

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No- 215/2016

Date of Institution... 1.03.2016

Date of decision... 03.10.2017

Hafiz Muhammad Ibrahim son of Buzarg Jamehr C/O DEO (Male) Gulkada,
Saidu Sharif, Swat. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and
4 others. ... (Respondents)

MR. MUJAHID FAROOQ,
Advocate

... For appellant.

MR. MUHAMMAD ZUBAIR,
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN,

... CHAIRMAN
... MEMBER

JUDGMENT

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

FACTS

2. The appellant was awarded minor penalty of censure on 02.11.2015 which
order was communicated to him on 30.11.2015, against which he filed
departmental appeal on 17.12.2015 which was rejected on 04.02.2016, hence the
present appeal on 01.03.2016.

3. The charge against the appellant was that he committed certain irregularities in appointments made in May, 2014 which were later on corrected by another order dated 30.05.2014.

ARGUMENTS

4. The learned counsel for the appellant argued that the enquiry committee has not held the appellant guilty of the charge rather the enquiry committee had exonerated the appellant. That the authority held the appellant guilty of the charges contrary to the findings of the enquiry committee.

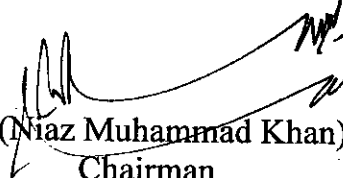
5. On the other hand, the learned Deputy District Attorney argued that the disciplinary proceedings were conducted quite in accordance with law and rules. That the enquiry committee in her report held the appellant guilty of the negligence and the authority has rightly imposed the minor penalty of censure.

CONCLUSION

6. If we go through the enquiry report nowhere the committee has held that the charges for which the appellant was held responsible were proved. The overall effects of the enquiry report is that no malafide intentions could be attributed to the appellant. That the irregularities pointed out were only due to heavy work load which means that the enquiry committee had exonerated the appellant by giving the reason of work load to be the cause of irregularities. How a human being can perform efficiently when he is over burdened by the department. Inefficiency being a relative term is to be gathered in the circumstances under which an individual is to perform his duties. An individual can be inefficient if he is burdened with normal work load. Over burdened individual cannot perform efficiently as it is but natural not to handle the over work properly. The conclusion of the competent authority is therefore, not proper.

7. As a result thereof this appeal is accepted. Parties are left to bear their own costs. File be consigned to the record room.


(Gul Zeb Khan)
Member


(Niaz Muhammad Khan)
Chairman
Camp Court, Swat

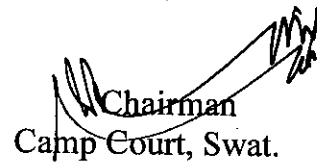
ANNOUNCED
03.10.2017

3.10.2017

Counsel for the appellant and Mr. Muhammad Zubair, District Attorney alongwith Muhammad Saeed, S.S for the 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.


District Attorney



Chairman
Camp Court, Swat.

ANNOUNCED

3.10.2017


10.11.2016

Appellant in person and Mr. Shafiqur Rahman, ADO
alongwith Mian Amir Qadar, GP for the respondents present.
Requested for adjournment. To come up for written
reply/comments on 06.01.2017 at camp court, Swat.


Chairman
Camp court, Swat

06.1.2017

Counsel for the appellant and Mr. Muhammad Saed, SS
alongwith Mian Amir Qadar, GP for the respondents present. Written
reply submitted. The appeal is assigned to D.B for rejoinder and final
hearing for 05.6.2017 at camp court, Swat.


Chairman
Camp court, Swat

08.06.2017

Since the tour programme for the month of June, 2017 to
camp court Swat has been cancelled by the Worthy Chairman,
therefore, to come up for the same on 03.10.2017 at camp
court, Swat. Notices be issued to the parties for the date fixed
accordingly.



Registrar

04.05.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as DEO (M) and was assigned dual charge of DEO (F) Dir (Lower) when subjected to enquiry on the allegations of irregularities in appointments and vide impugned order dated 02.11.2015 minor penalty in the shape of censure was awarded to the appellant where-against the appellant preferred departmental appeal on 17.12.2015 which was rejected on 11.2.2016 and hence the instant service appeal on 01.03.2016.

That the allegations were unfounded and that the said appointments were made by the appellant on the recommendations of Selection Committee. That during the enquiry the appellant was found innocent but despite that fact minor penalty was imposed against the appellant which is against facts and law and therefore not tenable.

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 03.08.2016 for before S.B at camp court Swat.


Chairman
Camp Court, Swat

Appellant Deposited
Security & Process Fee

03.08.2016




Counsel for the appellant and Mr. Muhammad Saeed, SS alongwith Mr. Muhammad Zubair, SGP for the respondents present. Seeks adjournment. To come up for written reply/comments on 10.11.2016 before S.B at camp court, Swat.


Chairman
Camp court, Swat,

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 215/2016

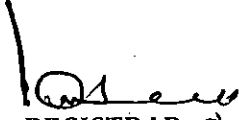
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09.03.2016	<p>The appeal of Mr. Hafiz Muhammad Ibrahim resubmitted today by Mr. Mujahid Farooq Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11-03-2016	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up thereon <u>06-04-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	06.04.2015	<p>Counsel for the appellant seeks adjournment. To come up for preliminary hearing on 4.05.2016 before S.B at Camp court, Swat.</p> <p style="text-align: right;"> Chairman Camp Court Swat</p>

The appeal of Mr. Hafiz Muhammad Ibrahim DEO (Male) Swat received to-day i.e. on 01.03.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent No.5 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memorandum of appeal may be got signed by the appellant.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Copy of merit list mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Copy of first enquiry report mentioned in para-8 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 340 /S.T,

Dt. 1/3 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mujahid Farooq Adv.
High Court Swat.

09/03/2016.

Sir objection removed.


Mujahid Farooq Adv.

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT
PESHAWAR

Service appeal No. 215 of 2016


Hafiz Muhammad Ibrahim **VERSUS** Chief Minister K.P.K and others.

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8	Copies of orders	F,G & H	15-18
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APPELLANT

Through


MUJAHID FAROOQ ADVOCATE
High Court,

Office: Gulshan Chowk Gul Plaza Mingora
Swat.

Cell No: 0333-9480915

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT

PESHAWAR

Service appeal No. 215 of 2016

**A.W.P. Peshawar
Service Tribunal
Diary No. 154
Date 01-3-2016**

Hafiz Muhammad Ibrahim S/o Buzarg Jameher C/o DEO (Male) at
Gulkada Saidu Sharif Distrif Swat.

..... (Appellant)

VERSUS

- 1) Chief Minister Khyber Pakhtunkhwa at Peshawar.
- 2) Govt. of Khyber Pakhtunkhwa through chief Secretary at Civil Secretariat Peshawar.
- 3) Secretary Govt. of Khyber Pakhtunkhwa Elementary and Secondary Education Department Peshawar at Peshawar.
- 4) Director Elementary and Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 5) Deputy Director Establishment K.P.K Directorate of Elementary and Secondary Education at Peshawar.

..... (Respondents)

Service appeal U/s 4 services tribunal Act 1974 against the order No. SO(S/M) E&SED/4-17/2015/Muhammad Ibrahim DEO Dir (L)/118 dated 04/02/2016, passed by respondent No.1 whereby the review appeal of the appellant against the order dated 02/10/2015 of respondent No. 1 has been dismissed.

PRAYER:

On acceptance of this appeal the impugned orders mentioned above passed by respondent No.1 may please be set aside and the appellant may kindly be exonerated and the minor penalty of censure imposed upon appellant may kindly be withdrawn.

Respectfully Sheweth:


Brief facts are as under:

- 1. That the appellant is a civil servant of education department.
- 2. That the appellant had performed the duty of DEO (Male) Dir Lower, and during this period due to the absence of DEO (Female) also took over the additional Charge of DEO (Female) on 07/10/2013.(Copy of order is attached as annexure A).

**Filed to-Dir
1/3/16**

**re-submitted to-Dir
and filed
9/3/16**

3. *That there were 34 Female PST post laying Vacant in different schools of District Dir lower, which was advertised in Daily Mashriq , and under the Govt. recruitment policy the last date for submission application was fixed 20/01/2014. (Copy of advertisement is attached as annexure B)*
4. *That subsequently in a meeting of all DEOs (M/F) was held on 26/04/2014, under the chairmanship of Director E&SE, KPK and were directed to complete the appointment process up to 30 April 2014, in order to overcome the deficiency of Teaching Staff throughout the province at the beginning of the new academic session 2014-15. similarly all the top ten candidates for each post were directed through NTS web site and News papers, to appear for interview / verification of documents within three days, i.e 27 to 29 April of 2014. (Copy of press cutting is attached as annexure C).*
5. *That four scrutiny committees were constituted by appellant for the purpose, which completed the appointment process. The scrutiny committee No. 2 for Females submitted final merit list, which were displayed at the office of DEO (M&F), latter on the recommendations of the scrutiny committee were endorse by the District Selection Committee, but the appellant delayed the appointment orders for further two days in order to insure that no eligible candidates is deprived of his rights and meanwhile no body objected to the final merit list. And finally the appellant issued orders of 34 Females available eligible candidates vide No. 1057-59 dated 03/05/2014 on basis of final merit list, submitted by the scrutiny committee.(Copies of committee and merit list is attached as annexure D& E).*
6. *That meanwhile the appellant coming in knowledge that some eligible candidates have reservations being dropped from the final merit list, held in abeyance the above mentioned orders for corrective measure vide No. 1126-28 dated 05/05/2014, and the remaining process was completed by DEO (Female) Dir Lower after taking over charge on 06/05/2014, and revise final order of 34 females PST eligible candidates by replacing 17 candidates of previous order by 17 eligible candidates was issued. (Copies of orders are attached as annexure F,G & H)*


7. That upon complaint an inquiry was conduct by the DEO (Male) Dir Upper against the appellant for allegation of committing irregularities in the appointments, whereby exonerated the appellant from all charges, but another inquiry committee was constituted through notification No. SO(S/M) E&SED/4-17/2015/M-Ibrahim DEO BS-19/ Dir Lower, and the inquiry committee submitted their report on 11/06/2015 and a show cause notice was served upon the appellant which replied by the appellant on 17/08/2015. (Copies of inquiry report, show cause notice and reply and orders are attached as I,J,K & L, LA)
8. That latter on the respondent No.1 impose minor penalty of censure upon the appellant vide notification No. SO(S/M) E&SED/4-17/2015/M-Ibrahim DEO BS-19/ Dir Lower and against the said order the appellant filed a review appeal which was dismissed by the respondent No.1 vide order dated 04/2/2016, which was communicated to the appellant on 11/2/2016, hence this service appeal. (Copies of orders, notification and review appeal are attached as annexure M,N,O .
9. That the impugned orders passed by respondent No.1 are illegal, unlawful and liable to be set aside inter alia on the following grounds.


GROUND.

- i. That the appellant had performed his duty as a DEO (M/F) Lower Dir, honestly with due diligence and according to law, and had not committed any illegality, irregularity.
- ii. That appointments of 34 PST female candidates by DEO (M/F) Dir lower vide No.1957-59 dated 03/5/2014 was according to the instructions issued by the Director E&SE Khyber Pakhtunkhwa in DEOs meeting held on 26/4/2014.

- iii. That the appointments order dated 03/5/2014 was based on the merit list provided by the NTS and scrutinized by the scrutiny committee.
- iv. That the revised orders issued by the DEO (F) Dir lower dated 19/05/2014 was issued after adding 17 eligible candidates by deleting the 17 candidates recommended by the appellate committee
- v. That the appointment order issued on 03/5/2014 is in accordance with the policy of the provincial Government and is not in violation of the Union council based recruitment policy.
- vi. That it has also been confirmed that no PST teacher took over charge as a result of the appointment order of 03/5/2014.
- vii. That the held in abeyance order issued vide No. 1126-28 dated 05/05/2014 was aiming to review the previous order after adopting corrective measures keeping in view the reservations of some eligible candidates.
- viii. That during the course of inquiry the malafide intention of the appellant and the inquiry was conducted malafidely prejudice to appellant.

