

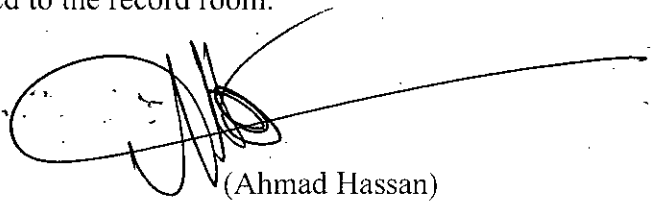
Order

30.08.2018

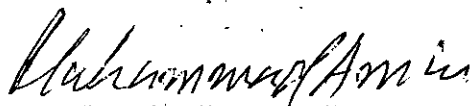
Mr. Muhammad Asif Yousafzai, Advocate counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for respondents no. 1 to 4 and Mr. Abdul Hameed, Advocate counsel for private respondent no.5 present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 813/2016 titled "Jamshed Ali -vs- Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa civil Secretariat, Peshawar and 4 others". Parties are left to bear their own cost. File be consigned to the record room.

Announced:
30.08.2018



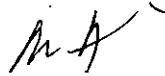
(Ahmad Hassan)
Member




(Muhammad Amin Khan Kundi)
Member

21.03.2018


Appellant in person present and submitted Wakalatnama of Mr. Asif Yousafzai, Advocate. The same is placed on record. Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 13.04.2018 before D.B.



(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

13.04.2018


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. The court time is over. To come up for arguments on 25.06.2018 ~~before the D.B.~~ ^{before}



Member


Chairman

25.06.2018


Appellant with counsel and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 09.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

09.08.2018

Appellant in person and Mr. Zia Ullah learned Deputy District Attorney present. Appellant requested for adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on ~~30.08.2018~~ ^{30.08.2018} before .D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

20.07.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 22.11.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Amin Khan Kundi)
Member

22.11.2017

Appellant in person present. Mr. Zia Ullah, Deputy District attorney for the respondents present. Appellant requested for adjournment as his counsel is not available. Adjourned. To come up for arguments on 17.01.2018 before D.B.

(Gul Zeb Khan)
MEMBER

(MUHAMMAD HAMID MUGHAL)
MEMBER

17.01.2018

Learned counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.03.2018 before D.B

(Gul Zeb Khan)
MEMBER

(Muhammad Hamid Mughal)
MEMBER

15.12.2016

Appellant in person and Addl. AG for respondents present. Written reply submitted. Written reply not submitted. Requested for adjournment. To come up for written reply on 25.01.2017 before S.B.


Chairman

25.01.2017

Clerk to counsel for the appellant and Mr. Khurshid Khan, SO alongwith Addl. AG for respondents present. Written reply submitted on behalf of respondent No. 1. Respondents No. 2 and 3 rely on the same. The appeal is assigned to D.B for rejoinder and final hearing on 20.03.2017.


(MUHAMMAD AAMIR NAZIR)
MEMBER

20.03.2017

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Learned counsel for the appellant submitted rejoinder which placed on file. To come up for arguments on 20.07.2017 before D.B.


Chairman

31.08.2016

Counsel for the appellant present. Learned counsel for the appellant argued that two inquiries were conducted against the appellant wherein in the first inquiry he was exonerated on the recommendation of inquiry officer and in the second inquiry he amongst others was held responsible for the charges leveled against him. He further argued that the appellant was not properly associated with the inquiry as no opportunity of defense was given and he was not personally heard by the competent authority. He further argued that even a Member of the inquiry committee was not associated in the entire proceedings and conclusion was drawn by the Chairman of the inquiry committee alone. That vide impugned order dated 11.04.2016 the appellant was compulsorily retired from service where-against he preferred department appeal which was rejected on 25.07.2016 and hence the instant service appeal on 23.08.2016.

Point urged at the Bar needs further consideration. Admit. Subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 26.10.2016 before S.B.



Member

26.10.2016

Appellant in person and Addl. AG for respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven(7) days, thereafter notices be issued to the respondents for written reply/comments on 15.12.2016 before S.B.

Appellant Deposited
Security & Process Fee



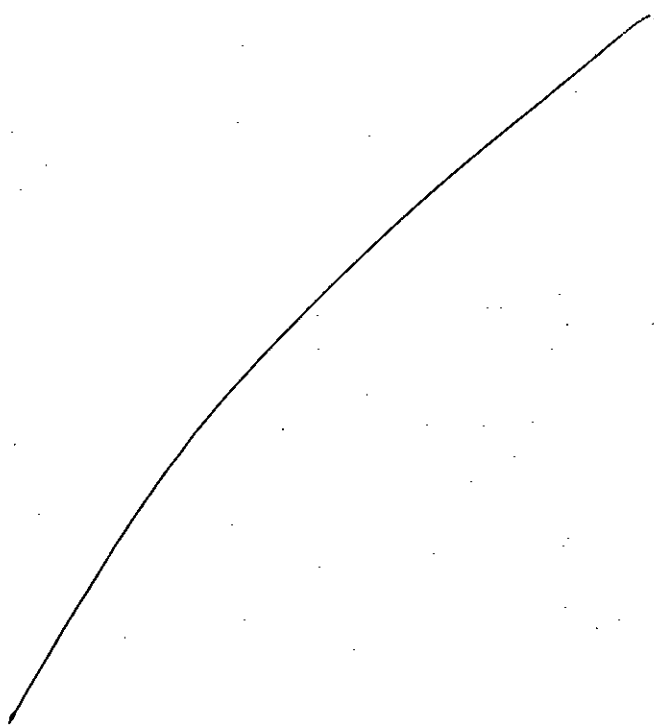


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 850/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/08/2016	<p>The appeal of Mr. Muhammad Amin presented today by Mr. Rehmanullah Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-08-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>31-08-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

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

Service Appeal No. 850 /2016

Muhammad Amin S/o Abdul Qayum R/o Phase 6 Hayat
Abad, House No. 1042, Street No.25, Sector F-9
Peshawar **Appellant**

VERSUS

Secretary Elementary and secondary Education KPK
Block A Civil Secretariat, Peshawar &
others..... **Respondents**

I N D E X

S.NO	Description Of Documents	Annex	Pages
<u>1</u>	Memo of Appeal		1-5
<u>2</u>	Stay Application along-with Affidavit		6-8
<u>3</u>	Copy of appointment letter	A	9
<u>4</u>	Copy of the order 2-06-2011	B	10
<u>5</u>	Copy of order dated 21-05-2012	C	11
<u>6</u>	Copy of the inquiry reports	D. D-1	12-19
<u>7</u>	Copy of the certificate	E	20-22
<u>8</u>	Copy of Notification, order and departmental representation	F,G	23-26
<u>9</u>	Other relevant Documents	H	27-37
<u>10</u>	Wakalat Nama		38


Appellant

Through


Rehmanullah ASC


Muhammad Arif

&
Asim Khan

Advocates, Peshawar

Office 25-A Nasir Mansion
2-Railway Road Peshawar
0333-9125367

①

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

Service Appeal No. 850 /2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 874

Dated 23/8/2016

Muhammad Amin S/o Abdul Qayum R/o Phase 6 Hayat
Abad, House No. 1042, Street No.25, Sector F-9
Peshawar **Appellant**

VERSUS

1. Secretary Elementary and secondary Education KPK
Block A Civil Secretariat, Peshawar
2. Chief Secretary Khyber Pakhtunkhwa
3. Controlling Authority, Khyber Pakhtunkhwa Textbook
Board Peshawar

..... **Respondents**

**SERVICE APPEAL UNDER SECTION-4
OF THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL ACT 1974 AGAINST
THE NOTIFICATION NO. SO
(B/T)E&SED/8-5/2015/NCD. DATED 11-
04-2016, WHEREBY THE APPELLANT WAS
COMPULSARY RETIRED BY CONTROLLING
AUTHORITY AND APPEAL AGAINST THE
ORDER DATED 25-07-2016, WAS ALSO
REJECTED.**

Prayer in Appeal:

Filed to-day

Qasim
Registrar

22/8/16

**ON ACCEPTANCE OF THIS APPEAL,
THE NOTIFICATION NO. SO
(B/T)E&SED/8-5/2015/NCD. DATED 11-
04-2016 AND ORDER DATED 25-07-2016
MAY VERY GRACIOUSLY BE SET-
ASIDE/CANCELLED/ WITHDRAWN,
DECLARE NULL AND VOID INEFFECTIVE
UPON THE RIGHTS OF THE APPELLANT**

(2)

AND REINSTATED THE APPELLANT ON HIS POST(BS 19) WITH ALL BACK BENEFITS FROM THE DATE OF HIS COMPULSORY RETIREMENT FOR THE SAKE OF JUSTICE.

Respectfully Sheweth:

1. That the appellant was appointed in the year 1996 as subject specialist in Government Higher Secondary School Samar Bagh Lower Dir and performed his duty on various post with respondents. **(Copy of appointment letter is attached as annexure A)**
2. That the appellant assumed the charge of subject Specialist in text book board on 02-06-2011 on deputation for two years. **(Copy of the order is attached as annexure B)**
3. That as per fact finding committee dated 21-05-2012, there was some allegation/charges regarding error in Chemistry of Class 9th. **(Copy of the same is attached as annexure C)**
4. That first inquiry was conducted by the inquiry officer regarding the above mentioned allegation in which the appellant was exonerated by the inquiry officer and declared the appellant as innocent, concluded Para of the inquiry as under:

“it transpire from the above that several important mile-stones passed in absence of the accused Officer. It always takes time to adjust and acclimatize after posting at a new place. Thus the accused officer cannot be held responsible for the faults of his predecessor. The charges thus could not be validly proved against the accused officer” **(Copy of the inquiry report is attached as annexure D)**

5. That the internal review committee, external review committee and select committee had already completed the task of review prior to the appellant posting in text book board. **(Copy of reports are attached as annexure D-1)**
6. That the error fee Certificate was also issued by the Board authority before the posting of the appellant. **(Copy of the certificate is attached as annexure E)**
7. That the appellant was promoted to BPS 19 from 18 and was performing his duty as Principal GHHS Hassan Zai Charsadda.
8. That on 14-04-2014 another inquiry committee was constituted by controlling committee regarding the same allegation and also issued charge sheet against the appellant and appellant submitted his reply of the charge sheet but inquiry officer did not pay any heed to the reply.
9. That being aggrieved from the impugned Notification No. SO(B/T)E&SED/8-5/2015/NCD. Dated 11-04-2016 the appellant filed departmental representation before the Respondents which is also rejected on 25-07-2016. **(Copy of Notification, order and departmental representation attached as annexure F, G).**
10. That feeling aggrieved from the said Notification No. SO(B/T)E&SED/8-5/2015/NCD. Dated 11-04-2016 and order Dated 25-07-2016, the appellant prefer this appeal inter-alia on the following grounds.

GROUND:

- A. That the impugned Notification No. SO(B/T)E&SED/8-5/2015/NCD. Dated 11-04-2016 and order 25-07-2016 of the respondents is unlawful, illegal and against the rules and regulation on the subject.
- B. That as per first inquiry report appellant was exonerated from the charges leveled against him and declare innocent.
- C. That error occurred before the arrival/assuming charge of subject Specialist and text book board on 02-06-2011.
- D. That the error pinpointed by the inquiry committee did not occur during tenure of the appellant in the first inquiry report, it was rightly held in the last Para which are as under:
- “the accused officer cannot be held responsible for the faults of his predecessor”.
- E. That the appellant assumed the charge of subject specialist in TBB on 02-06-2011. It is further submitted that the internal Review Committee as well as External Review Committee and Select Committee had already completed the task of review prior to appellant posting in Textbook Board. NOC was also issued before my joining TBB.
- F. That the error-free Certificate was also issued by the Board authority before the appellant's tenure.
- G. That it is the prime responsibility of the textbooks examiner (TBE) to physically inspect the stock of textbooks and collect the defective books (if any) and report it to the quarter concerned for legal action.

