

**BEFORE THE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL**

**Service Appeal No. 1287 of 2022**

Shahid Akhtar Chohan **VERSUS**

Secretary Higher Education &  
Others

**SERVICE APPEAL**

**COMMENTS FROM RESPONDENT NO. 4**

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Yours Humble Respondent No. 4

**FARIDULLAH JAN**

Ex-Principal / Reporting Officer  
G.D.C. (NO. 25) D.I.K.W.

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL**

**Service Appeal No. 1287 of 2022**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10557

Dated 15-1-2024

Shahid Akhtar Chauhan      **VERSUS**      Secretary HE & Others

**SERVICE APPEAL**

**COMMENTS FROM RESPONDENT NO. 4**

**Respectfully Sheweth,**

That the respondent No. 4 humbly submits the below comments being the Reporting officer of the appellant and being arrayed as one of the respondents and being called upon by this Honorable Court;

**PRELIMINARY OBJECTIONS:**

- I.** That the instant appeal is not maintainable in its present form thus is liable to be dismissed on legal as well as factual grounds.
- II.** That the petitioner has neither any locus standi nor any cause of action to invoke the jurisdiction of this Honorable Court.
- III.** That the petitioner has not come to instant Honorable Court with clean hands and is estopped from filing the instant Appeal by his own conduct.
- IV.** That the averments made through the Appeal and the prayer made thereby are misconceived, hence, cannot be granted as per law.
- V.** That the instant appeal is badly time barred, hence liable to be rejected.
- VI.** That the PER for the period 01.01.2018 to 03.10.2018 was given by the answering respondent to the appellant as per his actual conduct and performance under the supervision of answering respondent, hence, the impugned letter Dated 10.12.2019 and

letter No.09.05.2022 are legally correct and in the four corners of law, hence, liable to be maintained.

- VII.** That the appellant wants to declare the impugned letters as illegal and void on the alleged account of being without lawful authority. However, he himself preferred the time barred appeal before the competent authority, hence, in such like eventuality he can't claim the order of the said authority without lawful authority.
- VIII.** That the appellant also wants that his PER for the said period be evaluated in the light of the previous record. However, had this been the intention of the statute and rules on the subject, there would have been no need to assess the performance of the employees every year afresh. Hence, the instant appeal of the petitioner could not be accepted on the said prayer clause of the appellant.
- IX.** That the appellant has intentionally concealed the material facts from this Honorable Court.
- X.** That the averments made by the appellant are wrong, hence are liable to be rejected.

**ON FACTS:**

- 1.** Instant para is incorrect to the extent of receiving the same under protest, hence not admitted to this extent. Rest para is factual. However, the allegations against him are proved.
- 2.** In reply to the instant para, it is pertinent to mention here that the appellant admits that everything was conveyed to him within time, however, he instituted no service appeal within next 30 days before this Honorable Court after the expiry of 90 days of filing of said departmental appeal. Hence, the instant appeal is badly time barred.

3. Instant para is incorrect, hence not admitted. Only the decision of the competent authority was conveyed to him vide the said impugned letter No.09.05.2022, however, the same is not the order of rejection of his appeal in itself. Even otherwise, the conduct of the appellant is apparent that his instant appeal is still time barred if his alleged cause of action is taken from 09.05.2022. The alleged claim of appellant regarding communication of the same via WhatsApp is wrong as proper departmental communication channel was used which is also evident from the impugned letter Dated 09.05.2022.
4. Instant para is incorrect, hence not admitted. Appellant has no cause of action nor locus standi to institute the instant time barred appeal.

**ON GROUNDS:**

1. Instant para is incorrect, hence not admitted. That the PER for the period 01.01.2018 to 03.10.2018 was given by the answering respondent to the appellant as per his actual conduct and performance under the supervision of answering respondent, hence, the impugned letter Dated 10.12.2019 and letter No.09.05.2022 are legally correct and in the four corners of law, hence, liable to be maintained. The alleged departmental appeal was badly time barred and the instant appeal before this Honorable Court is also badly time barred. The answering respondent was duty bound to forward in due course of time the PER of the appellant to the countersigning authority. The appellant was time and again directed to submit his PER to the answering respondent, but he intentionally refrained from doing so, hence also disobeyed the lawful order of his reporting officer. The answering respondent finally vide office order No. 101 Dated 19.03.2019 directed the appellant to submit his PER within week time failing which the same will be sent to the

