintained by you is miserably poor. The Govt. cash book has not been maintained for a period of 19 months (April, 2011 to October, 2012) despite that the complete record of accounts of regular budget as well as 2nd shift program remained in your custody for maintenance.
- b) The purchase Committee, the Store Purchase Officer and the Storekeeper of the institute have shown their ignorance regarding all purchases made by you alone without observing the legal and codal formalities.
- c) No stock entries have been made regarding the purchases made in your tenure.
- d) Sanction order of the Directorate General Technical Education & Manpower Training, Khyber Pakhtunkhwa shown to the Enquiry Committee is fake as the sanctioned amount is beyond the powers of the Director General. The concerned Deputy Director (Budget & Accounts) has also confirmed his signatures on the sanctioned order as bogus.
- e) The receipt books regarding the tuition and admission fees which you have collected from students during your tenure have not been maintained by you making it difficult to determine the actual amount of receipts.
- f) Cash book of the regular budget (morning shift program) is blank since September, 2011 and no voucher is available for reference. Similarly the 2nd shift cashbook is also blank since April 2012.

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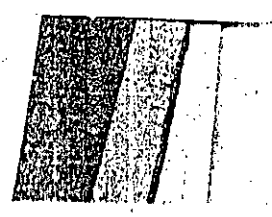
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- g) You have failed to deposit in the concerned Bank Accounts and Government treasury, the receipts and other charges collected from the students in your tenure.
- h) Vouchers against the draws made from the 2nd shift program have not been produced before the Enquiry Committee during investigation.
- i) You have obtained signatures of the regular and daily wage staff involved in 2nd shift program on blank proforma and thus charged more claim from the public exchequer against less-payment to the staff. Furthermore you have also affixed their bogus signatures on such proforma.
- j) Due to the absence of relevant record in the cash book the payments made to most of the staff members of the 2nd Shift program for the month of October 2012 cannot be determined.
- k) You have collected admission fee of Rs.130400/- (Rupees One Lac Thirty Thousand & Four Hundred only) and students fine charges of Rs.17000/- (Rupees Seventeen Thousand only) but the same have not been deposited in the concerned Bank Accounts and Government Treasury.
- l) That in view of the above charges, the expenditures of Govt: funds for the years 2010 and 2011 which amount to a total of Rs. 1396561/- (Rupees Thirteen Laes Ninty Six Thousand Five Hundred & Sixty One) (other than pays and allowances) is conjure. Similarly the Special Audit Report has calculated the receipts of Rs.13110000/- (Rupees One Crore Thirty One Laes & Ten thousands only) from the 2nd shift and Rs.3839250/- (Rupees Thirty Eight Laes, Thirty Nine Thousand, Two hundred & Fifty) from the morning shift program but correct and timely deposit of all these funds by you stands fictitious. The figures of the special report's 2nd shift and Morning Shift Private funds are based on enrolments as actual receipts are not available and the cash books are incomplete.
- m) The expenditures worth millions of rupees out of Private/Second shift funds are not supported by verified vouchers. All codal formalities have been ignored and hence declared doubtful and vulnerable to misappropriation.
- n) The income from the sales of prospectus, fines and hostel is around Rs.350,000/- (Rupees Three Laes & Fifty Thousand only) which has the same doubtful status as submitted in para-12 above, thus you are guilty of inefficiency, in the meaning of Rule-2 Sub Section (h) (i) of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011.

3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Removal from service under Rule-4 of the said rule.

4. 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.

ATTESTED



P-50 (58) ✓

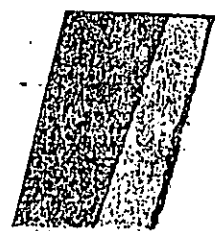
5. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you

6. A copy of the findings of the inquiry committee is enclosed.

Pervez Khattak
(PERVEZ KHATTAK)
Chief Minister, Khyber Pakhtunkhwa
26.12.2014

Mr. Bakht Munir,
Associate Professor (BS-19),
Govt. College of Technology, Swat

ATTESTED
OR



Annex F
P-57

To

The Chief Minister
Government of Khyber Pakhtunkhwa

Through: The Secretary Industries, Commerce and Technical Education
Department, Government of Khyber Pakhtunkhwa Peshawar

Subject: **SHOW CAUSE NOTICE**

Respected Sir,

This is with reference to Secretary Industries, Commerce and Technical Education Department, Government of Khyber Pakhtunkhwa office letter No. SO-III (Ind) 5-22/14/483 dated January 14, 2015. I have the honor to invite your kind attention to the following few line for sympathetic and favorable consideration.

