

513/2016

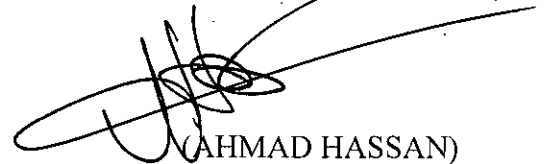
11.04.2017

Appellant with counsel and Muhammad Saeed, AD (Lit.)
alongwith Mr. Ziaullah, Government Pleader for the respondents
present.

Vide our detailed judgment of to-day in the connected
service appeal No. 424/2016 titled "Muhammad Sajjad Qureshi-
vs- The Governor through Chief Secretary Khyber Pakhtunkhwa,
Peshawar and others", this appeal is also decided as per detailed
judgment referred above. File be consigned to the record room.

ANNOUNCED

11.04.2017



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)

MEMBER

POWER OF ATTORNEY

In the Court of Rhybr Pakhtun Chauri Essie Talbad
Muhammed Akbar

}For
}Plaintiff
}Appellant
}Petitioner
}Complainant

VERSUS

Public Service Commission at D.S.

}Defendant
}Respondent
}Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

YASIR SALEEM ADVOCATE, HIGH COURT

JAWAD UR REHMAN ADVOCATE

_____ my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____



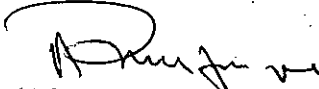
Yasir Saleem

YASIR SALEEM
&
JAWAD-UR-REHMAN
Advocate's Peshawar

18.01.2017

Appellant in person and Mr. Muhammad Saeed AD (lit.) along with Additional AG for respondents present. Appellant submitted rejoinder and copy thereof handed over to learned Additional AG. To come up for arguments on 15.02.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

15.02.2017

Agent to counsel for the for the appellant and Asst: AG for respondents present. Agent to counsel for the appellant requested for adjournment as counsel for the appellant is not available today. Request accepted. To come up for arguments on 15.03.2017 along with connected appeal before. D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

15.03.2017

Clerk to counsel for the appellant and Addl: AG for respondents present. Clerk to counsel for the requested for adjournment. Request accepted. To come up for arguments on 11.04.2017 along with connected appeal before D.B..


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

20.09.2016

Counsel for the appellant and Mr. Masroof Khan, Supdt. Alongwith Addl. AG for respondents present. Written ^{reply} not submitted. Requested for adjournment. Request accepted. Last opportunity granted. To come up for written reply/comments on 18.10.2016 before S.B.



Member

18.10.2016

Appellant in person and Mr. Masroof Gul, Supdt. alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 17.11.2016 before S.B.



Member

17.11.2016

Appellant in person and Mr. Atlas Khan, Supdt. alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 18.01.2017.



Chairman

20.05.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 15.01.2016 vide which appellant was awarded major penalty of removal from service. Against the impugned order appellant filed review petition which was rejected on 18.4.2016, hence the instant present appeal.

Appellant Deposited
Security & Process Fee

Points argued before the Court required further consideration. The appeal in hand is within time therefore, the appeal is admitted for regular hearing. The appellant is directed to deposit the security and process fee within 10 days where-after notice be issued to the respondents for written reply/comments for 10.08.2016 before S.B.


Member

10.08.2016



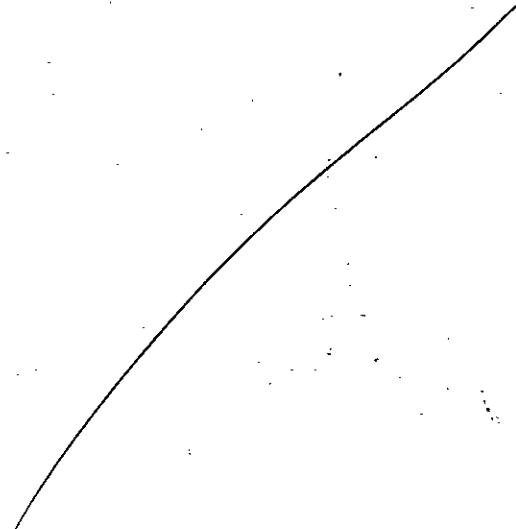
Agent to counsel for the appellant and Masroof Gul, Supdt alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 20.09.2016.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 513/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/05/2016	<p>The appeal of Mr. Muhammad Shahab presented today by Mr. Ijaz Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20.5.16</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 513 /2016

Muhammad Shahab Ex. Ex-Assistant, Khyber Pakhtunkhwa Public
Service Commission Peshawar.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil
Secretariat Peshawar and others.