countersigning authority in his absentia. However, instead of complying with the said directions the appellant rather in utter disregard to all norms of civil service uploaded the same letter on his Facebook account with his remarks "***Itna yad rakhne wala principal whole KPK me nhi dekhha hoga ne. emojis***". The appellant deserves to be proceeded under the KP Civil Servants Efficiency & Discipline Rules, 2011. However, he must be thankful to ALLAH ALMIGHTY for not proceeded against under the said rules. Copy of the Letter No.101 Dated 19.03.2019 and his Facebook post are attached as **Annexure-S1 & S2**, respectively.

2. That the instant Para is not correct to the extent for the period 01.01.2018 to 03.10.2018. Hence, not admitted to this extent. The instant para of the appellant's appeal speaks volume about the bonafide of the answering respondent and the Respondent No.2 as he himself admits that when his conduct & performance was up to the minimum mark no adverse remarks were assigned to him, but the moment it dropped below the said minimum mark he faced the said PER. However, the appellant wants that his PER for the said period be evaluated in the light of the previous record. Had this been the intention of the statute and rules on the subject, there would have been no need to assess the performance of the employees every year afresh. Hence, the instant appeal of the petitioner could not be accepted on the said prayer clause of the appellant. The appellant willfully and intentionally abstained himself from submission of PER within stipulated time which is also tantamount to misconduct punishable under the law. The answering respondent tried counseling with him on many occasions, twice in written form, i.e., on 13.09.2018 & 25.09.2018. Copies of the counseling letters Dated 13.09.2018 & 25.09.2018 are attached as **Annexure-S3**.
3. That the instant para is incorrect. Hence, denied. Detail reply is given in ibid paras. However, the appellant has neither challenged the PER for the said period nor has filed departmental appeal within time. While the instant appeal before this Honorable Court is also badly time barred, as he was

duty bound to institute service appeal before this Honorable Court within next thirty (30) days of expiry of ninety (90) days of filing of departmental appeal. However, his instant appeal is time barred by around three (3) years. All the allegations against him are proved. Hence, the withdrawal of his nomination as DDO is misconceived and afterthought. After the submission of appellant's PER by the answering respondent to the Respondent No.2 being countersigning authority. The Respondent No.2 gave him ample opportunity to defend himself. The appellant submitted his written reply to the same, which was later on communicated to answering respondent and the answering respondent submitted his Parawise reply Dated 08.02.2020 to the same. Copy of the Parawise reply Dated 08.02.2020 is attached as **Annexure-S4**.

4. That the instant para is incorrect. Hence, denied. Detail reply is given in ibid paras. However, the appellant wants to declare the impugned letters as illegal and void on the alleged account of being without lawful authority. However, he himself preferred the time barred appeal before the competent authority, hence, in such like eventuality he can't claim the order of the said authority without lawful authority. It is the mandate of law to file departmental appeal within 30 days of an order from which an employee considers himself aggrieved and thereafter wait for 90 days for the decision of the appeal, however, on the expiry of the said 90 days it was statutory binding upon the appellant to institute the service appeal before this Honorable Court within next 30 days. No provision of reminders is available in the law.


**HENCE, IN THE LIGHT OF ABOVE PARAWISE COMMENTS THE INSTANT APPEAL MAY PLEASE BE DISMISSED WITH SPECIAL COSTS.**

  
Yours Humble Respondent,4

Faridullah Jan  
Ex-principal/Reporting officer

**AFFIDAVIT**

I, Prof. Farid Ullah Jan Zakori, Respondent No.4, being the then reporting officer of appellant, do hereby solemnly affirm and declare on oath that the Parawise contents of the instant comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Deponent

CNIC# 12101-0964287-1

Mob# 03347822127

Dated: - 15 / 01 / 2024

FARIDULLAH JAN

Ex-Principal / Reporting officer

B.D.C. NO. 2 (M), DI Khan



15 / 01 / 2024

OFFICE OF THE PRINCIPAL GOVT:DEGREE COLLEGE NO.2(M),D.I.KHAN,K.P.K.

Email:gc2dikhan@gmail.com

Tel:0966-9280136

No. 101

Dated: 19-03-2019

OFFICE ORDER

Mr. Shahid Akhtar Chohan

Associate Professor of Statistics,

G.D.C.No.3 (Dera Township) D.I.Khan.