1. I have been serving in the Technical Education Department for the last 27 years, currently working in BS-19 since 01. ^{04.} 08. 2008 attaining top seniority and am due for promotion to BS-20.
2. During my 27 years carrier I have achieved as a whole 24 good ACRs and lastly 2 very good ACRs for the year 2013 and 2014 that show my sincere efforts towards my service rendered in the best interest of the institution/Department.
3. Being one of the senior officers of the department, the high ups ignored my legal rights to obtain my comments to the baseless complaints by lodging direct enquiry, which is hopeless.


ATTESTED

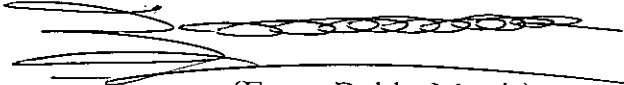
P.52

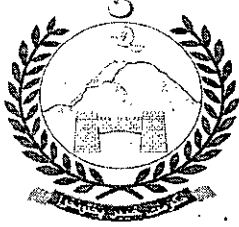
4. The enquiry lodged against me is unjustified and based on personal grudges of the Ex-Minister for Technical Education and Manpower Training Department and other enmity for not honoring their illegal demands.
5. The allegations leveled against me are not based on facts and the enquiry committee couldn't practically prove just a single allegation against me.
6. In light of the above facts and figures, it is prayed that the allegations leveled against me may kindly be considered as null and void and the penalty of "Removal from service" may not be imposed upon me.
7. **It is further requested that I may please be given a chance to be heard in person by the honorable Chief Minister, Government of Khyber Pakhtunkhwa.**

Thank you Sir.

Obediently Yours,

ATTESTED


(Engr. Bakht Munir)
Associate Professor
GCT, Mingora Swat



Annex: G P-53

Government of Khyber Pakhtunkhwa
Industries, Commerce & Technical Education
DEPARTMENT

NOTIFICATION

No.SOIII(IND)5-22/2013; WHEREAS, Engr; Bukht Munir, Associate Professor/ Principal BPS-19, Govt; College of Technology, Timergara, was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, on account of his involvement in charges leveled against him as per the Charge Sheet and the Statement of Allegations;

2. AND WHEREAS, an enquiry committee was constituted Vide Order No.SOIII(IND)TE/4-22/2013/14185-89 dated 15.08.2013 to conduct inquiry against the accused officer;

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

4. AND WHEREAS, the competent authority also accorded the opportunity of personal hearing to the accused officer;

5. NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanation of the accused officer, defence offered by the accused officer during personal hearing and exercising his power under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose major penalty of "Compulsory Retirement from Service" on Engr; Bakht Munir, Associate Professor/Principal (BPS-19) Govt; College of Technology, Timergara, with immediate effect.

Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education
Department.

Endst:No.SOIII(IND)5-22/2013/

7415-23

(Dated Pesh, the 3rd June, 2015)

Copy forwarded to the;

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. PS to Secretary Establishment Department, Peshawar.
4. Managing Director, KP-TEVTA, Peshawar.
5. Director General, Technical Education & Manpower Training, Peshawar.
6. District Accounts Officer, Timergara.
7. Principal Govt; College of Technology, Timergara.
8. Officer concerned.
9. Manager, Govt; Printing & Stationery Department, Peshawar.
10. File/office copy.

ATTESTED

%
(MUNIR GUI)
SECTION OFFICER-III

To: The honourable Chief Minister

Govt: of Khyber Pukhtunkhwa

Proper Channel

REQUEST FOR REVIEW PETITION

Amree: H
P-84

64

Through

Subject :-

Respected Sir,

This is with reference to secretary Industries, Commerce and Technical Education Department Govt: Of Khyber Pukhtunkhwa office Notification Issued under Endst No. SO-III(IND)5-22/2013/7415-23 dated Peshawar the 3rd June 2015.