H. That the appellant has not been treated according to law and rules.

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

IT IS THEREFORE, HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL, THE NOTIFICATION NO. SO(B/T)E&SED/8-5/2015/NCD. DATED 11-04-2016 AND ORDER DATED 25-07-2016 MAY BE SET-ASIDE/CANCELLED/WITHDRAWN, DECLARE NULL AND VOID UNAFFECTIVE UPON THE RIGHTS OF THE APPELLANT AND REINSTATED ON HIS POST(BS 19) WITH ALL BACK BENEFITS FOR THE SAKE OF JUSTICE.

AND ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY, ALSO, BE AWARDED IN FAVOUR OF APPELLANT

Ami

Appellant

Through

Rahmanullah

Rahmanullah ASC

M. Arif

Muhammad Arif

&

Asim Khan

Asim Khan

Advocates, Peshawar

Certificate:

No such like appeal has earlier been filed before this august tribunal.

Ami

Deponent

6

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

Service Appeal No. _____/2016

Muhammad Amin S/o Abdul Qayum R/o Phase 6 Hayat
Abad, House No. 1042, Street No.25, Sector F-9
Peshawar **Appellant**

VERSUS

Secretary Elementary and secondary Education KPK
Block-A Civil Secretariat, Peshawar &
others..... **Respondents**

**APPLICATION FOR SUSPENSION OF THE
IMPUGNED NOTIFICATION NO.
SO(B/T)E&SED/8-5/2015/NCD. DATED 11-04-
2016 AND ORDER DATED 25-07-2016 AND
ALLOWING THE APPELLANT TO PERFORMED
HIS DUTY TILL THE FINAL DISPOSAL OF THE
MAIN APPEAL.**

Respectfully Sheweth:

1. That the above mentioned service appeal is filling by the appellant, in which no date of hearing has yet been fixed.
2. That on the face of it, the appellant has got a strong arguable case and is sanguine about its success.
3. That the prima facie case exist in favour of the appellant, balance of convenience also lies in favour of appellant and if the impugned Notification is not suspended there could be irreparable loss to the appellant carrier.

7

It is therefore, humbly that on acceptance of this application the impugned NOTIFICATION NO. SO(B/T)E&SED/8-5/2015/NCD. DATED 11-04-2016 AND ORDER DATED 25-07-2016 may kindly be suspended till final disposal of this appeal.

Applicant/appellant

Through

Rehmanullah ASC

Muhammad Arif

&

Asim Khan
Advocates, Peshawar

8

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

Service Appeal No. _____/2016

Muhammad Amin.....**Appellant**

VERSUS

Secretary Education KPK Peshawar**Respondents**

AFFIDAVIT:

I Muhammad Amin S/o Abdul Qayum R/o Phase 6 Hayat Abad, House No. 1042, Street No.25, Sector F-9 Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon,ble Tribunal.



DEPONENT

NOTIFICATION.

NO.50(S)5-6/96. The Governor NWFP on the recommendations of the NWFP Public Service Commission is pleased to order the appointment of the following candidates as Male Subject Specialists in BS-17 in GHSSs with immediate effect: -

1. Mr.Gohar Zad S/O Umar Zad Khan House No.1265/L Jamaah Road Jadeed Abadi No.1 Bannu City.
2. Mr.Gohar Ali S/O Khan Zali Distt: & Teh: Peshawar Village & P.O Jana Kor FR Peshawar.
3. Mr.Gul Saeed Khattak S/O Mohammad Riaz Khattak Distt: & Teh: Nowshera Vill: & P.O Shah Kot payan.
4. Mr.Mohammad Tahir S/O Badshah Hussain Khan Miandan Bandai Lal Qilla Dir.
5. Mr.Shaukat Hussain S/O Hakim Khan Village & P.O Pizu Teh: and District Lakki.
6. Mr.Shahid Ali Khan S/O Malik Aman Khan phase-I Sector D-I House No.8 Hayat Abad.
7. Mr.Abdul jabbar S/O Mohammad Masoom Vill: & P.O Tajori Teh: & District Lakki Marwat.
8. Mr.Wajid Ali S/O Baz Ali Vill: & P.O Alam Sher Teh: Parachinar Kurram Agency.
9. Mr.Shahzada Mohammad Aslam Khan Jaffer S/O Khuda Bakhsh Vill: & P.O Dinpur Teh: & Distt: D.I.Khan.
10. Mr.Sanaur Rehman Khan S/O Noor Alam Moh:Khaudad Khel P.O & Teh: Lakki Marwat.
11. Mr.Zia Shahid S/O Qazi Fazlur Rehman House No.130 Upper Malak pura Abbottabad.
12. Mr.Mohammad Amin S/O Abdul Qayyum Vill: Dargai P.O Totalai Teh: Dargai District Buner.
13. Mr.Sanaullah S/O Misal Khan Vill: & P.O Seria Naurang.
14. Mr.Gohar Ali S/O Khan S/O Mohammad Ali Khan Vill: & P.O Tarkha Teh: & District Nowshera.
15. Mr.Akhtar Iqbal S/O Qamar Zaman Vill: & P.O Gar Munara District Swabi.
16. Mr.Mohammad Ali S/O Hakim Jan Vill: Sagi Bala Teh: Lakaro Mohmand Agency.
17. Mr.Mohammad Hayat Mohammad Khan S/O Khadi Khan Vill: Garhi Usman Khel Teh:Dargai Malakand.
18. Mr.Mohammad Haroon S/O Abdul Qayyum Vill: Bosa P.O Attar Shisha Mansehra.
19. Mr.Mohammad Anwar Khan S/O Mohammad Amir Jan Village Sokarizabta Khan Bannu.

TERMS AND CONDITIONS OF THEIR APPOINTMENT.

- i) They will be governed by such Rules & Regulations as may be prescribed by the Govt: for the category of the Government.
- ii) their services will be terminable on one month's notice.
- iii) They shall be on probation for a period of 2 years.
- iv) They will make declaration of assets if not already done and will submit charge reports to all concerned.
- v) They should join the post within one month. (Contd..2..)

Despatcher

Immediately, thereafter Director Secondary Edu: should furnish a certificate to the effect that the candidates have joined the post or otherwise.

vi) They shall have to acquire B.Ed Degree within 3 years after their appointment. In case they fail to acquire this degree within stipulated period, their services will be liable to termination.

On their appointment they are hereby posted as under:-

S.No.	Name & Father's Name	Posted as	Remarks.
1.	Mr.Gohar Zada S/O Umar Zad Khan.	SS(Stat) GHSS Paroa D.I.Khan.	Against vacant post.
2.	Mr.Gohar Ali S/O Khan Zali	SS(Stat) GHSS Adezai Peshawar	"
3.	Mr.Gul Saeed Khattak S/O M.Riaz Khattak	SS(Stat) GHSS Jambhal Mera	2
4.	Mr.Mohammad Tahir S/O Badshah Hussain Khan.	SS(Stat) GHSS Samar Bagh Dir	"
5.	Mr.Shaukat Hussain S/O Hakim Khan	SS(Stat) GHSS Lal Gilla Dir.	"
6.	Mr.Shahid Ali Khan S/O Malak Aman Khan	SS(Stat) GHSS Akbar Pusa Msr.	"
7.	Mr.Abdul Jabbar S/O Mohammad Masoon	SS(Stat) GHSS Gumbat Kohat	"
8.	Mr.Wajid Ali S/O Baz Ali	SS(Stat) GHSS Pirpai Msr.	"
9.	Mr.Mohammad Aslam S/O Khuda Bakhsh	SS(Stat) GHSS Gul Imam Tangk	"
10.	Mr.Sanaur Rehman S/O Noor Alam	SS(Stat) GHSS Wari Dir	"
11.	Mr.Zia Shahid S/O Fazlur Rehman	SS(Stat) GHSS Nawanshehr A.A	"
12.	Mr.Mohammad Amin S/O Abdul Qayyum	SS(Chemistry) GHSS Samar Bagh Dir.	"
13.	Mr.Sanaullah S/O Misal Khan	SS(Chemistry) GHSS Ouch Dir.	"
14.	Mr.Gohar Ali Khan S/O Mohammad Ali Khan	SS(Chemistry) GHSS Lachi Kohat	"
15.	Mr.Akhtar Iqbal S/O Qamar Zaman	SS(Physics) GHSS Nawan Shehr.	"
16.	Mr.Mohammad Ali S/O Hakim Jan	SS(Pak Study) GHSS Mathra Peshawar.	"
17.	Mr.Hayat M Khan S/O Khadi Khan.	SS(Pak Study) GHSS Kabsana S.Tabi.	"
18.	Mr.Mohammad Haroon S/O Abdul Qayyum	SS(Pak Study) GHSS Kabsana S.Tabi.	"
19.	Mr.Mohammad Anwar S/O M.Amir Jan	SS(Pak Study) GHSS Donsai Mera.	"

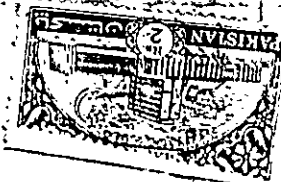
SECRETARY TO GOVT: OF NWFP EDUCATION DEPARTMENT.

Endst:No.SO(S) 5-6/96. Dated Peshawar, the 11th July, 1996.

Copy forwarded to the:-

1. Director Secondary Education NWFP Peshawar.
2. Secretary NWFP Public Service Commission Peshawar.
3. Accountant General NWFP Peshawar.
4. All District Accounts Officers in NWFP.
5. Officers concerned.

(MUHAMMAD ILYAS)
Section Officer(Schools)



O.P.S.S. [Handwritten signatures and initials]

N.W.F.P. Peshawar
Civil Secretariate
Education Deptt

Bⁿ

(10) ↓

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

Dated Peshawar the, 02-6-2011.

Notification.

NO.SO(B/T)E&SE/11-13/2011/T.BB. In exercise of powers conferred under Section-13 (1) (d) & 4-(1) (ii) of NWFP Textbook Board, Ordinance 1971 read with NWFP (amendments of Laws) Act, 2005(NWFP Act No.XII of 2005 the Chief Minister Khyber Pakhtunkhwa/Controlling Authority has been pleased to appoint Mr. Muhammad Amin, Senior Instructor (BS-18), RITE (M) Peshawar as Subject Specialist (Science), Khyber Pakhtunkhwa Textbook Board Hayatabad Peshawar on deputation basis for a period of two years with immediate effect.

2. The terms and conditions of deputation of Mr. Muhammad Amin, Senior Instructor (BS-18), RITE (M) Peshawar as Subject Specialist (Science), Khyber Pakhtunkhwa Textbook Board Hayatabad Peshawar will be settled in due course of time.

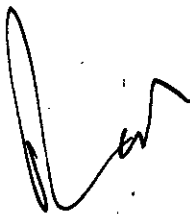
SECRETARY

NO.SO(B/T)E&SE/11-13/2011/T.BB

Dated 02-6-2011

A copy is forwarded to:-

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. The Chairman Khyber Pakhtunkhwa Textbook Board Hayatabad Peshawar.
3. All Chairmen Boards of Intermediate & Secondary Education Khyber Pakhtunkhwa.
4. Director Curriculum & Teachers Education Abbottabad, Khyber Pakhtunkhwa, with the direction to furnish draft terms and condition of deputation of Mr. Muhammad Amin, Senior Instructor (BS-18), RITE (M) Peshawar as Subject Specialist (Science), Khyber Pakhtunkhwa Textbook Board Hayatabad Peshawar to this department.
5. The Principal RITE (M) Peshawar.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Minister for Education (E&SE), Khyber Pakhtunkhwa.
8. PS to Secretary Elementary & Secondary Education Department.
9. Officer concerned.