As informed earlier, you remained/served under the subordination of the undersigned w.e.f. 01-01-2018 upto 03-10-2018. But your PERS/ACRS for the period in question are still awaited. It is to explain you further that serving at least for three(03) months under the subordination of any boss, the ACRS/PERS for the period in question must be got signed from him. ACRS/PERS from any other Principal instead of one you served under is amounting to forgery/misrepresentation & fraud.

It is therefore to direct you to put up your ACRS/PERS for the period mentioned above before the undersigned within a week of the receipt of this letter, otherwise the undersigned would directly send your PERS/ACRS to the Director Higher Education Department Khyber Pakhtunkhwa Peshawar & your non compliance in this regard would be treated as misconduct.



Principal

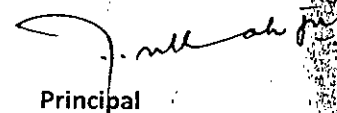
G.D.C.No.2(M)

D.I.Khan.

Endst No. 101-103

**Copy To The:-**

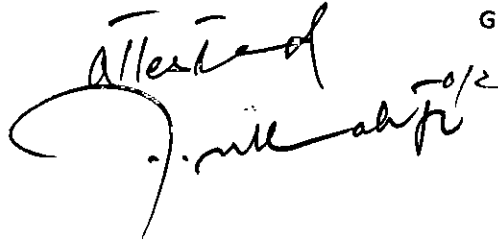
1. Director H.E.D. Khyber Pakhtunkhwa Peshawar with the request/remarks to consider the PERS of the nominee as misrepresentation/ nul & void if got signed from any other Principal for the period concerned please.
2. Assistant Director (PERS/ACRS) Directorate of Higher Education KPK, Peshawar.



Principal

G.D.C.No.2(M)

D.I.Khan.

Attested  




SZ - (8)

Signal icons and other small symbols

X Posts



Shahid Akhtar Chohan · Khyber Pakhtunkhwa Professors and Lecturers Association KPPLA

Mar 30, 2019 at 12:08 AM · 🌐

Itna yad rakhne wala principal whole KPK me nhi dekhha hoga kisi ne. 🙄 🙄 🙄 🙄 🙄

OFFICE OF THE PRINCIPAL GOVT:DEGREE COLLEGE NO.2(M),D.I.KHAN,K.P.K.

Email:gc2dkhan@gmail.com

Telephone: 9661125

No. 101

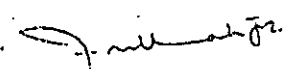
Dated: 19-03-2019

OFFICE ORDER

Mr. Shahid Akhtar Chohan  
Associate Professor of Statistics,  
G.D.C.No.3 (Dera Township) D.I.Khan.

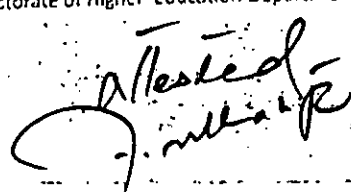
As informed earlier, you remained/served under the subordination of the undersigned w.e.f. 01-01-2018 upto 03-10-2018. But your PERS/ACRS for the period in question are still awaited. It is to explain you further that serving at least for three(03) months under the subordination of any boss, the ACRS/PERS for the period in question must be got signed from him. ACRS/PERS from any other Principal instead of one you served under is amounting to forgery/misrepresentation & fraud.

It is therefore to direct you to put up your ACRS/PERS for the period mentioned above before the undersigned within a week of the receipt of this letter, otherwise the undersigned would directly send your PERS/ACRS to the Director Higher Education Department Khyber Pakhtunkhwa Peshawar & your non compliance in this regard would be treated as misconduct.

  
Principal  
G.D.C.No.2(M)  
D.I.Khan.

Copy To The:-

1. Director H.E.D: Khyber Pakhtunkhwa Peshawar with the request/remarks to consider the PERS of the nominee as misrepresentation/ nul & void if got signed from any other Principal for the period concerned please.
2. Assistant Director (PERS/ ACRS) Directorate of Higher Education Department, Khyber Pakhtunkhwa Peshawar.

  
Principal  
G.D.C.No.2(M)



Write a comment...



S3 - 9-A

OFFICE OF THE PRINCIPAL GOVT:DEGREE COLLEGE NO.2(M),D.I.KHAN,KPK.