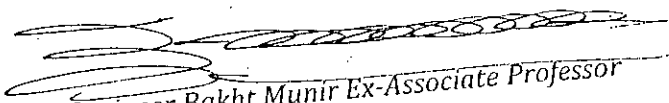
I have the honour to invite your kind attention to the following few lines for sympathetic consideration.

- 1 I Engineer Bakht Munir Ex-Associate Professor was working at GCT Mingora Swat.
- 2 I have been serving in Technical Education Department for the last 27 Year, currently was working in BPS-19 since 01-04-2008, attaining Top seniority and am due for promotion to BPS-20.
- 3 During my 27 years carrier, I have achieved as a whole 24 good ACR and lastly 02 V.Good ACRs for the year 2013 and 2014, that shows my sincere efforts to words my services rendered in the best interest of the institution/department.
- 4 Recently through the notification mentioned above, the secretary Industries, Commerce and Technical Education Khyber Pukhtunkhwa imposed upon me a major penalty of "compulsory Retirement from services" due to an illegal and biased enquiry, which is injustice.

In the light of the above facts and figures, It is, therefore, requested in your good honour that issue necessary orders for the review of the said decision and exonerate me from the said penalty and oblige.

Thanks

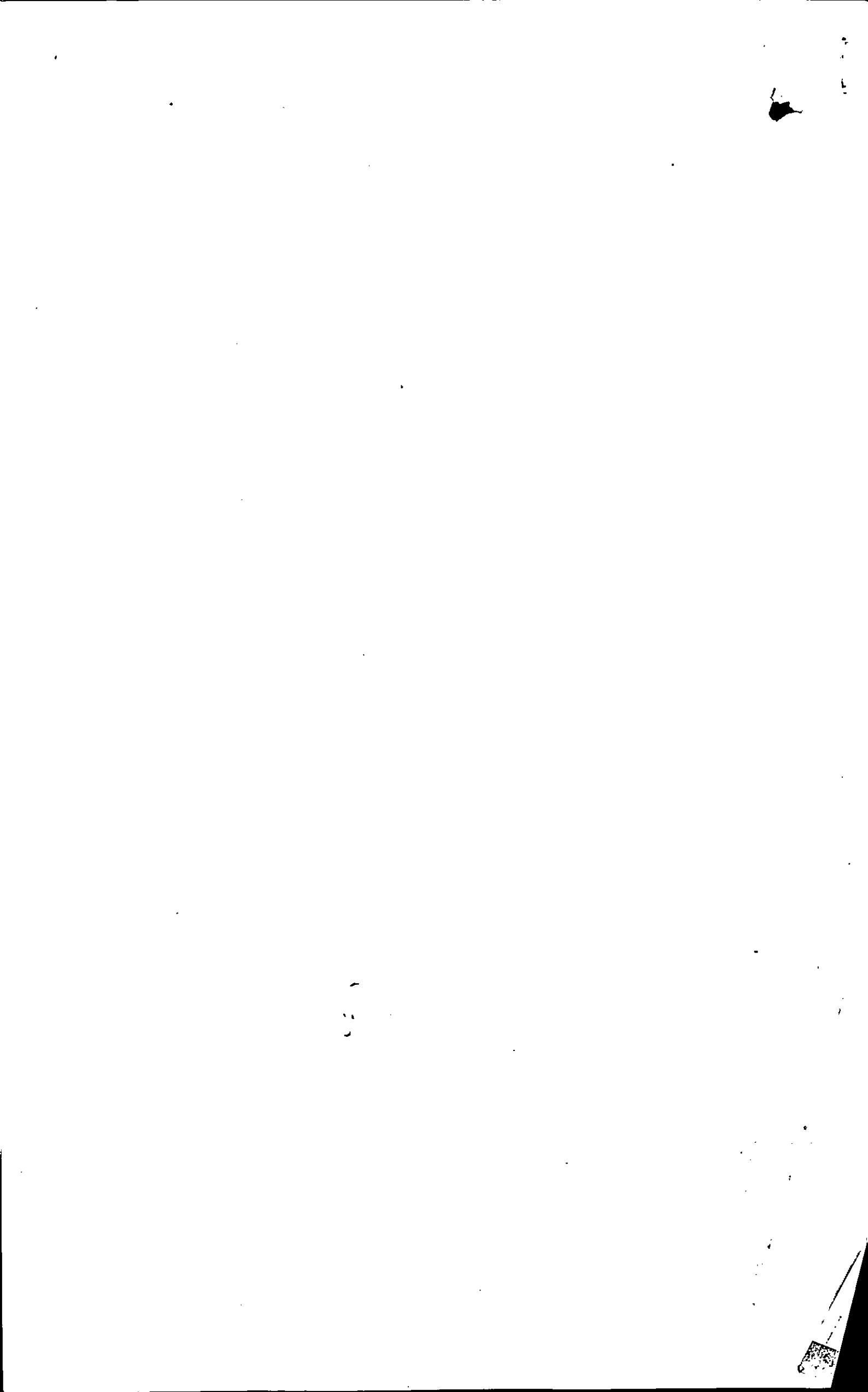
- Obediently yours


Engineer Bakht Munir Ex-Associate Professor

Govt: College of Technology Mingora Swat

Dated 22-06-2015

ATTESTED

Dated 23/6/2015

63

No. GCT/Mng/PF/ 2332

To, The Managing Director,
KP-TEVTA Head quarter,
House No.3-A, Chinnar Road,
University Town, Peshawar.

PSS

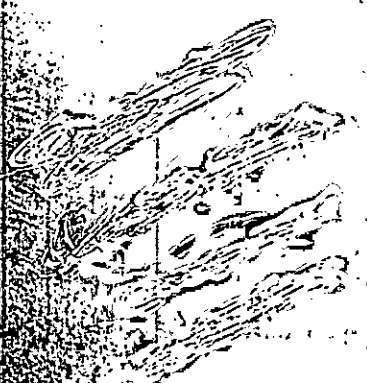
REQUEST FOR REVIEW PETITION

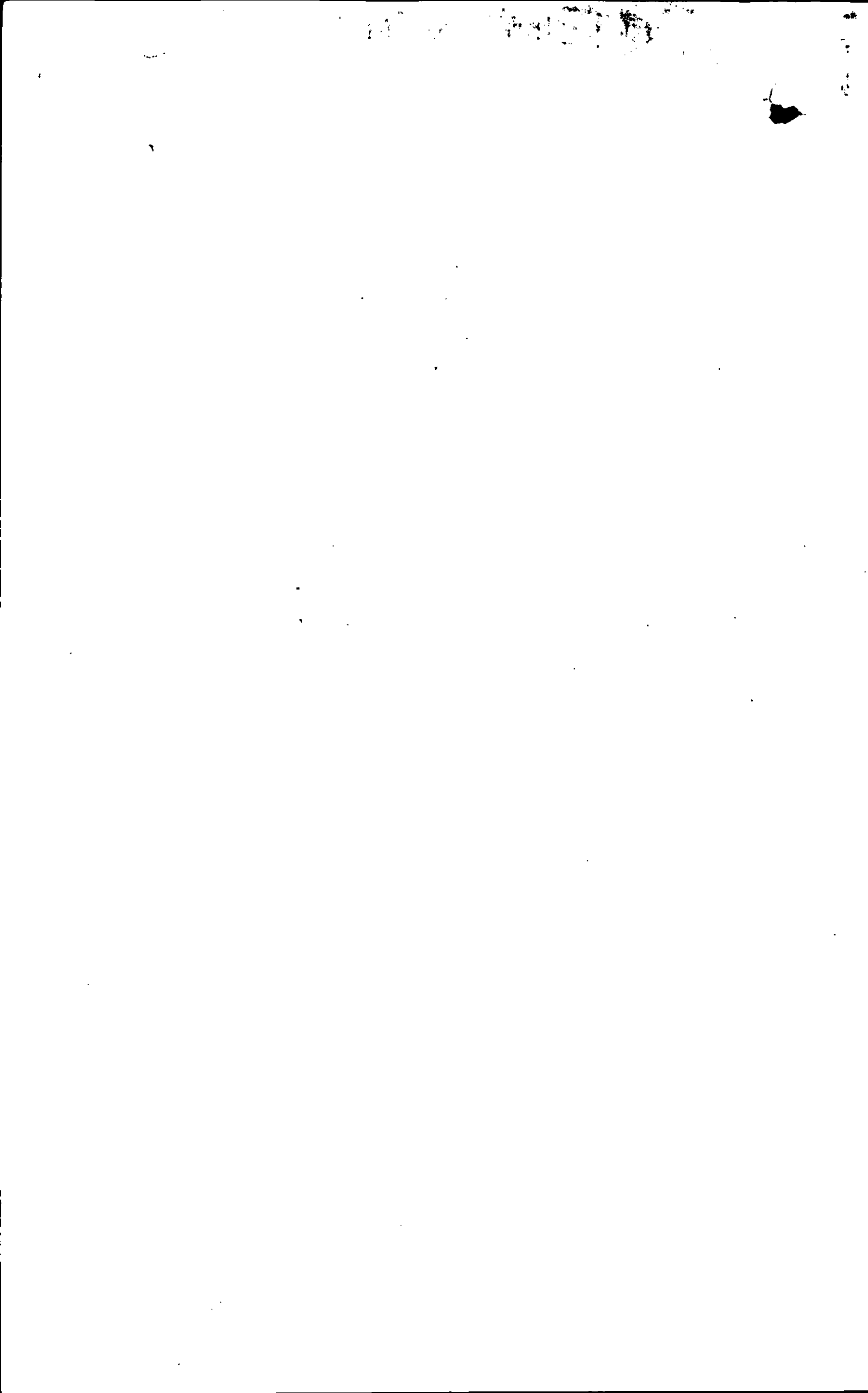
Subject:- An application in original in respect of Engr: Bakht Munir, Ex-Associate Professor of this College is hereby submitted for onward submission to quarter concerned.