(Respondents)

I N D E X

S.NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Memo of Appeal		1 - 5
2.	Affidavit		6 - 7
3.	Copies of Complaints	A	8
4.	Copy of order dated 10.03.2015	B	8 - 11
5.	Copies of the statements and inquiry report dated 02.06.2015	C & D	12 - 36
6.	Copies of show cause notice dated 22.07.2015 and reply to the show cause notice	E & F	37 - 40
7.	Copy of the order dated 15.01.2016	G	41
8.	Copies of the review petition dated 27.01.2016 and rejection order dated 18.04.2016,	H & I	42 - 45
9.	Copy of the letter dated 27.03.2014	J	46
10.	Wakalatnama		

Through

Appellant

IJAZ ANWAR
Advocates Peshawar

SAJID AMIN
Advocates Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 513/2016

K.W.F Province
Service Tribunal
Diary No. 485
Dated 16-5-2016

Muhammad Shahab Ex. Ex-Assistant, Khyber Pakhtunkhwa Public Service Commission.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Chairman Khyber Pakhtunkhwa Public Service Commission Fort Road Peshawar Cantt.
3. Secretary Khyber Pakhtunkhwa Public Service Commission Fort Road Peshawar Cantt.

(Respondents)

16/5/16

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Office Order dated 15.01.2016, whereby the appellant has been awarded the major penalty of Removal from Service, against which his review petition dated 27.01.2016 has also been rejected vide order dated 18.04.2016.

Prayer in Appeal:

On acceptance of this appeal the impugned orders dated 15.01.2016 and 18.04.2016, may please be set-aside and the appellant be reinstated into service with all back wages and benefits of service.

Respectfully Submitted:

1. That the appellant was initially appointed in the Agriculture Department as junior Clerk, however, due the restructuring of the Agriculture Department the appellant was placed in surplus pool.
2. That later the Appellant was adjusted and absorbed in the Khyber Pakhtunkhwa Public Service Commission (hereinafter to be referred as the Commission) as Junior Clerk in 2003, but keeping in view his professional skills in the field of Computer Operating, the appellant was deputed to work on the post of Key Punch Operator (KPO) in the Computer Section of the Commission.
3. That keeping in view the good performance and spotless service career, the appellant was promoted to the post of Senior Clerk on 02.12.2004, however he worked as KPO Computer Section. Lastly the appellant promoted to the post of Assistant on 02.01.2013.
4. That it is pertinent to mention here that ever since his appointment the appellant has performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.
5. That in the year 2010, the Commission conducted interviews against 241 posts of Assistant District Officer (BPS-16) in the Elementary and Secondary Education Department and interview result of the selected candidates was announced on 03.02.2011.
6. That after four years, in the year 2014, one of the candidates namely Mr. Saqibullah hailing from District Mansehra Zone 5, who could not be selected due to low merit, submitted two complaints in the Commission office alleging some irregularities in zonal adjustments in the selection of said Assistant District Officers. *(Copies of Complaints are attached as annexure A)*
7. That, resultantly, the Respondent No. 3 constituted a fact finding Inquiry Committee, vide order dated 10.03.2015, to probe into the alleged irregularities committed in the recruitment process of the said Assistant District Officers (Male) BPS-16 and to fix responsibilities for the said irregularities. *(Copy of order dated 10.03.2015 is attached as Annexure B)*
8. That the inquiry Committee after conducting inquiry, submitted its report dated 02.06.2015, wherein certain recommendations were made. Quite illegally the inquiry committee while exceeding its mandate also recommended the appellant for major penalty of removal from service. *(Copies of the statements of the Officials and preliminary inquiry report dated 02.06.2015 are attached as Annexure C & D)*

9. That surprisingly without conducting any regular inquiry, the appellant was served with a show cause notice dated 22.07.2015 communicated to the appellant on 24.07.2015, wherein the major penalty of removal from service was proposed to be imposed upon the appellant. The appellant duly replied to the show cause and refuted the allegations mentioned therein. The reply to the show cause notice may kindly be considered as an integral part of the instant appeal. *(Copies of show cause notice dated 22.07.2015 and reply to the show cause notice are attached as Annexure E & F)*
10. That the competent authority without considering his defense reply, awarded the appellant the major penalty of **Removal from Service** vide order dated 15.01.2016. *(Copy of the order dated 15.01.2016, is attached as Annexure G)*
11. That aggrieved from the order dated 15.01.2016, the appellant duly submitted his review petition dated 27.01.2016, however, the review petition of the appellant has also been rejected vide order dated 18.04.2016, copy of the order was however communicated to the appellant on 25.04.2016. *(Copies of the review petition dated 27.01.2016 and rejection order dated 18.04.2016, are attached as Annexure H & I)*
12. That the impugned orders dated 15.01.2016 and 18.04.2016 are illegal, unlawful, without lawful authority, against the law and facts, hence liable to be set aside on the following grounds;

GROUND OF SERVICE APPEAL:

- A. That the appellant has not been treated in accordance with law, and his right secured and guaranteed under the law have been violated.
- B. That no proper procedure has been followed before awarding the major punishment to the appellant, the appellant has not been served with any charge sheet or statement of allegation, nor any regular inquiry has been conducted, thus the whole proceedings are defective in the eye of law and the order based on such defective proceedings is liable to be set aside.
- C. That the appellant has not been given proper opportunity of personal hearing before his removal from service hence he has been condemned unheard.
- D. That no charge sheet or statement of allegations has been served upon the appellant, hence the appellant has not been given opportunity to defend himself against the charges.