Email:gc2dikhan@gmail.com

Tel:0966-9280136

Dated: 13-09-2018

To,

Worthy Professor, Mr. Shahid Akhtar Chohan.

After good compliments:

It is to request your goodself not to be frank beyond the limits with the students. I expect a lot of you to assist the administration so as to reinforce the best interest of the students. Too much familiarity breeds much contempt. Frankness with students beyond the limits creates hurdles and multiple issues which ultimately causes injury to the student's' interest. I hope you would understand the allegorically/impliedly meaning of instructions. I hope further that in future you would try to give up your this deficiency.

Wish you good luck.

م. ریاض

M. Riaz

attested  
J. M. Akhtar

J. M. Akhtar

Principal

G.D.C.No.2(M)

D.I.Khan.

S3-9-B

OFFICE OF THE PRINCIPAL GOVT:DEGREE COLLEGE NO.2(M),D.I.KHAN,K.P.K.

Email:gc2dikhan@gmail.com

Tel:0966-9280136

Dated: 25-09-2018

OFFICE ORDER

To,

Mr. Shahid Akhtar Chohan Asstt: Prof: of Statistics

You Mr. Shahid Akhtar Chohan Asstt: Prof: of Statistics were instructed very politely, allegorically vide this office written letter dated: 13-09-2018 but instead to act upon the advice you refused to note/sign the letter & rather increased your pernicious/seditious activities by instigating the students against the college administration & playing mockery with the future of the students. It is also pointed out that you have tried to create a pressure group to achieve your ends.

It is to direct you to explain your denial from signing the instructions letter dated: 13-09-2018 & to explain further your position regarding creating pressure group comprising professors & ministerial staff.

Your reply shall reach within a week otherwise it is to be presumed that you have no arguments to defend yourself & all your aforesaid misconduct would be noted in your PERS.

میں نے اس پر عمل نہیں کیا ہے

M. Pring

attested  
J. Mulla

J. Mulla

Principal

G.D.C.No.2(M)

D.I.Khan.

S4 - (10)

**OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE NO.2(M),D.I.KHAN.**

Email:gc2dikhan@gmail.com

Tel:0966-9280136

No. 1044/1

Dated: 08/02/2020.

To

The Director,  
Higher Education Department,  
KPK,Peshawar.

**SUBJECT: ADVERSE PER FOR THE YEAR 01-01-2018 TO 03-10-2018 IN R/O  
MR.SHAHID AKHTAR ASSOCIATE PROFESSOR IN STATISTICS.**

Memo;

With reference to your letter No.954/AD(ACR) Dated :09/01/2020 wherein the undersigned was to submit comments into your kind service regarding reply of Mr.SHAHID AKHTAR CHOHAN Associate Professor in Statistics on the subject captioned above.The undersigned submits parawise comments to the reply of Mr.SHAHID AKHTAR CHOHAN ASSOCIATE PROFESSOR IN STATISTICS as under:

**PART-IV(REPORTING OFFICER EVALUATION).**

- 1) Prior to answer to whether any Letter or Verbal Message about Submission of PER was served upon the said Professor or not; it is pertinent to mention that the start of his reply is based on baseless allegation and lying, then it is clear that how credible his other statements might be.

The allegation that the said Professor was not Served upon any letter for Submission of PER is totally false and actually is misleading the Higher Authorities.He was Served upon through a registered Letter asking the Said Professor to submit his PER complete in all respects within time.(Copy of Original Receipt of Registry annexed).

Another thing is that if the Said Professor was so innocent and ignorant of his intimation of Submission of PER,how did he approach Social Media in order to plead his case there.He has posted the whole story regarding the Undersigned's request to submit PER complete in all respects within due time at KPPLA,KPK,FACEBOOK PAGE, and has openly violated KPK Government Servants Efficiency and Discipline Rules 2011 by approaching Social Media against his own Office.(Printed out Copies Annexed).

The said Professor has also committed Cyber Crime by degrading and defaming his immediate Officer by provoking various Social Media Groups against the Undersigned(Printed out copies annexed).

