

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 421/2016

Date of Institution... 19.04.2016

Date of decision... 19.10.2018

Shabir Ahmad S/o Naseer Ahmad,
Laboratory Assistant, Government Degree College,
Akora Khattak, District Nowshera. ... (Appellant)

Versus

1. Sharif Gul, Principal Government Degree College, Pabbi, District Nowshera
and three others. (Respondents)

Mr. Abdul Hameed,
Advocate ... For appellant.

Mr. Muhammad Riaz Paindakhel,
Assistant Advocate General ... For respondents.

MR. AHMAD HASSAN, ... MEMBER(E)
MR. HUSSAIN SHAH, ... MEMBER(E)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for
the parties heard and record perused.

FACTS

2. Brief facts of the case are that the appellant is serving as Laboratory Assistant since 1991 in Higher Education Department. That vide impugned order dated 17.12.2012 the Principal Degree college, Pabbi recorded adverse remarks in his performance Evaluation Report for the period commencing from 01.01.2014 to 31.07.2014. He filed departmental appeal on 23.12.2015 which was not responded within the stipulated period, hence, the instant service appeal on 19.04.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that the then Principal Government College Pabbi had some personal grudges against the appellant and their working relationship was not cordial. An explanation was called from the appellant on 11.03.2014 being a habitual late comer. An FIR no. 354 dated 01.07.2014 was also lodged against him in Police Station Pabbi. That later on matter was amicably resolved through a compromise. However, the Principal while writing the ACR of the appellant for the period of 01.01.2014 to 31.07.2014 recorded adverse remarks which are communicated to him on 17.12.2015. Adverse remarks were recorded in his ACR without prior counseling and were communicated to him at a belated stage. Reliance was placed on 1995 SCMR 768, 1999 SCMR 1587, 199 SCMR 256 and Appeal no. 1266/2012 decided by this Tribunal on 12.06.2018.

4. On the other hand, the learned Assistant Advocate General argued that the Principal and other staff member received threatening messages from the appellant. Thereafter, an FIR was lodged against him. The appellant confessed his guilt before the Police and requested for pardon. That the issue was resolved through a compromise. Adverse remarks were recorded by the Principal in his ACR on the basis of his conduct and performance. Adverse remarks were recorded after fulfillment of all codal formalities.


CONCLUSION.

5. We have gone through the record and observed that charge of personal grudges leveled by the appellant against the Principal could not be established. On the other hand conduct of the appellant was vividly proved not only through the FIR but contents of the compromise deed wherein he confessed his guilt and

sought pardon. On the basis of previous record explanation, it was established that the appellant used to remain absent from duty without prior permission/approval of the competent authority. A government servant, whose behavior, conduct and performance were against the norms of office discipline/decorum should not be spared by taking shelter under technicalities like prior counseling etc. It would not only set a bad precedent for others but will also affect the overall working environment of the institution. In these peculiar circumstances hardly any other option was available to the Principal except to bring on record his tainted performance during the period under report.

6. However, during the course of arguments it was observed that his departmental appeal dated 23.12.2015 was not decided by the respondents within the statutory period. As such the case is remanded back to the respondents to decide his departmental appeal within a period of ninety days through a speaking order. The appeal is disposed of on the above terms. Parties are left to bear their own cost. File be consigned to the record room.


(HUSSAIN SHAH)
Member


(AHMAD HASSAN)
Member

ANNOUNCED
19.10.2018

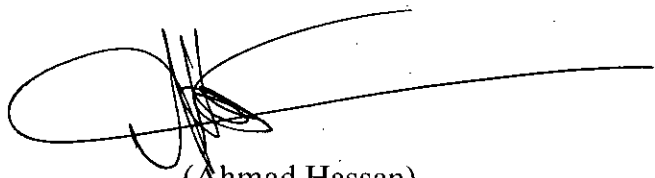
Order

19.10.2018 Counsel for the appellant present. Mr. Muhammad Riaz Paindakhel, Assistant Advocate General for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the case is remanded back to the respondents to decide his departmental appeal within a period of ninety days through a speaking order. The appeal is disposed of on the above terms. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
19.10.2018


(Hussain Shah)
Member


(Ahmad Hassan)
Member

27.02.2018

Appellant in person and Mr. Muhammad Jan, DDA alongwith Murad Khan, Supdt. and Ali Haider, Asstt. Prof. for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. To come up for rejoinder and arguments on 30.04.2018 before the D.B.


Member


Chairman

30.04.2018

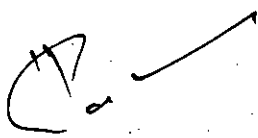
Appellant in person and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 12.07.2018


READER

12.07.2018


Appellant in person present. Mr. Muhammad Jan, DDA for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for Arguments on 05.09.2018 before D.B.


(Ahamd Hassan)
Member


(Muhammad Hamid Mughal)
Member

05.09.2018

Appellant in person present. Learned counsel for the appellant is absent. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Murad Khan, Superintendent and Mr. Ali Haider, Assistant Professor for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for rejoinder and arguments on 19.10.2018 before D.B.


(M. Amin Khan Kundi)
Member



(M. Hamid Mughal)
Member

31.05.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent No. 1 present. It was pointed out that neither written reply on behalf of respondent No. 1 has been submitted nor proceeded Ex-parte. Therefore, he is directed to submit written reply on behalf of respondent No. 1 on the next date of hearing positively. To come up for arguments on 26.09.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member




(Gul Zeb Khan)
Member

26.09.2017

Appellant in person and Mr. Muhammad Jan, DDA alongwith Mr. Ibrar Ahmad, AD for respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 27.12.2017 before D.B.



Member



Chairman

27.12.2017

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Ali Haider, Assistant for the respondents present. Copy of the reply submitted by respondent No. 1 is supplied to the counsel for the appellant. To come up for rejoinder, if any, and arguments on 27.02.2018 before the D.B.



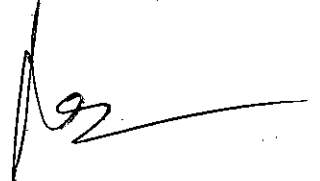
Member



Chairman

08.09.2016

Counsel for the appellant and Naeem Gul, Assistant Director alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 10.01.2017.




Member

10.01.2017

Appellant in person, Murad Khan, Supdt. and Ali Haider, Lecturer alongwith Assistant AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 31.05.2017.




(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIR NAZIR)
MEMBER

09.05.2016

Appellant in person present and requested for adjournment as his counsel is not available today due to strike of the Bar. Adjourned for preliminary hearing to 23.06.2016 before S.B.


Member

12.05.2016

Appeal was requisitioned from the office on application of the learned counsel for the appellant.

Learned counsel for the appellant argued that the appellant is serving as Laboratory Assistant since 1991 and that since then he had earned no adverse entry or remarks at his credit. That vide impugned order dated 17.12.2012 the Principal of the college recorded adverse remarks in the Performance Evaluation Report of the appellant for the period commencing from 01.01.2014 to 31.07.2014 where-against appellant preferred departmental appeal dated 23.12.2015 which was not responded and hence the instant service appeal on 19.04.2016.

That the said entries and registration of criminal case were the result of personal grudges of the Principal. That the appellant has been acquitted of the criminal case on the basis of compromise and that the adverse remarks recorded against the appellant on the basis of personal grudges are liable to be set aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 08.09.2016 before S.B.


Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 421/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19.04.2016	<p>The appeal of Mr. Shabir Ahmad presented today by Mr. Abdul Hameed Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	25-04-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>27-04-2016</u></p> <p style="text-align: right;"><i>[Signature]</i> CHARMAN</p>
	27.4.2016	<p>Appellant in person present. Seeks adjournment due to strike of the bar. Adjourned for preliminary hearing to 5.5.2016 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>
	5.5.2016	<p>Counsel for the appellant present. Requested for adjournment. Adjourned for preliminary hearing to 9.5.2016 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 421 /2016

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ /2016

Shabir Ahmad Appellant

Versus

Sharif Gul, Principal Government Degree College,

Pabbi, District Nowshera and others.....Respondents

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S.No.	Description of documents.	Annexure	Dated
1.	Memo of appeal with verification		1-7
2.	Copy of extracts of service book containing appointment of appellant	A	8-10
3.	Copy of explanation dated 11.03.2014 and reply of Chairman Botany Department dated 12.03.2014	B-C	11-12
4.	Copy of Fir No.354 dated 01.07.2014	D	13-14
5.	Copy of acquittal order dated 25.03.2015 with compromise deed dated 07.07.2014	E-E/1	15-16
6.	Copy of letter dated 17.12.2015 by respondent NO.2	F	17

7.	Copies of ACRs by Principal GHS No.2 Mardan	G-G/14	18-32
8.	Copy of departmental appeal dated 23.12.2015	H	33-34
9.	Wakalatnama		35
(10)	Wakalatnama		

Shahin Ahmad
Appellant

Through

Abdul Hameed
Abdul Hameed

Advocate, Peshawar

Cell: 0343-9025029

Dated: 19.02.2016

/

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 421 /2016

K.W.P. Province
Service Tribunal
Diary No. 391
Dated 19-4-2016

Shabir Ahmad S/o Naseer Ahmad
Laboratory Assistant, Government Degree College
Akora Khattak, District Nowshera.

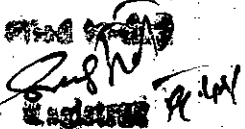
..... Appellant

Versus

- 1) Sharif Gul, Principal Government Degree College, Pabbi, District Nowshera.
- 2) Deputy Director (Establishment) Directorate of Higher Education Department, Peshawar.
- 3) Director Higher Education Department, KPK, Peshawar.
- 4) Secretary Higher Education Department, KPK, Peshawar.

..... Respondents

SERVICE APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT, 1974 AGAINST LETTER NO.34049 DATED 17.12.2015 OF RESPONDENT NO.2, WHEREBY ADVERSE REMARKS RECORDED IN PERFORMANCE EVALUATION REPORT (PER) OF THE APPELLANT FOR THE PERIOD 01.01.2014 TO 31.07.2014 RECORDED BY RESPONDENT NO.1 WERE COMMUNICATED AND HIS DEPARTMENTAL APPEAL DATED 23.12.2015, PREFERRED TO RESPONDENT NO.3, FOR EXPUNCTION OF ADVERSE REMARKS /ENTRIES FOR THE SAID

Handwritten signature and stamp in the bottom left corner.

PERIOD HAS NOT BEEN DECIDED BY THE APPELLATE AUTHORITY WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER IN APPEAL

ON ACCEPTANCE OF THIS APPEAL, THE ADVERSE REMARKS/ ENTRIES RECORDED IN PERFORMANCE EVALUATION REPORT (PER) OF THE APPELLANT FOR THE PERIOD 01.01.2014 TO 31.07.2014 BE EXPUNGED AND THE IMPUGNED LETTER DATED 17.02.2015 ISSUED IN THIS BEHALF BY RESPONDENT NO.2 BE SET-ASIDE AND ANY OTHER RELIEF AS THIS HON'BLE TRIBUNAL DEEMS APPROPRIATE UNDER THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED WITH COSTS.

Respectfully Sheweth;

- 1) That the appellant has been working as Laboratory Assistant in Higher Education Department, KPK, Peshawar since 19.01.1991, who was initially posted at Government College, Nowshera and is presently working as such at Government Degree College, Akora Khattak, District Nowshera (Relevant extracts of service book containing his appointment is attached as Annex "A")
- 2) That on 11.11.1993, the appellant was transferred from Government College, Nowshera to Government Degree College, Pabbi and remained posted continuously at this

station for about 20 years and throughout this long period he performed his duties honestly, diligently and committed neither any mis-behavior nor any disobedience with any of his superior bosses of the College, but did his duties with zeal and dedication to the entire satisfaction of his superior officers.