(Signature)
PRINCIPAL

GOVT; COLLEGE OF TECHNOLOGY
MINGORA (SWAT)

ATTESTED

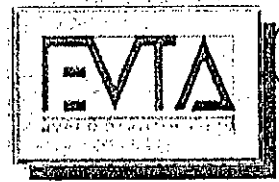




DFA



KHYBER PAKHTUNKHWA TECHNICAL
EDUCATION & VOCATIONAL TRAINING
AUTHORITY 3-A, CHINAR ROAD
UNIVERSITY TOWN, PESHAWAR



65

No. TEVTA /Estt:/ 2-163/ 1832(1-2)

Dated. 3 1 7 /2015.

1256

To

The Section Officer -III,
Govt: of Khyber Pakhtunkhwa,
Industries Commerce & Technical Education Department,
Peshawar.

Subject: - REQUEST FOR REVIEW-PETITION

I am directed to forward herewith a self explanatory application in
respect of Engr: Bakht Munir, Ex-Associate Professor, Govt: College of
Technology, Swat on the subject noted above for onward transmission to the
quarter concerned.

*Approved
DA/above
Do Proceed
make the minor
correction. 2/2/15*

2/2/15
DEPUTY DIRECTOR
(ADMN&HR)

Encl: No. TEVTA/Estt:/ 2-163/ 1832(1-2) Dated. 3 1 7 /2015.

Copy forwarded for information the Principal, Govt: College of Technology
Swat w/r to his letter No. GCT/Mng/2332 dated. 23-06-2015

ATTESTED

2/2/15
DEPUTY DIRECTOR
(ADMN&HR)
2 1 2015

WAKALAT NAMA

IN THE COURT OF K.P. Service Tribunal Lahore

Engr. Bachht Munir
As. Associate Professor Appellant(s)/Petitioner(s)

VERSUS

The Chief Minister (P. Bahkhal Khan)
& others Respondent(s)

I/We Engr. Bachht Munir do hereby appoint **Mr. Khush Dil Khan, Advocate** Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.


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


AND hereby agree:-

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

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

Attested & Accepted by


Khush Dil Khan,
Advocate,
Supreme Court of Pakistan
9-B, Haroon Mansion
Off: Tel: 091-2213445


Signature of Executants

1

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

Misc: Application No. ___/2016

IN

Service Appeal No. 1169/2015

Engineer, Bakht Muneer,
Ex-Associate ProfessorPetitioners

Versus

The Chief Minister,
Province Of Khyber Pakhtunkhwa,
Peshawar and others.....Respondents

**Application for impleading the Managing Director
Technical Education & Vocational Training
Authority (TEVTA) Khyber Pakhtunkhwa, 3
Chinnar Road University Town, Peshawar as
respondent No. 5 in the penal of respondents**