(MUHAMAMD TAFIQUE)
SECTION OFFICER (B/T)

REPORT OF CHEMISTRY 9th TEXT BOOK

The book is thoroughly checked page by page and the book is found in line with the National curriculum (2006). All the SLO given at beginning of each of each chapter are completely addressed in the book.

S. No.	Chapter No	Name of chapter	Page No	Error	Correction
1.	3	Periodic table and periodicity of properties	43 44 46	109 iv A-viiiA 1.35(Na)	118 iiiA-viiiA 1.57(Na)
2.	5	Physical states of matter	85	1995	1985
3.	6	solution	93	Copper and zinc (bronze)	Copper and tin (bronze)
4.	9	Table of elements and symbols	146	V ²³ ₃₈	V ²³ ₅₁

www.cafecollege.com
Calculated = 1.74
empirical = 1.84

(11)

Amir
Asad
not informed
corrected

The above errors pointed out may be rectified for further enhancement of quality of text book. As a whole the text book is helping the teacher in teaching process and support the learner in learning process.

Official

Dated: 21/5/2012.

Official letter

Iqbal Muhammad
 Iqbal Muhammad
 SS in Chemistry
 GHSS No. 2, Peshawar cantt.

IQBAL MUHAMMAD
 (M.Sc, M.Ed) Subject Specialist
 G.H.S.S No.2 Pesh Cantt.

H
Official

instructor
instructor
instructor

15/5/12
15/5/12

Signature

D (12)

INQUIRY REPORT:

SUBJECT: INQUIRY UNDER E&A RULES, 2011 AGAINST THE STAFF OF TBB FOR TEXTUAL DISCREPANCIES AND ERRORS IN TEXT BOOKS DEVELOPED UNDER THE NATIONAL CURRICULUM-2006:

INTRODUCTION:

The Elementary & Secondary Education Department Govt. of Khyber Pakhtunkhwa vide its letter No. S/O(B/T) E&SE/8-5/Gen/Curriculum; Dated 11.11.11 (Annex-A) informed that the competent authority had appointed the undersigned as Enquiry Officer to conduct the instant enquiry under the Khyber Pakhtunkhwa Govt. Service E&A Rules, 2011.

2. PROCEEDINGS:

The Secretary Text Book Board (TBB) was requested vide (Annex B) to ask the accused to send their reply to the Charge Sheet/ Statement of allegations as well as to ask the Departmental Representative to supply the relevant material to the undersigned to ensure early completion of the enquiry within the stipulated time.

No formal letter for appointment of Departmental Representative was issued. Charge Sheets/ Statements of Allegations by the accused were however received. The Secretary Text Book Board vide letter No. E&A / Inquiry/ 223/ 5319, 11.11.11/2011 supplied some of the relevant documents.

3. Findings & Analysis:

A. Mohammad Amin, Principal (BS-18) Subject Specialist TBB

He was charged for the following acts of commission and omission:

- i. That he, while deputed to work as Subject Specialist (General Chemistry) in the Textbook Board did not perform his duties responsibly and diligently and hence he is held responsible for the inconsistencies and inconsistencies found in the development and printing of Textbooks under the Curriculum 2006-2007.
- ii. That he is responsible for the initial review of the manuscripts, corrections/additions/ alterations proposed by the review Committee at various stages and for final release of good quality and error-free books.
- iii. That as evident from Para-7 of the Enquiry Committee report regarding quality of textbooks, he while posted as Subject Specialist in TBB has not performed his duties responsibly and honestly and thus due to his slackness and negligence in his duties, large number of books with errors and omissions are printed and distributed.

Reply to Charge (i) & its Analysis: The Officer in his reply explained that he was posted on 3.6.2011 and the whole process of scrutiny was completed before his posting. He could not be held responsible.

Additional Secretary, IC&TF

Reply to Charge (ii) & its Analysis: The accused officer admitted that initial review of the same responsibility of the Subject Specialist to release error free book to the market. However, internal review committee as well as external review committee had already completed the task of review prior to posting of Mr. Muhammd Ameen in TBB. The accused informed that in fact, only NOC was received from Federal Govt. during his tenure which meant that the book was ready for release in the market from all aspects. He pointed out that employees of the relevant period (tenure) responsible for initial review will be in better position to clarify their position regarding errors pinpointed in the book. All the NOCs issued in this regard were checked which transpired that the same were not open ended but shifted responsibility again to the TBB specifying inter alia that the editing of manuscript especially its format and lexical aspect including the spellings, grammar, punctuation and illustration photographs should be thoroughly checked by Provincial TBB ensuring that the text book is free from any mistakes/ errors. And that the TBB should take the full responsibility for ensuring publication of error-free copy. Three copies of the text book when printed were to be provided for reference & record in accordance with the prescribed procedure outlined in the National Text Book Policy 2007. However, no response from the Federal Govt. regarding the mistakes/ errors in the text books was ever received. The signature of the National Review Committee members for their complacency in approving the said text books without pinpointing the mistakes/ errors can be seen at (Annex-C).

Reply to Charge (iii) & its Analysis: The accused pointed out that he performed his duties honestly and with full devotion & responsibility and the errors did not belong to his tenure. The main responsibility for scrutiny, correction of mistakes and errors lay on external and internal review committees. The accused stressed that he performed his duties diligently and with full devotion. The plea of the officer is reasonable & rational. The stance has weight & is plausibly acceptable. Since the scrutiny work was completed and NOCs were granted by the respective committees after mutual consultation as well as after thorough examination of the text, being a team-work, they cannot be absolved scot-free. Several stages are involved in Production of a Text Book like:

- 1-Receipt of the Curriculum- 2-Determination of Time Schedule- 3-Identification, selection & appointment of writers/authors- 4-Distribution of Work among the writers/authors-
- 5-Assessment of the work after suitable intervals- 6-Editing of the manuscript-
- 7-Composing/ Layout- 8-Internal Review- 9-Implementation of the recommendation of the Internal Review- 10-Sending for Review to Islamabad- 11-Implementation of the Recommendations of the Review- 12-Sending for NOC to Islamabad- 13-Obtaining NOC-
- 14-Issuance of Instructions for Printing- 15-Issuance of Manuscript- 16-Scrutiny of Film/ Machine Proof- 17-Issuance of print orders- 18-Assessment of Price- 19-Scrutiny of the Text Book on receipt of the Stock.

It transpires from the above that several important mile-stones passed in absence of the accused Officer. It always takes time to adjust and acclimatize after posting at a new place. Thus the accused officer cannot be held responsible for the faults of his predecessors. The charges thus could not be validly proved against the accused officer.

Additional Secretary

D-1 (u) / Internal

✓

2-3

N.W.F.P TEXTBOOK BOARD, PESHAWAR

No. 466-69

Dated: 1/6/09

To

1. Dr. Masood Khan,
Associate Professor,
Govt. College, Lahor (Swabi).
2. Dr. Aslam Khan,
Govt. College, Charsadda.
3. Mr. Mehdi Shah,
Subject Specialist
GHSS, Utmanzai (Charsadda).
4. Ms. Sajida Majeed,
Peshawar Model School (Girls-I)
Warsak Road, Peshawar.

Subject: Meeting of the Review Committee
Sir/Madam.

I am directed to inform you that a meeting is scheduled to be held on 8-10th June, 2009 in the office of the NWFP Textbook Board to review the manuscript of textbook of Chemistry Grade-IX.

It is therefore, requested to kindly attend the meeting. Review charges, TA/DA etc. will be paid as per Board's approved rates.

[Signature]
1/6/09
Deputy Secretary (E&P)

Endst. No. 30-43/Chemistry -IX/E&P/470-73

dated: 1/6/09

Copy forwarded to:

1. The CAO
2. The RAD
3. The SS (Science)
4. PS to Chairman

[Signature]
1/6/09
Deputy Secretary (E&P)

[Handwritten signature]

(15)

✓

Cham. 7/16

24

ATTENDANCE

S#	Name	Signature		
		08-06-2009	09-06-2009	10-06-2009
1.	Dr. Masood Khan, Associate Professor, Govt. College, Lahor (Swabi)			
2.	Dr. Aslam Khan, Govt. College, Charsadda			
3.	Mr. Mehdi Shah, Subject Specialist GHSS, Utmanzai (Charsadda).			
4.	Ms. Sajida Majeed, Peshawar Model School (Girls-I) Warsak Road, Peshawar			
5.	Mr. Umar Farooq SS (Science)			

(16)

external

✓

3/1

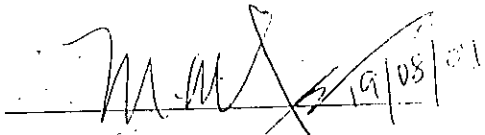
**MINUTES OF THE NATIONAL REVIEW COMMITTEE MEETING HELD
FROM 17-19th AUGUST, 2009 NATIONAL REVIEW COMMITTEE MEETING
TO REVIEW THE MANUSCRIPT OF CHEMISTRY GRADE-IX
DEVELOPED BY NWFP TEXTBOOK BOARD, PESHAWAR.**

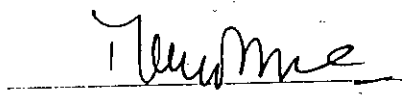
A meeting of the National Review Committee was held during 17-19th August, 2009 at Curriculum Wing, Ministry of Education, Islamabad to review/finalize the manuscript of Chemistry-IX developed by NWFP Textbook Board, Peshawar. The NRC comprised of the following:

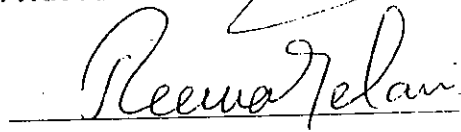
1. Prof. Dr. Muhammad Arfan, Chairperson
Director,
Institute of Chemical Sciences,
University of Peshawar,
Peshawar
2. Dr. Saleem Bulhari,
Lecturer,
Government College,
Murree.
3. Mr. Shaukat Shuja,
Lecturer Chemistry,
Islamabad Model College for Boys,
F-10/1, Islamabad
4. Mr. Raza Hussain,
Senior Teacher (Chemistry),
Federal Govt. Boys Higher
Secondary School,
G-6/2, Islamabad.
5. Mr. Umar Farooq,
Subject Specialist,
NWFP Textbook Board,
Peshawar.
6. Dr. Seemal Jelmi,
Consultant Sciences,
Ministry of Education,
Islamabad
7. Dr. Tariq Mahmood,
Deputy Educational Adviser (CW)
Ministry of Education,
Islamabad.
8. Mr. Abdul Hanan Kakar, Member/Secretary
Assistant Educational Adviser (CW)
Ministry of Education,
Islamabad.

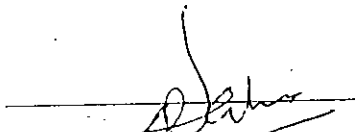
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✓ 35


1. PROF. DR. MUHAMMAD ARFAN


2. DR. TARIQ MEHMOOD

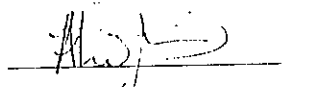

3. DR. SEEMAL JELANI



4. DR. SALEEM BUKHARI


5. SHAUKAT SHUJA


6. RAZA HUSSAIN


7. UMAR FAROOQ


8. ABDUL HANAN KAKAR



~~select~~ select committee

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MINUTES OF THE SELECT COMMITTEE MEETING TO REVIEW THE MANUSCRIPT OF CHEMISTRY GRADE-IX DEVELOPED BY NWFP TEXTBOOK BOARD, PESHAWAR HELD FROM 19-20TH OCTOBER, 2009 IN THE CURRICULUM WING, MINISTRY OF EDUCATION, ISLAMABAD.