- 3) That during the period 01.01.2014 to 31.07.2014, while the appellant was working as Lab Assistant at Government College Pabbi under the supervision of respondent No.1, Professor Sharif Gul, developed some personal grudges against the appellant on some lame excuses and because of this the relations of the appellant with Prof. Sharif Gul were strained and, therefore, respondent No.1, in capacity of the reporting officer, initiated adverse actions against the appellant in order to humiliate and disgrace his honor before the students as well as the staff of the College. In the first instance, through a letter dated 11.03.2014, an explanation was served upon the appellant, leveling against him charges of normal routine i.e. habitual late comer and leave etc and its copy was also sent to the Chairman Biology Department Government College, Pabbi, asking him to submit performance report in respect of the appellant. In reply, the Chairman submitted a report stating thereon that the appellant is punctual, dutiful and cooperative with all the staff members and the students of the College. (Copies of the letter dated 11.03.2014 and reply of the Chairman Botany Department dated 12.03.2014 are attached as Annex "B" & "C")
- 4) That thereafter, the annoyance and displeasure of respondent No.1 (Principal) reached to this extent that

an FIR, based on false, fabricated and concocted facts, was registered against the appellant at the Police Station Pabbi, Nowshera, and thus the appellant was implicated in a false case by the respondent No.1. (Copy of FIR No.354 dated 01.07.2014 is attached as Annex "D")

- 5) That on 05.03.2015 this issue was amicably settled between the appellant and the Principal and by means of a compromise affected between the parties, the appellant was pardoned and as a result the appellant was acquitted from all the charges leveled against him by respondent No.1. (Copy of acquittal order dated 25.03.2015 with compromise deeds are attached as Annex "E" & "E/1")
- 6) That thereafter, on the report of respondent No.1 the appellant was transferred to Government College, Nizam Pur, however, after some time he was retransferred to Government College No.2, Mardan. But, the malady committed with the appellant by respondent No.1 at his back was that his ACR for the period 01.01.2014 to 31.07.2014 (seven months) was not only filled by respondent No.1 in person at belated stage, but was sent by him to respondent No.3 with adverse remarks/ entries recorded thereon, due to which the appellant couldn't be promoted on his turn.
- 7) That it is further added to bring on record that respondent No.1 having malafide intention against the appellant had written these adverse remarks in PER for 01.01.2014 to 31.07.2014 as late as 01.11.2015, which was communicated to the appellant by respondent No.2 through a confidential letter No.34049 dated 17.12.2015

and all these measures clearly indicate intentions of respondent No.1, which further show that respondent No.1 has intentionally violated the settled instructions for writing PERs as laid down by the Establishment Department in this behalf. (Copy of a letter dated 17.12.2015 is attached as Annex "F")

- 8) That it is worth mentioning to point out that the appellant while working as Lab Assistant at Government College No.2, Mardan earned good ACRs throughout the period he remained there in that College on account of his regularity, punctuality and honesty and good performance of his duties. (Copies of ACRs are attached as Annex "G & G/15")
- 9) That as narrated above the adverse entries/ remarks are based on no evidence nor any warning / counseling whatsoever, was given to the appellant by respondent No.1 before recording adverse remarks in PERs for the period in question and as such this disputed report given to the appellant on 17.12.2015 at this belated stage are the outcome of personal grudges of respondent No.1 i.e. Prof. Sharif Gul, Principal Government Degree College, Nowshera.
- 10) That against these adverse remarks in PERs, the appellant submitted a representation / departmental appeal dated 23.12.2015 before respondent No.3 for expunction of adverse entries/ remarks in question. However, his departmental appeal has not yet been responded to by the Appellate Authority after lapse of statutory period of 90 days. (Copy of departmental

appeal dated 23.12.2015 is attached as annex "H")

Hence this appeal, inter alia, on the following grounds:-

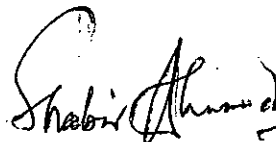
GROUNDS:


- a. That the vague and ambiguous remarks in ACRs for the period in question are unfounded and are based on personal grudges of respondent No.1, who violated the settled instructions relating to writing of PERs and thus exercised his authority unlawfully, without any cogent reasons and material evidence.
- b. That the appellant earned good ACRs throughout this long service merely on his efficiency, dutifulness and integrity, but present entries recorded in PERs by respondent No.1 for the period in question are simply the outcome of personal grudges of respondent No.1 as mentioned above and hence, all these adverse remarks are liable to be expunged.
- c. That the adverse entries in the impugned PERs in question of the appellant are the result of Bias and prejudice and hence, all these bad entries have not legal validity and are liable to be expunged from the record of the appellant as per dictum laid down by Apex Court of Pakistan reported as 1995 SCMR 768.
- d. That the adverse entries/ remarks in PERs are time barred and such time barred adverse remarks are not to be considered at all as all these are unlawful and are liable to be expunged.
- e. That in support of so called adverse remarks no examples/ instances have been quoted and such

remarks were manufactured only to spoil the service career of the appellant.

- f. That the counter-signing officer (respondent No.3) if has approved the adverse remarks, in that case he has not applied his independent mind to the adverse remarks.
- g. That the entire adverse remarks are unjustified, uncalled for and only speaks of a prejudiced and Biased mind of respondent No.1 as mentioned in the above paras.

It is, therefore, most humbly prayed that this appeal may kindly be accepted as prayed in the heading.


Appellant

Through 
Abdul Hameed
Advocate Peshawar

Dated: 19.04.2016

VERIFICATION

Verified on oath that the contents of the above appeal are true and correct and nothing material has been concealed from this hon'ble Tribunal.


Deponent

Date of appointment - 19-1-91

Annex: "A"

82

8

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature on lines 9 and 10 should be dated.

1. Name SHABIR-AHMAD

2. Race Islam.

3. Residence Village Badrahi Mohallah Esa Khail Nowshera.

4. Father's name and residence NASEER-AHMAD.

Village Badrahi Moh. Esa Khail Nowshera.

5. Date of birth by Christian era as nearly as can be ascertained (01-5-1970)

(First May Nineteen hundred + Seventy.)

6. Exact height by measurement 5-6

7. Personal marks for identification .. NIL

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.

Ring Finger

Middle Finger.

Fore Finger

Thumb.

9. Signature of Government servant.

Shabir Ahmad

10. Signature and designation of the Head of the Office, or other Attesting Officer.

PRINCIPAL
Govt. Degree College,
(Boys) Nowshera.

ATTESTED

[Signature]

reshwaras
rank 523/85
PAL
College,
Nowshera.
Principal
Degree College,
(Boys) Nowshera.

Date

amination

9

03

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 7
Lab: Assst. G.D.C. NSR	Off/Perm	(B.P.S. 7/Rs. 750-31-1370)	750/- PM			19/9/91	Mohsin Khan	Principal Govt. Degree College (Boys) Nowshera
-do-	-do-	B-7 Rs. 1095-60-1995	1215/-			1/9/91	Mohsin Khan	Principal Govt. College Nowshera
-do-	-do-	(Two advance increments for Passing F.Sc.)	1335/-			1/9/91	Mohsin Khan	Principal Govt. College Nowshera
-do-	-do-		1395/-			1/12/91	Mohsin Khan	Principal Govt. College Nowshera
-do-	-do-		1455/- PM			1/12/92	Mohsin Khan	Principal Govt. College Nowshera
		Revised B-7 Rs. 1095-60-1995				1/9/91	Mohsin Khan	
-do-	-do-	-do-	1275/-			1/9/91	Mohsin Khan	Principal Govt. Degree College (Boys) Nowshera
-do-	-do-	(Allowed two Adv increments for Passing F.Sc)	1395/-			1/9/91	Mohsin Khan	Principal Govt. Degree College (Boys) Nowshera
-do-	-do-	-do-	1455/-			1/12/91	Mohsin Khan	Principal Govt. Degree College (Boys) Nowshera
-do-	-do-	-do-	1515/-			1/12/92	Mohsin Khan	Principal Govt. Degree College (Boys) Nowshera
Lab: Assst. G.C. Pabbi	Temp	-do-	1515/-	1455/-		11/93		Principal G.C. Pabbi

ATTESTED

P.T.O

[Signature]

Annex: B

PRINCIPAL, GOVT. DEGREE COLLEGE PABBI (NSR)

11

Phone No. +92-923529288 Email: gcpabbi@gmail.com

No: 707

Dated: 11-3-2014

To: Mr. Shahir Ahmad,
Lab. Assistant,
G.C. Pabbi,

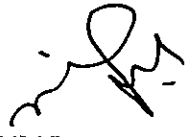
Subject: EXPLANATION
Memo,

It is noted that you are habitual late comer and leave the college early. Your four days record is as under:

S.No	Dates	Time of Arrival
1	7.03.2014	9:25 AM
2	8.03.2014	9:15 AM
3	9.03.2014	9:15 AM Sunday
4	10.03.2014	9:52 AM

Today on 11.03.2014 you are absent without any prior information.

Explain that why not disciplinary action be taken against you.


PRINCIPAL,
GOVT. DEGREE COLLEGE
PABBI

Encls. No

Dated: / / 2014.

Copy forwarded to:

1. The Director Higher Education, Khyber Pakhtunkhwa, Peshawar for information.
2. Chairman Biology Department for his performance report.

ATTESTED



PRINCIPAL,
GOVT. DEGREE COLLEGE
PABBI



M.O.

The Principal,
G.C. Pabbi

Subject: Performance Report of Mr. Shabir Ahmed

Sir,
Reference your letter no. 708-9

dated 11/3/11 is submitted herewith

coming out from my Bsc 11th year Botany class

at 9:40 AM I found Mr. Shabir present

in the lab office. At the time of departure

he left the college along with me and
I dropped him at Pabbi station

Stop
As concerned his duties in the lab

he is punctual, dutiful, co-operative

with the staff of students. Thanks

Date: 12/3/11

Prof. Fozal Rahn
Pabbi
Botany Dept
G.C. Pabbi

ATTESTED

[Signature]

was also discovered that such SMS were also sent to Dr. Usman Shah Chief Proctor of The college, Mr. Ajmal Khan Lab. Asstt Computer section and ex-Principal Prof. Zafarullah Khan. The Principal office damaged AC was also come under discussion and all such SMS and office damages were correlated to Mr. Shabir Ahmad. Staff members deliberated upon different aspects of the issue and unanimously decided to proceed against Mr. Shabir Ahmad under the law to teach him a lesson of his future life and to avoid such happening in the college in Review of the above, you are once again requested for formal FIR against Mr. Shabir Ahmad Lab-Assistant of this college and detailed investigation into the matter and take it to its logical end in the interests of public. SO-Principal GOVT. DEGREE COLLEGE PABBI dated 01.07.2014

سب سے پہلے یہ اطلاع دی جا رہی ہے کہ ایف ڈی آر کے بارے میں
 To The station Head officer (SHO) Police station Pabbi
 Subject: Lodging of FIR. In the college Principal office
 A/C conditioner is repeatedly damaged by unknown persons
 and finally the copper pipe meant for gas supply has been
 cut off and now the outdoor unit has been secured by the
 staff. You are asked for FIR and proper investigation to
 avoid any such happening in future. Please SO-Principal
 Govt. Degree College Pabbi

375
 4 جولان قاصدین میڈیا رسپر 21
 014
 و اجراءات فہم لاء و مرقان سورج
 6- نوٹرہ ہستہ صبرطان 606

Signature
 01/07/2014

اطلاع کے لیے اطلاع دینے کا خط، وہ یا اس کی میرا نشان لگا یا جائے گا اور ضروری کثرت اور اندازاً اطلاع کا خط لکھ کر عدالت میں پیش کرنا اور نشان کے ساتھ نام
 ایک مہرم یا شہر علی الترتیب داخلے باشندگان علاقہ غیر یا وسط الشہر یا القباستان میں موجود ہوں، لکھنا چاہئے۔
 4-7-09

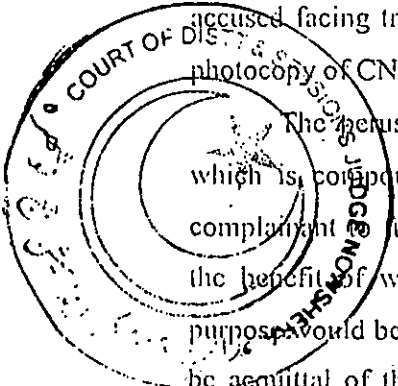
Annex E

15

Order-- 7
25/03/2015

APP for the State present. Accused present on bail. Report of the local commissioner alongwith statement of complainant received.

