

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No: 7951/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10324

Dated 17/1/24

ABDUR RAUF

******* VERSUS *******

EDUCATION DEPARTMENT

INDEX

S.NO	DESCRIPTION	ANNEXURE	PAGES
1.	Brief Summary of the Case	"A"	1
2.	De-novo Inquiry Report	"B"	2-4
3.	Notification dated 16/04/2024	"C"	5
4.	Personal Hearing	"D"	6
5.	Charge Sheet	"E"	7

Dated: 17/01/2024

Ch 2.

17-1-24

BRIEF SUMMARY

P-I
Amer = A

Mr. **Abdul Rauf** joined Education department as PST in 2007. Disciplinary proceeding was initiated against him on the ground double benefits that he was receiving pension as Chowkidar as well as salary being posted as PST in GMS Chappri Jamrud Khyber. On conclusion of inquiry the competent authority removed him from service vide notification bearing Endst No.829-40 dated 27-08-2017, which was challenge through filing of departmental appeal but the same was also dismissed vide order dated 12-07-2018. Then he filed service appeal No.931/2018 which was allowed by setting- aside the penalty imposed on him and reinstated him and respondent are directed to conduct de-novo inquiry into the matter, strictly in accordance with law within a period of ninety days of receipt of copy of the judgment. In case the respondent failed to conduct de-novo inquiry within the time as given by this tribunal, He will be entitled to all back benefits.

DEO, Khyber conducted an inquiry against him & inquiry committee recommended to retained the previous removal order & to recovered service benefits drawn against the post of chowkidar.



District Education Officer
Khyber at Jamrud

Amrodel
C/R

To

The District Education Officer
Tribal District Khyber.

~~P-2~~
Am-B
A ~~B~~

Subject: Inquiry in respect of Mr. Abdur Rauf Ex-PST of GMS/GPS Chapari

Memo,

Reference to the Endst: 5934-41 Dated. 30/07/2021 the case of the above employee named **Abdur Rauf PST of GMS/GPS Chapari** Jamrud was given to the undersigned inquiry committee Muhammad Abid (Chairman) Principal GHS Jaffar Khan Bara & Wajid Khan (Member) SST-IT GHSS Spin Dhand Bara) to probe the matter through personal hearing and to dig out the real situation in respect of the mentioned employee.

Background information

Mr. Abdur Rauf Ex-PST GMS/GPS Chapari appointed in Education Department Khyber under Endstt: No. 3748-53 Dated 30-5-2007 and placed at GMS Chapari **(Flag-A)**. Later on he was reported Agency Accounts Officer Khyber at Jamrud vide Endstt.No: Pension/AAO/KHY/2016-17/359 Dated 27/04/2017**(Flag-B)** and declared double beneficiary of receiving pension and Salary under same CNIC No: 21201-8217546-3 while conversion of manual system to DCS(Direct Credit System). Then Agency Education Officer Khyber Constituted an inquiry under Endst No: 1766 dated 24/03/2017 and nominated Saleem Khan Wazir Principal GHS Sur Kamar Jamrud to dig out the actual facts. AEO Khyber charge sheeted Mr. Abdur Rauf Ex-PST and nominated another inquiry committee consisting of Mr. Gohar Khan (Chairman) Principal GHS No.2 Jamrud and Saleem Khan Wazir (Member) Principal GHS Sur Kamar under Endst.No: 3028-34 dated 13/06/2017 to dig out the actual facts in the light of Charge sheet. **(Flag-C-i)**. Then AEO Khyber imposed major penalty i.e Removal from services vide Endst No. 829-40 Dated 24/08/2017**(Flag-C-ii)**.

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He submitted departmental appeal to The Director Education FATA and in the light of available record his application in respect of reinstatement was regretted vide Endst No. 8360-63 dated 05/06/2018(Flag-D).

P-3
Amex = B

Mr. Abdur Rauf Ex-PST GMS Chapari filed appeal to Khyber Pakhtunkhwa Services Tribunal Peshawar under Appeal No. 931 /2018 dated 20/07/2018. The honorable Khyber Pakhtunkhwa Services tribunal Peshawar decided the case on 09.06.2021 with the directions that the appeal in hand is allowed by setting-aside the penalty imposed upon the appellant. The appellant is reinstated in services and respondents are directed to conduct de-novo inquiry into the matter, strictly in accordance with law within a period of 90 days of receipt of copy of this judgment (Flag-E).