It is therefore, humbly prayed that on acceptance of this appeal the impugned orders mentioned above passed by respondent No.1 may please be set aside and the appellant may kindly be exonerated and the minor penalty of censure imposed upon appellant may kindly be withdrawn.


APPELLANT

Through 

MUJAHID FAROOQ ADVOCATE
High Court,

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT
PESHAWAR


Service appeal No. _____ of 2016

Hafiz Muhammad Ibrahim **VERSUS** Chief Minister K.P.K and others.

AFFIDAVIT

I, Mr. Mujahid Farooq Advocate High court, do hereby stated
that as per information of my client all the contents of this appeal are
true and correct to the best my knowledge and belief.

Mujahid Farooq
APPELLANT

ATTESTED *Samiullah*


Through *Mujahid Farooq*
MUJAHID FAROOQ ADVOCATE
High Court,

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT
PESHAWAR**

Service appeal No. _____ of 2016

Hafiz Muhammad Ibrahim **VERSUS** Chief Minister K.P.K and others.

MEMO OF ADDRESS

Address of appellant:

Hafiz Muhammad Ibrahim S/o Buzarg Jameher C/o DEO (Male) at
Gulkada Saidu Sharif Distrif Swat.

NIC No. 15303-8571981-5

Cell No. 0346-5599077

Addresses of respondents:

- 1) Chief Minister Khyber Pakhtunkhwa at Peshawar.
- 2) Govt. of Khyber Pakhtunkhwa through chief Secretary at Civil Secretariat Peshawar.
- 3) Secretary Govt. of Khyber Pakhtunkhwa Elementary and Secondary Education Department Peshawar at Peshawar.
- 4) Director Elementary and Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 5) Deputy Director Establishment Khyber Pakhtunkhwa at Peshawar.

APPELLANT

Through

MUJAHID FAROOQ ADVOCATE
High Court,

Annexure 'A'

70



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

NOTIFICATION

Dated Peshawar the October 07, 2013

Naqvi
Amir
21/10/13

7/10/13

NO.SO(S/M)E&SE/4-16/12/Hafiz M. Ibrahim DEO: Hafiz Muhammad Ibrahim District Education Officer (BS-19) (Male) Dir Lower is hereby allowed to hold the additional charge of the post of District Education Officer (BS-19) (Female) Dir Lower in addition to his own duties till further orders in the interest of public service with immediate effect.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa Peshawar
2. Hafiz Muhammad Ibrahim, District Education Officer Male Dir Lower.
3. District Accounts Officer, Dir Lower.
4. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
5. PA to Additional Secretary E&SE Department, Khyber Pakhtunkhwa.
6. Incharge EMISE E&SE Department.
7. Officer concerned.
8. Office order file.

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



9

OFFICE OF THE DISTT; EDUCATION (MALE & FEMALE) DIR LOWER.

MALE

S#	Category of posts	Total posts	Promotion	Recruitment	Remarks
1.	CT	74	44	30	60% by promotion & 40% by recruitment
2.	AT	17	04	13	25% by promotion & 75% by recruitment
3.	TT	12	04	13	25% by promotion & 75% by recruitment
4.	DM	11	03	08	20% by promotion & 80% by recruitment
5.	PET	11	03	08	20% by promotion & 80% by recruitment
6.	Qari	16	--	16	100% Initial recruitment
7.	PST	79	--	79	100% Initial Recruitment

FEMALE

S#	Category of posts	Total posts	Promotion	Recruitment	Remarks
1.	CT	53	32	21	60% by promotion & 40% by recruitment
2.	AT	20	05	15	25% by promotion & 75% by recruitment
3.	TT	08	02	06	25% by promotion & 75% by recruitment
4.	DM	52	10	42	20% by promotion & 80% by recruitment
5.	PET	22	06	16	20% by promotion & 80% by recruitment
6.	Qari	10	--	10	100% Initial recruitment
7.	PST	34	--	34	100% Initial Recruitment

[Signature]
 Distt. Education Officer
 (M&F) Dir Lower

ایس ایس جینز ٹریڈنگ کمپنی، سائبرنگ، اسلام آباد کی پیشکش آپ کے حوالے

آئی ایم ایف کے ذریعے پوری دنیا میں فروغ دینے کے لیے
 1000 ملین روپیہ کی رقم جمع کروانی ہے۔
 (پتہ: اسلام آباد، پاکستان)۔
 ایس ایف نے سب سے پہلے (پتہ: اسلام آباد)۔



اسلام آباد کی ایف ایم ایف کے ذریعے پوری دنیا میں فروغ دینے کے لیے

ABC (Approved) اے بی سی (مجازی)

دہلی ایڈیٹوریئل کورپوریشن

233 2878787

27, 2014, 1435ھ

16 ستمبر 2017ء

233 2878787

Email: alic@abc.com

www.abc.com

محکمہ تعلیم میں 8 ہزار 8 سو 8 لاکھ روپے کی تعمیراتی کاموں کا آغاز

محکمہ تعلیم میں 8 ہزار 8 سو 8 لاکھ روپے کی تعمیراتی کاموں کا آغاز

محکمہ تعلیم میں 8 ہزار 8 سو 8 لاکھ روپے کی تعمیراتی کاموں کا آغاز

محکمہ تعلیم میں 8 ہزار 8 سو 8 لاکھ روپے کی تعمیراتی کاموں کا آغاز

محکمہ تعلیم میں 8 ہزار 8 سو 8 لاکھ روپے کی تعمیراتی کاموں کا آغاز

محکمہ تعلیم میں 8 ہزار 8 سو 8 لاکھ روپے کی تعمیراتی کاموں کا آغاز

اسناد کی چیکنگ مورخہ 27 اپریل سے 29 تک مکمل کرنے کے بعد 30 اپریل تک خوش قسمت اساتذہ کرام کو اپنے اپنے سکولوں میں تعینات کر دیا جائے گا اور انہوں نے صوبہ بھر کے ضلعی افسران کو احکامات دیتے ہوئے کہا کہ وہ تمام کاموں پر تعیناتی کے عمل کو ترجیح دیتے ہوئے باقی کام ترک کر دیں اور صوبائی حکومت کے تعیناتی کے اہم ٹاسک کو قواعد و ضوابط کے مطابق عملی جامہ پہنائیں انہوں نے کہا کہ ہمارے نظام تعلیم میں سب سے اہم بچہ ہے صوبہ بھر میں اساتذہ کی کمی کی وجہ سے تعلیمی عمل میں رکاوٹیں پیدا ہو رہی ہیں صوبائی حکومت اس سلسلہ میں کسی قسم کی کوئی کوتاہی برداشت نہیں کر سکتی اس لئے فوری طور پر تعیناتی کا عمل اتوار کی چھٹی منسوخ کرتے ہوئے جاری کر دیا گیا ہے چیکنگ کے اس عمل کو شفاف بنانے کیلئے تمام کیڈرز کیلئے الگ الگ ہیڈ ماسٹر اپرنسپلز اور کلرکوں کی کیٹیاں بنا کر کاغذات کی جانچ پڑتال کا عمل شروع کیا جائے انہوں نے مزید کہا کہ پی ایس ٹی کی تعیناتی 100% یونین کونسل وائز اسپیشل لاء 2011 کی بنیاد پر ہوگی اگر ایک امیدوار نے اپنی یونین کونسل کے علاوہ دوسری یونین کونسل میں بھی اپلائی کیا ہے تو اس کی تعیناتی دوسری یونین کونسل میں نہیں ہوگی ایک صورت میں اسکی تعیناتی دوسری یونین کونسل میں بھی ہو سکتی ہے جب اپلائی کردہ یونین کونسل میں وہ ٹاپ پر ہو اور متعلقہ یونین کونسل میں کوئی بھی مستحق امیدوار نہ ہو تعینات ہونے والے اساتذہ کو ٹاپ پوزیشن کے مطابق نزدیک ترین سکول میں تعینات کیا جائے گا جبکہ ٹاپرز کیلئے 2 سال Age

Annexure -

(D)

28/4/14

12

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE DIR LOWER AT TIMERGARA
OFFICE ORDER

Interview/Scrutiny committees comprising of the following members are hereby constituted to check Scrutinized the documents with the list of the candidates who have qualified the NTS Test.

<u>MALE committee NO,1</u> 1.Bashir Ahmad DDEO(M) L/office. 2.Zafar Khan SDEO (M) Timergara. 3.Mohammad Safir S/C L/office 4.Mukhtiar J/C L/office.	<u>(MALE) Committee No,2</u> ✓ 1.Hamidur-Rahman SDEO(M) 2.Ali Haider ADEO(M) L/office 3.Wajihud-Din ADEO(M) L/office 4.Nasib Badshah J/Clerk 5.M.Idrees J/ C L/office
<u>FEMALE committee NO,1</u> 1.Shaheen Begum SDEO(F) Timergara 2.Kabal SDEO(F) Samar Bagh 3.Zakir J/C L/Office. For PST 4 Riazud-Din J/Clerk local office.---For PST	<u>(FEMALE) Committee No,2</u> 1.Gul Badshah ADEO (F) L/Office 2.Tariq Ahmad ADEO(F) L/Office 3.Ibad S/C L/office 4.Riaz Ahmad Swati L/Office

They are further directed to keep vigilant eyes on the documents with the list, so that the right of deserving candidates may not suffer.

(Mohammad Ibrahim)
Distt;Education Officer
(M&F) Dir lower.

Endst;No, 6601-2 /Dated Timergara the 28 /4/2014.

Copy of the above is forwarded :-

1. The Director(E&SE) Khyber Pakhtunkhwa Peshawar.
2. All committee members for information and compliance

Distt;Education Officer
(M&F) Dir lower.

District Education Officer (F) Dir Lower

PH No. 0945-9250083,

E-mail emisdeofdirlower@yahoo.com



3/5/14

OFFICE ORDER:

Consequent upon the recommendation / approval of the District Selection Committee / District Promotion Committee (Elementary & Secondary Education) Dir Lower in its meeting held on 30/04/2014, the following PSTs (Female) (School based) are hereby appointed in BPS-12 (Rs.7000-500-22000) @ Rs. 7000/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government on the terms and condition given below:

S#	Name	Father Name	Address	U/C	Name of School	Score
1	AISHA BIBI	SAEEDULLAH	VILL: & U/C ASHR	ASHR	GGPS LOWAI KANDA	78.81
2	SHAZIA GUL	MUHAMMAD HUMAYUN	VILL: CHINARONO DUSHKHEL U/C DUSHKHEL	BAGH DUSHKHEL	GGPS UTALA DUSHKHEL	104.46
3	NABILA BIBI	MUHAMMAD RAHIM	VILL: BAGH DUSHKHEL	BAGH DUSHKHEL	GGPS UTALA DUSHKHEL	84.95
4	BALQIS BIBI	MUHAMMAD HALEEM	VILL: BAGH DUSHKHEL U/C DUSHKHEL	BAGH DUSHKHEL	GGPS UTALA DUSHKHEL	81.06
5	SHABANA BEGUM	BEHRA MAND	VILL: ENGARO KALAY UC DRANGAL	DRANGAL	GGPS ZANGYAN	73.8
6	SHAZIA ZAIB	JEHAN ZAIB	VILL: ALI BANDA U/C DRANGAL	DRANGAL	GGPS SHAHI	69.79
7	SABEEN BEGUM	WARKOTI KHAN	VILL: TIA U/C DRANGAL	DRANGAL	GGPS DRANGAL	66.91
8	FATIMA BIBI	MUHAMMAD KARIM	VILL: DRANGAL U/C DRANGAL	DRANGAL	GGPS HATAN	62.52
9	NIZAKAT	ABU TAHIR	VILL: BOTO KAMBAT U/C KAMBAT	DRANGAL (Adj)	GGPS LAWANDA	65.45
10	SHAMIM BIBI	FAQIR AHMAD	VILL: KHARA KAMBAT U/C KAMBAT	DRANGAL (Adj)	GGPS DRANGAL	64.25
11	RIFAT BIBI	MUHAMMAD IQBAL	VILL: KAMEAT U/C KAMEAT	DRANGAL (Adj)	GGPS HATAN	62.33
12	TAWHEED BEGUM	ATTA UR RAHMAN	VILL: WADI BANDA U/C KAMBAT	DRANGAL (Adj)	GGPS HATAN	62.07
13	KHADLJA	DILARAM	VILL: BANDAI SHAH U/C KAMBAT	DRANGAL (Adj)	GGPS BINSHAHI	66.5
14	MUSARRAT BEGUM	BAKHT SHAH ZAIB	VILL: GAL UC GAL	GAL	GGPS LALO MAIDAN	54.7
15	ZAINAB BIBI	KHAISTA WALI	VILL: PALANA DHERI UC ZAIMDARA	GAL (Adj)	GGPS NAMBATI MAIDAN	88.22
16	SHAHIDA MUHAMMAD	MUHAMMAD	VILL: TANGI BALA U/C KAMBAT	KAMBAT	GGPS DAMTAL	83.26
17	FOUZIA RIAZ	RIJAZ UDDIN	VILL: TANGI BALA U/C KAMBAT	KAMBAT	GGPS DAMTAL	82.77
18	GUL SHAN BIBI	SHAH ZARIN KHAN	VILL: DAMTAL U/C KAMBAT	KAMBAT	GGPS DAMTAL	80.03
19	SAWERA ANWAR	ANWAR UDDIN	VILL: LIKOR KAMBAT U/C KAMBAT	KAMBAT	GGPS KAMBAT NO.2	77.71
20	FOZIA DOST	DOST AMIR	VILL: KAMBAT U/C KAMBAT	KAMBAT	GGPS TANGI BALA	71.56
21	KALSOOM BIBI	JAMH UL HAQ	VILL: KAMBAT U/C KAMBAT	KAMBAT	GGPS DAMTAL	67.51
22	ZEENAT BIBI	BURHAN UDDIN	VILL: & P.O KHANPUR	KHANPUR	GGPS BOCHAKAY	93.65
23	SHABNAM KHAN	MALAK KAFAYAT KHAN	VILL: & U/C KHAZANA	KHAZANA	GGPS GARRA NO.1	117.76
24	ANILA BIBI	JSM SHAID KHAN	VILL: DIYARON U/C KHAZANA	KHAZANA	GGPS BARIJAN MARIJAI	101.67
25	RAHMATIA BIBI	ABDUL MALIK	VILL: MULAYANO BANDA P.O LAIQILLA	KOTKAY MAIDAN	GGPS BARIJAN GAT	65.28
26	SAREEHA KHANAM	ABDUL MAULA	VILL: BANDO DHERI LAJBOOK	LAJBOOK	GGPS BEYARI BALA	103.51
27	SHABNAM BIBI	JEHAN ZEB	VILL: PARI KAS P.O LAIQILLA	LAIQILLA	GGPS KHARAKAY	79.12

(19) 2

28	AISHA NAWAZ	SHAH NAWAZ KHAN	VILL: AGHIRALY U/C MASKINI	MASKINI	GGPS AWARO	49.6
29	KHASHIA BIBI	MIRAJ ULL HAQ	VILL: MAYAR U/C MAYAR	MASKINI (Adj:)	GGPS DHAL	71.71
30	SALMA ALI	MUHAMMAD ALI	VILL: & U/C MAYAR	MAYAR(Adj:)	GGPS RANI DALY	103.19
31	AYESHA	TOOR PACHA	VILL: MIAN KALAY, P.O MUNDA	MIAN KALAY	GGPS ANGORO	60.71
32	RESHMA BEGUM	KHAN BAHADAR	VILL: & U/C MUNDA	MUNDA	GGPS KHADIKHELA	94.41
33	UZMA AZIZ	AZIZ ULLAH KHAN	VILL: & U/C MUNDA	MUNDA	GGPS SHALKANDI	91.39
34	HADIA BIBI	FAGHFOOR KHAN	VILL: & P.O MUNDA	MUNDA	GGPS GODDAR	87.15

TERMS AND CONDITIONS:

1. This order will commence from 03/05/2014 and shall continue til 02/05/2015 and will, however, not construe in any form, either express or implied, any assurance for future employment with the Elementary and Secondary Education Department.
2. They will be entitled to emoluments of Rs. Rs. 7000/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract per month for one year and will be eligible for tax deduction (if any) as per prevailing government rules.
3. Their Pay will not be drawn until and unless a certificate to the effect by the DDO (concerned) is issued that their certificates are verified.
4. They will produce Health and Age Certificate from the Medical Superintendent concerned before taking over charge.
5. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
6. Their services shall be terminated at any time, in case their performance is found unsatisfactory during their contract period. In case of misconduct, they shall be preceded under the rules framed from time to time.
7. Their appointment will be made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
8. The appointment of the candidates mentioned above is subject to the condition that they are domiciled in District Dir Lower.
9. NO TA/DA will be paid to them on joining the post.
10. Their age may not exceed 35 years or below 18 years.
11. Charge reports should be submitted to all concerned,
12. Drawing & Disbursing Officers concerned are directed to collect photo copies of their testimonials along with verification fees and submit the same to the office of the undersigned for further verification from the institutions concerned.
13. This order is issued, errors and omissions accepted, as a notice only.
14. 100 % candidates have been initially recruited from amongst those candidates who have qualified NTS test for the purpose purely on merit.

(Muhammad Ibrahim)
District Education Officer (F)
District Dir Lower

Endst. No. 1057-59

Dated Timergara the 03/05/2014

Copy of the above is forwarded to:

1. The Director (E&SE) Khuber Pakhtoon Khwa Peshawar.
2. The District Accounts Officer Dir Lower.
3. The Principals / Headmaster of the institute concerned.
4. The Officals concerned.

District Education Officer (F)
District Dir Lower

Annexure - 5A (15)


OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER.
OFFICE ORDER.

Appointment order of PST (Female) issued under Endst;No,1057-59 dated 3/5/2014, is hereby held in abeyance till further order.

(Mohammad Ibrahim)
DIST:EDUCATION OFFICER
(M&F) DIR LOWER

Endst;No, 1126-28 /Dated Timergara the 05 / 05 /2014

- Copy of the above is forwarded to:-
1. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
 2. The Distt;Accounts Officer Dir lower.
 3. The SDEO(F) Timergara/Samar Bagh.
 4. The Headmistresses concerned.
 5. The candidates concerned.


DIST:EDUCATION OFFICER
(M&F) DIR LOWER

S/S/14

Annexure - (16) (16) (16) (16)

FROM : DEO (MALE)

- DIR LOWER

FAX NO. : 9250081

22 Feb. 2016 10:50AM P1

6/5/14

CHARGE REPORT

In compliance with the Notification issued by the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar Notification No, SO(S/F) (PE)E&SE/4-16/2014/DDEOs (F) dated 28/4/2014, Miss, Zaibun-Nisa took over complete charge of the post of Deputy District Education Officer (Female) B-18 along with additional charge of DEO(F) B.19 Dir Lower with effect from 06/5/2014(FN).

Station:- Timergara

Signature of Relieving
Govt; Servant_Zaibun-Nisa
Designation DEO(F) Dir Lower

Dated 06/5/2014

Signature of Relieved
Govt; Servant_Mohammad Ibrahim
Designation DEO(F) Dir Lower

OFFICE OF THE DISTT: EDUCATION OFFICER (FEMALE) DIR LOWER.

Endst: No: Timergara dated 6/5/2014

1240-47

Copy of the above is forwarded to:-

1. The Section Officer(S/F) Govt; of Khyber Pakhtunkhwa Elementary & Secy; Edu; Deptt; Peshawar.
2. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
3. The Deputy Commissioner Dir Lower.
4. The Distt; Accounts Officer Dir Lower.
5. The Deputy Distt; Officer(F) local office.
6. SDEOs (Female) in Dir lower.
7. All the Principals/Headmistresses of GGHSS/GGHS/GGMS in Dir(L)
8. The Personal file.

District Education Officer.
(Female) Dir Lower

Annexure 17

District Education Officer (F) Dir Lower

PH No. 0945-9250083,

E-mail emisdeofdirlower@yahoo.com



19/5/14

OFFICE ORDER:

Consequent upon the recommendation of the appellate committee/scrutiny committee on the appeals in the light of result through NTS, appointment order issued under Endost: 1057-59 dated 03/05/2014 DEO (F) Dir lower (Kept held and abeyance under Endost: No. 1126-28 dated 05/05/2014) is hereby revised as under on the following term and condition.

REVISED APPOINTMENT							INSTEAD OF	
Sr	Name	Father Name	Address	U/C	Name of School	Score	Name	Score
1	ANWAR BEGUM	KHAIMAJAN	VILL: SHORSHEN & U/C ASEER	ASEER	GGPS LOWAI KANDA	85.52	Aisha Bibi	79.81
2	SHAZIA GUL	MULHAMMAD HUMAYUN	VILL: CHINARONO DUSHKHEL U/C DUSHKHEL	BAGH DUSHKHEL	GGPS UTALA Dushkhel	104.46	Already appointed	
3	FARRUKH	MUHAMMAD RAZIQ	VILL: BAGH DUSHKHEL U/C DUSHKHEL	BAGH DUSHKHEL	GGPS UTALA Dushkhel	98.39	Balqees	81.06
4	NARILA BIBI	MUHAMMAD RAHIM	VILL: BAGH DUSHKHEL	BAGH DUSHKHEL	GGPS UTALA Dushkhel	84.95	Already appointed	
5	SHABANA BEGUM	BEHRA MAND	VILL: ENGARO KALAY UC DRANGAL	DRANGAL	GGPS ZANGYAN	73.8	Already appointed	
6	SHAZIA ZAIB	JEHAN ZAIB	VILL: ALI BANDA U/C DRANGAL	DRANGAL	GGPS SHAHI	69.79	Already appointed	
7	SABEEN BEGUM	WARKOTI KHAN	VILL: TLA U/C DRANGAL	DRANGAL	GGPS DRANGAL	66.91	Already appointed	
8	FATIMA BIBI	MUHAMMAD KARIM	VILL: DRANGAL U/C DRANGAL	DRANGAL	GGPS HATAN	62.59	Already appointed	
9	SAKINA BEGUM	JEHAN ZEB KHAN	VILL: BIN SHAHI U/C DRANGAL	DRANGAL	GGPS DRANGAL	54.84	Shameem Bibi related to U/C Kambat	64.23
10	ABIDA BIBI	AZIZ UR RAHMAN	VILL: LAJBANG U/C DRANGAL	DRANGAL	GGPS BIN SHAHI	52.06	Khadija related to U/C Kambat	64.5
11	BAT UL HAKRAM	MUH: ALAM KHAN	VILL: HATTAN U/C DRANGAL	DRANGAL	GGPS LAWANDA	47.19	Nizakat related to U/C Kambat	65.45
12	ASSIA BEGUM	MUH: SHOAJE	VILL: KARIN UC GALL	GAL	GGPS LALO (M)	85.12	Musarat Begum	54.7
13	ZUBAIDA BEGUM	MUH: SHOAJE	VILL: KARIN UC GALL	GAL	GGPS NAMBATT (M)	78.22	Zainab Bibi related U/C Zimbara	83.22
14	ASMA BEGUM	ABDUL SALAM	VILL: KAMBAT U/C KAMBAT	KAMBAT	GGPS DAMTAL	56.46	Kalsoom Bibi	67.54
15	SHAHIDA MUHAMMADA	MUHAMMAD	VILL: TANGI BALA U/C KAMBAT	KAMBAT	GGPS DAMTAL	83.36	Already Appointed	
16	FOUZLA RIAZ	RLAZ UDDIN	VILL: TANGI BALA U/C KAMBAT	KAMBAT	GGPS DAMTAL	82.77	Already Appointed	
17	GUL SHAN BIBI	SHAH ZARIN KHAN	VILL: DAMTAL U/C KAMBAT	KAMBAT	GGPS DAMTAL	80.03	Already Appointed	
18	SAWREFA ANWAR	ANWAR UDDIN	VILL: LIKOR KAMBAT U/C KAMBAT	KAMBAT	GGPS KAMBAT NO.2	77.71	Already Appointed	
19	FOZLA DOST	DOST AMIR	VILL: KAMBAT U/C KAMBAT	KAMBAT	GGPS TANGI BALA	71.56	Already Appointed	
20	SYEDA ROBINA AZIZ	SYED ABDUL AZIZ	VILL: LIKOR U/C KAMBAT	DRANGAL (Adj)	GGPS HATAN	68.02	Touheed Begum (Adj: UC)	68.07
21	KALSOOM BIBI	JANI UL HAQ	VILL: KAMBAT U/C KAMBAT	DRANGAL (Adj)	GGPS HATAN	67.54	Rifat Bibi	62.33
22	ZEENAT BIBI	BURHAN UDDIN	VILL: & P.O KHANPUR	KHANPUR	GGPS BOCHARAY	93.65	Already Appointed	
23	SHARNAK KHAN	MALAK KAFAYAT KHAN	VILL: & U/C KHAZANA	KHAZANA	GGPS GARRA NO.1	117.06	Already Appointed	
24	ANILA BIBI	JSM SHAID ERAN	VILL: DIYARON U/C KHAZANA	KHAZANA	GGPS BARJAM Makhal	101.67	Already Appointed	
25	BAHSHT	HUSSAIN AHMAD	VILL: GOMBATAY U/C ROTRAY MAIDAN	RCTRAY MAIDAN	GGPS BARJO GAT	87.03	Rahmania Bibi	65.28