The local commissioner visited the place of duty of the complainant namely Usman Shah and recorded his statement wherein he has stated that he has patched up the matter with the accused facing trial and pardoned the accused facing trial in the name of Almighty Allah and would have got no objection on the acquittal of the accused facing trial. The statement of complainant recorded and signature alongwith photocopy of CNIC obtained.



The perusal of file reveals that accused facing trial is charged for offence which is compoundable in nature under the schedule and the non-interest of the complainant to further prosecute the accused, is a clear cut mitigating circumstance, the benefit of which situation duly goes to the accused side. Besides, no useful purpose would be served if trial is conducted rather the ultimate fate of the case would be acquittal of the accused facing trial hence, the compromise is accepted and the accused facing trial Shabeer Ahmad stands acquitted in the present case. He is on bail. His sureties are discharged from the liability of bail bonds.

File be consigned to record room after necessary completion and compilation.

Announced:
Dated: 25/03/2015

[Signature]
Sheraz Tariq,
Judicial Magistrate-I
Nowshera

ATTESTED

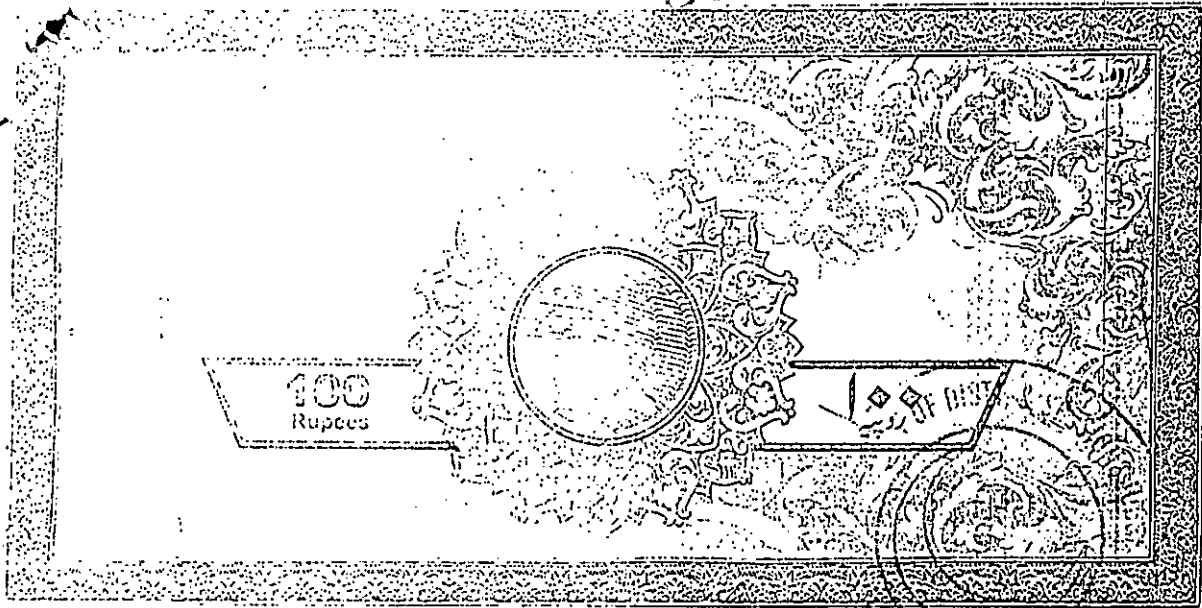
[Signature]
Examiner Copying Agency
Branch, D.S. Nowshera
06 MAY 2015

3

ATTESTED

[Signature]

1002015/03/25
1002015/03/25

E/1
16

راضی نامہ

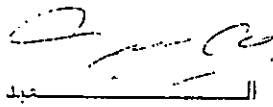
من مسمیان (1) پرنسپل پروفیسر شریف گل، (2) چیف پرائکٹرز ڈاکٹر عثمان شاہ، (3) ایک اسٹنٹ اسمبل زبان کورسٹ
 جی کالج، ضلع نوشہرہ بیان کرتے ہیں کہ من مسمیان نے شبیر احمد ولد نصیر احمد، ساکن بدشہ، لیب اسٹنٹ کورسٹ ڈگری کالج
 جی ضلع نوشہرہ کو اپنے جرم جو کہ FIR میں درج ہیں، تسلیم کرنے اور اس پر غیر مشروط معافی مانگنے پر شبیر احمد کے ساتھ راضی
 نامہ کرنے کو تیار ہیں۔ شبیر احمد ولد نصیر احمد مذکور اپنے کیے پر نادم و شرمندہ ہے من مسمیان اسے دل سے معاف کرتے ہیں۔

عندہ بہ برائے راضی نامہ اس پر نظر ذامی صحت سے ہے نہ کہ سرکاری طور سے۔
 07/07/2014



لیب اسٹنٹ اسمبل زبان

شخصی کارڈ نمبر 7-2085431-17201



چیف پرائکٹرز ڈاکٹر عثمان شاہ

شخصی کارڈ نمبر 9-1281724-16101



پرنسپل پروفیسر شریف گل

شخصی کارڈ نمبر 7-1424235-17301

ATTESTED


ATTESTED

Attesting Agency
 Branch, D.S.J. Rawanera.

25/7/14

Ali Gohar
 Judicial Magistrate-II/CI-1714
 Rawanera



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Annex: F

Phone # 091-9210242, 9211025/Fax # 9210215

Nov-3-2015 Dated Peshawar the 17/12/2015

17

MR. SHABIR AHMAD.

I am directed to convey to you the following adverse remarks recorded in your Performance Evaluation Report for the period 01.01.2014 to 31.07.2014.

II. INTEGRITY:

- | | |
|--|-------------|
| (i) Reported to be corrupt. | Yes |
| 13. Trust worthiness in confidential and secret matters. | Not at all. |
| 14. Any disciplinary action taken during the period under report
FIR lodged against him(FIR copy attached). | Yes |

PART III

- | | |
|-------------------------|-----|
| (e) Unfit for promotion | Yes |
|-------------------------|-----|

PART IV

- | | |
|----------|-----|
| (v) Poor | Yes |
|----------|-----|

PEN PICTURE:

He used to send threatening messages to Principal and other staff members which were detected through police tracking system. FIRs lodged by the Principal Dr. Usman Shah & Ajmal Khan Lab. Assistant against him. He himself admitted in the court. He is involved in conspiracies against the institution, Principal and staff members.

I hope you will try to best to remove defects. One spare copy of this DO letter is enclosed. This may be signed and returned to this office for placement in your character role. Please note that nothing is to be written on it except merely putting your signature and dates in token of having received this letter. In case the acknowledgment is not received in this office within a week, it will be presumed that you have accepted the remarks and no appeal will be entertained after the specified time.

M. Shabir

DY: DIRECTOR (ESTABLISHMENT)

Mr. Shabir Ahmad
Lab. Assistant GDC No.2 Mardan.

Endst.No _____

Copy of the above is forwarded for information and for necessary action to the.

- Principal GDC Pabbi(Novshera) w/r to his letter No.647 dated 21.11.2015.
- Principal GDC No.2 Mardan.

DY: DIRECTOR (ESTABLISHMENT)

General File 34711

ATTESTED

AS

GOVERNMENT OF KHYBER PAKHTUNKHWA

(GDC No.2 Mardan) Higher Edu. DEPARTMENT

CONFIDENTIAL REPORT

For the period from 01-01-2010 To 31-12-2010

PART-I

- 1. Name Shabir Ahmed
- 2. Designation Lab. Assistant (B-10, Rs. 17740/- pm)
- 3. Date of Birth 01-5-1970
- 4. Date of entry into Government Service 19-1-1991
- 5. Branches in which employed during the year, with period Lab.

PART-II

A PERFORMANCE	A1	A	B	C	D
(1) Referencing, paging of notes and correspondence.		None			
(2) Movement of files and record of suspense cases.	None				
(3) Keeping files and papers in tidy condition.	None				
(4) Promptness and accuracy in disposing of work.		None			
B PERSONAL TRAITS					
(5) Intelligence.		None			
(6) Knowledge of procedure and regulations.		None			
(7) Punctuality.		None			
(8) Cooperation and tact.	None				
(9) Amenability to discipline.		None			
(10) Skill in drafting.		None			

ATTESTED
[Signature]

G/1
19

- (11) Integrity: —
- (i) Incorruptible Yes No
- (ii) Reported to be corrupt Yes No
- (iii) Believed to be corrupt, because of :
- (a) Monetary condition Yes No
- (b) Other considerations Yes No
- (12) Knowledge of typing Yes No
- (13) Trust worthiness in confidential and secret matters. Yes No
- (14) Any disciplinary action taken during the period under report Yes No

PART-III

- | | By Reporting Officer | By Countersigning Officer |
|---|---|---------------------------|
| (a) Recommended for accelerated promotion. | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> |
| (b) Fit for promotion. | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> |
| (c) Recently promoted / appointed — consideration for promotion pre-mature. | <input checked="" type="checkbox"/> No | <input type="checkbox"/> |
| (d) Not yet fit for promotion. | <input checked="" type="checkbox"/> No | <input type="checkbox"/> |
| (e) Unfit for further promotion. | <input checked="" type="checkbox"/> No | <input type="checkbox"/> |

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good	<i>[Signature]</i>	
(ii) Good		
(iii) Average		
(iv) Below Average		
(v) Poor		

PEN PICTURE

G/2
20

The official is patient, accommodative and social in his behaviour. He is regular and hardworking in his duties. Follow discipline and rules

Reporting Officer's Signature

Name (in Block Letters)

MANZOOR ALI

Dated:

Designation

Govt Degree College No. 2

General Remarks by higher officers:

Countersigning Officer's Signature

Name (in Block Letters)

Designation

Dated:

ATTESTED

G/3 (21)

GOVERNMENT OF KHYBER PAKHTUNKHWA

(GDC No. 2 Mardan) Higher Edu. DEPARTMENT

CONFIDENTIAL REPORT

For the period from 01-01-2011 To 31-12-2011

PART-I

1. Name Shabir Ahmed
2. Designation Lab. Assistant. (BPS 10, Rs. 17740/- p.m.)
3. Date of Birth 01-5-1970
4. Date of entry into Government Service 19-1-1991.
5. Branches in which employed during the year, with period Lab.

PART-II

A PERFORMANCE	A1	A	B	C	D
(1) Referencing, paging of notes and correspondence.		Wm			
(2) Movement of files and record of suspense cases.		Wm			
(3) Keeping files and papers in tidy condition.		Wm			
(4) Promptness and accuracy in disposing of work.		Wm			
B PERSONAL TRAITS					
(5) Intelligence.		Wm			
(6) Knowledge of procedure and regulations.		Wm			
(7) Punctuality.		Wm			
(8) Cooperation and tact.		Wm			
(9) Amenability to discipline		Wm			

ATTESTED
[Signature]

G/4
 (22)

(11) Integrity: —

- (i) Incorruptible
- (ii) Reported to be corrupt
- (iii) Believed to be corrupt, because of :
 - (a) Monetary condition
 - (b) Other considerations

Assessment

Yes

No

No

No

YES NO

- (12) Knowledge of typing
- (13) Trust worthiness in confidential and secret matters.
- (14) Any disciplinary action taken during the period under report.

Yes

No

PART-III

- (a) Recommended for accelerated promotion.
- (b) Fit for promotion.
- (c) Recently promoted / appointed — consideration for promotion pre-mature.
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.