Procedure adopted

Mr. Abdur Rauf Ex-PST GPS Chapari Jamrud was called upon for personal hearing to ADEO office Bara Male on 12/08/2021. He attended the office accordingly and submitted a list of questioners in the response of questions to the inquiry committee (Flag-F) furthermore he also provided all the relevant documents.

1. Medical Certificate (Flag-G i)
2. CNIC (Flag-G ii)

Findings

After personal hearing and available records the inquiry committee concluded the overall inquiry process in the lines below.

1. Mr. Abdur Rauf Ex-PST GMS/GPS Chapari Jamrud bearing personal No. 411943 and having CNIC No. 21202-8217546-3 has received his monthly pension through PPO.No:P/KHY/1660-N by National Bank Of Pakistan Jamrud Branch w.e.f 01/07/2001 upto 30.06.2016 and later on stopped through DCS and at the same time he has drawn his monthly salaries against the post of PST w.e.f 01.06.2007 upto 30.06.2016. Furthermore he had been recruited against the post of Chowkidar at GGPS Gulabad Jamrud on 03/12/1975 before his birth

Attested
OR

(DOB as per CNIC is 08/07/1977) while he had received double financial benefits w.e.f 01.06.2007 upto 30.06.2016 as per record provided by District accounts office Khyber at Jamrud **(Flag-H)**.

P-4
Amex = B

2. Moreover the Bank Account at NBP Jamrud through which pension is received belongs to Abdur Rauf s/o Abdul Qudus CNIC No. 21202-8217546-3 **(Flag-I)**. The CNIC No. 21202-8217546-3, File Picture and other relevant documents are also present in pension file submitted for pension at District Accounts Office Khyber also belongs to Mr. Abdur Rauf s/o Abdul Qudus. **(Flag-J)**
3. The accused misled the offices of DEO Khyber , DAO Khyber and NBP Jamrud by concealment of facts that the accused had double CNICs. Two NIC were present in DAO Khyber showing different Date of Birth in respect of Mr. Abdur Rauf s/o Abdul Qudus , One NIC No is 140-47-184573 and DOB is 06.12.1947 **(Flag-K)** and another CNIC No is 21202-8217546-3 and DOB is 08.07.1977 **(Flag-L)**

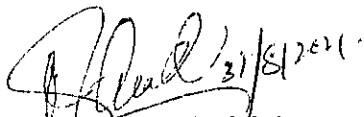
Recommendations.

After thoroughly investigation and documental proof the following recommendations are hereby submitted:

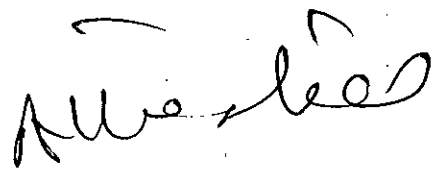
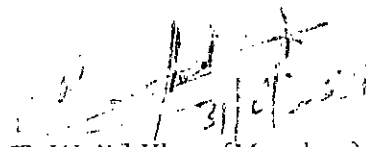
1. Removal order issued vide Endst. No 829-40 Dated 24/08/2017 in r/o Mr. Abdur Rauf Ex-PST by the AEO Khyber be maintained.
2. Service benefits in the shape of salaries , commutation and monthly pension drawn from national exchequer against the post of Chowkidar be recovered from the said accused i.e Mr. Abur Rauf Ex.PST.

Inquiry Committee

1. Muhammad Abid (Chairman)
GHS Jaffar Khan Bara



2. Wajid Khan (Member)
SST-IT
GHSS Spin Dhand Bara



OFFICE OF THE DISTRICT EDUCATION OFFICER DISTRICT KHYBER.


NOTIFICATION.