[Handwritten Signature]

18

REVISED APPOINTMENT

REVISED APPOINTMENT						INSTEAD OF	
SABEHA KHANAM	ABDUL MAULA	VILL: RANDO DHERI LAJBOOK	LAJBOOK	GGPS BBYARI (B)	103.54	Already Appointed	
SHAKILA NAZ	BAKHT SARDAR	VILL: LAQILLA U/C LALQILLA	LALQILLA	GGPS KHANAKAY	98.1	Shabnam BiBi	79.19
SALMA BIBI	HAMIDULLAH JAN	VILL: MASKINI U/C MASKINI	MASKINI	GGPS DHAL	56.4	Khashia BiBi related to UC Mayar	71.71
MUSARRAT BIBI	KHAN BAHADAR	VILL: HAJI KALAY U/C MASKINI	MASKINI	GGPS AWARO	52.2	Ayesha Nawaz	49.6
AYESHA NA NAZ	SHAH NAWAZ KHAN	VILL: AGHERALY & U/C MASKINI	MASKINI	GGPS RANIDALY	49.26	Salma Ali related to UC Mayar	103.19
NOSHREEN	FAZAL RAHIM	VILL: MIAN KALAY U/C MIAN KALAY	MIAN KALAY	GGPS ANANGORAY	73.33	Ayesha	66.77
RESHMA BEGUM	KHAN BAHADAR	VILL: & U/C MUNDA	MUNDA	GGPS KJADIKHELA	94.41	Already Appointed	
UZMA AZIZ	AZIZ ULLAH KHAN	VILL: & U/C MUNDA	MUNDA	GGPS SHALKANDI	91.39	Already Appointed	
YASEEN	ASGHAR KHAN	VILL: & P.O MUNDA	MUNDA	GGPS GODDAR	89.91	Already Appointed	87.45

MS AND CONDITIONS:

- This order will commence from 03/05/2014 and shall continue till 02/05/2015 and will, however, not construe in any form, either express or implied, any assurance for future employment with the Elementary and Secondary Education Department.
- They will be entitled to emoluments of Rs. Rs. 7000/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract per month for one year and will be eligible for tax deduction (if any) as per prevailing government rules.
- Their Pay will not be drawn until and unless a certificate to the effect by the DDO (concerned) is issued that their certificates are verified.
- They will produce Health and Age Certificate from the Medical Superintendent concerned before taking over charge.
- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- Their services shall be terminated at any time, in case their performance is found unsatisfactory during their contract period. In a misconduct, they shall be preceded under the rules framed from time to time.
- Their appointment is made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
- The appointment of the candidates mentioned above is subject to the condition that they are domiciled in respective/Adjacent Union Councils District Dir Lower.
- NO TA/DA will be paid to them on joining the post.
- Their age may not exceed 35 years or below 18 years.
- Charge reports should be submitted to all concerned,
- Drawing & Disbursing Officers concerned are directed to collect photo copies of their testimonials along with verification fees and submit the same to the office of the undersigned for further verification from the institutions concerned.
- This order is issued, errors and omissions accepted, as a notice only.
- 100 % candidates have been initially recruited from amongst those candidates who have qualified NTS test for the purpose purely on merit.

(Zaib Un Nisa)
District Education Officer (F)
District Dir Lower

Endst. No. 1375-78

Dated Timergara the 19/05/2014

Copy of the above is forwarded to:

- The Director (E&SE) Khber Pakhtoon Khwa Peshawar.
- The District Accounts Officer Dir Lower.
- The SDBO (Female) SamarBagh and Timergara concerned.
- The Candidate concerned.

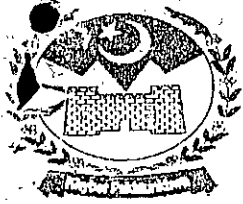
(Signature)
District Education Officer (F)
District Dir Lower

7
13
5.28

Annexure "BI"

(19)

19



**OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DIR UPPER.**

PH NO.0944-881400 FAX -0944-880411 Email demisdirupper@gmail.com
No. 2058 /F- /DEO(M)/ADO (Estab) Secy:Male Dated Dir the 21 /11/2014.

To

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

Subject: INQUIRY REPORT.

Memo:

Reference to your good office memo: No.2929-26 dated 23/10/2014, received in this office regarding inquiry in the appointment of teachers in District Dir Lower.

Report in this regard alongwith enclosures are hereby submitted for further necessary action and perusal please.

**DISTRICT EDUCATION OFFICER
MALE DIR UPPER**

21/11/14

ENQUIRY REPORT AGAINST DEO (M) DIR LOWER.

Authority.

Worthy Director (E&SE) Khyber Pakhtunkhwa Peshawar vide Endst;No,2424-26 dated 23/10/2014.

Venue:-

Office of the DEO(M) Dir lower.

Procedure:-

The undersigned visited the office of DEO(M) Dir lower on 13/11/2014. He was informed telephonically to be present in the office along-with the record. The record was presented to the undersigned and the following records were checked thoroughly and category wise.

1. Advertisement (Annexure "A")
2. Vacancies uploaded on NTS website (Annexure "B")
3. Merit lists (Annexure "C" 9 pages)
4. Minutes of the meetings (Annexure "D" 8 pages)
5. Appointment orders (Annexure "E" 17 pages)

The No, of posts advertised/appointment are as under:-

Category of posts	CT	DM	PET	AT	FT	Qari	PST
No, of posts advertised	30	08	08	13	09	16	79
No, of appointment	30	08	08	13	09	16	79

All these posts were filled in through NTS purely on merit. All the codal formalities have been observed. No illegality or irregularities were found. No extra-appointment has been made.

Findings.

1. All the appointments were made according to the advertisement and policy.
2. No illegality has been observed.
3. The complaint is baseless.

Recommendation.

1. The complaint is baseless and may be filed.
2. Such like complaints may not be entertained in future.

(JEHAN MUHAMMAD)
Inquiry Officer
Distt; Education Officer (M)
Dir upper.

Annexure"

(J)

(21)



GOVERNMENT OF KHYBER PAKHTUNKHWA,
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

NOTIFICATION

Dated Peshawar the April 28, 2015

NO.SO(S/M)E&SED/4-17/2015/M. Ibrahim DEO BS-19/Dir (L): The Competer Authority is pleased to constitute inquiry committee comprising the following officers to conduct formal enquiry against Mr. Muhammad Ibrahim, District Education Officer BS-19 Male District Dir Lower for the charges mentioned in the Charge Sheet and Statement of Allegations with immediate effect.

- i. Mr. Kifayatullah, (PCS SG BS-20), Commissioner Maiakan.
- ii. Mr. Ahmad Jan, Principal BS-20 GHSS No.1, Charsadda.

2. The enquiry committee shall submit recommendations/ report to the Competer Authority within (30) days positively. (Copies of Charge Sheet & Statement of Allegations are enclosed).

SECRETARY

Ends: of even No. & Date :-

Copy forwarded to the:

1. Mr. Kifayatullah (PCS SG BS-20), Commissioner Malakand (Copies of Charge Sheet & Statement of Allegations are enclosed).
2. Mr. Ahmad Jan, Principal BS-20 GHSS No.1, Charsadda (Copies of Charge Sheet & Statement of Allegations are enclosed).
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. Mr. Muhammad Ibrahim, District Education Officer BS-19 Male District Dir Lower (Copies of Charge Sheet & Statement of Allegations are enclosed).
5. Dy. Director, (Estab:) Directorate of E&SE is nominated as departmental representative to assist the inquiry officer/ committee.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. Office order file.

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

28/4/2015



DISCIPLINARY ACTION

I, **Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa** as Competent Authority, am of the opinion that Mr. Muhammad Ibrahim, District Education Officer Male (BS-19) 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 and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

“Made irregularities in the appointments of PSTs (Female) while holding charge of DEO (Female) Dir Lower, vide office order No.1057-59 dated 03-05-2014, which were held in abeyance after two days vide order No.1126-28 dated 05-05-2014. This issue was settled by Mst. Zaib-un-Nisa DEO (Female) Dir Lower by replacing 17 ineligible appointees by 17 deserving appealing candidates in the revised appointment order No.1375-78 dated 19-05-2014”.

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

- i. Mr. K. Farooq Khan (P.S. EG - BS-19)
- ii. Mrs. Atiqat Jinnah (P.S. EG - BS-19)
- iii. _____

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

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

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY
22-05-2015

Mr. Muhammad Ibrahim, District Education Officer Male
(BS-19) Dir Lower.

CHARGE SHEET



23

I, **Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa** as Competent Authority, hereby charge you, **Mr. Muhammad Ibrahim, District Education Officer Male (BS-19) Dir Lower** as follows:-

That you, while posted as District Education Officer Male (BS-19) Dir Lower committed the following irregularities:

"Made irregularities in the appointments of PSTs (Female) while holding charge of DEO (Female) Dir Lower, vide office order No.1057-59 dated 03-05-2014, which were held in abeyance after two days vide order No.1126-28 dated 05-05-2014. This issue was settled by Mst. Zaib-un-Nisa DEO (Female) Dir Lower by replacing 17 ineligible appointees by 17 deserving appealing candidates in the revised appointment order No.1375-78 dated 19-05-2014".

- 2- By reason of the above, you appear to be guilty of corruption/ inefficiency and misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.
- 3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.
- 4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
- 5- Intimate whether you desire to be heard in person.
- 6- A Statement of Allegations is enclosed.

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

Mr. Muhammad Ibrahim, District Education Officer Male
(BS-19) Dir Lower.

INQUIRY REPORT

In pursuance to the Elementary & Secondary Education Department Notification No. SO(S/M) E&SED/4-17/2015/M. Ibrahim DEO BS-19/Dir Lower, dated 28/04/2015 (**annexure-A**) with the approval of the Chief Minister, Khyber Pakhtunkhwa, inquiry was conducted against Muhammad Ibrahim, DEO(M) (BS-19), Dir Lower according to the Khyber Pakhtunkhwa E&D Rules, 2011.

The charge sheet and statement of allegation states that, while posted as District Education Officer (Male) (BS-19) Dir Lower, Muhammad Ibrahim committed the following irregularities:-

"Made irregularities in the appointments of PSTs (Female) while holding charge of DEO (Female) Dir Lower, vide office order No. 1057-59, dated 03/05/2014, which were held in abeyance after two days vide order No. 1126-28, dated 05/05/2014. This issue was settled by Mst. Zeb-un-Nisa, DEO (Female), Dir Lower by replacing 17 ineligible appointees by 17 deserving appealing candidates in the revised appointment order No. 1375-78, dated 19/05/2014".