A meeting of the Select Committee constituted by the Ministry of Education (Curriculum Wing) was held from 19-20TH October, 2009 at Curriculum Wing, Ministry of Education, Islamabad to review the manuscript of Chemistry Grade-IX developed and forwarded by NWFP Textbook Board, Peshawar. The Select Committee comprised on the following members:-

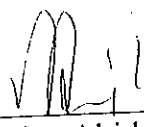
1. Dr. Abid Zia,
Professor (Chemistry),
Government College of Science,
Wahadat Road,
Lahore
2. Lt. Col. Dr. Muhammad Afzal,
College of E & ME (NUST),
Peshawar Road,
Rawalpindi..
3. Mr. Shaukat Shuja,
Lecturer (Chemistry),
IMCB, Sector I-10/1,
Islamabad.
4. Mr. Waqar Ahmad,
Subject Specialist,
NWFP Textbook Board,
Peshawar.
5. Dr. Tariq Mahmood,
Deputy Educational Adviser,
Ministry of Education (CW),
Islamabad.
6. Mr. Muhammad Zulfiqar Jatoi,
Desk Officer, M/o Education,
Islamabad.

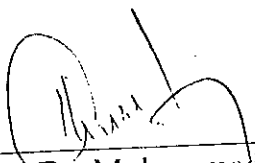
3. The Select Committee was chaired by Dr. Abid Zia. The Committee reviewed the manuscript page by page in light of the recommendations of National Review Committee meeting. Necessary observations/suggestions and corrections were made by the Select Committee. These have been indicated on

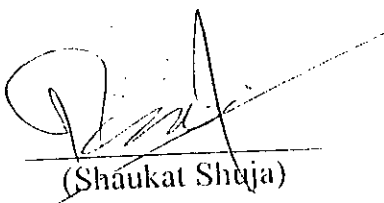
(13) ✓

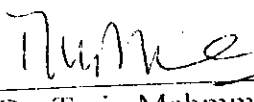
the copy of the improved manuscript to be forwarded to the NWFP Textbook Board, Peshawar. It is recommended that all the suggested corrections, alterations and improvements be made in the improved manuscript and the updated version (pre press copy) be forwarded to the Ministry of Education for consideration. The case for issuance of No Objection Certificate will be processed on receipt of pre press copy of the Chemistry-IX. Following are the observations/recommendations of the Select Committee:


- SLOs should be written in the book as these are written in the Curriculum.
- Definitions should be highlighted in the uniform way.
- The terminology should be written in Italic.
- Colour copy of the book has not been provided so it is difficult to decide the diagrams, figures and tables.
- The manuscript needs corrections in spelling and grammar also.
- The caption of the table should be written in uniform font.
- Uniform format should be adopted in writing of significant figures of the quantity.
- Improve the quality of the figures.
- Physical states of the Reactors, Products, Ions in solution should be written in uniform way.

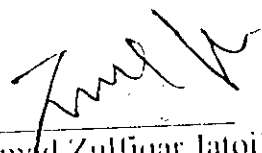
1. 
(Dr. Abid Zia)

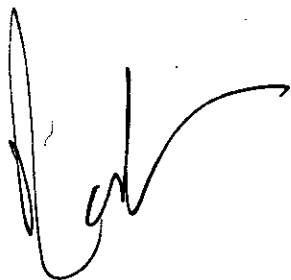
2. 
(Lt. Col. Dr. Muhammad Afzal)

3. 
(Shaukat Shuja)

4. 
(Dr. Tariq Mahmood)

5. 
(Waqar Ahmad)

6. 
(Muhammad Zulfiqar Jatoti)



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28

at SA

N.W.F.P TEXTBOOK BOARD, PESHAWAR

No. 2183

Dated: 29/3/2010

To

Mr. Arif Majeed,
Joint Educational Advisor,
Ministry of Education (Curriculum Wing),
Sector H-9, Islamabad.

Subject: Issuance of NOC of Textbook Chemistry - IX

Sir,

I am directed to refer to your office letter No. 2-1/2005-Chem dated 22-03-2010 and to send one color copy of the improved version of the manuscript of textbook of Chemistry for Grade IX. The manuscript is improved in the light of NRC, SC and the Disk Officer recommendations and is errors free.

You are therefore, requested to kindly considered the issuance of

NOC.

Encl: As above


Deputy Secretary (E&P)

dated: 29/3/2010

Endst. No. 30-43/ E&P/ 2184-26

- Copies forwarded to:
1. The Member (E&P)
 2. The S.S. (Science)
 3. P S to Chairman

Deputy Secretary (E&P)



Phone: (091) 9217159-161, Fax# 9217163

No.F.2-1/2005-Chemistry
Government of Pakistan
Ministry of Education
(Curriculum Wing)

20
✓

Nec

S. 22

Islamabad the 7th April, 2010

From: - Muhammad Zulfiqar Jatoi,
Assistant Educational Adviser.
Tele: 925-7385

To: - The Chairman,
NWFP Textbook Board,
Peshawar.

Subject:- CHEMISTRY IX TEXTBOOK DEVELOPED BY NWFP
TEXTBOOK BOARD, PESHAWAR.

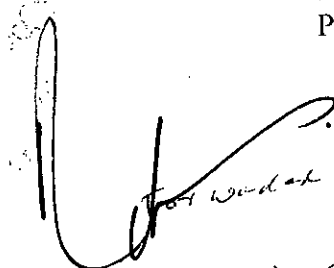
Sir,

I am directed to refer to the correspondence resting with NWFP Textbook Board, Peshawar's letter No. 2183 dated 29-03-2010 on the above subject and to state that as per the recommendations of Provincial Review Committee appointed by NWFP Textbook Board as well as the National Review Committee and Select Committee constituted by the Ministry of Education, the manuscript of Chemistry-IX developed by NWFP Textbook Board in line with the National Curriculum for Chemistry-IX (2006) is recommended for publication with the following terms and conditions:-

- i) The editing of the manuscript especially its formal and lexical aspect including the spellings, grammar, punctuation and illustration photographs should be thoroughly checked by NWFP Textbook Board and it is ensured that the textbook is free from any mistakes/errors.
- ii) Textbook Board and the publishers should ensure that there is no infringement of copyrights and due care is taken that no copyright laws are violated.
- iii) The certification is valid for one year which can be renewed on the basis of the feedback from NWFP Textbook Board conveyed to this Ministry well in time for consideration.
- iv) Textbook Board should take the full responsibility for ensuring publication of error free copy: Three copies of the textbook, when printed in accordance the prescribed procedure outlined in the National Textbook Policy 2007 are provided for reference and record.

Yours faithfully,


(Muhammad Zulfiqar Jatoi)


D. S. (E) P,
Put up on file.

(22)

45/10 ✓

N.W.F.P TEXTBOOK BOARD, PESHAWAR

No. E&P/ _____

Dated: 2.2.010

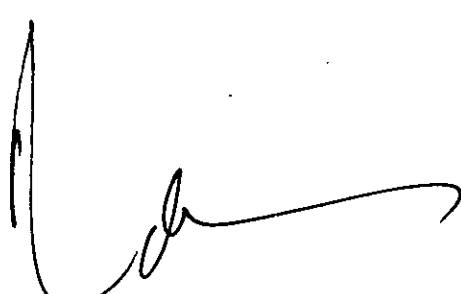
CERTIFICATE

It is certified that the manuscript of Chemistry (Eng) for Grade 9th developed by NWFP Textbook Board based on Curriculum 2006 is errors free. The manuscript is improved in light of National Review Committee and Select Committee's recommendations.



Umar Farooq
Subject Specialist (Science)

o/c



REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block "A" Civil Secretariat Peshawar.

No.SO(B/T)E&SE/8-5/2015/TBB/NCD
Dated Peshawar, the 25-07-2016.

To

1. Mr. Muhammad Amin, Ex-Subject Specialist (Science),
Khyber Pakhtunkhwa Textbook Board, Peshawar,
Now Principal (BS-19), GHSS Hassanzai, Charsadda.
2. Mr. Jamshid Ali, Ex-Member (PSP),
Khyber Pakhtunkhwa Textbook Board Peshawar,
Now Principal, Govt. College Kotha Swabi.
3. Mr. Muhammd Iqbal, Sales Manager (BS-17),
Khyber Pakhtunkhwa Textbook Board Peshawar.
4. Mr. Nisar Kamal, Assistant Subject Specialist (BS-16),
Khyber Pakhtunkhwa Textbook Board Peshawar.
5. Mr. Waqar Ahmad, Assistant Subject Specialist (BS-16),
Khyber Pakhtunkhwa Textbook Board Peshawar

Subject: - TEXTUAL DISCREPANCIES AND ERRORS IN TEXTBOOKS
DEVELOPMENT UNDER THE NATIONAL CURRICULUM-2006.

I am directed to refer to your review petition on the subject noted above and to state that after examination the Chief Minister, Khyber Pakhtunkhwa/ Controlling Authority has been pleased to reject your review petition having no valid grounds.

NAIK MUHAMMAD
SECTION OFFICER (B/T)

Endst: of even No. date.

Copy is forwarded for information to:-

1. Chairman, Khyber Pakhtunkhwa Textbook Board Peshawar.
2. Director, Higher Education, Khyber Pakhtunkhwa Peshawar.
3. Director, E&SE Department.
4. Section Officer-I, Chief Minister's Secretariat, Khyber Pakhtunkhwa Peshawar
5. P.S to Secretary, Higher Education Department.
6. P.S to Secretary E&SE Department.

SECTION OFFICER (B/T)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block "A" Civil Secretariat Peshawar.

Dated Peshawar the, 11-04-2016

NOTIFICATION

NO.SO(B/T)E&SED/8-5/2015/NCD. WHEREAS Mr. Muhammad Amin, Ex-Subject Specialist (Science) Textbook Board now Principal (BS-19), GHSS Hassanzai Charsadda, was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Show Cause Notice.

2. AND WHEREAS Mr. Asmatullah Khan (PCSEG BS-20), D.G Prosecution and Mr. Saif-ur-Rehman, Principal (BS-20), GHSS No.1 Nowshera Cantt were appointed as Inquiry Committee to conduct Inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

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 Amin, Ex-Subject Specialist (Science) Textbook Board now Principal (BS-19), GHSS Hassanzai Charsadda, which was communicated to the accused on 07-10-2015.

5. AND WHEREAS the Chief Minister/ Controlling Authority Khyber Pakhtunkhwa has been pleased to grant personal hearing to Mr. Muhammad Amin, Ex-Subject Specialist (Science) Textbook Board now Principal (BS-19), GHSS Hassanzai Charsadda.

6. AND WHEREAS the accused officer Mr. Muhammad Amin, Ex-Subject Specialist (Science) Textbook Board now Principal (BS-19), GHSS Hassanzai Charsadda was called for personal hearing on 04-01-2016.

7. AND WHEREAS the Chief Minister/ Controlling Authority after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice, is of the view that the charges against the accused officer have been proved.

8. NOW, THEREFORE, in exercise of the powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Chief Minister/ Controlling Authority Khyber Pakhtunkhwa is pleased to impose major penalty of "Compulsory Retirement" upon Mr. Muhammad Amin, Ex-Subject Specialist (Science) Textbook Board now Principal (BS-19), GHSS Hassanzai Charsadda of the charges levelled against him.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chairman, Khyber Pakhtunkhwa Textbook Board Peshawar.
3. Director, E&SE Peshawar.
4. Section Officer (S/M) E&SE Department.
5. Mr. Muhammad Amin, Ex-Subject Specialist (Science) Textbook Board now Principal (BS-19), GHSS Hassanzai Charsadda.
6. P.S to Chief Minister, Khyber Pakhtunkhwa.
7. P.S to Secretary E&SE Department.

NAIK MUHAMMAD

To

The Honourable Chief Minister/Controlling Authority,
Khyber Pakhtunkhwa Textbook Board,
Peshawar.

Through:

The Secretary ,
Elementary and Secondary Education, Department,
Peshawar.