- 1 **Whereas**, the appellant namely Abdur Rauf was appointed against the PST post vide order bearing Endst: No. 3748-53 dated 30-05-2007 at GPS Chapari District Khyber issued by the then Agency Education officer Khyber and he was removed from service vide Endst No. 829-40 dated 24-08-2017 issued by the then Agency Education Officer Khyber on account of double beneficiary for receiving pension against the Chowkidar post as well as salary against the PST post for having dual CNICs.
- 2 **And whereas**, aggrieved from the order dated 24-08-2017, the appellant has filed a Departmental Appeal to the then Director Education (FATA) which was regraded vide Endst No. 8360-63 dated 05-06-2018. He then the service appeal No.931/2018 dated 20-07-2018 before the Honorable Khyber Pakhtunkhwa Service Tribunal.
- 3 **And whereas**, the service appeal of the appellant was decided vide Judgment dated 09-06-2021 by Honorable Khyber Pakhtunkhwa Service Tribunal. The operative part of the Judgment is re-produced as under:-

"The appeal in hand is allowed by setting aside the penalty imposed upon the appellant. The appellant is reinstated in service and respondent are directed to conduct de-novo inquiry into the matter, strictly in accordance with law within a period of ninety days of receipt of copy of this judgment. In case the respondents failed to conduct inquiry within the time as given by this tribunal, the appellant will be entitled to all back benefits."

- 4 **And whereas**, in compliance of the Judgment dated 09-06-2021, the appellant has been reinstated against the PST post vide order dated 16-07-2021 for the purpose of DE-NOVO inquiry for which the inquiry committee was constituted by the Respondent No.7/District Education Officer Khyber, to probe into the matter & the inquiry committee has submitted inquiry report to the Respondent Department wherein it was recommended that the **"removal order issued vide Endst No. 829-40 dated 24-08-2017 in R/O Mr. Abdur Rauf Ex-PST by the then Agency Education Officer Khyber be maintained"**.

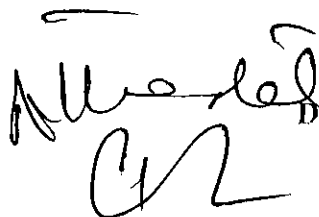
Now therefore, in compliance of the Judgment dated 09-06-2021 of the Honorable Service Tribunal & having gone through the whole case record along with consulting the relevant provision of E & D Rules 2011 & in Exercise of the Powers conferred upon the undersigned under U/S-21 of General Clauses Act 1897 as amended in 1956 & in a capacity of an competent authority in the instant case, the Order issued vide Endst No.5737-44 dated 16-07-2021 is hereby withdrawn & the impugned removal order issued vide Endst No. 829-40 dated 24-08-2017 by the then Agency Education Officer Khyber is hereby maintained in the interest of public service.


District Education Officer
District Khyber.

Endst: No: /DEO Khyber Mr. Abdur Rauf Ex-PST Dated Peshawar the / /2021

Copy forwarded for information & n/action to the:-

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Additional Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 3 Director E&SE Department Khyber Pakhtunkhwa Peshawar.
- 4 Deputy Director (Legal) E&SE Department Khyber Pakhtunkhwa Peshawar.
- 5 Official concerned.
- 6 Master file.


District Education Officer
District Khyber.

سوال نمبر 1۔ آپ اور آپ کے والدین کا نام بتائیں؟
جواب نمبر 1۔ عبدالرؤف دلاور عبدالقدوس۔

سوال نمبر 2۔ آپ کی پہلی پوسٹنگ کب اور کہاں ہوئی؟ (گلاس فور)
جواب نمبر 2۔ 1976 میں جین ٹائم میں پوزیشن سوا لگا اور نہ کچھ معلوم تھا اور نہ کچھ
سوال نمبر 3۔ اس وقت آپ کی عمر کتنی تھی؟
جواب نمبر 3۔ میں اس وقت 17 سال کا تھا۔

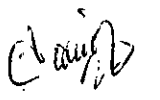
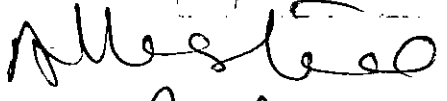
سوال نمبر 4۔ آپ کی دوسری پوسٹنگ جی ٹی سی پر کب ہوئی؟ اس وقت آپ کی عمر کتنی تھی؟
جواب نمبر 4۔ 30/5/2007 - (30 سال)