PURPOSE OF INQUIRY:

A formal inquiry against Muhammad Ibrahim, DEO District Dir Lower was conducted in light of the above mentioned charge sheet and statement of allegation. The two member inquiry committee held its proceedings on 18/05/2015, 26/05/2015 & 02/06/2015 and the procedure adopted is strictly according to Rule-11 of the E&D Rules, 2011. The inquiry committee summoned the following officers and the relevant record was obtained from them.

- 1) Muhammad Ibrahim the officer under inquiry
- 2) Zeb-un-Nisa the present DEO(F), District Dir Lower
- 3) Muhammad Arif, Deputy Director E&SE, departmental Rep

Their statements were recorded and properly cross examined. Statements are annexed as "B".

FACTS OF THE CASE:

Muhammad Ibrahim DEO (M) Dir Lower took over the additional charge of DEO (F) on 08/10/2013 (copy attached

as Annexure "C"). There were 34 Female PST posts lying vacant in different schools of District Dir Lower (copy attached as annexure "D"). These posts were advertised in "Daily MASHRIQ" (copy attached as Annexure "E"). Under Government recruitment policy of the Provincial Govt: vide Notification No SO(PE)4-5/SSRC/ Vol-III, dated 18.01.2011 and amended vide notification No. SO(PE)4-5/SSRC/PST/CT/2011, dated 20/01/2012 (copy attached as Annexure "F"). Last date for submission of applications was 20/01/2014. The applicants were directed to apply through NTS website (<http://www.nts.org.pk>) online.

Tests were conducted through NTS on 21st, 22nd, 23rd February 2014. Tentative merit lists were submitted to DEO (M/F) Dir Lower on 23/04/2014 by Directorate of E&SE, Khyber Pakhtunkhwa, through email address demisdirlower@yahoo.com.

The departmental rep apprised the inquiry committee that a meeting of all DEOs (M/F) was held on 26/04/2014 under the chairmanship of Director E&SE, Khyber Pakhtunkhwa, which was also attended by a representative of NTS. All the officers/officials were directed to complete the appointment process up to 30th April 2014 in order to overcome the deficiency of teaching staff throughout the province at the beginning of the new academic session, 2014-15. Similarly all the top ten candidates for each post were directed through NTS website and newspapers to appear for interview/verification of documents within 3 days i.e. 27th, 28th and 29th April, 2014. The inquiry committee was also informed that 27th April was Sunday but DEOs were directed to keep their offices open on Sunday (copy of NTS information letter and press cutting is attached as Annexure "G").

Four scrutiny committees were constituted by DEO (M/F), Dir Lower for the purpose, which completed the appointment process. The scrutiny committee No. 2 for Female after checking/verifying documents of eligible candidates

submitted final merit lists, which were displayed at the offices of DEO (M&F).

District Selection Committee held its meeting on 30/04/2014 at 9:30 AM in the office of DEO (Female) under the Chairmanship of DEO (M/F) Dir Lower and endorsed the recommendations of the scrutiny committee for appointment of 34 female PST candidates. The DEO (M/F) was supposed to issue the appointment orders on receipt of final merit list submitted by the scrutiny committee, yet the orders were not issued for further two days in order to ensure that no eligible candidate is deprived of his right. But as per the office record no body submitted any observation/complaint against the final merit list.

Finally the DEO (M/F) Dir Lower issued orders of 34 Female available eligible candidates vide No. 1057-59, dated 03/05/2014 on the basis of final merit lists submitted by the scrutiny committee.

The DEO (M/F) took cognizance when it came to his notice that some eligible candidates have reservations being dropped from the final merit list. He held in abeyance the said appointment orders as corrective measure vide No. 1126-28, dated 05/05/2014 (Annexure "H").

Meanwhile the DEO (F) Dir Lower, Zeb-un-Nisa took over charge on 06/05/2014 (Annexure "I") and the rest of the process was completed by her on the basis of revised merit list submitted by scrutiny committee/appellate committee constituted by DEO (F), Dir Lower.

The DEO (F) Dir Lower issued revised final orders of 34 Female PST eligible candidates by replacing 17 candidates of the previous order by 17 eligible candidates, which were absent in the previous interview held on 27th, 28th and 29th April, 2014 (Annexure "J"). This has been confirmed by the DEO (F) and DEO (M) during the course of inquiry.

**PREVIOUS
INQUIRIES**

The matter was earlier probed at the department level to ascertain the irregularities and malafide intentions of the

DEO, Muhammad Ibrahim. The initial inquiry report bearing No. 2058/F-DEO(M)/EDO(ESTT), dated 21/11/2014 has exonerated Muhammad Ibrahim from the charges of irregularity in the recruitment process and has also declared the whole process according to the proper procedure (copy annexed as "K").

On the other hand the second inquiry officer, Muhammad Saeed Khan has concluded his inquiry bearing No. 30, dated 31/01/2015 with the remarks that although the corrective action has been taken in time and the 17 ineligible appointees have been replaced by 17 deserving candidates but irregularity has been committed. Copy of inquiry report annexed as **annexure-L**.

FINDINGS:

From the perusal of record and statements of DEO (M&F), Dir Lower and Deputy Director E&SE, Khyber Pakhtunkhwa and earlier inquiries, it was found that:-

- 1) Appointments of 34 PST female candidates by DEO (M/F) Dir Lower vide No. 1057-59, dated 03/05/2014 was according to the instructions issued by Director E&SE Khyber Pakhtunkhwa in DEOs meeting held on 26/04/2014.
- 2) The appointments order dated 03/05/2014 was based on the merit list provided by NTS and scrutinized by the scrutiny committee.
- 3) The revised orders issued by DEO (F) Dir Lower dated 19/05/2014 was issued after adding 17 eligible candidates, by deleting the 17 candidates recommended by the appellate committee.
- 4) The appointment order issued on 03/05/2014 is in accordance with the policy of the Provincial Government and is not in violation of the Union Council based recruitment process.
- 5) It has also been confirmed that no PST teacher took over charge as result of the appointment order of 03/05/2014.

- 6) The held in abeyance order issued vide No. 1126-28, dated 05/05/2014 was aiming to review the previous order after adopting corrective measures keeping in view the reservations of some eligible candidates.
- 7) During the course of inquiry the malafide intentions of Muhammad Ibrahim, DEO(M) have not been established. He was holding additional charge of female section and the process lacked due diligence.
- 8) The order of 03/05/2014 was issued in haste due to instructions of the Director E&SE, Khyber Pakhtunkhwa and 17 eligible candidates were deprived due to document verification process at the DEO office. The order in haste was issued without waiting for verification of the eligible candidates on the due date. The issue was raised subsequently.

CONCLUSION:

The foregoing proceedings and facts are sufficient to conclude that after the instructions of Director E&SE Khyber Pakhtunkhwa, Muhammad Ibrahim, DEO (M), Dir Lower holding both the chargers of DEO (Male & Female), acted in compliance of the timeframe limitation given by the directorate and the haste deprived the eligible candidates for their selection on merit. The irregularity instantly pointed out was corrected, The dual charge and heavy work load was the reason of neglect devoid of any malafide intention.

11/06/15
KIFAYATULLAH KHAN (PCS SG BS-20)
Commissioner Malakand
Inquiry Officer

11/06/15
AHMAD JAN (BS-20)
Principal GHSS No. 1, Charsadda
Inquiry Officer

Annexure (L) 22



29

REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/M) E&SED/4-17/2015/M. Ibrahim DEO Dir Lower
Dated Peshawar the August 05, 2015

To

Mr. Muhammad Ibrahim,
District Education Officer BS-19 (Male),
Dir Lower.

5/8/15

Subject: SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the minor penalty of "Stoppage of two increments for two years" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

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

Encl: As Above:

Encl: Even No. & Date:

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

Copy of the above is forwarded to the:-

- i. Director E&SE Khyber Pakhtunkhwa Peshawar.
- ii. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS/MALE)

(30)

SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Ibrahim, District Education Officer BS-19 (Male) Dir Lower as follows:-

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

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

(a) Inefficiency

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

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

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

5. A copy of the findings of the inquiry officer is enclosed.

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

27/7/15.

Mr. Muhammad Ibrahim,
District Education Officer BS-19 (Male) Dir Lower.

Annexure LA



31

To

The Secretary to Govt of Khyber Pakhtunkhwa
Elementary and Secondary Education Peshawar.

17/8/15

Subject: REPLY TO SHOW CAUSE NOTICE

With reference to the show cause notice served upon the undersigned vide letter No SO(S/M)E&SED/4-17/2015/M.Ibrahim DEO Dir Lower Dated Peshawar the August 05, 2015, it is stated that :-

- I. The Competent Authority has tentatively decided the imposition of " Stoppage of two increments for two years" under rule 4 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules 2011.

In this connection it is stated that "Stoppage of Increments" is not a valid penalty under the Rules. The correct wording as per S.N 4 (a)(II) of Rule of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules 2011 is " Withholding for a specific period, promotion or increment".

It is therefore requested that the tentative penalty mentioned in the Show Cause Notice be read as "Withholding of two increments for two years" instead of "Stoppage of two increments for two years".

- II. As for as the tentative penalty of withholding of two increments for two years is concerned, the same is stated to have been based on the findings and recommendations of Enquiry Committee.

The factual position of the Inquiry is that the Inquiry Committee has neither held the undersigned responsible for the alleged charges mentioned in the Charge Sheet and Statement of Allegations, nor recommended imposition of any penalty upon the undersigned . The Inquiry Committee has rather concluded that no malafide intensions of the undersigned have been established in the appointment of PSTs Female.

The findings and conclusions of the enquiry committee are reproduced below for ready reference:

- 1) Appointments of 34 PST female candidates by DEO (M/F) Dir Lower vide No: 1957-59 dated 03/05/2014 was according to the instructions issued by the Director E&SE Khyber Pakhtunkhwa in DEOs meeting held on 26/04/2014.
- 2) The appointments order dated 03/05/2014 was based on the merit list provided by NTS and scrutinized by the Scrutiny Committee.
- 3) The revised orders issued by the DEO (F) Dir Lower dated 19/05/2014 was issued after adding 17 eligible candidates, by deleting the 17 candidates recommended by the appellate committee.
- 4) The appointment order issued on 03/05/2014 is in accordance with the policy of the provincial Government and is not in violation of the Union Council based recruitment policy.

Dr. M. J. Khan

16/8/15

17/8/15

- 5) It has also been confirmed that no PST teacher took over charge as a result of the appointment order of 03/05/2014.
- 6) The held in abeyance order issued vide No 1126-28 dated 05/05/2014 was aiming to review the previous order after adopting corrective measures keeping in view the reservations of some eligible candidates.
- 7) During the course of inquiry the malafide intentions of Muhammad Ibrahim, DEO (M) have not been established. He was holding the additional charge of female section and the process lacked due negligence.
- 8) The order of 03/05/2014 was issued in haste due to instructions of Director E&SE Khyber Pakhtunkhwa and 17 eligible were deprived due to documents verification process at the DEO Office. The order in haste was issued without waiting for verification of eligible candidates on the due date. The issue was raised subsequently.

Conclusion:

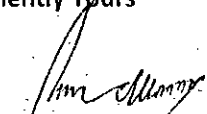
The foregoing proceedings and facts are sufficient to conclude that after the instructions of Director E&SE Khyber Pakhtunkhwa Muhammad Ibrahim DEO (M/F) Dir Lower holding both the charges of DEO (Male & Female), acted in compliance of the timeframe limitation given by the directorate and the haste deprived the eligible candidates for their selection on merit. The irregularity instantly pointed out was corrected. The dual charge and heavy work load was the reason of neglect devoid of any malafide intention.

- III. Since the malafide intention of the undersigned has not been established by the Inquiry Committee, hence in view of the clear cut findings and conclusion of the Inquiry Committee, the undersigned may please be exonerated from the alleged charges of irregularities in the appointment of PST in office of DEO female Dir Lower. The show cause notice may also be withdrawn and the alleged charges be treated as void ab initio.

The undersigned also wish to be heard in person.