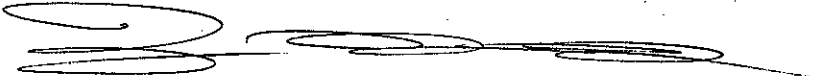
Respectfully Sheweth,

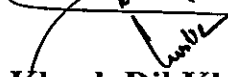
- I. That the above titled Service Appeal is pending in this Hon'ble Tribunal which is fixed for 08-02-2016 for reply of respondents.
- II. That the Directorate of Technical Education & Manpower Training headed by respondent No. 4 was abolished and replaced by an authority called Technical Education & Vocational Training Authority (TEVTA) and headed by Managing Director .

III. That since the Directorate of respondent No. 4 is no more in function/existence therefore the reply as asked would be processed and filed by the new incumbent i.e. Managing Director. Thus he is the necessary party and its impleadment is also necessary for making an effective decision of the appeal .

It is therefore, humbly prayed that on acceptance of this application the Managing Director Technical Education & Vocational Training Authority may graciously be impleaded as respondent No. 5 in the panel of respondents.

Through


Applicant/ Appellant


Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 06 /02/2016

Affidavit

I, Engineer, Bakht Muneer, Ex-Associate Professor, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.


Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1169/2015

Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

The Chief Minister,
Province of Khyber Pakhtunkhwa, Chief Minister's
Secretariat, Peshawar & others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO
REPLY FILED BY RESPONDENTS NO. 2 to 4.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous, so denied in toto.

Rejoinder to Reply of Facts:-

1. That reply is evasive in nature and not replied properly as required under the law so denied being not sustainable.
2. The reply is incorrect so denied. The fact finding enquiry has no legal sanctity.
3. No answer has been given meaning thereby the answering respondents conceded the facts thereof.
4. No answer has been given meaning thereby the answering respondents conceded the facts thereof.

Rejoinder to Reply of Grounds:-

- A. That the reply is not specific so not sustainable.
- B. That in the reply the answering respondents admitted that the other member of the enquiry committee has not participated in the proceedings of enquiry so the enquiry carried out by the single member which is against the spirit of law and not sustainable.
- C. That the reply is evasive in nature so denied.
- D. That the reply is evasive in nature so denied.
- E. That the reply is incorrect so denied. The enquiry was not conducted in accordance with law and rules and not sustainable.
- F. No proper reply has been filed so denied.
- G. That the reply is evasive so no need of reply.
- H. That the reply is evasive so no need of reply.
- I. That the reply is evasive so no need of reply.
- J. That the reply is evasive so no need of reply.

It is, therefore, humbly prayed that the reply of answering Respondents No. 2 to 4 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 09/08/2016

Service Appeal No. 1169/2015

Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

The Chief Minister,
Province of Khyber Pakhtunkhwa, Chief Minister's
Secretariat, Peshawar & others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO
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Respectfully Sheweth,

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- C. That the reply is evasive in nature so denied.
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- E. That the reply is incorrect so denied. The enquiry was not conducted in accordance with law and rules and not sustainable.
- F. No proper reply has been filed so denied.
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- J. That the reply is evasive so no need of reply.

It is, therefore, humbly prayed that the reply of answering Respondents No. 2 to 4 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through **Appellant**
Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 09/08/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1169/2015

Engr: Bukht Muneer.....APPELLANT.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Minister,
Khyber Pakhtunkhwa and others.....RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO. 2 to 4

Respectfully Sheweth:

Respondents No. 2 to 4 submit their reply as follows:

PRELIMINARY OBJECTIONS:

- A- That the appeal is time barred
- B- That the appellant has no cause of action.
- C- The appellant has not come to the Court with clean hands.
- D- The appeal is bad for non-joinder and mis joinder of parties.
- E- That the Directorate General of Technical Education and Manpower Training Khyber Pakhtunkhwa has, by law, been converted into the head office, and brought under the control of, Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K P TEVTA), with Managing Director as its administrative head. The name of respondent No. 4, therefore, needs to be changed in the appeal accordingly.