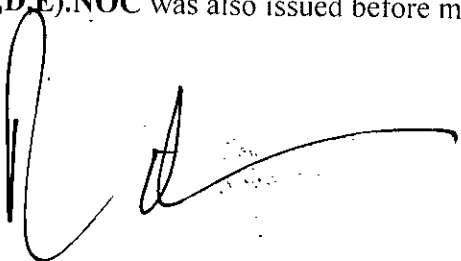
**SUBJECT: Departmental appeal/review petition against
notification NO.SO(B/T)E&SED/8-5/2015/NCD dated 11-04-2016
whereby major penalty of compulsory retirement from service has
been imposed on the petitioner.**

Respected sir,

I have the honour to refer to the subject cited above that the imposing major penalty of compulsory retirement upon me .My appeal/review petition is submitted for your sympathetic consideration on the following grounds.

1. It is incorrect to infer that I was found guilty of misconduct by not performing duty earnestly due to which irregularities occurred in the development and printing of textbooks under the curriculum 2006.

- Factual position is that the errors pinpointed by Inquiry Committee did not occur during my tenure and in the first inquiry report, it was rightly held in the last paragraph on page-2 that "the accused officer cannot be held responsible for the faults of his predecessor".(Annex-A)
- Sir, in this context, it is worthwhile to mention that I assumed the charge of Subject Specialist in TBB on 3-6-2011 (Annex-B).It is further submitted that the Internal Review Committee as well as the External Review Committee and Select Committee had already completed the task of review prior to my posting in TBB (Annex-C,D,E).NOC was also issued before my joining TBB.(Annex-F)



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- It is also submitted that “**Error Free Certificate**” was issued by the Board authority (**Annex-G**) prior to the posting of the undersigned in the TBB.
 - In second inquiry report, it was wrongly observed by Inquiry Committee in **para-9 (Annex-H)**, that the undersigned along with Nasir kamal and Waqar Ahmad failed to perform their duties diligently which resulted in numerous mistakes and misprint in books for 4th, 5th, 6th and 9th classes.
 - At the outset, it is pointed out that the neutral experts, in their reports have clearly mentioned that in the General Science (Chemistry portion), no textual error was found in textbooks of 4th, 5th and 6th classes (**Annex-I**). Errors pointed out in class 9th Chemistry pertains to the period of my predecessor as already mentioned. In view of this factual position on record, the allegation that I have not performed my duties diligently is totally baseless and unwarranted.
 - As far as the misprints are concerned, it is the prime responsibility of the textbooks examiner (TBE) to physically inspect the stock of textbooks and collect the defective books (if any) and report it to the quarter concerned for legal action. (**Annex-J**)
2. The allegation regarding “**inefficiency**” is totally rebutted. I have always performed my responsibilities honestly and with full devotion, which is evident from my record/performance evaluation reports, my service career and reputation. The Undersigned is therefore, not liable for the penalty, inflicted upon (compulsory retirement) for the faults committed during the tenure of my predecessor.

PRAYER

In view of the above facts and submissions, it is earnestly prayed that on acceptance of this review petition the impugned notification dated 11-4-2016 may kindly be reviewed and set aside so that the survival and the education of my dependents may not be adversely affected.

Dated;27/4/2016

Yours obediently,
Muhammad Amin(BPS-19)
Ex-Subject Specialist (TBB)
Principal GHSS Hassanzai,Charsadda



BEFORE THE ENQUIRY OFFICER

27
21/11/12 reply

Respected Sir,

With reference to the Statement of Allegations/Charge Sheet served on me on 29-11-2012, I beg to submit Para wise reply as under:-

Para No1:- Not admitted. I have always performed my duties diligently, devotedly and to the entire satisfaction of my superiors, which is evident from the record/performance evaluation reports. Furthermore, I have joined the T.B.B on 3rd June, 2011 and the whole process of scrutiny was completed prior to my posting. Therefore, I cannot be held responsible for the irregularities committed prior to my tenure in Text Book Board.

Para No.2:- Admitted to the extent that initial review is the prime responsibility of the Subject Specialist, so that error free book is released to the market. However, internal review committee as well as external review committee had already completed the task of review prior to my posting in T.B.B. In fact, in my tenure, only N.O.C was received from the Ministry of Education meaning thereby that the book was ready for release in the market from all aspects. In such circumstances, employees of the relevant period responsible for initial review will be in better position to clarify their position regarding errors pin-pointed in the book.

Para No 3:- Not admitted. I have performed my duties honestly and with full devotion and responsibility and it is worthwhile to mention that error did not take place during my tenure in T.B.B.

PRAYER

In view of the facts mentioned above, it is earnestly prayed that I may graciously be exonerated from the charge. I also pray that opportunity of personal hearing may kindly be given to me so that I may be able to prove my innocence with evidence and record.

Yours Obediently

Amin / 3/12/12

**Muhammad Ameen
S.S.(G.Sc and Chem)
Text Book Board KPK
Peshawar**

28
second reply

BEFORE THE ENQUIRY OFFICER

Respected Sir,

With reference to the Statement of Allegations/Charges Sheet served on me on 19-01-2015, I beg to submit Para wise reply as under:-

Para No.1:- Not admitted. I have always performed my duties diligently, devotedly and to the entire satisfaction of my superiors, **which is evident from the record/performance evolution reports.** Furthermore, I have joined the T.B.B on 3rd June, 2011 and the whole process of security was completed prior to my posting. Therefore, I cannot be held responsible for the irregularities committed prior to my tenure in Text Book Board.

Para No.2:- Admitted to the extent that initial review is the prime responsibility of the Subject Specialist, so that error free book is released to the market.

However, internal review committee as well as external review committee had already completed the task of review prior to my posting in T.B.B. In fact, N.O.C was received on 7th April 2010, from the Ministry of Education meaning thereby that the book was ready for release in the market from all aspects. In such circumstances, employees of the relevant period responsible for initial review will be in better position to clarify their position regarding errors pin-pointed in the book.

Para No.3:- Not admitted. I have performed my duties honestly and with full devotion and responsibility and it is worthwhile to mention that error did not take place during my tenure in T.B.B.

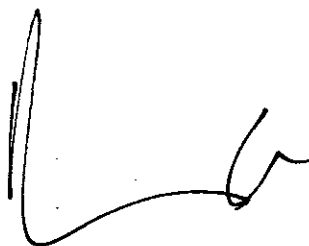
It is pertinent to note that mistakes pointed out by the enquiry committee is not conceptual in nature. But these mistakes are of composing and proof reading deficiencies. Since the post of proof reader and composer is not available. That is why, such type of discrepancies came to the fore during enquiry.

PRAYER

In view of the facts mentioned above, it is earnestly prayed that I may graciously be exonerated from the charge. I also pray that opportunity of personal hearing may kindly be given to me so that I may be able to prove my innocence with evidence and record.

Yours Obediently

**Muhammad Amin
Principal G.H.S.S,
Hassanzai, Charsadda.**





**OFFICE OF
THE COMMISSIONER
BANNU DIVISION**

P.O.Box.12, Postal code 28100, Bannu
NO. 342 /PO/Estab/15
Dated. 23 /April, 2015.
Phone 0928 - 9270044 & 9270220
Fax 0928 - 9270041
e-mail : commissioner-bannu@hotmail.com

(Handwritten initials)

Confidential

To.

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

Subject: **INQUIRY REPORT REGARDING IRREGULARITIES COMMITTED BY
THE OFFICERS/OFFICIALS OF THE KHYBER PAKHTUNKHWA TEXT
BOOK BOARD IN THE PRINTING/SUPPLY OF TEXTBOOKS**

Dear Sir,

Reference Elementary & Secondary Education Department, Khyber
Pakhtunkhwa Notification No. SO(B/T)E&SE/8-5/2014/NCD, dated
01.01.2015.

The detailed Inquiry Report (05 pages) along with enclosures on the
subject as cited above is enclosed herewith for further necessary action please.

(Signature)
(Asmatullah Khan Gandapur)
Commissioner
Bannu Division

33

(Handwritten signature)

6/4/2015

Diary Number 2427
Date of Diary 6/4/2015
Secretary Elementary & Secondary
Education Peshawar

*Assistant
Inspector*

08/04/15

Diary No. 1053
Dated 27/04/2015
Deputy Secretary (I) **E&SE**

*DS/E
7/4/15
SO CB/T
20/4/15*

(30)

INQUIRY REPORT REGARDING IRREGULARITIES COMMITTED BY THE OFFICERS / OFFICIALS OF THE KHYBER PAKHTUNKHWA TEXT BOOK BOARD IN THE PRINTING / SUPPLY OF TEXTBOOKS

Background.

Facts forming background of the instant inquiry is that, based on the Curriculum 2006, the Khyber Pakhtunkhwa Text Book Board, hereinafter called the Board, got certain books for various classes (Primary, Middle & Secondary) published for the academic session 2012-13. Some segments of the society expressed their reservations regarding alleged omissions / anomalies in these new editions through media as well as on floor of the house. These developments prompted the Provincial Government in the Schools & Literacy Department Khyber Pakhtunkhwa to order a Facts Finding Inquiry. The Inquiry Committee so appointed pinpointed certain mistakes and irregularities in the printing and release of books and fixed responsibility upon the following officials of the Board (**Annex-I**):

- i. Mr. Muhammad Amin, Subject Specialist BPS-19 (General Science & Chemistry),
- ii. Mr. Muhammad Iqbal, Sale Manager (BPS-17).
- iii. Mr. Alamzeb, Textbook Examiner (BPS-17).
- iv. Mr. Nisar Kamal, Assistant Subject Specialist (BPS-16)
- v. Mr. Waqar Ahmad, Assistant Subject Specialist (BPS-16).
- vi. Mr. Faqir Muhammad, Assistant now Deputy Secretary.

Resultantly, the above-named accused officials were proceeded against under the E&D Rules, 2011. However, in his report the Inquiry Officer singled out one Mr. Alamzeb, Textbook Examiner (Serial No.iii ibid) to be solely responsible for the errors & omissions so occurred, while the rest were recommended for exoneration (**Annex-II**).

As the School & Literacy Department Khyber Pakhtunkhwa did not agree with the recommendations so adduced by the Inquiry Officer, a *de novo* inquiry was proposed, which was acceded to by the competent authority, hence the inquiry in hand (**Annex-III**).

Proceedings.

The Inquiry Committee herein requisitioned the relevant record; sought considered written views of Neutral Subject Specialists of the related subjects (**Annex-IV to VI**); held

textbooks and afforded opportunities of personal hearing to the accused officials to know their stand-points. Written statements of the accused officials are added overleaf (Annex-VII to XII).

Findings.

1. National Textbook and Learning Materials Policy and Plan of Action, *inter alia*, envisages **"improvement in the quality of education at all levels through better quality textbooks at affordable prices and other learning materials for promoting Pakistan as a knowledge-based society"** (Annex-XIII).
2. Section 11(3)(b) of the Khyber Pakhtunkhwa Textbook Board Ordinance, 1971 empowers the Board for the publication of textbooks for all stages and types of education and teachers' training courses including Primary, Secondary & Intermediate educations. Policy decisions are taken in a meeting of the Board (Annex-XIV).
3. As per functions & duties of the officers / officials of the Board, the Chairman is the Chief Executive and the twin Members of the Board are responsible for their following respective wings (Annex-XV):
 - i. **Member Paper, Sale & Production:** (Main duties - Procurement & distribution of paper; allocation of number of copies of textbooks to be published; distribution of textbooks).
 - ii. **Member Editorial & Production:** (Main duties - Writing, review, printing & timely availability of textbooks).
4. Books are developed under the Curriculum entailing various processes (writing, review and finalization) as portrayed by the Departmental Representative assisting the Inquiry Committee (Annex-XVI).
5. As per policy of the Board, all books are supposed to be printed up to 31st March and distributed among the educational institutions well before commencement of the academic session from mid-April.
6. The Subject Specialists concerned have got the pivotal role in the development processes including coordination with authors, liaison with internal & external review forums, print orders, proof readings, final error-free publications & processing of release orders etc. Their specific job descriptions are indicated below:

A

- a) To assist Member (Editorial & Procurement) in the performance of his functions and to give technical advice to him with regard to their subjects.
- b) Interpretation of curriculum and preparation of guidelines for authors.
- c) Identification of suitable authors /reviewers and editors.
- d) Facilitate and guide the authors / editors.
- e) Review the manuscripts.
- f) Pre-testing of manuscripts.
- g) Submission of manuscripts to National Review Committee.
- h) Carry out / get carried out the instructions of National Review Committee.
- i) Technical lay out / editing of manuscripts.
- j) Specifications for printing.
- k) Evaluation of textbooks (Annex-XV ibid).