By Reporting Officer
 Yes

By Corresponding Officer
 No

Yes

No

No

No

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good	<i>[Signature]</i>	
(ii) Good		
(iii) Average		
(iv) Below Average		

ATTESTED

[Signature]

G/5
23

3
PEN PICTURE

The official is patient accomodative and social in his behaviour. He is regular and hardworking in his duties. Follow discipline and rules.

Reporting Officer's Signature [Signature]
Name (in Block Letters) Manzoor Ali
Designation _____

Dated: _____

General Remarks by higher officers:

Countersigning Officer's Signature _____
Name (in Block Letters) _____
Designation _____

Dated: _____

ATTESTED
[Signature]

GOVERNMENT OF KHYBER PAKHTUNKHWA

(GDCN 2 Mardan) Higher Edu. DEPARTMENT

CONFIDENTIAL REPORT

For the period from 01-01-2012 To 31-12-2012

PART-I

1. Name Shabir Ahmed
2. Designation Lab. Assistant (B-10, Rs. 17740/- PM)
3. Date of Birth 01-5-1970
4. Date of entry into Government Service 19-1-1991
5. Branches in which employed during the year, with period Lab.

PART-II

A	PERFORMANCE	A1	A	B	C	D
(1)	Referencing, paging of notes and correspondence.		Wana			
(2)	Movement of files and record of suspense cases.	Wana				
(3)	Keeping files and papers in tidy condition.	Wana				
(4)	Promptness and accuracy in disposing of work.		Wana			
B	PERSONAL TRAITS	-	-			
(5)	Intelligence.		Wana			
(6)	Knowledge of procedure and regulations.		Wana			
(7)	Punctuality.		Wana			
(8)	Cooperation and tact.		Wana			
(9)	Amenability to discipline		Wana			

ATTESTED

[Signature]

G/7
25

(11) Integrity: — Assessment

(i) Incorruptible

(ii) Reported to be corrupt

(iii) Believed to be corrupt, because of :

(a) Monetary condition

(b) Other considerations

YES NO

(12) Knowledge of typing

(13) Trust worthiness in confidential and secret matters.

(14) Any disciplinary action taken during the period under report.

PART-III

	By Reporting Officer	By Corrosoning Officer
(a) Recommended for accelerated promotion.	<input type="text" value="Yes"/>	<input type="text"/>
(b) Fit for promotion.	<input type="text" value="Yes"/>	<input type="text"/>
(c) Recently promoted / appointed — consideration for promotion pre-mature.	<input type="text" value="No"/>	<input type="text"/>
(d) Not yet fit for promotion.	<input type="text" value="No"/>	<input type="text"/>
(e) Unfit for further promotion.	<input type="text" value="No"/>	<input type="text"/>

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good	<input type="text" value="AM"/>	<input type="text"/>
(ii) Good	<input type="text"/>	<input type="text"/>
(iii) Average	<input type="text"/>	<input type="text"/>
(iv) Below Average	<input type="text"/>	<input type="text"/>

ATTESTED

AM

PEN PICTURE

G/8
26

The official is patient accommodative & social in his behaviour. He is regular & hardworking in his duties. Follow discipline & rules.

Reporting Officer's Signature

Name (in Block Letters)

MANZOOR ALI

Dated:

Designation

Principal
Savitri Degree College (W) 2
Pune

General Remarks by higher officers:

Countersigning Officer's Signature

Name (in Block Letters)

Designation

Dated:

ATTESTED

G/9

27

GOVERNMENT OF KHYBER PAKHTUNKHWA
(GDC No.2 Mardan) Higher Edu. DEPARTMENT

CONFIDENTIAL REPORT

For the period from 01-01-2013 To 31-12-2013

PART-I

1. Name Shahid Ahmed
2. Designation Lab Assistant (B-10 - R. 17740/- Pm)
3. Date of Birth 01-5-1970
4. Date of entry into Government Service 19-1-1991
5. Branches in which employed during the year, with period Lab.

PART-II

A PERFORMANCE	A1	A	B	C	D
(1) Referencing, paging of notes and correspondence.		None			
(2) Movement of files and record of suspense cases.		None			
(3) Keeping files and papers in tidy condition.		None			
(4) Promptness and accuracy in disposing of work.		None			
B PERSONAL TRAITS					
(5) Intelligence.		None			
(6) Knowledge of procedure and regulations.		None			
(7) Punctuality.		None			
(8) Cooperation and tact.		None			
(9) Amenity to discipline		None			
(10) Skill in drafting.		None			

ATTESTED

[Signature]

G/10
28

(11) Integrity: —

(i) Incorruptible yes

(ii) Reported to be corrupt No

(iii) Believed to be corrupt, because of :

(a) Monetary condition No

(b) Other considerations No

YES NO

(12) Knowledge of typing yes

(13) Trust worthiness in confidential and secret matters. No

(14) Any disciplinary action taken during the period under report.

PART-III

	By Reporting Officer	By Corresponding Officer
(a) Recommended for accelerated promotion.	<input checked="" type="checkbox"/> <u>yes</u>	<input type="checkbox"/>
(b) Fit for promotion.	<input checked="" type="checkbox"/> <u>yes</u>	<input type="checkbox"/>
(c) Recently promoted / appointed — consideration for promotion pre-mature.	<input type="checkbox"/> <u>No</u>	<input type="checkbox"/>
(d) Not yet fit for promotion.	<input type="checkbox"/> <u>No</u>	<input type="checkbox"/>
(e) Unfit for further promotion.	<input type="checkbox"/> <u>No</u>	<input type="checkbox"/>

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good	<u>[Signature]</u>	
(ii) Good		
(iii) Average		
(iv) Below Average		
(v) Poor		

ATTESTED

[Signature]

PEN PICTURE

G/11
29

The official is patient accommodative & social in his
behaviour. He is regular & hard working in his duties.
Follow discipline & rules.

Reporting Officer's Signature

Name (in Block Letters)

MANZOOR ALI

Dated:

Designation

Sub: Degree Cole

General Remarks by higher officers:

Countersigning Officer's Signature

Name (in Block Letters)

Designation

Dated:

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA

(GDC No. 2 Mardans)

Higher Edu DEPARTMENT

30

CONFIDENTIAL REPORT

For the period from 01-01-2014 To 31-12-2014

PART-I

1. Name Shabir Ahmed
2. Designation Lab. Assistant (B-10 Rs. 12740/-pm)
3. Date of Birth 01-5-1970
4. Date of entry into Government Service 19-1-1991
5. Branches in which employed during the year, with period Lab.

PART-II

A PERFORMANCE	A1	A	B	C	D
(1) Referencing, paging of notes and correspondence.		None			
(2) Movement of files and record of suspense cases.	None				
(3) Keeping files and papers in tidy condition.	None				
(4) Promptness and accuracy in disposing of work.		None			
B PERSONAL TRAITS					
(5) Intelligence.		None			
(6) Knowledge of procedure and regulations.		None			
(7) Punctuality.		None			
(8) Cooperation and tact.	None				
(9) Amenability to discipline		None			
(10) Skill in drafting.		None			

ATTESTED

[Signature]

G/13

31

(11) Integrity:—

- (i) Incorruptible yes
- (ii) Reported to be corrupt No
- (iii) Believed to be corrupt, because of :
 - (a) Monetary condition No
 - (b) Other considerations No

Assessn.

YES NO

(12) Knowledge of typing

yes

(13) Trust worthiness in confidential and secret matters.

No

(14) Any disciplinary action taken during the period under report.

PART-III

(a) Recommended for accelerated promotion.

By Reporting Officer yes

(b) Fit for promotion.

By Reporting Officer yes

(c) Recently promoted / appointed — consideration for promotion pre-mature:

No

(d) Not yet fit for promotion.

No

(e) Unfit for further promotion.

No

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good	<i>Amid</i>	
(ii) Good		
(iii) Average		
(iv) Below Average		
(v) Poor		

ATTESTED

am

PEN PICTURE

G/14

(32)

The official is patient, Accommodative & Social in his behaviour. He is regular and hardworking in his duties. Follow discipline & rules.

Reporting Officer's Signature *[Signature]*

Name (in Block Letters) **MANZOOK ALI**

Designation **Principal**
Govt. Degree College No: 2
Mardan

Dated: _____

General Remarks by higher officers:

Countersigning Officer's Signature _____

Name (in Block Letters) _____

Designation _____

Dated: _____

ATTESTED

[Signature]

خدمت جناب ڈائریکٹر صاحب ہائیر ایجوکیشن ڈیپارٹمنٹ، خیبر پختونخوا

موضوع: اپیل برائے Adverse ACR

جناب عالی!

آپ کے Endst No. 34050-51 مورخہ 15-12-17 کے جواب میں نہایت ادب سے عرض ہے کہ فدوی محکمہ ہائیر ایجوکیشن میں عرصہ 25/26 سال سے بطور لیبارٹری اسٹنٹ اپنی خدمات اور فرائض منصبی اسی طریقے سے انجام دے رہا ہے۔ اس طویل عرصہ میں فدوی کی کبھی بھی سرورس کے معاملے میں کوئی کوتاہی یا غفلت دیکھنے میں نہ آئی۔ فدوی کبھی کسی ڈیپارٹمنٹل انکوائری یا کسی بھی عدالتی کارروائی میں ملوث نہ رہا۔ فدوی کا سرورس رہا اور فدوی کی سرورس بک اور دیگر کاغذات کے لحاظ سے بالکل صاف ہے۔

(P1) فدوی کے خلاف شریف گل صاحب پرنسپل ہی کالج کی جانب سے پیش کردہ فدوی کی ACR مکمل طور بددیتی پر مبنی ہے۔ شریف گل پرنسپل ہی کالج کا فدوی کے ساتھ کافی عرصہ سے ذاتی اختلاف چلا آ رہا تھا۔ جس کی بنیاد مثال شریف گل پرنسپل ہی کالج کی فدوی سے جواب طلبی نمبر 707 مورخہ 03-11-2014 ہے جو کہ بددیتی پر مبنی تھی۔ اس جواب طلبی میں پرنسپل صاحب نے فدوی سے 09 مارچ 2014 کی جواب طلبی بھی کی جو کہ (P2) 09 مارچ 2014 کو اتار تھا۔ اور یہ جواب طلبی بددیتی پر مبنی تھی۔ (Annexure-A)

(P3) اسی جواب طلبی میں فدوی کو 11 مارچ 2014 کو Absent بتایا گیا ہے۔ حالانکہ حاضر ہو گیا تھا۔ پرنسپل کے آفس میں ہوتا تھا اس رجسٹر حاضری کے مطابق فدوی 11 مارچ 2014 کو اپنی فرائض انجام دے رہا تھا۔ (Annexure-B)

(P4) پرنسپل صاحب نے فدوی کے ساتھ ذاتی (ill will) رکھی رہی اور فدوی کے متعلقہ بائیں ڈیپارٹمنٹ کے چیئرمین سے فدوی کی پرفارمنس رپورٹ طلب کی جو کہ فدوی کے حق میں آئی۔ (Annexure-C) جون۔ جولائی 2014 میں شریف گل پرنسپل ہی کالج نے فدوی کے ساتھ جنون کی حد تک ذاتی اختلاف (ill will) رکھتے ہوئے فدوی کے خلاف ذاتی حیثیت سے FIR مورخہ 01-07-2014 کو پشاور شیشیں میں اپنا اثر و رسوخ کے بناء پر کرائی۔ جو کہ فدوی کی زندگی کی پہلی FIR تھی۔

اس کے بعد پرنسپل صاحب اور فدوی کا راضی نامہ ہو گیا۔ جس میں پرنسپل شریف گل نے متروک عدالت کے ساتھ راضی نامہ پر یہ اعتراف کرتے ہوئے لکھا کہ یہ کیس اراضی نامہ ذاتی حیثیت سے ہے نہ کہ سرکاری۔ (یعنی یہ نہ سرکاری حیثیت سے نہ تھا)۔ (Annexure-D)