ON FACTS

- 1) Para 1 of the appeal, is correct to the extent that appellant was employee of the respondent Department.
- 2) Para 2 of the appeal, is incorrect, as framed. The enquiry against the appellant was initiated as a result of internal audit fact finding enquiry.
- 3) Para 3 of the appeal pertains to record.
- 4) Para 4 of the appeal also pertains to record, hence needs no reply.

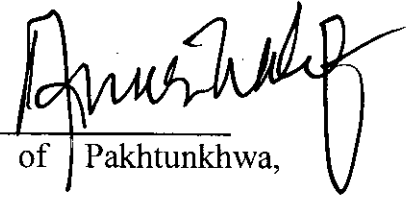
ON GROUNDS


- A) Ground "A" of the appeal, is incorrect. Appellant was rightly charge sheeted in the light of initial investigation.
- B) Regarding ground "B" of the appeal, it is submitted that the worthy Chairman of the enquiry committee has appreciated the intent of the worthy member to practically remain away from the enquiry proceeding with a view to keep the process unbiased.

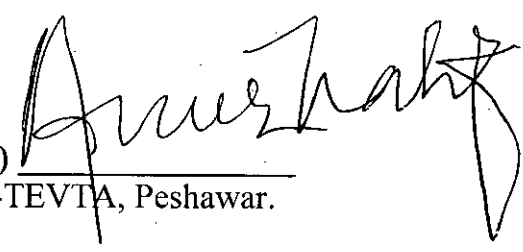
Autarwan
15/4/16

- C) Ground "C" of the appeal is denied, being incorrect. The proceeding are conducted as per law and rules.
- D) Ground "D" of the appeal is also incorrect, hence denied. The worthy member has rightly and lawfully signed the enquiry report.
- E) Ground "E" of the appeal is incorrect. The enquiry committee has conducted proper enquiry and has based its finding / recommendation thereon.
- F) Ground "F" of the appeal is also incorrect, hence denied. All codal formalities are fulfilled.
- G) Ground "G" of the appeal is also baseless. As replied above.
- H) Ground "H" of the appeal is also incorrect. There was no malafide in the proceeding against the appellant.
- I) Ground "I" of the appeal is denied. The punishment is commensurate with the offence.
- J) Ground "J" of the appeal is incorrect. Respondent No.1 was not legally obliged to consider the review petition.

It is, therefore, humbly prayed that the appeal may be dismissed with cost.

RESPONDENT NO.2) 
 Chief Secretary, Govt: of Pakhtunkhwa,
 Peshawar.

RESPONDENT NO.3) 
 Secretary Industries, Technical Education
 Khyber Pakhtunkhwa, Peshawar. 15/4/16

RESPONDENT NO.4) 
 Managing Director KP-TEVTA, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1169/2015

Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

The Chief Minister,
Province of Khyber Pakhtunkhwa, Chief Minister's
Secretariat, Peshawar & others.....Respondents

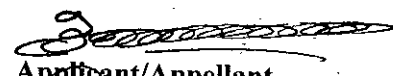
APPLICATION FOR EARLY HEARING.

Respectfully Sheweth,

1. That the titled appeal is pending before this Hon'ble Tribunal and fixed for argument on 14-02-2017.
2. That the matter in the case is pertaining to compulsory retirement and the date is too much long on account of which not only appellant is suffering from mental agony but his family is also passing through financial crisis.

It is therefore, humbly prayed that on acceptance of this application, the case may kindly be accelerated to the earliest possible date as convenient to this Hon'ble Tribunal in the interest of justice.

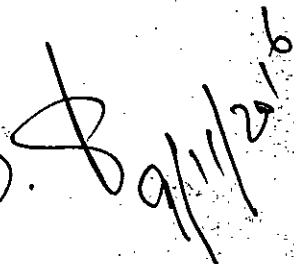
Through


Applicant/Appellant

Khush D Khan
Advocate,
Supreme Court of Pakistan

Dated: 21 / 10 / 2016

Heard! Convincing. To be
re-adjusted in December, 2016.
Notice to all concerned.


9/11/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1169/2015

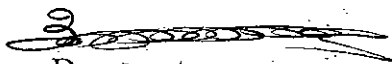
Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

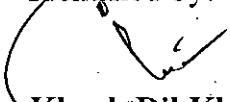
The Chief Minister,
Province of Khyber Pakhtunkhwa,
Chief Minister's Secretariat,
Peshawar & others.....Respondents

AFFIDAVIT

I, Engineer, Bakht Muneer, Ex-Associate Professor, BPS-19 Govt, College of Technology, Swat, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.