سوال نمبر 5۔ اس وقت آپ جی ٹی سی پوسٹنگ لے کر دروازہ دے رہے تھے آپ کو
سروس دکنر کا پتہ نہیں تھا، جو کہ ضابطہ قانون کی خلاف ورزی ہے۔
سوال نمبر 6۔ لکھنا تھی کہ میں نے کتنی دفعہ لکھی تھی کہ میں نے لکھی تھی کہ میں نے لکھی تھی کہ
اور اس میں تاریخ جب میرا دوسرا پوزیشن ہے تو دو پوزیشن دے دیں اور اس میں تاریخ جب میرا
سوال نمبر 7۔ آپ کی پہلی اور دوسری تاریخ بتائیں۔ اور ان میں کتنا فرق ہے؟
جواب نمبر 7۔ پہلی تاریخ پوزیشن 1976 اور دوسری تاریخ پوزیشن 8 جولائی 1976 ہے۔

سوال نمبر 8۔ آپ نے دو دفعہ دو کئی شناختی کارڈز پر ڈبل لکھری کی ہے، جو کہ قانون
کی رو سے ہے سنگین جرم ہے۔ آپ کا کیا خیال ہے؟
جواب نمبر 8۔ مجھے اس قانون کا علم نہیں ہے اور میں ڈر کر رہا ہوں تاکہ اس سے میری قانون کی شناخت
سوال نمبر 9۔ اہمیت چولہدار اور جی ٹی سی سپر اینڈ پرنسپل کس کس پر ہے؟
جواب نمبر 9۔ لکھی توڑی کا پرنسپل کس کا ہے توئی علم نہیں اور دوسرا پرنسپل کس کا ہے توئی علم نہیں ہے۔

سوال نمبر 10۔ اگر آپ اپنا خود سافٹ بیان دینا چاہتے ہیں، تو کیلچر فائنڈ
پر کس پر کریں؟

نام: عبدالرؤف ، CNIC # : 2-1202-8217546-3

دستخط: 
تاریخ: 28/7/2017
مقام: 
CA

P-7
Amor = E

ENQUIRY REPOT:

TO,

The Agency Education officer,
Khyber Agency at Jamrud.

Subject: **CHARGE SHEET TO MR-ABDUL RAUF (PST) GMS CHAPPARI JAMRUD:**

Memo;

Reference Letter No:3028-34 Dated: 13-06-2017 AEO office Jamrud, the double benefits of the above named employee as PENSIONER AS Chowkidar and PST Teacher in present time, were awarded to him and by the DCS system of Agency Account office Jamrud Khyber Agency, he was pointed out through Account office Jamrud and referred this case to AEO Khyber for further investigation.

INQUIRY REMARKS:

An Enquiry was carried out by Mr.Saleem Khan Principal GHS Sur Kamar Jamrud and he recommended for the major penalty due to fake & wrong entries of D.O.B and double benefits. The Enquiry repots has given full details about his Ex-service as chowkidar where his D.O.B was 06-12-1947 and was appointed as chowkidar on 03-12-1975 before his real birth (08-07-1977), mentioned by his own statement. [Flag-A]

2ndly, after the retirement of first service on 30-12-2001 (RETIREMENT DATE). The concerned employee got PENSION wef 01-07-2001 up to 30-06-2016. During this period, he got 2nd service (appointment) as PST teacher at GMS Chappari Jamrud on 01-06-2007 mentioned by his written reply to the Questioner [Flag-B]

PERSONAL HEARING:

For his personal hearing, the concerned person visited GHS Jamrud No.2 on 18-07-2017 and presented/offered the above two written statements i-e Flag-A & B. He further confessed that he has done two jobs, an Ex-chowkidar and PST teacher but he informed me that he is totally unaware to the first service and blaming his elders because at the time of 1st appointment he was not born.

RECOMMENDATION:

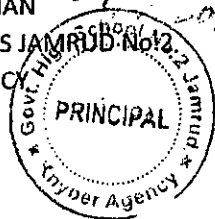
After thoroughly investigation and documental proofs, the basic recommendation of the previous Enquiry Report was totally based on facts with complete documental proofs.

So, the under signed has no any adverse remarks and the previous recommendation should be carried according to the E&D rules-2011.

Moreover, by keeping the Academic & professional record of the person, the competent authority has a power to facilitate the person by his optimistic approach on humanitarian ground.

ENQUIRY OFFICER

Mr.GOHAR KHAN
PRINCIPAL GHS JAMRUD No.2
KHYBER AGENCY



*Agreed with
remarks of the
Saleem Khan
Gohar Khan
Went Dismissal
Agreed on 28/7
07*