(PTO 2)

مہدی اہل داخل دفتر DHE

23/12/15

After receiving letter No 34059 dated 17/12/15

ATTESTED



جس پر معزز عدالت نے فدوی کو اپنے آرڈر نمبر 7 مورخہ 25/03/15 کو باعزت بری کر دیا، عدالتی فیصلے کی کاپی لف ہے۔ (Annexure-E)

(۵)۔ اسی دوران فدوی کا تبادلہ خان کوئی کالج کر دیا گیا اور بعد GDC No.2 مردان۔ شریف گل پرنسپل جی کالج نے راضی نامہ اور عدالت سے بری ہونے اور فدوی کا جی کالج سے ٹرانسفر ہونے کے بعد بھی دل میں خلش رکھتے ہوئے اور فدوی سے (ill will) ہونے پر فدوی کی اوصالی بری ہے اور سمجھ سے بالاتر ہے۔

(۶)۔ فدوی کی مذکورہ ACR فدوی نے بذات خود پرنسپل جی کالج کے پاس جمع نہ کیا ہے۔ پرنسپل صاحب نے خود فدوی کا ACR (Fill) کر کے فدوی کی پرموشن رکوانے کیلئے ACR کی کاپی ڈائریکٹوریٹ ہائیر ایجوکیشن میں جمع کیا جو کہ پرنسپل صاحب کی بدینتی کو ظاہر کرتا ہے۔

(۷)۔ چونکہ پرنسپل شریف گل جی کالج کا فدوی کے ساتھ ذاتی (ill will) ہے جس کا اعتراف وہ کر چکے ہیں اور اس ذاتی (ill will) کو پرنسپل شریف گل نے اپنے اختیارات کا ناجائز استعمال کرتے ہوئے فدوی کے سرکاری معاملات ACR اور پرموشن پر اثر انداز ہونے کی کوشش کی ہے جو کہ بدینتی پر مبنی ہے۔

فدوی کی اہتماس ہے کہ پرنسپل شریف گل جی کالج کا فدوی کے ساتھ ذاتی (ill will) ہونے کی وجہ سے پرنسپل صاحب فدوی کی ACR لکھنے کا مجاز نہ ہے۔

ان تمام شہوتوں اور حقائق کو مد نظر رکھتے ہوئے لہذا استدعا کی جاتی ہے کہ فدوی کے سابقہ 25/26 سالہ شاندار سروس ریکارڈ کو مد نظر رکھتے ہوئے فدوی کی موجودہ کالج سے دستخط شدہ ACR کو مکمل طور پر درست اور صحیح تصور کیا جائے اور فدوی کو پرموشن میں شامل کیا جائے۔

فدوی تاحیات دعا گورے گا۔

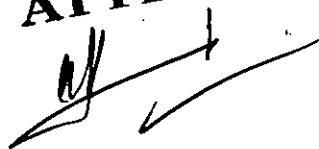
الضامن

آپکا تابعدار
شہیر احمد

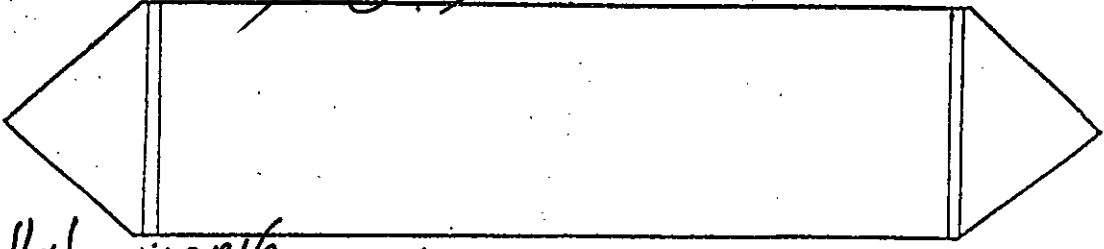
L/Asst. GDC No.2 Mardan

22-12-2015

ATTESTED



بعد الت جواب سرور اسٹریٹس ٹیبلٹس پراپرٹی ڈیولپمنٹ پراجیکٹ



2016ء پنجاب ایبلٹ

مشہد احمد ولد نصر احمد بنام شرف گل بریل
گلیٹ اسٹریٹس ٹیبلٹس گورنمنٹ ڈپارٹمنٹ
سٹریٹس ڈیولپمنٹ کالنگ (نورسٹریٹ) ڈیولپمنٹ
نوٹس پور

موزخہ 19-4-2016

Sublime Appeal

دعویٰ No = 19/16

جرم

باعث تحریر آئینک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کارروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقریر ثنائتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیرا عرضی 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 منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی 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 اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ نہ ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 19 ماہ اپریل 2016

واہ العبد

کے لئے منظور ہے۔

Accepted &

Adul Hameed

Adv: Peshawar

0343-9025029

مقام
Shabiv Ahmed
Lab/Asst.

GDC Akora (Nowshera)

Before the KPK Service Tribunal Peshawar.

Service Appeal No. 421/2016

Shabir Ahmad

VS

Government

Application for Early Hearing.

A.W.F. Province
Service Tribunal
Diary No. 370
Dated 12-5-2016

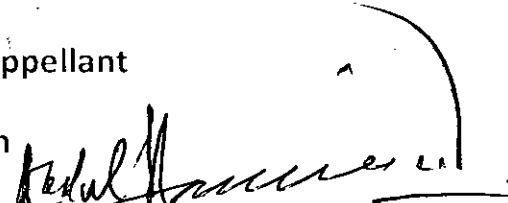
Respectively shewith ,

1. That the above titled appeal was fixed before this Hon'ble Tribunal on 05.05.2016 for Preliminary hearing.
2. That on 05.05.2016 the above case was not heard due to the strike of the lawyers and the next date for preliminary hearing has been fixed on 23.06.2016, which is too late.
3. That it would be the justice and fair-play that this appeal be fixed earlier than that of 23.06.2016, for preliminary hearing.

It is therefore prayed that on acceptance of this application, the above titled appeal may kindly be accelerated and fixed at an early date as convenient to this Hon'ble Tribunal.

Appellant

Through


Abdul Hameed

12.05.2016

Advocate Supreme Court of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 421/2016

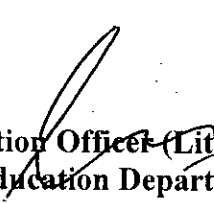
Mr. Shabir AhmadAppellant

VS

Govt of Khyber Pakhtunkhwa through Secretary & Director Higher Education, Peshawar.....Respondents

INDEX

S No.	Description of Documents	Annexure	Pages
1.	Joint Para-wise Comments	--	1-2
2.	Affidavit	--	3
3.	Explanations from the appellant	Annexure-A	4-10
4.	Another Explanation letter.	Annexure-B	11
5.	Statement of Principal regarding threatening messages from the appellant.	Annexure-C	12
6.	Copy of FIR.	Annexure-D	13 a+b
7.	Compromise between the parties.	Annexure-E	14


Section Officer (Litigation)
Higher Education Department Khyber
Pakhtunkhwa Peshawar.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 421/2016

Mr. Shabir Ahmad..... Appellant.

VERSUS

Govt of Khyber Pakhtunkhwa through secretary and Director , Higher Education, Peshawar
..... Respondents.

SUBJECT:- PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.2,3, AND 4.

PRELIMINARY OBJECTIONS:-

Respectfully Sheweth:-

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has concealed material facts from the Hon'able Tribunal.
3. That the Hon'able Tribunal lacks jurisdiction to entertain the instant appeal.
4. That the appellant has not come to the tribunal with clean hands.
5. That the appellant is estopped by his own conduct.
6. That the appeal is hit by doctrine of laches.
7. That the appeal in hand is time barred.

ON FACTS:

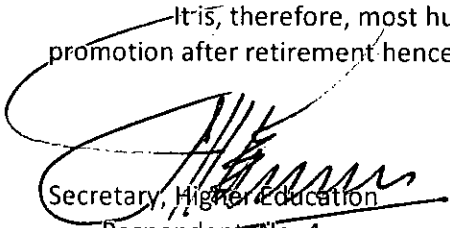
1. Pertains to record.
2. Subject to proof.
3. Incorrect. The appellant is trying to conceal material facts from the Honourable Tribunal. There are no personal grudges of Principal with the appellant. The appellant was served upon many explanations in his past during his service by Principal (some are attached as annexure-A). The appellant was asked to give explanation as to why he comes late and leave early on 11/03/2014(Annexure-B). As far as the comments of the Chairman, Biology Department are concerned, it was his personal view regarding the appellant not supported by any documentary proof.
4. Incorrect. In the month of June, the Principal and some College staff continuously received SMS messages intimidating the College staff with bad words etc. The matter was discussed with Police officials (Annexure-C) and through mobile tracking system. The appellant was identified as the main culprit. Thereafter, the Principal and College staff registered separate FIRs against the appellant (Annexure-D).
5. Incorrect. The appellant confessed his guilt before the Police officials and the Principal. The appellant, being poor, therefore requested through apology for pardon; as a result the case was solved and the appellant was granted pardon through compromise in personnel capacity by the Principal and other staff (Annexure-E).
6. Pertains to records. Furthermore as far as the appellant adverse ACR for the period 01/01/2014 to 31/07/2014 is concerned, the same was given due to the appellant's personal bad performance and his conduct in official duties and the reporting officer was in better position to form an opinion about the appellant.
7. Incorrect. The appellant is trying to mislead the fact. The adverse remarks were maintained because of his wilful misconduct in duties and also his criminal activities and not based on personnel grudges.
8. Pertains to record.
9. Incorrect. As far as adverse ACRs are concerned, the adverse remarks were maintained by the reporting officer due to the appellant's own misconduct in official duties and not on the basis of personal grudges. The adverse remarks were recorded after fulfilling all the codal formalities.
10. Pertains to record.

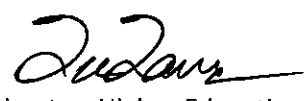
GROUNDS.

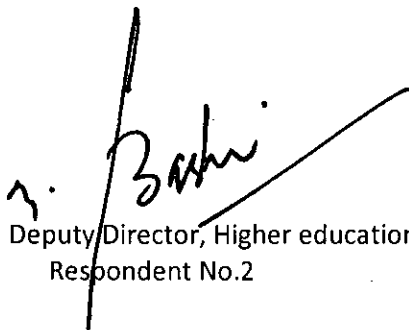
- A. Incorrect and misconceived. The reply in ACRs are maintained according to the appellant's own conduct and performance and not based on personal grudges.
- B. Incorrect. There are no personal grudges of the Principal with appellant, while the present entries recorded in PERs by respondent No.1 are simply the outcome of his negligence in official duties.
- C. Incorrect and misconceived as explained in preceding para.
- D. Incorrect and misconceived.
- E. Not admitted.
- F. Incorrect. The impugned remarks are in accordance with law and rules.
- G. Incorrect and misconceived.

PRAYER.

It is, therefore, most humbly prayed, that the appeal is not maintainable as no one can ask for promotion after retirement hence; the appeal may graciously be dismissed with cost.


Secretary, Higher Education
Respondent. No .4


Director, Higher Education
Respondent.No.3

3. 
Deputy Director, Higher education.
Respondent No.2

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 421/2016


Mr. Shabir Ahmad.....Appellant

VS

**Govt of Khyber Pakhtunkhwa through Secretary & Director Higher Education,
Peshawar.....Respondents**

AFFIDAVIT

I, Asif Khan, Assistant Director (Litigation), Higher Education Department Government of Khyber Pakhtunkhwa, do hereby declare and affirm on oath, that the contents of the Joint Para-wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.


Deponent

CNIC No. 17301-6043213-9

Anex - A

(4)

39

OFFICE OF THE PRINCIPAL
GOVT: DEGREE COLLEGE PABBI

No 381 /

Dated Pabbi the 21/6/2000

Mr: Shabir Ahmad Lib: Assistant
Local College.