Dated: 17/08/2015

Obediently Yours


Hafiz Muhammad Ibrahim
DEO (M) Dir Lower

REGISTERED



Dir No 3401
30/11/15

Annexure-1 (33)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annex-M

Dated Peshawar the November 02, 2015

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2015/Muhammad Ibrahim DEO Dir (L): WHEREAS Mr. Muhammad Ibrahim, District Education Officer (BS-19), Male Dir Lower (now DEO BS-19 Male Swat) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

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

- i. Mr. Kifayatullah, (PCS SG BS-20), Commissioner Malakand.
- ii. Mr. Ahmad Jan, Principal BS-20 GHSS No.1, Charsadda.

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

4. **AND WHEREAS** a show cause notice was served upon Mr. Muhammad Ibrahim, District Education Officer (BS-19), Male Dir Lower (now DEO BS-19 Male Swat) dated 27-07-2015 circulated to him on 05-08-2015.

5. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 13-10-2015 at 1400 hours, is of the view that the charges against the accused officer have been proved.

6. **NOW, THEREFORE**, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Censure" upon Mr. Muhammad Ibrahim, District Education Officer (BS-19), Male Dir Lower (now DEO BS-19 Male Swat) with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Muhammad Ibrahim, District Education Officer, BS-19 Male Swat.
- 5- District Accounts Officer, Dir Lower/ Swat.
- 6- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 7- Office order file.

2/11/2015

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

Annexure - 1

(34)

17/12/15

To,

The Honorable Chief Minister
Khyber Pakhtunkhwa Peshawar.

Subject:- APPEAL FOR REVIEW AGAINST THE NOTIFICATION DATED 2/11/2015.

With reference to the Notification No.SO(S/M)E&SED/4-17/2015/Muhammiad Ibrahim DEO Dir (L) dated Peshawar the November 02, 2015, it is stated that:-

- I). The competent Authority has imposed upon me the minor penalty of "Censure" under section 14 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rule 2011. (Notification attached)
- II). As par as the penalty of Censure is concerned, the same is stated to have been based on the findings and recommendation of Enquiry committee.
The factual position of the inquiry is that the inquiry committee has neither held the undersigned responsible for the alleged charges mentioned in the Notification referred to above, nor recommended imposition of any penalty upon the undersigned. The inquiry committee has rather concluded that no malafide intensions of the undersigned have been established in the appointment of PSTs Female. The findings and conclusions of the enquiry committee are reproduced fro ready reference:

FINDINGS:

- 1). Appointments of 34 PST female candidates by DEO(M/F) Dir Lower vide No. 1957-59 dated 3.5.2014 was according to the instructions issued by the Director E&SE Khyber Pakhtunkhwa in DEOs meeting held on 26.4.2014.
- 2). The appointments order dated 03.05.2014 was based on the merit list provided by the NTS and scrutinized by the scrutiny committee.
- 3). The revised orders issued by the DEO(F) Dir Lower dated 19.05.2014 was issued after adding 17 eligible candidates by deleting the 17 candidates recommended by the appellate committee.
- 04). The appointment order issued on 03.05.2014 is in accordance with the policy of the Provincial Government and is not in violation of the Union council based recruitment policy.
- 05). It has also been confirmed that no PST teacher took over charge as a result of the appointment order of 03.05/2014.
- 06). The held in abeyance order issued vide No.1126-28 dated 05.05.2014 was aiming to review the previous order after adopting corrective measures keeping in view the reservations of some eligible candidates.
- 07). During the course of inquiry the malafide intentions of Muhammad Ibrahim DEO(M) have not been established. He was holding the additional charge of female section and the process lacked due negligence.
- 8). The order of 03/05/2014 was issued in haste due to instruction of Director E&SE Khyber Pakhtunkhwa and 17 eligible were deprived due to documents verification process at the DEO office. The order in haste was issued with out waiting for



35

verification of eligible candidates on the due date. The issue was raised subsequently.

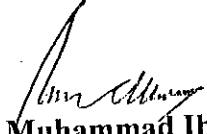
Conclusion

The foregoing proceedings and facts are sufficient to conclude that after the instruction of Director E&SE Khyber Pakhtunkhwa Muhammad Ibrahim DEO(M/F) Dir Lower holding both the charges of the DEO(Male & Female) acted in compliance of the timeframe limitation gives by the Directorate and that haste deprived the eligible candidates for their selection on merit. The irregularity instantly point out was corrected. The dual charges and heavy work load was the reason of neglect devoid of any malafide intention.
(Copy of the enquiry report is attached)

III). Since the malafide intention of the undersigned has not been established by the inquiry committee , hence in view of the clear cut findings and conclusion of the inquiry committee ,the undersigned may please be exonerated and the minor penalty of " Censure" imposed upon me may very kindly be withdrawn please.

Dated 17.12.2015

Obediently Yours


Hafiz Muhammad Ibrahim
DEO(M) Swat
Ex DEO Dir Lower.

Annexure -

36

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/M)E&SED/4-17/2015/M. Ibrahim DEO(M) Dir Lower/118
Dated Peshawar the February 04, 2016

To

Mr. Muhammad Ibrahim,
Ex-District Education Officer (Male), Dir Lower.
(now District Education Officer (Male), Swat.

Subject: - REVIEW PETITION IN DISCIPLINARY ACTION AGAINST MR. MUHAMMAD
IBRAHIM EX-DISTRICT EDUCATION OFFICER (MALE) DIR LOWER.

I am directed to refer to your review petition dated 17-12-2015 on the subject noted above and to state that the Chief Minister Khyber Pakhtunkhwa/ Competent Authority has considered your review petition and rejected having no valid grounds.

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

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

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

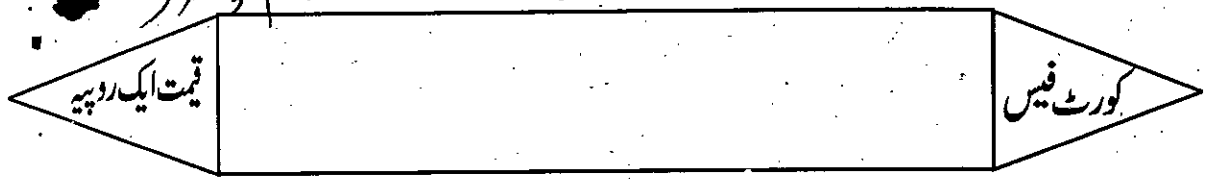
SECTION OFFICER (SCHOOLS/MALE)

Received on
11/02/2016

4/2/16

11/2/16

بعدالت سروس ٹریڈونل فیصلہ تختہ خواہ بمقام سساور



مورخہ ۲۰/۱۶ مارچ ۱۹۶۷ء منجانب سساور
 مقدمہ حافظ محمد ابرار بمقام چیف جسٹس فیصلہ تختہ خواہ وغیرہ
 دعویٰ سروس اصل
 جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام حصہ ور کیلئے جی ہر خارجہ رٹ و کیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند رہے

المرقوم ۲۰/۱۶ مارچ ۱۹۶۷ء

العبید گ واہ شادہ العبید
 سساور حافظ محمد ابرار بمقام

بمقام
 کے لئے منظور ہے
 Accepted & Altered
 (5)



①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 215/2016

Hafiz Muhammad Ibrahim, Distt: Edu: Officer (M) Swat **Appellant**

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & Others..... **Respondent**

Parawise comments for & on behalf of Respondents 1-5.

Respectfully Sheweth,

The Respondent submits as under:-

Preliminary Objections:-

1. The appellant has got no cause of action/ locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this Hon 'able Tribunal, hence is liable to be dismissed on this score.
4. The appellant has not come to this Hon 'able Tribunal with clean hands.
5. The present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
6. The instant appeal is against the prevailing law and rules.
7. The appellant is estopped by his own conduct to file the instant appeal.
8. The instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
9. That this Hon'able Tribunal has got no jurisdiction to entertain the instant service appeal.
10. That the instant Appeal is barred by Law.
11. That the Notifications dated 02-10-2015 and 04-02-2016 are legally competent.
12. That the instant Appeal is not maintainable in its present form.

FACTS.

1. Para-1 needs no comments being pertains to the Service Record of the Appellant.
2. Para-2 is also needs no comments being pertains to the performance of his official duty against the DEO (M) & (F) post in the Respondent Department.
3. Para-3 is incorrect and denied on the grounds that the Appellant has been proceeded against the E&D Rules 2011, for the charges mentioned in the statement of allegations to the extent of committing irregularities in the appointment of PSTs (F) while holding of charge of DEO (F) Dir Lower vide Office order No. 1057-59 dated 03-05-2014 which was held in abeyance after two days vide an order No. 1126-28 dated 05-05-2014. The issue was settled by Mst; Zaib-un-Nisa, DEO (f) Dir Lower by replacing 17 in eligible appointees by

by the Respondent Department after observing all the codal formalities. Which is not only legally competent but is also liable to be maintained in favour of the E&SE, Department in the interest of justice.

8. Para-8 is correct that minor penalty of **CENSURE** vide Notification dated 02-11-2015 has been imposed upon the Appellant against which he has filed a review petition but the same has also been rejected of being without any substance and legal force vide order dated 11-02-2016.
9. Para-9 incorrect and denied the impugned Notification dated 02-11-2015 and 04-02-2016 are legally competent and are liable to be maintained on the following grounds inter-alia.

GROUND.

- i. Incorrect and denied: The appellant has been treated as per Law, Rules and Procedure prior to the issuance of impugned Notification dated 02-11-2015 against the Appellant by the Respondent No.3, which is not only legally competent but is also liable to be maintained in the interest of justice because the Appellant has been found guilty irregularities in the PST (F) appointment orders which was rectified by the setting DEO (F) Dir Lower vide appointment order dated 19-05-2014.
- ii. Incorrect and denied. The statement of the Appellant is against the facts and circumstances of the case as stated in para 3 of the instant reply therefore, he has been proceeded against the E&D Rules 2011 vide the impugned Notification dated 02-11-2015 issued by the Respondent No. 3 after observing the codal formalities.
- iii. Incorrect and denied. The Appellant was no more in office of the DEO (F) Dir Lower hence his act regarding the issuance of irregular and against the criteria appointment order of 17PSTs on the basis of pick and choose is an evidence regarding his malafide and dishonesty on the grounds that his adjustment order dated 03-05-2014 against the DEO (F) Dir Lower has been held and abeyance vide an other order dated 05-05-2014 by the Competent Authority.
- iv. Incorrect and denied. Detailed reply of this ground has been given in the foregoing paras, hence no further comments.
- v. Incorrect and denied, The Appellant has been found guilty of misconduct, inefficiency, corruption and committing serious irregularities in the recruitment process of the above mentioned post in District Dir Lower, hence he has been proceeded against the E&D Rules 2011 vide the impugned Notification dated 02-11-2015 issued by the Respondent No. 3 in the interest of justice.
- vi. Incorrect and denied. The Appellant has been found guilty by the inquiry officer and has thus resultantly impugned Notification dated 02-11-2015 against the Appellant vide which minor penalty of **CENSURE** has been imposed upon the Appellant in the light of the materials available on record.

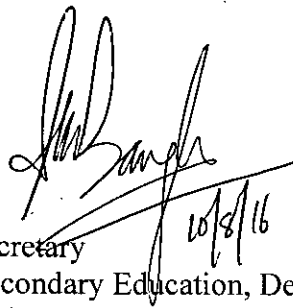
17 deserving candidates in the revised appointment order No. 1375-78 dated 19-05-2014. Therefore, an inquiry was conducted against the accused / appellant through Mr. Kifayatullah (PCS SG, BS-20) Commissioner Malakand and Mr. Rehmat Jan, Principal BS-20 GHSS, Charsadda who submitted their respective inquiry reports to the competent authority on 11-06-2015 wherein the accused has been found guilty of mis-conduct and in efficiency, hence a show cause notice was served upon the Appellant on 27-07-2015 duly replied by the Appellant in an unsatisfactory and evasive form on 17-08-2015. Hence the Competent Authority after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the show cause notice and personal hearing granted to him by the Secretary Establishment Govt: of KPK on behalf of Chief Minister on 13-10-2015 at 14:00 Hours was of the view that the charges leveled against the accused have been proved without any doubt of shadow, hence he has been proceeded against the E&D Rules, 2011 by imposing upon them the minor penalty of CENSURE upon the Appellant vide Notification dated 02-11-2015 by the Respondent Department in the light of the facts and circumstance of the case (Copies of the statement of allegations, charge sheet, show cause notice, reply to the show cause notice, inquiry report and rejection of review petition against the impugned notification are attached as (Annex-A, B, C, D, E & F⁽¹⁾).