7. The services of private publishers / printers are hired for all such editions, while papers are purchased & provided by the Board. An agreement is inked with the publishers that embody terms & conditions for the intended supplies within a stipulated time-frame.

8. Papers are purchased by the PSP wing of the Board. The Inquiry Committee observed that no uniformity in the colour and quality of the papers was ensured. This could be judged from a cursory look of the books.

9. As per reports of the Neutral Subject Specialists associated by the Inquiry Committee for assistance and input; coupled with exhaustive perusals of the relevant books by the Inquiry Committee, the three Subject Specialists namely M/s Muhammad Amin, Nisar Kamal & Waqar Ahmad failed to perform their duties diligently, which resulted in numerous mistakes and misprints in the books for 4th, 5th, 6th & 9th classes (Annex-XVII).

10. Diagrams of almost all the books as appended below are sub-standard, not legible and some of them are without any label for better understanding by the students, hence averse to the envisioned policy of the government

11. The Sale Manager is custodian of the stock received from the printing press, which is jointly cleared by the Subject Specialist, Textbook Examiner & the Member E&P before its supply by the Sale Manager to the educational institutions. However, the book of Math for 9th Class could not be printed in time due to which its prescribed clearance processes were discarded and releases were made out of the way by preferring a Note put forth by the Sale Manager, which was assented to by the Member E&P and duly approved by the Chairman without convening a meeting of the Board (XVIII). Thus a glaring departure was made from the statutory provisions of taking such a policy decision in a meeting of the Board. The Sale Manager has got the fishy reputation of

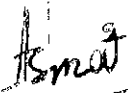
being hand in glove with the printers and his dubious role could be testified from the fact that he not only failed to report snail pace of productions by the Printing Press, but also bypassed his proper channel in the PSP wing by putting a direct Note to the Member E&P instead.

12. The matter of delayed production of the Math book for Class-IX was simply hushed up by imposing a nominal fine upon the delinquent publisher.
13. All concerned i.e., the Member E&P, the DS E&P, the Subject Specialist, the Textbook Examiner & the Sale Manager altogether remained oblivious to timely report the sluggish pace of the Printing Press entrusted with the task of printing the Math book for 9th class. Hence all of them are equally responsible for the inordinate delay occurred in the timely production, scrutiny and proper supply etc. The Chairman of the Board too transgressed his authority by giving approval for the release of the said book for which he was not competent to do so.
14. Mr. Faqir Muhammad was basically a Stenographer (PS to Chairman), but was astonishingly given the duties of an Assistant. His job descriptions are totally different. He had neither the capacity nor he shares the degree of responsibility attributed to him. The role of Member E&P, the DS E&P and other responsible officers have been overlooked in the fixation of responsibility and a junior official having no job relevancy has been charge-sheeted for the actual fault of his superiors. As per the prevailing practice, the accused official concerned waited for the completion of supply to move a case for clearance, while his bosses remained passive and did not realize to get the pace of production accelerated. He has thus wrongly been implicated in a case, the main responsibility for which rests upon others. Likewise, it was also the duty and responsibility of his seniors to decide the mode and the fate of piecemeal and delayed supply of Math book for 9th class instead of the accused official herein. His case is obviously worth exoneration.
15. During the corresponding period affairs of the Board witnessed free for all like situation, owing to the extreme irresponsibility shown by its high command in general and the

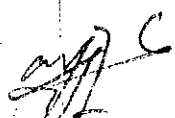
the Sale Manager in particular.

Conclusions

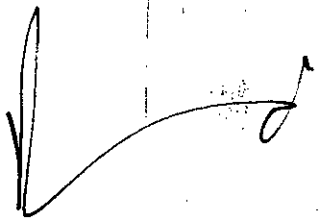
The sum and substance of the findings of the Inquiry Committee are that the charges brought about against all the accused herein except Mr. Faqir Muhammad Stenographer / Assistant stand proved. The role of the then Chairman Textbook Board, Member E&P, Member PSP, DS E&P, DS PSP & the Committee constituted (vide Office Order No.PSP/273/8345 dated 13.08.2011) "to conduct physical verification / checking of the quality of the printing paper" also warrant penal action; due to the irresponsibility manifested by them in the discharge of their obligations.



(Asmatullah Khan)
Commissioner Bannu Division
(Member Inquiry Committee)



(Saif-ur-Rehman)
Principal GHSS No.1, Nowshera
(Member Inquiry Committee)



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REGISTERED



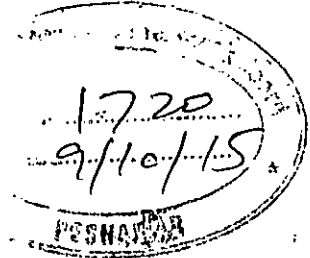
**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Block "A" Civil Secretariat Peshawar.

No.SO(B/T)E&SE/8-5/2015/TBB/NCD
Dated Peshawar, the 07-10-2015.

To

Mr. Waqar Ahmad, Assistant Subject Specialist,
Khyber Pakhtunkhwa Textbook Board,
Peshawar.



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 Controlling Authority (Chief Minister, Khyber Pakhtunkhwa) has tentatively decided to impose upon you the major penalty of "Dismissal from Service" under Rule-4 of the Khyber Pakhtunkhwa Govt. 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)

Endst: of even No. date.

Copy is forwarded for information to:-

1. Chairman, Khyber Pakhtunkhwa Textbook Board Peshawar.
2. P.S to Secretary E&SE Department.

(GAUHAR ALI)
SECTION OFFICER (B/T)

SECTION OFFICER (B/T)

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa /Controlling Authority, Khyber Pakhtunkhwa Textbook Board, as Competent Authority, hereby charge you, Mr. Muhammad Amin, Subject Specialist (General Science & Chemistry) in the Khyber Pakhtunkhwa Textbook Board, Peshawar on deputation basis, now Principal, (BS-19) GHSS Hassanzai Charsadda, as follows:-

That you, while posted as Subject Specialist (General Science & Chemistry) in the Khyber Pakhtunkhwa Textbook Board have committed the following irregularity:-

- (i). That you, while deputed to work as Subject Specialist (General Science & Chemistry) in the Textbook Board did not perform your duties devotedly and diligently and hence you are held responsible for the irregularities and inconsistencies found in the development and printing of textbooks under the Curriculum 2006-2007.
- (ii). That you are responsible for the initial review of the manuscripts, ensuring corrections/ additions/ alterations proposed by the Review Committee at various stages and for final release of good quality and error-free books.
- (iii). That as evident from Para-7 of the Enquiry Committee regarding scrutiny of textbooks, you while posted as Subject Specialist in Khyber Pakhtunkhwa Textbook Board Peshawar have not performed your duties responsibly and honestly and thus due to your slackness and lethargy in your duties, large number of books with errors and omissions were printed and released.

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

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

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

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
26.12.2011

Mr. Muhammad Amin,
Subject Specialist (General Science & Chemistry),
Khyber Pakhtunkhwa Textbook Board, Peshawar,
now Principal, (BS-19) GHSS Hassanzai Charsadda.

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DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Muhammad Amin, Subject Specialist (General Science & Chemistry) in the Khyber Pakhtunkhwa Textbook Board, Peshawar on deputation basis now Principal, (BS-19) GHSS Hassanzai Charsadda, has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rules of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.

STATEMENT OF ALLEGATIONS

- (i). That he, while deputed to work as Subject Specialist (General Science & Chemistry) in the Textbook Board did not perform his duties devotedly and diligently and hence he is held responsible for the irregularities and inconsistencies found in the development and printing of textbooks under the Curriculum 2006-2007.
- (ii). That he is responsible for the initial review of the manuscripts ensuring corrections/ additions/ alterations proposed by the Review Committee at various stages and for final release of good quality and error-free books.
- (iii). That as evident from Para-7 of the Enquiry Committee regarding scrutiny of textbooks, he while posted as Subject Specialist in Khyber Pakhtunkhwa Textbook Board Peshawar have not performed his duties responsibly and honestly and thus due to your slackness and lethargy in his duties, large number of books with errors and omissions were printed and released.


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. Asmatullah Khan. (PCS-EG-PS-2)
- ii. Mr. Saif-ur-Rehman. (BS-20)
- 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.

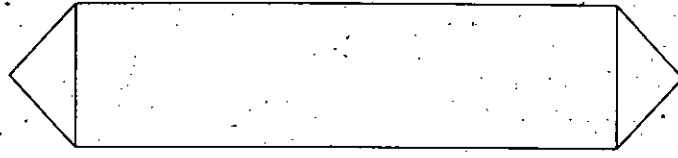
4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

Mr. Muhammad Amin,
Subject Specialist (General Science & Chemistry),
Khyber Pakhtunkhwa Textbook Board, Peshawar,
Principal, (BS-19) GHSS Hassanzai Charsadda.


(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

26.12.2011

بعدالت صباب سردس سرپونل جمری صواب ل



B.C-15-5931

2 مخباب

محمد امین بنام

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام گیسٹ ہاؤس کیلئے رحمان احمد صاحب محمد عرفان محمد عرفان محمد عرفان محمد عرفان محمد عرفان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

Am

Accepted
by

20/6

ماہ الست

23

المرقوم

محمد امین

محمد امین

M. J. K.

واہ العیہ
کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

S.A.# 850/2016.

Muhammad Amin.....**Appellant.**

VERSUS

Secretary E&SE, Govt: of Khyber Pakhtunkhwa & others..... **Respondents.**

PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth,

The Respondents submit 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 Tribuna, hence is liable to be dismissed on this score.
4. The appellant has not come to this Hon'albe Tribunal with clean hands.
5. The appellant has filed the instant appeal with malafide intension just to pressurize the Respondent for gaining illegal service benefits.
6. The present appeal is liable to be dismissed fro mis-joinder & non joinder of necessary parties.
7. The instant appeal is against the prevailing law & rules.
8. The appellant is stopped by her own conduct to file the instant appeal.
9. The instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
10. That the order dated 11-04-2016 & 25-07-2016 are legally competent and is liable to be maintained in favour of the Respondent.
11. That the appellant has been treated as per law, rules and discretionary powers conferred upon respondent No.1, under Section-10 of Civil Servant Act 1973.
12. That this Hon'able Tribunal has got no jurisdiction to entertain the instant service appeal, as no Departmental Appeal has been filed by the Appellant.
13. That the appellant is not an aggrieved person under the relevant Article-212 of 1973 Constitution of Pakistan.

FACTS.

1. Para-1 is relates to the Service record of the appellant hence no comments.
2. This para of appeal also relates to the service record of the appellant.
3. Incorrect. The Appellant has been proved guilty regarding irregularities committed by the appellant, hence denied.