SUBJECT:-
Memo:

EXPLANATION

You did not attend the college from June 09 to 24th June 2000 not even during the F.Sc practical Exam as Lab: Assistant and remained absent from duty with out any application/intimation.

Please give reasons for yours absence from duty, within a week of the receipt of this letter.

O/C
SS
(PROFESSOR MUHAMMAD SHARIF)
PRINCIPAL
GOVT: DEGREE COLLEGE PABBI

Indst: No 382 /

Copy of the above is forwarded for information and necessary action to the Director of Education (Colleges) N.W.F.P. Peshawar.

PRINCIPAL
GOVT: DEGREE COLLEGE
PABBI

KHAN GUL
S.CLERK

[Handwritten signature]

File - A

5 10/11/01

OFFICE OF THE PRINCIPAL
GOVT: DEGREE COLLEGE PABBI
No 1178 / F.No. / Shabir Ahmad
Dated Pabbi the 6/5 / 01

To

Mr Shabir Ahmad
Lib: Assistant
Govt: Degree College Pabbi

SUBJECT:-
Memo:

EXPLANATION

You are absent from duty on 06-07-2001
with out any information, and prior sanction of leave.

Therefore explain your position that why not
disciplinary action should not be taken against your under
E & D Rules. Your reply should be reached in this office within
two days.

S
PRINCIPAL
GOVT: DEGREE COLLEGE
PABBI

Encl: No 1178

Copy of the above is forwarded for information and
necessary action to the:-

Director of Education (Colleges) N.W.F.P. Peshawar.

KHAN GUL
S.C. CLERK

S
PRINCIPAL
GOVT: DEGREE COLLEGE
PABBI

Khan Gul
07/7/01
Act
10 AM

6

35

1ST REMINDER

To

OFFICE OF THE PRINCIPAL
GOVT. DEGREE COLLEGE PABBI

Mr Shabir Ahmad Lib Assistant
Local College.

No. 433 /

Dated Pabbi the 22/7/ /2000

SUBJECT:-
Memo:

EXPLANATION.

Reference this Office Memo: No 381/ dated 29-06-2000.

You are hereby reminded to submit your reply within
three days of this reminder other wise exparte proceeding shall be
initiated against you.

St
(PROFESSOR MUHAMMAD SHARIF)
PRINCIPAL
GOVT. DEGREE COLLEGE PABBI
St

Encls: No 434 /

Copy of the above is forwarded for information and necessary
action to the Director of Education (Colleges) N. W. P. Peshawar.

Recd
St
24/7

St
PRINCIPAL
GOVT. DEGREE COLLEGE
PABBI
St

7

Explanation

Office of the Principal

At 415 C.C. - Pabbi

7.9.99

Shabir Ahmad Lab Asst

Please explain that why you are absent from duty since the opening of the college after summer vacation on 1-9-99. Your reply should reach the undersigned within 3 days of the issue of this letter.

Received
H. S. / 8/9/99

Principal
C.C. Pabbi

%

Endst No. 231 / Audit/BISE, Peshawar Dated 29-5-1999

Copy forwarded to the Principal/Headmaster with request to direct the teacher concerned for prompt deposit of the amount.

97
5/6/99

(SAID REHMAN)
Audit Officer
Board of Intermediate & Education, Peshawar

8 (26)

OFFICE OF THE PRINCIPAL
GOVT: DEGREE COLLEGE PABRI

NO. 442

DATED 29/9/98

To

Mr. Shabir Ahmad
Lab: Asstt: Local College.

Subject:-
Memo:

EXPLANATION.

While going through the attendance register it has been observed that on 28th & 29th Sept: 1998 you have been marked absent.

Explain your absence from the duties without application. It is gross negligence on your part to be absent from the college and will definitely affect your conduct and efficiency.

PRINCIPAL
GOVT: DEGREE COLLEGE
PABRI

29/9/98

9

119

OFFICE OF THE PRINCIPAL
GOVT. DEGREE COLLEGE PABBI

NO. 442

DATED 28/9/98

To

Mr. Shabir Ahmad
Lab. Asstt. Local College.

Subject:-
Memo:

EXPLANATION.

While going through the attendance register it has been observed that on 28th & 29th Sept: 1998 you have been marked absent.

Explain your absence from the duties without application. It is gross negligence on your part to be absent from the college and will definitely affect your conduct and efficiency.

PRINCIPAL
GOVT. DEGREE COLLEGE
PABBI

o/c

28/9/98

15 2 18

OFFICE OF THE PRINCIPAL,
GOVT: DEGREE COLLEGE PABBI.
No. 29 / Dt: 29 / 05 / 94.

To,

Mr. Mohammed Yousaf,
Associate Professor,
Govt; Degree College PAbbi.

SUBJECT:- ENQUIRY.

Memo.

You have been appointed as enquiry officer to conduct an enquiry against Mr. Shabir Ahmad, Lab: Asstt: local college Ex- Lab: Assistant Govt; College Nowshera. Statements received from the Director of Education (Colleges) NWFP, Peshawar are enclosed herewith in original.

11/94

[Signature]
Principal,
Govt; Degree College
Pabbi.

J.Zeb/JC

DISCU. NOWSHERA.

OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE PABBI. (NOWSHERA)

Endst: No: 485

Dated: 29/5/94

Forwarded in original to the, Director of Education, (Colleges) NWFP Peshawar for necessary action.

[Signature]
(PROF: MOHAMMAD SHARIF)
PRINCIPAL
Govt: College Pabbi. (NSR)

Anex-B

(W)

117

L, GOVT. DEGREE COLLEGE PABBI (NSR)

- 923529288 Email: gcpabbi@gmail.com

Dated 11-3-2014

Mr. Shabir Ahmad,
Lab. Assistant,
G.C. Pabbi.

EXPLANATION


It is noted that you are habitual late comer and leave the college early. Your four days record is

under:

S.No	Dates	Time of Arrival
1	6.03.2014	9:25 AM
2	7.03.2014	9:15AM
3	8.03.2014	9:15AM
4	10.03.2014	9:52AM

Today on 11.03.2014 you are absent without any prior information.

Explain that why not disciplinary action be taken against you.



PRINCIPAL
GOVT. DEGREE COLLEGE
PABBI

Ref. No. 708-9

Dated 11/03/2014.

Copy forwarded to:

1. The Director Higher Education, Khyber Pakhtunkhwa, Peshawar for information.
2. Chairman Biology Department for his performance report.


PRINCIPAL
GOVT. DEGREE COLLEGE
PABBI

Anex - C

(12)

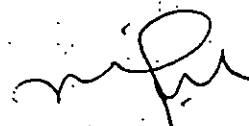
PRINCIPAL, GOVT. DEGREE COLLEGE PABBI (NSR)

Phone No. +92-923529288 Email: gcpabbi@gmail.com

No. 912 Date 01.07.2014

STATEMENT OF THE PRINCIPAL GOVT. DEGREE COLLEGE PABBI

It is certified that I received two threatening SMS from cell # 0345-5248545 on 22.06.2014. I received another such threatening SMS from the same cell No on 23.06.2014. Instantly, I informed the DSP, Pabbi and handed over the above mobile No personally for investigation into the matter and identification of the perpetrator. On 30.06.2014, I received a call from the DSP Pabbi that he has identified the Nos and persons of the threatening SMSs. He informed that the SMSs were sent to the Principal by Mr. Shabir Ahmad of Govt. College Pabbi as per preliminary investigation conducted by the police. In view of the situation, FIR may therefore be lodged against Mr. Shabir Ahmad, Lab. Asstt and take the matter to its logical conclusion to avoid such happening in the college in future.



PRINCIPAL
GOVT. DEGREE COLLEGE
PABBI

[Handwritten notes and signatures at the bottom of the page]



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

No. 1070 /CA-VII/Estt: Branch/A-167/

Dated 29/4 /2015

To

Mr. Waqar Ahmad S/O Ghani Ur Rehman
Resident of Village Shewa Moh: Ibrahim Khel
District Swabi.

Subject: - DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 3.4.2015
ISSUED BY PRINCIPAL, GOVT: DEGREE COLLEGE, SHEWA
DISTRICT SWABI WHEREBY THE APPLICANT HAS BEEN
TERMINATED FROM SERVICE.

Memo:-

I am directed to refer to your appeal dated 6.4.2015 and to inform you that without committee recommendations issuing of appointment orders will be illegal and stand cancelled and your appointment order was issued without the approval of the Departmental Selection Committee, hence your appeal can't be considered at this stage.


DY: DIRECTOR (ESTABLISHMENT)

فارم نمبر ۱۳-۱۵

37
107
9-87
5-87

ابتدائی اطلاع رپورٹ

Annex: D فائل

ابتدائی اطلاع نسبت جرم قاتل دست اندازی پولیس رپورٹ شدہ زبردستی ۱۵۳ مجموعہ ضابطہ نو جداری

13

فائل نمبر: 354
تاریخ: ۱۲-۱۵-۱۴
مقام: قسطنطنیہ

۱۔	ناروا دقت رپورٹ	
۲۔	نام و سکونت اطلاع دہندہ مستغیث	۰۳۳۳ ۳۱۳ ۶۸۸۰
۳۔	تھریٹ کیفیت جرم (مورد قتل) خالی اگر کچھ لیا گیا ہو۔	۹۲۶- (۲) ۵۰۶
۴۔	جائے وقوع و نام اطلاع دہندہ سے اور سمت	بی بی کاظم آباد
۵۔	نام و سکونت تہمتی	۱۷۲۰۱-۲۲۱۶۲۲۹-۱ ۰۳۳۳ ۹۰۲۲ ۳۱۶
۶۔	کارروائی جو پیش کی گئی اگر اطلاع درج کرنے سے قبل وقف ہوا اور تہمتی یا انکار	تہمتی کا شکریہ رپورٹ پر تہمتی کے خلاف کارروائی ہو چکی ہے
۷۔	تھمتی سے روائی کی تاریخ و وقت	

ابتدائی اطلاع کے درج کردہ صورت ملکہ صاحبہ کے بارے میں اطلاع دہندہ نے کہا کہ
 To the Station Police Station Public subject Registration of FIR against Mr. Shabbir Ahmad
 Laboratory Assistant, GC Pabbi. In continuation to the office
 letter no-397 dated 23.06.2014 regarding threatening SMS and
 Request for lodging of FIR and to receive for formal FIR
 and necessary action consequent upon the event of the
 Threatening SMS. The college council meeting was held
 today on 01.07.2014 in the Principal's GC Pabbi office staff
 secretary invited attention of the staff towards the issue
 of Threatening SMS, to the Principal GC Pabbi. The Principal
 referred to the issue and explained in detail that he informed
 that SMS were received from unknown cell number of
 different subjects on different occasion as referred to
 the SMS wherein mentioned different officials and faculty
 members with derogatory words including interfering in the
 official matters of examination, admission etc. The Principal further
 informed that after preliminary investigation of 2345 524 2545 by
 Station Police Station Pabbi next Police Station was

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was also discovered that such suits were also sent to Mr. Usman Shah Chief Director of the college, Mr. Ajmal Khan Lab. Asstt Computer section and ex-Principal Prof. Zafarullah Khan. The Principal office damaged A.C. was also come under discussion and all such suits and office damages were correlated to Mr. Shabir Ahmad. Staff members debated upon different aspects of the issue and unanimously decided to proceed against Mr. Shabir Ahmad under the law to teach him a lesson of his future life and to avoid such happening in the college in review of the above, you are once again requested for formal FIR against Mr. Shabir Ahmad Lab. Assistant of this college and detailed investigation into the matter and take it to its logical end in the interests of public. sd- Principal Govt. Degree College Pabbi dated 01.07.14