4. Para-4 is incorrect and denied the statement of the Appellant is against the facts of the case as he was not empowered to work against the DEO (F) post Dir Lower because his adjustment against the said post vide the Notification dated 03-05-2014 was held in abeyance after two days vide another Notification dated 05-05-2014 issued by the Competent Authority and inspite of that the Appellant has issued illegal appointment orders of 17 PSTs which were replaced by the DEO (F) through a revised appointment order dated 19-05-2014 pertaining to the eligible and deserving candidates.
5. Para-5 is incorrect and denied, detailed reply of this para has been given in Para-3, hence needs no further comments.
6. Para-6 is also incorrect and denied. The Appellant has been found guilty of irregularities in the appointment process of PST (F) while working against the DEO (F) post Dir Lower despite the fact that the same order has been withdrawn/held in abeyance vide Notification dated 05-05-2014 by adjusting Mst: Zaib-un-Nisa against the DEO (F) Dir Lower post. Who has replaced 17 ineligible candidates by appointing the deserving candidates.
7. Para-3 is correct to the extent that statement of allegations, charge sheet and show cause notice have been served upon the Appellant duly replied in an unsatisfactory, hence resultantly impugned Notification dated 02-11-2015 issued

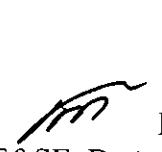
vii. Incorrect & denied. The statement of the Appellant is baseless and without any cogent proof, hence rejected in the light of the above made submissions in para 3 of the present reply on behalf of Respondents.

viii. Incorrect and denied. Proper statement of allegations, charge sheet, show cause notice and opportunity of personal hearing have been granted to the accused/appellant prior to the issuance of impugned Notification dated 02-11-2015 by the Respondent No. 3 against the Appellant which is not only legal but is also liable to be maintained, however, the Respondents seek leave of this Hon'able Tribunal to submit additional grounds and case law at the time of arguments on the concerned date fixed before this Hon'able Bench.

In view of the above made submissions, it is, therefore, most humbly requested that on acceptance of this reply, the appeal in hand may very graciously be pleased to dismissed in favour of the Respondents with cost under Section 35-A, CPC, 1908 in the interest of justice.


Secretary
10/8/16

Elementary & Secondary Education, Department
(Respondent No. 1 to 3)


Director
10/8/2016
E&SE, Department KPK, Peshawar
(Respondents No. 4 & 5)

Annex A

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DISCIPLINARY ACTION

1. Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, is of the opinion that Mr. Muhammad Ibrahim, District Education Officer (S-19) 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 and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

"Made irregularities in the appointments of PSTs (Female) while holding charge of DEO (Female) Dir Lower, vide office order No.1057-59 dated 03-05-2014, which were held in abeyance after two days vide order No.1126-28 dated 05-05-2014. This issue was settled by Dist. Zaib-un-Nisa DEO (Female) Dir Lower by replacing 17 ineligible appointees by 17 deserving appealing candidates in the revised appointment order No.1375-78 dated 19-05-2014".

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

- i. Mr. Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa
- ii. Mr. Zaib-un-Nisa, District Education Officer (Female) Dir Lower
- iii. _____

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

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

(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

3. Muhammad Ibrahim, District Education Officer Male
(S-19) Dir Lower.

Annex-B

(20/11) (25)

(6)

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Muhammad Ibrahim, District Education Officer Male (BS-19) Dir Lower as follows:-

That you, while posted as District Education Officer Male (BS-19) Dir Lower committed the following irregularities:

"Made irregularities in the appointments of PSTs (Female) while holding charge of DEO (Female) Dir Lower, vide office order No.1057-59 dated 03-05-2014, which were held in abeyance after two days vide order No.1126-28 dated 05-05-2014. This issue was settled by Mst. Zaib-un-Nisa DEO (Female) Dir Lower by replacing 17 ineligible appointees by 17 deserving appealing candidates in the revised appointment order No.1375-78 dated 19-05-2014".

- 2- By reason of the above, you appear to be guilty of corruption/ inefficiency and misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.
- 3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.
- 4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
- 5- Intimate whether you desire to be heard in person.
- 6- A Statement of Allegations is enclosed.

(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Muhammad Ibrahim, District Education Officer Male
(BS-19) Dir Lower.

Annexure

K-4

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REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/M) E&SED/4-17/2015/M. Ibrahim DEO Dir Lower
Dated Peshawar the August 05, 2015

5/8/15

Mr. Muhammad Ibrahim,
District Education Officer BS-19 (Male),
Dir Lower

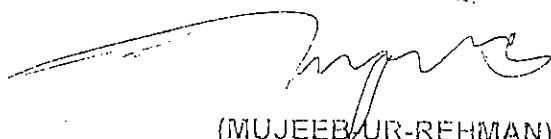
Subject: SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the minor penalty of "Stoppage of two increments for two years" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

You are therefore directed to furnish your reply to the Show Cause Notice as to whether the aforesaid penalty should not be imposed upon you and also intimate whether you wish to be heard in person.

Your reply should reach to this Department within Seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.

Copy of the inquiry report is enclosed herewith.



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

Ref: As Above:

Recd. Even No. & Date:

Copy of the above is forwarded to the:-

- i. Director E&SE Khyber Pakhtunkhwa Peshawar
- ii. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS/MALE)

Annex-e

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SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Ibrahim, District Education Officer BS-19 (Male) Dir Lower as follows:-

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

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

(a) Inefficiency

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Stoppage of two months for under rule 4 of the said rules.
two years.

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

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

5. A copy of the findings of the inquiry officer is enclosed.

Pervez Khattak

(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

27/7/15

Mr. Muhammad Ibrahim,
District Education Officer BS-19 (Male) Dir Lower.

Annexure D LA

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To

The Secretary to Govt of Khyber Pakhtunkhwa
Elementary and Secondary Education Peshawar.

17/8/15

Subject:

REPLY TO SHOW CAUSE NOTICE

With reference to the show cause notice served upon the undersigned vide letter No. EO(S/M)E&SED/4-17/2015/M.Ibrahimi DEO Dir Lower Dated Peshawar the August 05, 2015, it is stated that :-

- i. The Competent Authority has tentatively decided the imposition of " Stoppage of two increments for two years" under rule 4 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules 2011.

In this connection it is stated that "Stoppage of Increments" is not a valid penalty under the Rules. The correct wording as per S.N 4 (a)(ii) of Rule of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules 2011 is " Withholding for a specific period, promotion or increment".

It is therefore requested that the tentative penalty mentioned in the Show Cause Notice be read as "Withholding of two increments for two years" instead of "Stoppage of two increments for two years".

- ii. As far as the tentative penalty of withholding of two increments for two years is concerned, the same is stated to have been based on the findings and recommendations of Enquiry Committee.

The factual position of the inquiry is that the Inquiry Committee has neither held the undersigned responsible for the alleged charges mentioned in the Charge Sheet and Statement of Allegations, nor recommended imposition of any penalty upon the undersigned. The Inquiry Committee has rather concluded that no malafide intensions of the undersigned have been established in the appointment of PSTs Female.

The findings and conclusions of the enquiry committee are reproduced below for ready reference:

- 1) Appointments of 34 PST female candidates by DEO (M/F) Dir Lower vide No: 1957-59 dated 03/05/2014 was according to the instructions issued by the Director E&SE Khyber Pakhtunkhwa in DEOs meeting held on 26/04/2014.
- 2) The appointments order dated 03/05/2014 was based on the merit list provided by NTS and scrutinized by the Scrutiny Committee.
- 3) The revised orders issued by the DEO (F) Dir Lower dated 19/05/2014 was issued after adding 17 eligible candidates, by deleting the 17 candidates recommended by the appellate committee.
- 4) The appointment order issued on 03/05/2014 is in accordance with the policy of the provincial Government and is not in violation of the Union Council based recruitment policy.

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17/8/15

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- 5) It has also been confirmed that no PST teacher took over charge as a result of the appointment order of 03/05/2014.
 - 6) The held in abeyance order issued vide No 1126-28 dated 05/05/2014 was aiming to review the previous order after adopting corrective measures keeping in view the reservations of some eligible candidates.
 - 7) During the course of inquiry the malafide intentions of Muhammad Ibrahim, DEO (M) have not been established. He was holding the additional charge of female section and the process lacked due negligence.
 - 8) The order of 03/05/2014 was issued in haste due to instructions of Director E&SE Khyber Pakhtunkhwa and 17 eligible were deprived due to documents verification process at the DEO Office. The order in haste was issued without waiting for verification of eligible candidates on the due date. The issue was raised subsequently.

Conclusion:

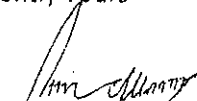
The foregoing proceedings and facts are sufficient to conclude that after the instructions of Director E&SE Khyber Pakhtunkhwa Muhammad Ibrahim DEO (M/A) Dir Lower holding both the charges of DEO (Male & Female), acted in compliance of the timeframe limitation given by the directorate and the haste deprived the eligible candidates for their selection on merit. The irregularity instantly pointed out was corrected. The dual charge and heavy work load was the reason of neglect devoid of any malafide intention.

- III. Since the malafide intention of the undersigned has not been established by the Inquiry Committee, hence in view of the clear cut findings and conclusion of the Inquiry Committee, the undersigned may please be exonerated from the alleged charges of irregularities in the appointment of PST in office of DEO female Dir Lower. The show cause notice may also be withdrawn and the alleged charges be treated as void ab initio.

The undersigned also wish to be heard in person.

Dated: 17/08/2015

Obediently Yours


Hafiz Muhammad Ibrahim
DEO (M) Dir Lower

Annexure - E ~~1~~

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17/12/15

To,

The Honorable Chief Minister
Khyber Pakhtunkhwa Peshawar.

Subject:- APPEAL FOR REVIEW AGAINST THE NOTIFICATION DATED 2/11/2015.

With reference to the Notification No.SO(S/M)E&SED/4-17/2015/Muhammad Ibrahim DEO Dir (L) dated Peshawar the November 02, 2015, it is stated that:-

- I). The competent Authority has imposed upon me the minor penalty of "Censure" under section 14 of the Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Rule 2011. (Notification attached)
- II). As par as the penalty of Censure is concerned, the same is stated to have been based on the findings and recommendation of Enquiry committee.
- The factual position of the inquiry is that the inquiry committee has neither held the undersigned responsible for the alleged charges mentioned in the Notification referred to above, nor recommended imposition of any penalty upon the undersigned. The inquiry committee has rather concluded that no malafide intentions of the undersigned have been established in the appointment of PSTs Female. The findings and conclusions of the enquiry committee are reproduced for ready reference:

FINDINGS:

- 1). Appointments of 34 PST female candidates by DEO(M/F) Dir Lower vide No. 1957-59 dated 3.5.2014 was according to the instructions issued by the Director E&SE Khyber Pakhtunkhwa in DEOs meeting held on 26.4.2014.
- 2). The appointments order dated 03.05.2014 was based on the merit list provided by the NTS and scrutinized by the scrutiny committee.
- 3). The revised orders issued by the DEO(F) Dir Lower dated 19.05.2014 was issued after adding 17 eligible candidates by deleting the 17 candidates recommended by the appellate committee.
- 04). The appointment order issued on 03.05.2014 is in accordance with the policy of the Provincial Government and is not in violation of the Union council based recruitment policy.
- 05). It has also been confirmed that no PST teacher took over charge as a result of the appointment order of 03.05/2014.
- 06). The held in abeyance order issued vide No.1126-28 dated 05.05.2014 was aiming to review the previous order after adopting corrective measures keeping in view the reservations of some eligible candidates.
- 07). During the course of inquiry the malafide intentions of Muhammad Ibrahim DEO(M) have not been established. He was holding the additional charge of female section and the process lacked due diligence.
- 8). The order of 03/05/2014 was issued in haste due to instruction of Director E&SE Khyber Pakhtunkhwa and 17 eligible were deprived due to documents verification process at the DEO

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verification of eligible candidates on the due date. The issue was raised subsequently.