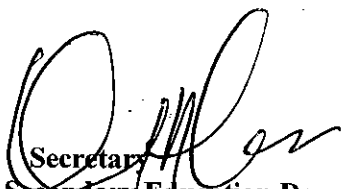
- 4-5. That the Department did not agree with the recommendation of the formal inquiry report, Hence, a Denove inquiry was ordered and Mr. Asmatullah Khan (BS-20) and Mr. Saif ur Rehman, Principal (BS-20) were appointed as inquiry committee vide Notification dated 01-01-2015.(Copy of the Committee is Annex-A)
6. Incorrect and not admitted. During the inquiry proceedings against appellant it was detected that all the allegation against the appellant is correct, proved and appellant did not perform his duty diligently and efficiently.
7. This para pertain to the record.
8. Incorrect. The said/mentioned reply to the charge sheet is devoid of valid grounds/justification, hence rejected by the Competent Authority.(copy of the charge sheets, statement of allegations, reply are Annex-B, C & D).
9. Incorrect and not admitted. The Competent Authority has considered the charges against the appellant, evidence on record, inquiry report, explanations of the appellant and declared the charges against the appellant, have been proved. And after fulfilling all codal formalities the Competent Authority imposed major penalty of Compulsory Retirement from service after issuing final Show Cause Notice. (copy of the inquiry report is Annex-E)
10. Incorrect and not admitted. The penalty imposed upon the appellant is according to law, rules on the subject, natural justice, acts, material on record, inquiry report, evidence on record and confess on of the appellant, hence legal, lawful, by the lawful authority hence, tenable/maintainable in the eye of law. The present appeal is liable to be dismissed inter alia on the following grounds:-

Grounds

- A. Incorrect and not admitted. The appellant has been treated in accordance with law and no right of the appellant has been violated. Hence denied being a false and baseless and against the facts, record and inquiry proceedings.
- B. Incorrect as already explained vide para-4 & 5, that Department did not agree with recommendation of the previous inquiry. Hence Denove inquiry was ordered.
- C. Incorrect and not admitted. Appellant proved to have committed the offence.
- D. Incorrect. The statement of the appellant in this para is false baseless, against the facts, record and inquiry report. In fact, proper proceedings were conducted against the appellant after obtaining approval of the Competent Authority.
- E. As replied in para-C above.
- F. Incorrect and not admitted. The statement of the appellant in this para is manufacture one and a mere concocted story the allegation against the appellant were detected by the inquiry officer.

- G. Incorrect and not admitted. The charges leveled against the appellant are based on fact which were proved within the meaning of law, thus the penalty imposed is tenable and liable to be maintained in the eye of law and justice. Hence this para is denied.
- H. Incorrect and not admitted. The appellant thus been treated in accordance with law and no right of the appellant has been violated, hence denied.
- I. The respondents also seek the permission of this Hon'able Tribunal to adduce more grounds and proofs at time of arguments.

In view of the above made submissions, it is, therefore, most humbly prayed that this Honourable Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the Respondents.


Secretary
Elementary & Secondary Education Department.

Annex-A

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

Dated Peshawar the, 01-01-2015.



Notification.

No.SO(B/T)E&SE/8-5/2014/NCD. The Competent Authority is pleased to appoint Mr. Asmatullah Khan (PCS EG BS-20), D.G. Prosecution & Mr. Saif-ur-Rehman, Principal (BS-20), GHSS No.1 Nowshera Cantt to conduct Enquiry against the following officers on account of allegations/charges mentioned in the charge sheets and statements of allegations:-

- i. Mr. Muhammad Amin, Subject (General Science & Chemistry), Khyber Pakhtunkhwa Textbook Board Peshawar now Principal (BS19), GHSS Hassanzai Charsadda.
 - ii. Mr. Muhammad Iqbal, Sales Manager (BS-17), Khyber Pakhtunkhwa Textbook Board Peshawar.
 - iii. Mr. Alamzeb, Textbook Examiner (BS-17), Khyber Pakhtunkhwa Textbook Board Peshawar.
 - iv. Mr. Nisar Kamal, Assistant Subject Specialist (BS-16), Khyber Pakhtunkhwa Peshawar.
 - v. Mr. Waqar Ahmad, Assistant Subject Specialist (BS-16), Khyber Pakhtunkhwa Textbook Board Peshawar.
 - vi. Mr. Faqir Muhammad, Assistant now Deputy Secretary Khyber Pakhtunkhwa Textbook Board.
2. Mr. Muhammad Muttahir, Member (E&P), Khyber Pakhtunkhwa Textbook Board Peshawar has been nominated as departmental representative to assist the Enquiry Officer during the enquiry proceedings.

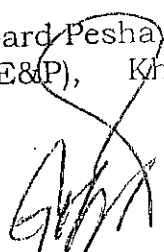
3. The Enquiry Committee shall submit their recommendations/report to the Competent Authority within thirty (30) days. (Copies of charge sheets & statements of allegations are enclosed).

SECRETARY

Endst: of even No. & Date.

A Copy is forwarded to:-

1. Mr. Asmatullah Khan (PCS EG BS-20), D.G. Prosecution.
2. Mr. Saif-ur-Rehman, Principal (BS-20), GHSS No.1 Nowshera Cantt.
3. Chairman, Khyber Pakhtunkhwa Textbook Board Peshawar.
4. Mr. Muhammad Muttahir, Member (E&P), Khyber Pakhtunkhwa Textbook Board Peshawar.
5. PS to Secretary E&SE Department.
6. Officers/Officials concerned.


(GAUHAR ALI)
SECTION OFFICER (BOARD/TRG)

CHARGE SHEET

Chief Minister, Khyber Pakhtunkhwa /Controlling Authority, Khyber Pakhtunkhwa Textbook Board, as Competent Authority, hereby charge you, Mr. Muhammad Amin, Subject Specialist (General Science & Chemistry) in the Khyber Pakhtunkhwa Textbook Board Peshawar on deputation basis, now Principal, (BS-19) GHSS Hassanzai Charsadda, as follows:-

That you, while posted as Subject Specialist (General Science & Chemistry) in the Khyber Pakhtunkhwa Textbook Board have committed the following irregularity:-

- (i). That you, while deputed to work as Subject Specialist (General Science & Chemistry) in the Textbook Board did not perform your duties devotedly and diligently and hence you are held responsible for the irregularities and inconsistencies found in the development and printing of textbooks under the Curriculum 2006-2007.
- (ii). That you are responsible for the initial review of the manuscripts, ensuring corrections/ additions/ alterations proposed by the Review Committee at various stages and for final release of good quality and error-free books.
- (iii). That as evident from Para-7 of the Enquiry Committee regarding scrutiny of textbooks, you while posted as Subject Specialist in Khyber Pakhtunkhwa Textbook Board Peshawar have not performed your duties responsibly and honestly and thus due to your slackness and lethargy in your duties, large number of books with errors and omissions were printed and released.

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

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

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

Intimate whether you desire to be heard in person.

A Statement of Allegations is enclosed.

Pervez Khattak

(PERVEZ KHATTAK)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

26.12.2019

Mr. Muhammad Amin,
Subject Specialist (General Science & Chemistry),
Khyber Pakhtunkhwa Textbook Board, Peshawar.

Annex-c

DISCIPLINARY ACTION

Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority in pursuance of the provisions of the Government of Khyber Pakhtunkhwa (Public Service) Regulations, 1974, hereby directs that Mr. Muhammad Amin, Subject Specialist (General Science & Chemistry) in the Khyber Pakhtunkhwa Textbook Board, Peshawar on deputation basis now Principal (PS-19) Hassanzai Charsadda, has rendered himself liable to be proceeded against, as he has 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

- (i). That he, while deputed to work as Subject Specialist (General Science & Chemistry) in the Textbook Board did not perform his duties devotedly and diligently and hence he is held responsible for the irregularities and inconsistencies found in the development and printing of textbooks under the Curriculum 2006-2007.
- (ii). That he is responsible for the initial review of the manuscripts, ensuring corrections/ additions/ alterations proposed by the Review Committee at various stages and for final release of good quality and error-free books.
- (iii). That as evident from Para-7 of the Enquiry Committee regarding scrutiny of textbooks, he while posted as Subject Specialist in Khyber Pakhtunkhwa Textbook Board Peshawar have not performed his duties responsibly and honestly and thus due to your slackness and lethargy in his duties, large number of books with errors and omissions were printed and released.

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. Asmatullah Khattak (PCS-EG-10-10)
- ii. Mr. Saifullah Rehman (PS-20)
- iii. _____

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 recommendations within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

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

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

26.12.2014.

Muhammad Amin,
Subject Specialist (General Science & Chemistry),
Khyber Pakhtunkhwa Textbook Board, Peshawar.

Annex-0

98-

BEFORE THE ENQUIRY OFFICER

pected Sir,

With reference to the Statement of Allegations/Charges Sheet served on me on 15.06.2015, I beg to submit Para wise reply as under:-

No.1:- Not admitted. I have always performed my duties diligently, devotedly and to the satisfaction of my superiors, **which is evident from the record/performance evolution sheets**. Furthermore, I have joined the T.B.B on 3rd June, 2011 and the whole process of my work was completed prior to my posting. Therefore, I cannot be held responsible for the liabilities committed prior to my tenure in Text-Book Board.

No.2:- Admitted to the extent that initial review is the prime responsibility of the Subject Specialist, so that error free book is released to the market. **However, internal review committee as well as external review committee had already completed the task of review prior to my posting in T.B.B.** In fact, N.O.C was received on 15.04.2010, from the Ministry of Education meaning thereby that the book was ready for release in the market from all aspects. In such circumstances, employees of the relevant period responsible for initial review will be in better position to clarify their position regarding errors committed in the book.


No.3:- Not admitted. I have performed my duties honestly and with full devotion and responsibility and it is worthwhile to mention that error did not take place during my tenure in T.B.B.

It is pertinent to note that mistakes pointed out by the enquiry committee is not capital in nature. But these mistakes are of composing and proof reading deficiencies. Since post of proof reader and composer is not available; That is why, such type of discrepancies are pointed out to the fore during enquiry.

OVER

In view of the facts mentioned above, it is earnestly prayed that I may graciously be acquitted from the charge. I also pray that opportunity of personal hearing may kindly be given to me so that I may be able to prove my innocence with evidence and record.

Yours Obediently

 19/06/15

Muhammad Amin
Principal G.I.S.S,
Hassanzai, Charsadda.

REPORT REGARDING IRREGULARITIES COMMITTED BY THE OFFICERS / OFFICIALS OF
KHYBER PAKHTUNKHWA TEXT BOOK BOARD IN THE PRINTING / SUPPLY OF TEXTBOOKS

Background.

Facts forming background of the instant inquiry is that, based on the Curriculum 2006, Khyber Pakhtunkhwa Text Book Board, hereinafter called the Board, got certain books for various classes (Primary, Middle & Secondary) published for the academic session 2012-13. Some segments of the society expressed their reservations regarding alleged omissions / anomalies in these new editions through media as well as on floor of the house. These developments prompted the Provincial Government in the Schools & Literacy Department Khyber Pakhtunkhwa to order a Facts Finding Inquiry. The Inquiry Committee so appointed identified certain mistakes and irregularities in the printing and release of books and fixed responsibility upon the following officials of the Board (Annex-I):

Mr. Muhammad Amin, Subject Specialist BPS-19 (General Science & Chemistry),

Mr. Muhammad Iqbal, Sale Manager (BPS-17).

Mr. Alamzeb, Textbook Examiner (BPS-17).

Mr. Nisar Kamal, Assistant Subject Specialist (BPS-16)

Mr. Waqar Ahmad, Assistant Subject Specialist (BPS-16).

Mr. Faqir Muhammad, Assistant now Deputy Secretary.

Resultantly, the above-named accused officials were proceeded against under the E&D Rules, 2011. However, in his report the Inquiry Officer singled out one Mr. Alamzeb, Textbook Examiner (Serial No.iii ibid) to be solely responsible for the errors & omissions so occurred, while the rest were recommended for exoneration (Annex-II).

As the School & Literacy Department Khyber Pakhtunkhwa did not agree with the recommendations so adduced by the Inquiry Officer, a *de novo* inquiry was proposed, which was acceded to by the competent authority, hence the inquiry in hand (Annex-III).

Proceedings.