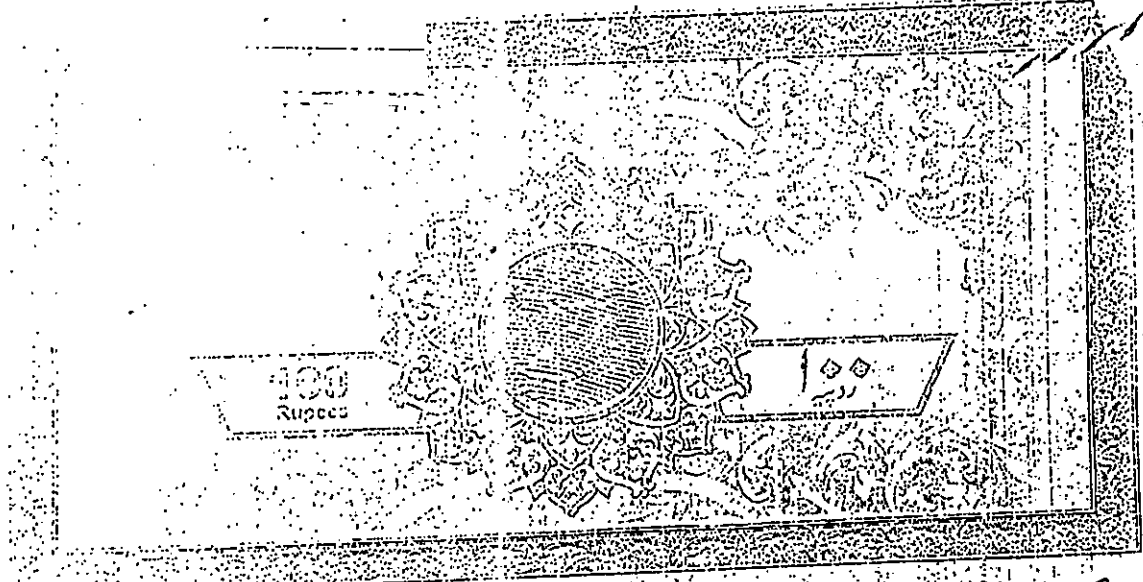
جناب صاحب ایف ڈی آر
 897
 To the station Head officer (LHS), Police Station Pabbi
 Subject: Lodging of FIR. In the college Principal office A.C. conditioner is repeatedly damaged by unknown persons and finally the copper pipe meant for gas supply has been cut off and now the outdoor unit has been secured by the staff. You are asked for FIR and proper investigation to avoid any such happening in future. Please sd- Principal Govt. Degree College Pabbi

375
 21 جولان قافلہ میں 21
 014
 و لبرٹ ماہی و مرقاں السورج
 606

Handwritten signature and date: 01/07/14

Handwritten text at the bottom of the page, possibly a footer or additional notes.

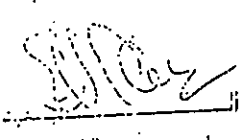
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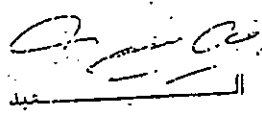
Annexure - ~~A~~ B

برائے نامہ

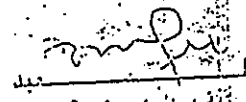
من مسیان (1) پرنسپل پروفیسر شریف گل، (2) چیف پرائیکٹ ڈائریکٹر عثمان شاہ، (3) لیڈ اسٹنڈرڈ اینڈ ایٹل ڈائن گورنمنٹ
 ہی کالج، ضلع نوشہرہ بیان کرتے ہیں کہ من مسیان نے شبیر احمد ولد نصیر احمد، ساکن بدوڑا، لیڈ اسٹنڈرڈ گورنمنٹ ڈگری کالج
 ہی ضلع نوشہرہ کو اپنے جرم جو کہ FIR میں درج ہیں، تسلیم کرتے اور اس پر شبیر احمد ولد نصیر احمد کے ساتھ رہائی
 نامہ کرنے کو تیار ہیں۔ شبیر احمد ولد نصیر احمد مذکور اپنے کیے پر تادم و شرمندہ ہے من مسیان ات دل سے معاف کرتے ہیں۔
 محمد علی پور، عثمان شاہ، پرائیکٹ ڈائریکٹر عثمان شاہ، نے سرکار کی صحت سے مدد
 CT/37/2014



لیڈ اسٹنڈرڈ اینڈ ایٹل ڈائن
 شناختی کارڈ نمبر 7-17201-2065431



چیف پرائیکٹ ڈائریکٹر عثمان شاہ
 شناختی کارڈ نمبر 9-16101-1261724



پرنسپل پروفیسر شریف گل
 شناختی کارڈ نمبر 7-17301-1424235



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8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 421/2016

Shabir Ahmad Appellant

Versus

Principal, Govt. Degree College, Pabbi
District Nowshera and others Respondents.

I N D E X

S.No.	Description of documents	Annexures	Pages
1.	Replication/Re-joinder with affidavit		1 - 3
2.	Copy of explanation dated 11-03-2014	'R/I'	0 - 4
3.	Copy of report of Chairman, Botany Department dated 12-3-2014	'R/II'	0 - 5
4.	Copy of instructions issued by Establishment & Administration Department, K.P.K.	'R/III'	6 - 8

PESHAWAR

10-01-2017

APPELLANT
THROUGH
Abdul Hameed
(ABDUL HAMEED)
ADVOCATE, PESHAWAR
CELL NO. 0343-9025029

/

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 421 /2016

Shabir Ahmad APPELLANT

VERSUS

Sharif Gul, Principal, Govt. Degree College,
Pabbi District Nowshera and others RESPONDENTS.

REPLICATION/RE-JOINDER ON BEHALF OF APPELLANT.

Respectfully sheweth:

PRELIMINARY OBJECTIONS

All the preliminary objections as drafted by answering respondents are misconceived.

The appellant has got cause of action. The appellant has neither concealed material facts nor has come to this Hon'ble Tribunal with unclean hands. This Hon'ble Tribunal has got jurisdiction to entertain this appeal. This appeal is neither hit by doctrine of laches nor the appellant is estopped to file this appeal. This appeal is within time as it has been filed before this Hon'ble Tribunal within the statutory period.

ON FACTS

- 1) Para-1 of the appeal is admitted as correct.
- 2) Para-2 of the appeal is also admitted as correct.
- 3) Para-3 of the reply as drafted by answering respondents is not correct. Para-3 of the appeal is correct.

All the previous and past explanations served upon the appellant during the tenure of other Principals of this College have no nexus with this appeal and are irrelevant. In so far as the explanation dated 11-03-2014 served upon the appellant by respondent No.1/principal Sharif Gul is concerned, the allegations

contained thereto, are minors and of no importance and mostly pertains to late coming of the appellant to the College, including of such day i.e. 9-03-2014 which happened to be Sunday, being holiday and this actions taken by respondent No.1/Principal reveal the personal grudge of respondent No.1/Principal with the appellant. (Copy of explanation dated 11-03-2014 is attached as Annexure 'R/1').

Simultaneously a copy of this explanation was referred to the Chairman Botany Department Government Degree College, Pabbi, for seeking his separate report on the performance of the appellant as the appellant was under the direct sub-ordination of the Chairman, Botany Department. In reply to this the Chairman, Botany Department submitted to the Principal a detailed report regarding performance of the appellant, stating that performance of the appellant is upto the standard and he is punctual, dutiful and honest. Besides, the behaviour of the appellant with the staff as well as the students is co-operative and good. (Copy of report of the Chairman, Botany Department is attached as Annexure 'R/II').

- 4) Para-4 of the reply as drafted by answering respondents is not correct. Para-4 of the appeal is correct.
- 5) Para-5 of the reply as drafted by answering respondents is not correct. Para-5 of the appeal is correct.
- 6) Para-6 of the reply as drafted by answering respondents is not correct. Para-6 of the appeal is correct.
- 7) Para-7 of the reply as drafted by answering respondents is not correct. Para-7 of the appeal is correct.

The disputed A.C.R. for the period in question i.e. from 01-01-2014 to 31-07-2014 (7 months) was submitted to respondent No.3/Director, Higher Education, K.P.K. as late as 21-11-2015, i.e. after one year, 10 months and 20 days which were communicated to the appellant quite late and this action of the respondent No.1/Principal shows the personal grudge with the appellant though the matter between the

had already patched up two/and a compromise was effected before the Court and the issue was settled there and then, as explained by the appellant in his appeal in this regard.

8) Para-8 of the appeal is admitted as correct.

9) Para-9 of the appeal is correct. Para-9 of the reply as drafted by answering respondents is not correct.

Since respondent No.1/Principal was highly biased, having personal grudge with the appellant, therefore, respondent No.1/Principal drastically violated the instructions regarding writing of A.C.Rs/ P.E.Rs, issued by Establishment & Administration Department, Civil Secretariat, Peshawar. (Copy of the instructions is attached as Annexure...R/III!)).

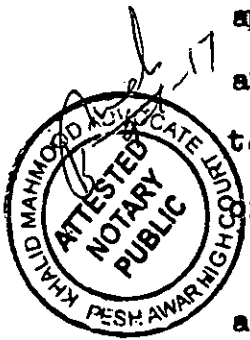
10) Para-10 of the appeal is admitted as correct.

GROUNDS

A-G) Paras A to G of the grounds of this appeal are correct. Paras A to G of the reply as drafted by answering respondents are not correct and misconceived.

The impugned A.C.R. for the period from 1-01-2014 to 31-07-2014 (7 months) is the outcome of personal grudge of respondent No.1 / Principal, being biased and prejudiced and hence all these adverse entries, written at the belated stage, are not sustainable in the eyes of law. Moreover, all the instructions for writing ACRs have been violated as no warning/counseling has been given to the appellant and all these adverse remarks were written at his back after the appellant was got transferred from Pabbi College in order to spoil the career of the appellant and he may not be promoted on his turn.

It is, therefore, requested that the reply of the answering respondents be rejected and the appeal of the appellant be accepted as prayed for in the heading.



AFFIDAVIT

The contents of this re-joinder are true and correct to the best of my knowledge and belief.

Shaher Ahmad
Deponent

Appellant
through
Abdur Hameed
Advocate, Peshawar

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Annex R/1

PRINCIPAL, GOVT. DEGREE COLLEGE PABBI (NSR)

Phone No. +92-923529288 Email: gcpabbi@gmail.com

No 707

Dated 11-3-2014

To

Mr. Shabir Ahmad,
Lab. Assistant,
G.C. Pabbi.

Subject:
Memo.

EXPLANATION.

It is noted that you are habitual late comer and leave the college early. Your four days record is as under:

S.No	Dates	Time of Arrival
1	7.03.2014	9:25 AM
2	8.03.2014	9:15AM
3	9.03.2014	9:15AM
4	10.03.2014	9:52AM

Sunday

Today on 11.03.2014 you are absent without any prior information.

Explain that why not disciplinary action be taken against you.

PRINCIPAL
GOVT. DEGREE COLLEGE
PABBI

Endstt. No

Dated / /2014.

Copy forwarded to:

1. The Director Higher Education, Khyber Pakhtunkhwa, Peshawar for information.
2. Chairman Biology Department for his performance report.

ATTESTED

PRINCIPAL
GOVT. DEGREE COLLEGE
PABBI

To

The Principal,
G.D.C. Pabbi

Subject: Performance Report of Mr. Shabir Ahmed

Reference your letter no. 705-9
dated 11/3/11. I have submitted without delay
concerning my BSc 11th year Botany class
at 9-40 AM I found Mr. Shabir present
in the lab. office. At the time of departure
he left the college along with me and
I dropped him at Pabbi station

Stop

As concerned his duties in the lab
he is punctual, diligent & co-operative
with the staff of students - thanks

Date: 12/3/11

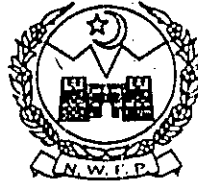
Prof. Fozal Rahn
Botany Dept
G.D.C. Pabbi

ATTESTED

[Signature]

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Annex III



Section of Director
Government of N.W.F.P.
B&A Department.