Conclusion

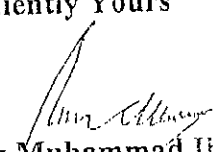
The foregoing proceedings and facts are sufficient to conclude that after the instruction of Director E&SE Khyber Pakhtunkhwa Muhammad Ibrahim DEO(M/F) Dir Lower holding both the charges of the DEO(Male & Female) acted in compliance of the timeframe limitation gives by the Directorate and that haste deprived the eligible candidates for their selection on merit. The irregularity instantly point out was corrected. The dual charges and heavy work load was the reason of neglect devoid of any malafide intention.
(Copy of the enquiry report is attached)

III).

Since the malafide intention of the undersigned has not been established by the inquiry committee , hence in view of the clear cut findings and conclusion of the inquiry committee ,the undersigned may please be exonerated and the minor penalty of " Censure" imposed upon me may very kindly be withdrawn please.

Dated 17.12.2015

Obediently Yours


Hafiz Muhammad Ibrahim
DEO(M) Swat
Ex DEO Dir Lower.

Annexure - F

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REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/M)E&SED/4-17/2015/M. Ibrahim DEO(M) Dir Lower/118
Dated Peshawar the February 04, 2016

To

Mr. Muhammad Ibrahim,
Ex-District Education Officer (Male), Dir Lower.
(now District Education Officer (Male), Swat.

Subject - REVIEW PETITION IN DISCIPLINARY ACTION AGAINST MR. MUHAMMAD
IBRAHIM EX-DISTRICT EDUCATION OFFICER (MALE) DIR LOWER.

I am directed to refer to your review petition dated 17-12-2015 on the subject
referred above and to state that the Chief Minister Khyber Pakhtunkhwa/ Competent Authority
has considered your review petition and rejected having no valid grounds.



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

Encl: Even No. & Date:

Copy of the above is forwarded to the:-

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

SECTION OFFICER (SCHOOLS/MALE)

Received
11/02/2016

4/2/16

11/2/16

FACTS OF THE CASE: Muhammad Ibrahim DEO (M) Dir Lower took over the additional charge of DEO (F) on 08/10/2013 (copy attached)

Their statements were recorded and properly cross examined. Statements are annexed as "B".

- 1) Muhammad Ibrahim the officer under inquiry
- 2) Zeb-un-Nisa the present DEO(F), District Dir Lower
- 3) Muhammad Arif, Deputy Director B&SE, departmental Rep

A formal inquiry against Muhammad Ibrahim, DEO District Dir Lower was conducted in light of the above mentioned charge sheet and statement of allegation. The two member inquiry committee held its proceedings on 18/05/2015, 26/05/2015 & 02/06/2015 and the procedure adopted is strictly according to Rule-11 of the E&D Rules, 2011. The inquiry committee summoned the following officers and the relevant record was obtained from them.

PURPOSE OF INQUIRY:

"Made irregularities in the appointments of PSTs (Female) while holding charge of DEO (Female) Dir Lower, vide office order No. 1057-59, dated 03/05/2014, which were held in abeyance after two days vide order No. 1126-28, dated 05/05/2014. This issue was settled by Mst. Zeb-un-Nisa, DEO (Female), Dir Lower by replacing 17 ineligible appointees by 17 deserving appealing candidates in the revised appointment order No. 1375-78, dated 19/05/2014".

The charge sheet and statement of allegation states that while posted as District Education Officer (Male) (BS-19) Dir Lower, Muhammad Ibrahim committed the following irregularities:-

In pursuance to the Elementary & Secondary Education Department Notification No. SO(S/M) E&SED/4-17/2015/M. Ibrahim DEO BS-19/Dir Lower, dated 28/04/2015 (annexure-A) with the approval of the Chief Minister, Khyber Pakhtunkhwa, inquiry was conducted against Muhammad Ibrahim DEO(M) (BS-19), Dir Lower according to the Khyber Pakhtunkhwa E&D Rules, 2011.

INQUIRY REPORT

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as Annexure "C". There were 34 Female PST posts lying vacant in different schools of District Dir Lower (copy attached as annexure "D"). These posts were advertised in "Daily MASHRIQ" (copy attached as Annexure "E"). Under Government recruitment policy of the Provincial Govt: vide Notification No SO(PE)4-5/SSRC/ Vol-III dated 18.01.2011 and amended vide notification No. SO(PE)4-5/SSRC/PST/CT/2011, dated 20/01/2012 (copy attached as Annexure "F"). Last date for submission of applications was 20/01/2014. The applicants were directed to apply through NTS website (<http://www.nts.org.pk>) online.

Tests were conducted through NTS on 21st, 22nd, 23rd February 2014. Tentative merit lists were submitted to DEO (M/F) Dir Lower on 23/04/2014 by Directorate of E&SE, Khyber Pakhtunkhwa, through email address denisdirlower@yahoo.com.

The departmental rep apprised the inquiry committee that a meeting of all DEOs (M/F) was held on 26/04/2014 under the chairmanship of Director E&SE, Khyber Pakhtunkhwa, which was also attended by a representative of NTS. All the officers/officials were directed to complete the appointment process up to 30th April 2014 in order to overcome the deficiency of teaching staff throughout the province at the beginning of the new academic session, 2014-15. Similarly all the top ten candidates for each post were directed through NTS website and newspapers to appear for interview/verification of documents within 3 days i.e. 27th, 28th and 29th April, 2014. The inquiry committee was also informed that 27th April was Sunday but DEOs were directed to keep their offices open on Sunday (copy of NTS information letter and press cutting is attached as Annexure "G").

Four scrutiny committees were constituted by DEO (M/F), Dir Lower for the purpose, which completed the appointment process. The scrutiny committee No. 2 for Female after checking/verifying documents of eligible candidates

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submitted final merit lists, which were displayed at the offices of DEO (M&F).

District Selection Committee held its meeting on 30/04/2014 at 9:30 AM in the office of DEO (Female) under the Chairmanship of DEO (M/F) Dir Lower and endorsed the recommendations of the scrutiny committee for appointment of 34 female PST candidates. The DEO (M/F) was supposed to issue the appointment orders on receipt of final merit list submitted by the scrutiny committee, yet the orders were not issued for further two days in order to ensure that no eligible candidate is deprived of his right. But as per the office record no body submitted any observation/complaint against the final merit list.

Finally the DEO (M/F) Dir Lower issued orders of 34 Female available eligible candidates vide No. 1057-59, dated 03/05/2014 on the basis of final merit lists submitted by the scrutiny committee.

The DEO (M/F) took cognizance when it came to his notice that some eligible candidates have reservations being dropped from the final merit list. He held in abeyance the said appointment orders as corrective measure vide No. 1126-28, dated 05/05/2014 (Annexure "H").

Meanwhile the DEO (F) Dir Lower, Zeb-un-Nisa took over charge on 06/05/2014 (Annexure "I") and the rest of the process was completed by her on the basis of revised merit list submitted by scrutiny committee/appellate committee constituted by DEO (F), Dir Lower.

The DEO (F) Dir Lower issued revised final orders of 34 Female PST eligible candidates by replacing 17 candidates of the previous order by 17 eligible candidates, which were absent in the previous interview held on 27th, 28th and 29th April, 2014 (Annexure "I"). This has been confirmed by the DEO (F) and DEO (M) during the course of inquiry.

PREVIOUS
INQUIRIES

The matter was earlier probed at the department level to ascertain the irregularities and malafide intentions of the

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DEO, Muhammad Ibrahim. The initial inquiry report bearing No. 2058/F-DEO(M)/EDO(ESTT), dated 21/11/2014 has exonerated Muhammad Ibrahim from the charges of irregularity in the recruitment process and has also declared the whole process according to the proper procedure (copy annexed as "K").

On the other hand the second inquiry officer, Muhammad Saeed Khan has concluded his inquiry bearing No. 30, dated 31/01/2015 with the remarks that although the corrective action has been taken in time and the 17 ineligible appointees have been replaced by 17 deserving candidates but irregularity has been committed. Copy of inquiry report annexed as annexure-L.

FINDINGS:

From the perusal of record and statements of DEO (M&F), Dir Lower and Deputy Director E&SE, Khyber Pakhtunkhwa and earlier inquiries, it was found that:-

- 1) Appointments of 34 PST female candidates by DEO (M/F) Dir Lower vide No. 1057-59, dated 03/05/2014 was according to the instructions issued by Director E&SE Khyber Pakhtunkhwa in DEOs meeting held on 26/04/2014.
- 2) The appointments order dated 03/05/2014 was based on the merit list provided by NTS and scrutinized by the scrutiny committee.
- 3) The revised orders issued by DEO (F) Dir Lower dated 19/05/2014 was issued after adding 17 eligible candidates, by deleting the 17 candidates recommended by the appellate committee.
- 4) The appointment order issued on 03/05/2014 is in accordance with the policy of the Provincial Government and is not in violation of the Union Council based recruitment process.
- 5) It has also been confirmed that no PST teacher took over charge as result of the appointment order of 03/05/2014.

- 6) The held in abeyance order issued vide No. 1126-28, dated 05/05/2014 was aiming to review the previous order after adopting corrective measures keeping in view the reservations of some eligible candidates.
- 7) During the course of inquiry the malafide intentions of Muhammad Ibrahim, DEO(M) have not been established. He was holding additional charge of female section and the process lacked due diligence.
- 8) The order of 03/05/2014 was issued in haste due to instructions of the Director E&SE, Khyber Pakhtunkhwa and 17 eligible candidates were deprived due to document verification process at the DEO office. The order in haste was issued without waiting for verification of the eligible candidates on the due date. The issue was raised subsequently.

CONCLUSION:

The foregoing proceedings and facts are sufficient to conclude that after the instructions of Director E&SE Khyber Pakhtunkhwa, Muhammad Ibrahim, DEO (M), Dir Lower holding both the chargers of DEO (Male & Female), acted in compliance of the timeframe limitation given by the directorate and the haste deprived the eligible candidates for their selection on merit. The irregularity instantly pointed out was corrected, The dual charge and heavy work load was the reason of neglect devoid of any malafide intention.

11/06/15
KIFAYATULLAH KHAN (PCS SG BS-20)
Commissioner Malakand
Inquiry Officer

11/06/15
AHMAD JAN (BS-20)
Principal GHSS No. 1, Charsadda
Inquiry Officer

REGISTERED



Dir No 3401
3/11/15

Annexure (19) (23)
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the November 02, 2015

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2015/Muhammad Ibrahim DEO Dir (L): WHEREAS Mr. Muhammad Ibrahim, District Education Officer (BS-19), Male Dir Lower (now DEO BS-19 Male Swat) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

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

- i. Mr. Kifayatullah, (PCS SG BS-20), Commissioner Malakand.
- ii. Mr. Ahmad Jan, Principal BS-20 GHSS No.1, Charsadda.

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

4. AND WHEREAS a show cause notice was served upon Mr. Muhammad Ibrahim, District Education Officer (BS-19), Male Dir Lower (now DEO BS-19 Male Swat) dated 27-07-2015 circulated to him on 05-08-2015.

5. AND WHEREAS the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 13-10-2015 at 1400 hours, is of the view that the charges against the accused officer have been proved.

6. NOW, THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Censure" upon Mr. Muhammad Ibrahim, District Education Officer (BS-19), Male Dir Lower (now DEO BS-19 Male Swat) with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Muhammad Ibrahim, District Education Officer, BS-19 Male Swat.
- 5- District Accounts Officer, Dir Lower/ Swat.
- 6- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 7- Office order file.

2/11/2015

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