The Inquiry Committee herein requisitioned the relevant record; sought considered written views of Neutral Subject Specialists of the related subjects (Annex-IV to VI); held detailed discussions with the Textbook Board staff; undertook thorough scrutiny of the

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and afforded opportunities of personal hearing to the accused officials to know their points. Written statements of the accused officials are added overleaf (Annex-VII to XII).

ings.

National Textbook and Learning Materials Policy and Plan of Action, *inter alia*, envisages "improvement in the quality of education at all levels through better quality textbooks at affordable prices and other learning materials for promoting Pakistan as a knowledge-based society" (Annex-XIII).

Section 11(3)(b) of the Khyber Pakhtunkhwa Textbook Board Ordinance, 1971 empowers the Board for the publication of textbooks for all stages and types of education and teachers' training courses including Primary, Secondary & Intermediate educations. Policy decisions are taken in a meeting of the Board (Annex-XIV).

4. As per functions & duties of the officers / officials of the Board, the Chairman is the Chief Executive and the twin Members of the Board are responsible for their following respective wings (Annex-XV):

- i. **Member Paper, Sale & Production:** (Main duties - Procurement & distribution of paper; allocation of number of copies of textbooks to be published; distribution of textbooks).
- ii. **Member Editorial & Production:** (Main duties - Writing, review, printing & timely availability of textbooks).

4. Books are developed under the Curriculum entailing various processes (writing, review and finalization) as portrayed by the Departmental Representative assisting the Inquiry Committee (Annex-XVI).

5. As per policy of the Board, all books are supposed to be printed up to 31st March and distributed among the educational institutions well before commencement of the academic session from mid-April.

6. The Subject Specialists concerned have got the pivotal role in the development processes including coordination with authors, liaison with internal & external review forums, print orders, proof readings, final error-free publications & processing of release orders etc. Their specific job descriptions are indicated below:

- e. To assist Member (Editorial & Procurement) in the performance of his functions and to give technical advice to him with regard to their subjects.
 - f. Interpretation of curriculum and preparation of guidelines for authors.
 - g. Identification of suitable authors /reviewers and editors.
 - h. Facilitate and guide the authors / editors.
 - i. Review the manuscripts.
 - j. Pre-testing of manuscripts.
 - k. Submission of manuscripts to National Review Committee.
 - l. Carry out / get carried out the instructions of National Review Committee.
 - m. Technical lay out / editing of manuscripts.
 - n. Specifications for printing.
 - o. Evaluation of textbooks (Annex-XV ibid).
7. The services of private publishers / printers are hired for all such editions, while papers are purchased & provided by the Board. An agreement is inked with the publishers that embody terms & conditions for the intended supplies within a stipulated time-frame.
8. Papers are purchased by the PSP wing of the Board. The Inquiry Committee observed that no uniformity in the colour and quality of the papers was ensured. This could be judged from a cursory look of the books.
9. As per reports of the Neutral Subject Specialists associated by the Inquiry Committee for assistance and input; coupled with exhaustive perusals of the relevant books by the inquiry Committee, the three Subject Specialists namely M/s Muhammad Amin, Nisar Kamal & Waqar Ahmad failed to perform their duties diligently, which resulted in numerous mistakes and misprints in the books for 4th, 5th, 6th & 9th classes (Annex-XVII).
10. Diagrams of almost all the books as appended below are sub-standard, not legible and some of them are without any label for better understanding by the students, hence averse to the envisioned policy of the government
11. The Sale Manager is custodian of the stock received from the printing press, which is jointly cleared by the Subject Specialist, Textbook Examiner & the Member E&P before its supply by the Sale Manager to the educational institutions. However, the book of Math for 9th Class could not be printed in time due to which its prescribed clearance processes were discarded and releases were made out of the way by preferring a Note put forth by the Sale Manager, which was assented to by the Member E&P and duly approved by the Chairman without convening a meeting of the Board (XVIII). Thus a glaring departure was made from the statutory provisions of taking such a policy decision in a meeting of the Board. The Sale Manager has got the fishy reputation of

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being hand in glove with the printers and his dubious role could be testified from the fact that he not only failed to report snail pace of productions by the Printing Press, but also bypassed his proper channel in the PSP wing by putting a direct Note to the Member E&P instead.

12. The matter of delayed production of the Math book for Class-IX was simply hushed up by imposing a nominal fine upon the delinquent publisher.

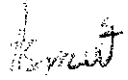
13. All concerned i.e., the Member E&P, the DS E&P, the Subject Specialist, the Textbook Examiner & the Sale Manager altogether remained oblivious to timely report the sluggish pace of the Printing Press entrusted with the task of printing the Math book for 9th class. Hence all of them are equally responsible for the inordinate delay occurred in the timely production, scrutiny and proper supply etc. The Chairman of the Board too transgressed his authority by giving approval for the release of the said book for which he was not competent to do so.

14. Mr. Faqir Muhammad was basically a Stenographer (PS to Chairman), but was astonishingly given the duties of an Assistant. His job descriptions are totally different. He had neither the capacity nor he shares the degree of responsibility attributed to him. The role of Member E&P, the DS E&P and other responsible officers have been overlooked in the fixation of responsibility and a junior official having no job relevancy has been charge-sheeted for the actual fault of his superiors. As per the prevailing practice, the accused official concerned waited for the completion of supply to move a case for clearance, while his bosses remained passive and did not realize to get the pace of production accelerated. He has thus wrongly been implicated in a case, the main responsibility for which rests upon others. Likewise, it was also the duty and responsibility of his seniors to decide the mode and the fate of piecemeal and delayed supply of Math book for 9th class instead of the accused official herein. His case is obviously worth exoneration.

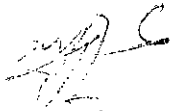
During the corresponding period affairs of the Board witnessed free for all like situation, owing to the extreme irresponsibility shown by its high command in general and the Subject Specialists, the Textbook Examiner and the Sale Manager in particular.

Conclusions

The sum and substance of the findings of the Inquiry Committee are that the charges brought about against all the accused herein except Mr. Faqir Muhammad Stenographer Assistant stand proved. The role of the then Chairman Textbook Board, Member E&P, Member PSP, DS E&P, DS PSP & the Committee constituted (vide Office Order No.PSP/273/8345 dated 13.08.2011) "to conduct physical verification / checking of the quality of the printing paper" also warrant penal action; due to the irresponsibility manifested by them in the discharge of their obligations.



(Asmatullah Khan)
Commissioner Bannu Division
(Member Inquiry Committee)



(Saif-ur-Rehman)
Principal GHSS No.1, Nowshera
(Member Inquiry Committee)

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

S A. # 850/2016.

Muhammad Amin

.....*Appellant*

VERSUS

Secretary E&SE Govt: of Khyber Pakhtunkhwa & *other*

.....*Respondents*

**REJOINDER TO PARA-WISE COMMENTS FILED
BY THE SECRETARY ELEMENTARY AND
SECONDARY EDUCATION
DEPARTMENT(Respondents).**

Respectfully Sheweth,

The appellant submits rejoinder as under:-

Para-1 to 13 of preliminary objection raised by respondents in their comments are wrong, illegal and baseless, moreover one of the accused under the same charge Mr. Umar Farooq was reinstated in service by the Chief Minister/ Controlling authority vide order dated 25-07-2016, whereas the appellant was not reinstated in service though proper representation was submitted before him with all relevant material justifying his reinstatement in service. Thus Article 25 of the Constitution of Islamic republic of Pakistan 1973 was evidently violated in the case of the appellant and as such there was a clear cut discrimination, which needs redress at the forum of this Honorable Tribunal.

Reply to the comments on facts:

1. Para No 1 is admitted as correct.
2. Para No 1 is admitted as correct.
3. Para No 3 is not admitted. No irregularity was committed by the appellant as alleged guilt relates to the period to his posting In TBB.
4. Para No 4 not admitted, the appellant was correctly and justifiably acquitted from the charge as he was not posted in TBB during period of alleged fault. There was absolutely no reason with the competent authority to disagree with the first inquiry report.
5. Detail reply as in above Para No 4.
6. Para No 6 is not admitted. During inquiry proceedings, the charge was not proved therefore he was exonerated from the charge in the first inquiry report. The appellant was illegally subjected to the second inquiry and was punished with major penalty without valid reason.
7. Para No 7 is correct.
8. Para No 8 is not admitted. Reply to the charge sheet was submitted with full justification in the first inquiry and was accordingly accepted. In the second inquiry, again reply with justification was submitted which was discarded by the relevant authorities without solid reason.
9. Par no 9 is not admitted. The competent authority imposed major penalty of compulsory retirement without taking into consideration the material fact available on the record that the appellant was not posted in TBB during the occurrence of the alleged fault.
10. Par no 10 is not admitted. The penalty has been imposed in arbitrary manner without lawful authority and liable to be turned down in the interest of justice.

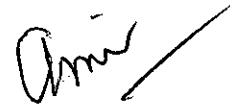
Reply to comments on grounds:

- A. Para A not admitted. The appellant was not treated in accordance with law and facts on record.
- B. Para B not admitted. There was absolutely no need of second inquiry; the appellant was rightly and legally exonerated from the charge.
- C. Para C not admitted. The department was totally failed to prove the guilt against the appellant.
- D. Para D not admitted. The statement of the appellant was true and commensurate with facts on record.
- E. Para E reply given in above para.
- F. Para F reply also given in above para.
- G. Para G not admitted. The charge level against appellant was baseless and the major penalty imposed is not tenable and liable to be quashed out in the interest of justice.
- H. Para H not admitted. The appellant has not been treated in accordance with law and right of the appellant was violated.

It is pertinent to mention here that one of the accused under the same charge Mr. Umar Farooq was reinstated in service by the Chief Minister/ Controlling authority vide order dated 25-07-2016, whereas the appellant was not reinstated in service though proper representation was submitted before him with all relevant material justifying his reinstatement in service. Thus Article 25 of the Constitution of Islamic republic of Pakistan 1973 was evidently violated in the case of the appellant and as such there was a clear cut

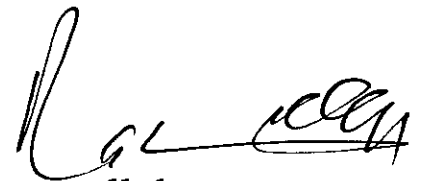
discrimination, which needs redress at the forum of this
Honorable Tribunal.

It is requested that the appeal may kindly be
allowed and appellant may very graciously be reinstated
with all back benefits.



Appellant


Through



Rahmanullah
Advocate, Supreme
Court of Pakistan



Muhammad Arif

&

Asim Khan
Advocates, Peshawar

Affidavit:

Contents of the rejoinder are correct to the best of my
knowledge and belief and nothing has been concealed from this
Honorable Tribunal.



Deponent

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block "A" Civil Secretariat, Peshawar.

Dated Peshawar the, 25-07-2016

NOTIFICATION


NO.SOB/T/E&SED/8-5/2015/NCD. In exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Servants (Efficiency & Disciplinary) Rules 2011, the Chief Minister/ Controlling Authority is pleased to re-instate Mr. Umar Farooq Ex-Subject Specialist (Science) Khyber Pakhtunkhwa Textbook Board Peshawar now Principal (BS-19), GHS Pabbi Nowshera into service w.e.f. 11-04-2016 and adjusted at the same station with all back benefits.

SECRETARY

Endst: of Even No. & Date:


Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chairman, Khyber Pakhtunkhwa Textbook Board Peshawar.
3. Director, E&SE Peshawar.
4. Section Officer (S/M) E&SE Department.
5. District Accounts Officer, Nowshera.
6. Mr. Umar Farooq, Ex-Subject Specialist, TBB now Principal, GHS Pabbi, Nowshera.
7. P.S to Chief Minister, Khyber Pakhtunkhwa.
8. P.S to Secretary E&SE Department.


NAIR MUHAMMAD
SECTION OFFICER (BOARD/TRG)

25/7/16

Received copy No 836


25/7/16