INSTRUCTIONS ON PERFORMANCE EVALUATION REPORT

Compiled by
Establishment & Administration Department
Government of N.W.F.P.
CIVIL SECRETARIAT, PESHAWAR.

Corrected
upto March, 2006

6 ✓
and also preferably change the overall assessment in Part III of the report.

(Replaced with new format of PERS practicable since 2000.)

(iii) Many reports have been received which have not been seen by the senior officers in the department higher than the Reporting Officers. This is clearly undesirable, they should always be countersigned by him in token that he accept the reports if he does:

0.9 Avoidance of personal remarks in writing PERS: It may be impressed upon the Reporting Officers that, in writing such reports, they should take utmost care to ensure that personal remarks are avoided and that reports are written in an objective manner. If, subsequently, despite these instructions, any Reporting Officer indulges in subjective reporting, it will be open to his superior officers to report adversely on him for having failed to record his remarks in an objective manner.

→ ~~1.0~~ **1.0 When should a report be written:** Para-0.2 of the Instructions about Evaluation Reports envisages that reports on civil servants be initiated in the first week of January each year by the initiating authority and forwarded to the higher authority in the same week. The higher authority shall give its remarks within one week, so that the report is completed within the 2nd month of January each year.

1.1 PERS are very frequently required in connection with the promotion, training, posting and transfer cases. In the absence of PERS, these cases are unduly delayed. This state of affairs has caused resentment among the members of various service Associations of the Provincial Government. They have, therefore, been agitating for the early initiating of PERS. However, it is regretted that in certain quarters this issue has not been given due importance which is deserved.

1.2 During the course of discussions with the Ministerial Committee, appointed by Government to look into the demands of the association. The members of the Association once again voice their concern over delay in the initiation of PERS and demanded that suitable instructions be issued to all concerned to ensure that:

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(a) PERS of Government servants are written by the specified dates without fail.

(b) In case PERS in respect of some Government servants relating to past years have not been written so far, these may be written immediately and a certificate be furnished to the Establishment & Administration Deptt. to the effect that PERS of all government servants working under their administrative control have been written up-to-date.

1.3 Overall Grading of PERS for Training cases:- While processing cases of training abroad, the P&D Department requires the sponsoring Departments to supply synopsis of PERS along with CR dossiers of the nominees.

The nomination papers along with Performance Evaluation Reports are submitted to the members of the Provincial Selection Committee headed by the Additional Chief Secretary P&D Department with the following members:-

1. Secretary, Establishment & Administration Department. Member
2. Secretary, Finance. Member
3. Secretary, P&D. Secretary of the Committee.

Nominations approved through circulation by the Provincial Selection Committee are thereafter submitted for final approval. Thus, the Performance Evaluation Reports pass through various channels hence their secrecy is thus compromised.

In future, only overall grading of the Performance Evaluation Reports of the nominees may be supplied by the sponsoring Departments to the P&D Deptt: or any other borrowing Department with prior permission of the Chief Secretary.

1.4 Responsibility of the Final Authority to ensure prompt writing of Evaluation Reports: Generally the writing of Evaluation Reports gets delayed, which affects the disposal of

The guidelines for filling up the PERs have been printed on the reverse page of the PER Proforma.

3.3 Reporting by Relations: Whenever a Reporting Officer is related to the officer reported upon, this fact should invariably be mentioned in the evaluation report and he should submit the case to the higher officer for writing of report without recording his remarks.

3.4 Report on Integrity: Integrity is the most important trait of character of a Government servant. It should be assessed without fear or favour. The report should not be vague, but definite. An officer may be reasonably believed to be corrupt, if-

- (a) he has a general and persistent reputation of being corrupt; or
- (b) any of his dependents or any other person through him or on his behalf is in possession of pecuniary resources or property disproportionate to his own sources of income or which he cannot account for satisfactorily; or

Explanation: The dependents will include wife/wives, children, step-children, parents, sisters and minor brothers, residing with and wholly dependent on the reported officer.

- (c) He has assumed a style of living beyond his means. If any official dabbles in politics, it should be specifically brought out in the general remarks.

3.5 Action in case of Inquiry, warning or Communication of Displeasure:

(a) If a formal inquiry is ordered against a Government official during the year under report, the fact must be mentioned in the report. Similarly, final order passed as a result of the inquiry should also be placed on Character Roll.

A censure or any other punishment imposed on a Government Servant as a result of formal inquiry under the

Efficiency and Discipline Rules/RSO 2000 should also be placed on the Character Roll. Similarly, the result of an appeal, if filed should also be reflected in the report.

(b) In partial modification of the instructions contained in the Establishment Division's O.M.No 9(4)/54-SE dated 27.9.1954 it has been decided that:

- i. On initiation of disciplinary proceeding against an officer, a copy of original order/show cause notice should be placed on his CR Dossier.
- ii. If an officer is exonerated or some punishment is awarded, a copy of the final order should be placed on the dossier as per instructions 5.1(a)(b) and (c).

3.6 Warning/Counseling: It has been noted that the requirements of warning/counseling are not being fulfilled before recording adverse remarks in the PERs of the Government Servants. Resultantly, these are expunged under the orders of the NWFP Service Tribunal.

In order to minimize litigations, the Provincial Government have reviewed the position and have decided that:

- a. Counseling may be ensured in all cases before initiation an adverse report or grading the PERs.
- b. The officers who give adverse remarks without any solid grounds shall be personally held responsible for deviation from rules;
- c. Non-observance of the Government instructions amounts to misconduct under clause (e) of sub-rule (1) of rule 2 of the NWFP Civil Servants (Efficiency and Discipline) Rules, 1973 and can attract disciplinary action;

3.7 Officers with average Reports: (1) An officer who is superseded or whose promotion is deferred comes to know about it automatically when his juniors are promoted to higher scale posts. He need not, therefore, be informed of average reports, unless the Countersigning Officer decides otherwise. The cases of officers whose promotion is deferred may be reconsidered on the basis of their PERs for the next year.

decided that the borrowing Government/Department should communicate the adverse remarks to the civil servant concerned and take further action thereon in accordance with the existing instructions on the subject. The borrowing Government/Department should, however, keep the lending Government/Department informed of the adverse remarks communicated to the civil servant concerned during the period of his deputation, and of the decision of the competent authority to expunge such remarks, by furnishing a copy each of such communications/orders to the lending Government/Department. A copy of such communication may also be furnished to the Establishment Division in respect of officers of the Federal Government in Grade-17 and above.

5.1 Punishment Orders:-

A question was raised whether and how any facts regarding punishments in departmental enquiries should be recorded in the Character Rolls of officers.

- a. The answer is that, in such cases, only a copy of the order awarding punishment should be filed in the Character Roll of the officer concerned. In case an appeal is preferred, a note may be recorded on the copy of the punishment order filed in the Character Roll, stating the decision taken on the appeal, and reference to the relevant records.
- b.
 - i. On initiation of disciplinary proceedings against an officer, a copy of original order/show cause notice should be placed on his CR Dossier.
 - ii. If an officer is exonerated or some punishment is awarded, a copy of the final order should be placed on the Dossier as per instruction mentioned at Para 5.1 (a).
- c. It is clarified that the instructions mentioned at Para 5.1 (b) (i) and (ii) will also be applicable to non-gazetted staff.

5.2 Timely Communication of Adverse Remarks:-

The question of non-communication to subordinate officers of such unfavorable remarks as may be made in their

PERs in regard to them by their superiors is a matter of great importance both in the interest of the efficiency of administration and to the officers themselves. It does not provide an opportunity to the officer reported upon for improving his efficiency or asking for the expunction, if these are *malafide*. Under the existing instructions, the Countersigning Officer is required to underline in red ink, remarks which, in his opinion are adverse and should be communicated to the officer concerned. All adverse remarks whether remediable or irremediable are required to be communicated in writing to the officer reported upon. The fact of communication must be recorded on the evaluation reports and a copy of the communication is to be placed in the official's dossier.

In order to retain and save the Evaluation Report System as a useful, open and dynamic system, rather than a hidden whip for harming the subordinates, it may please be ensured that:

1. The instructions contained in Para 5.2 of the "Instructions About Evaluation Reports" are complied with by all the officers working in the Administrative Departments, Attached Departments and subordinate offices with immediate effect in letter and spirit. Unless there are justifiable or technical reasons to the contrary, the adverse remarks must be communicated without fail to persons concerned well before the end of June each year.
2. Disciplinary action is invariably initiated against the defaulters in future under the NWFP Government Servants (Efficiency and Discipline) Rules, 1973.
3. Steps are taken to ensure that the Dossiers of all the officers and staff working in your Administrative Departments or Attached Departments and subordinate offices under your administrative control are thoroughly checked up to ensure that they contain no un-communicated adverse remarks otherwise steps be taken to communicate the same to all concerned expeditiously.
4. No request for expunction of adverse remarks not communicated within prescribed period is either entertained or referred to Establishment Department in future till such time responsibility for the same has been fixed and disciplinary action

original

BEFORE THE HONOURABLE KHYBER PAKHTUN KHUWA SERVICE TRIBUNAL PESHAWAR
Service appeal 421/2016

Mr. Shabeer Ahmed.....Appellant

VERSUS

Prof Sharif Gull Principal Government Superior Science College Peshawar
.....Respondent No 1

SUBJECT: PARAWISE COMENTS ON BEHALF OF RESPONDENT NO 1

PRELIMANRY OBJECTIONS:

Respectfully Sheweth:

1. That the appellant has got no locus standie to file the instant appeal.
2. That this honorable tribunal has got no jurisdiction to entertain this appeal.
3. That the appellant has not come to this honorable tribunal with clean hands.
4. That the appeal in hands is hopelessly time barred.
5. That the appeal in hands is not entertainable in its present form.

ON FACTS

1. Correct.
2. Para No 2 is incorrect, misleading and false. The appellant never performed his duties honestly. Due to his lack of interest in duties, several times explanations were called from him.
3. Incorrect. Respondent No 1 is a senior professor, who has served very long time and has got stainless career. Respondent No 1 does not have any personal ill will with the appellant. In fact the appellant was Not performing his duties honestly and was a habitual late comer, therefor being head of institution, the respondent No 1 served explanation upon the appellant and in response the appellant failed to give any plausible explanation for his hostile attitude and nonperformance of his duties
4. Incorrect, respondent No 1 received text massages in which the appellant had threatened the respondent No 1, being left with No other option the respondent No 1 reported the matter to the local police and criminal case under section 506 and 427 P.P.C was registered against him.
5. Incorrect, the appellant admitted his guilt and apologized therefore the respondent No 1 pardoned him and in light of compromise the appellant was acquitted from charge, the criminal case against the appellant was not decided on merit.
6. Subject to proof, regarding ACR for the period of 7 months it is submitted that the same was based on performance of the appellant. The conduct of the appellant and the lack of interest in his duties was the reason of adverse ACR
7. Incorrect. The respondent No 1 did not have any personal enmity with the appellant and being principal of the institution it is the duty of respondent No 1 to make all his subordinates perform their duties honestly. Keeping in view lack of interest In duty by the appellant his ACR was prepared
8. Subject to evidence.

9. Same answer as in para No 7.
10. Subject to proof.

GROUND

- A. Incorrect and misleading. The remarks in the ACR are the result of hostile conduct and attitude of the appellant.
- B. Incorrect and false. The respondent No 1 being principal was responsible to make all the employees perform their duties and demand of performing duty from the employees of the college is duty of principal. Giving this the name of personal grudge does not make any sense.
- C. Incorrect and misleading. Same answer as in para 2.
- D. Incorrect. PER remarks are in accordance with law and there is no limitations for PER remarks.
- E. Incorrect.
- F. Incorrect.
- G. Incorrect and false. The respondent No 1 has only performed his duty honestly.

PRAYER

It is therefore most humbly prayed that the appeal may graciously be dismissed.



Prof Sharif Gull
Respondent No1