As defined in KPK Government Servants Efficiency and Discipline Rules 2011 page 411 (i)"INEFFICIENCY" means failure to efficiently perform functions assigned to a Government Servant in discharge of his duties (Copy annexed) and

(L)"MISCONDUCT" includes (viii) Avoiding Submission of Annual Confidential Report/PER by a Government Servant within required period.(Copy annexed).It is not the duty of reporting Officer to ask for ACR/PER Submission but it is the duty

attested  
*[Signature]*

S4 - (11)

of Subordinate Officer to submit his ACR/PER within stipulated time period. In case of the said Professor the case is adverse.

2. The undersigned has no personal grudge and enmity against the said Professor therefore these allegations are completely false and baseless. As far as the results of the said Professor are concerned I may say that the whole Country is engulfed by Booti-Mafia and if 4 out of 7 Students of the Class of the Said Professor get passed, this does not show his Efficiency or Teaching but to Booti-Mafia.
3. The 70% result is not due to the Efficiency or capability of the said Professor but as I mentioned above that there are normally 6 to 7 Students in his Subject. And most of them are thankful to Booti-Mafia.
4. Totally false. On 11/07/2017 when Undersigned took Charge as Principal, immediately after that an inquiry came over the said Professor as he was Incharge Principal/DDO prior to the undersigned. The allegations were that he had conducted a Fake Home Exam in the College in his Principalship where only Paper-Work was done and no Exam was conducted. He had used Rs.67000/- from the College Private Fund for that Fake Exam. Thus it is another lie that he has never been under any inquiry during his entire career.

The undersigned after a thorough Internal Audit of the College has come to the conclusion that the said Professor during his tenure as Incharge Principal/DDO of this College w.e.f. 01/01/2017 to 10/07/2017 has drawn a huge amount from College Private Funds without any justification. The undersigned has already written in detail about the matter to the Honourable Director Higher Education Department. KPK to please conduct a High Profile Inquiry into this matter pertaining to Embezzlement/Misuse/Corruption of College Private Funds. (Copy of the letter annexed).

The dishonesty of the said Professor is revealed in the above mentioned Embezzlement/Misuse/Corruption of College Private Funds during his very small tenure as Incharge Principal/DDO of this College again in violation to KPK Government Servants Efficiency and Discipline Rules 2011 page 411(g)(ii) (Copy Annexed).

5. The Undersigned has provided proof of what is reported about the said Professor and there is nothing baseless.
6. There were no violations of rules on part of the Undersigned. The said Professor was never reported unheard.
7. It is correct that the said Professor remained DDO of this College but other praising is self proclaimed.
8. The undersigned has already mentioned that there is no Personal Grudge or Enmity against the said Professor. Being a Reporting Officer the undersigned is to report Yearly Performance of the Subordinates to the Directorate of Higher Education every year and if there is any discrepancy the Undersigned is bound to report that.
9. This is Totally misleading of the Higher Authorities. The said Professor did not quit his duty as DDO Voluntarily but due to valid proofs of corruption and

attested  
J. Mulla

Embezzlement of College Private Funds including the conduction of that Fake Home Exam during his Incharge Principalship, the Undersigned requested Higher Authorities to remove the said Professor from DDO and the record of that correspondence is Annexed.

In the light of the above comments/Views it is pertinent to mention that the undersigned has no personal Grudge and Enmity against the said Professor and the facts reported in his PER portray what the said Professor has done during his tenure with Undersigned.

Therefore, your goodself is requested to please start a High Profile Inquiry against the said Professor in connection with the Embezzlement/Misuse/Corruption in the College Private Funds and is requested to be Demoted as he has shown his inefficiency and incapability to hold a responsible post for such a small tenure and must be deterred from holding any responsible post in Future in the best interest of Students, Institute and the whole Department.

O/C

PRINCIPAL  
G.D.C. No.2(M),  
D.I.Khan.

*J. Mulla Ah Jc*

Endst:No. 1044-461

Dated: 08/02/2020

Copy of the above is forwarded for information to:

- 1.The PS to Secretary Govt: OF Khyber Pakhtunkhwa Higher Education Department, Peshawar.
- 2.The Assistant Director(ACRs) Directorate of Higher Education Khyber Pakhtunkhwa, Rano Garhi, Chamkani Mor, G.T.Road, Peshawar.

O/C

PRINCIPAL  
G.D.C. No.2(M),  
D.I.Khan.

*J. Mulla Ah Jc*

attested  
*J. Mulla Ah Jc*