Deponent

Identified by:


Khush Dil Khan
Advocate,
Supreme Court of Pakistan



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1169/2015

Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

The Chief Minister,
Province of Khyber Pakhtunkhwa, Chief Minister's
Secretariat, Peshawar & others.....Respondents


APPLICATION FOR EARLY HEARING.

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2. That the matter in the case is pertaining to compulsory retirement and the date is too much long on account of which not only appellant is suffering from mental agony but his family is also passing through financial crisis.

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Through


Applicant/Appellant

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 21 / 10 / 2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1169/2015

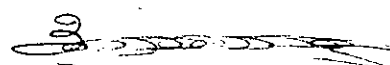
Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

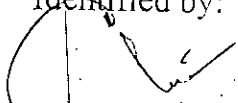
The Chief Minister,
Province of Khyber Pakhtunkhwa,
Chief Minister's Secretariat,
Peshawar & others.....Respondents

AFFIDAVIT

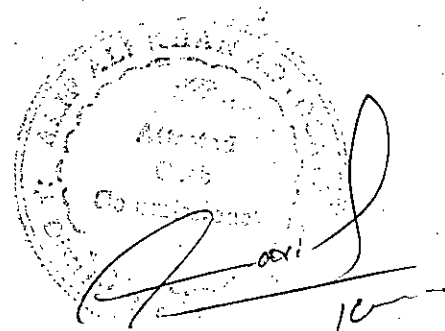
I, Engineer, Bakht Muneer, Ex-Associate Professor, BPS-19 Govt, College of Technology, Swat, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.


Deponent

Identified by:



Khush Dil Khan
Advocate,
Supreme Court of Pakistan


2/11/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1169/2015

Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

The Chief Minister,
Province of Khyber Pakhtunkhwa, Chief Minister's
Secretariat, Peshawar & others.....Respondents


APPLICATION FOR EARLY HEARING.

Respectfully Sheweth,

1. That the titled appeal is pending before this Hon'ble Tribunal and fixed for argument on 08-03-2017.
2. That the matter in the case is pertaining to compulsory retirement and the date is too much long on account of which not only appellant is suffering from mental agony but his family is also passing through financial crisis.

It is therefore, humbly prayed that on acceptance of this application, the case may kindly be accelerated to the earliest possible date as convenient to this Hon'ble Tribunal in the interest of justice.

Through


Applicant/Appellant

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 05 / 01/2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1169/2015

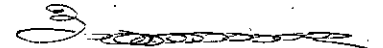
Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

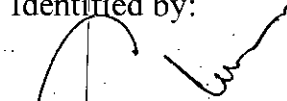
The Chief Minister,
Province of Khyber Pakhtunkhwa,
Chief Minister's Secretariat,
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AFFIDAVIT

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Versus

The Chief Minister,
Province of Khyber Pakhtunkhwa, Chief Minister's
Secretariat, Peshawar & others.....Respondents

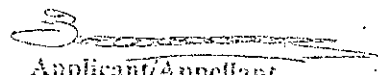
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Through


Applicant/Appellant
Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 05 / 01/2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Service Appeal No. 1169/2015**

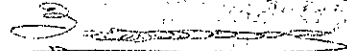
Engineer, Bakht Muneer,
Ex-Associate Professor, BPS-19
Govt, College of Technology, Swat.....Appellant

Versus

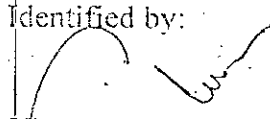
The Chief Minister,
Province of Khyber Pakhtunkhwa,
Chief Minister's Secretariat,
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AFFIDAVIT

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Deponent

Identified by:


Khush Dil Khan
Advocate,
Supreme Court of Pakistan

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 261 /ST

Dated 25/12/2017

To


The Secretary,
Govt: of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education Department,
Peshawar.

Subject: **JUDGEMENT IN APPEAL NO. 1169/15, MR. BAKHT MUNEER.**

I am directed to forward herewith a certified copy of Judgment dated 29/11/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

o/c


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.