- E. That no regular inquiry as required under the Law has been conducted, even in the preliminary inquiry the appellant has not been associated properly with the proceeding, statements of witnesses if any have not been taken in his presence nor the appellant has been allowed opportunity to cross examine those who may have deposed against him. The recommendations of the inquiry committee are based on mere surmises and conjunctures.
- F. That the charges levelled against the appellant were neither probed nor proved albeit the appellant has been awarded the major penalty.
- G. That the Inquiry Officer has acted illegally and in violation of law by claiming to have proved the charges without any proof or evidence.
- H. That the preliminary inquiry committee was only supposed to fix the responsibility if any on the concerned, however it has acted illegally and exceeded its mandate by recommending the appellant for major penalty of removal from service. Moreover the recommendations so made by the preliminary inquiry committee are also the violation of the instructions contained in letter dated 26.03.2014. **(Copy of the letter dated 26.03.2014, is attached as Annexure J)**
- I. That the copy of the inquiry report has never been provided to the appellant which is mandatory under law in case of awarding major penalty.
- J. That the inquiry committee recommended the appellant of removal from service and as such acted beyond its domain (TOR) without any evidence in support of allegations and conclusively proving same.
- K. That at the relevant time the appellant was performing his duties as Senior Clerk cum Key Punch Operator and as such he could not be held responsible for mistakes/ irregularity if any, occurred in the selection process of ADOs, because Assistant, Superintendent and deputy Secretary should have checked zones before signature. The checking and scrutiny of the interviewed ADO's paper were to be done by the concerned Assistant, superintendents and the DS. Therefore the appellant could not be held for any irregularity.
- L. That the eligibility of the candidates is determined / decided by the member concerned and the files are moved by the dealing Assistant through the superintendent and Deputy Secretary concerned. As the appellant was doing only typing work therefore he could not be held responsible for the job performed by the dealing Assistant and the superintendent.

- M. That it is pertinent to mention here that neither Mr. Saqib Ullah (Complainant) nor any of the four candidates recommended for appointment were examined during the inquiry regarding involvement of the appellant in the alleged irregularities.
- N. That adopting shorter procedure in the instant case was uncalled for and illegal the charges were never admitted by the appellant hence the issuance of show cause notice has prejudice his case and in-fact he was condemned unheard.
- O. That the matter in hand required a full fledge regular inquiry, for the proof or other wise of the charges, in the absence of regular inquiry major penalty can not be imposed.
- P. That the appellant has at his credit bright and spotless service career of about seven years, the penalty imposed upon him is too harsh and liable to be set aside.
- Q. That the appellant is jobless since his illegal removal from service.
- R. That the appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this appeal the impugned orders dated 15.01.2016 and 18.04.2016, may please be set-aside and the appellant be reinstated into service with all back and consequential benefits.

Through

Appellant

IJAZ ANWAR
Advocate, Peshawar

SAJID AMIN
Advocates Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. ____/2016

Muhammad Shahab Ex. Ex-Assistant, Khyber Pakhtunkhwa Public Service Commission Peshawar.

(Appellant)

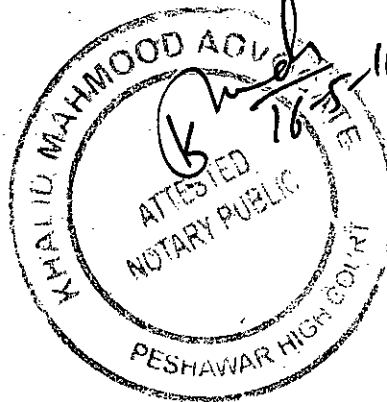
VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar and others.

(Respondents)

AFFIDAVIT

I, ***Muhammad Shahab Ex. Ex-Assistant, Khyber Pakhtunkhwa Public Service Commission Peshawar***, do hereby solemnly affirm and declare that the contents of the above Appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Court.



(Signature)
Deponent

بکھنور جناب چیئر مین پبلک سروس کمیشن خیبر پختونخوا ایشاور

(7)

ما قسب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تنہوال بالا، بھٹاکون، ڈاکخانہ بھٹہ، تحصیل و ضلع ماہرہ

موبائل نمبر 0345-9544498، 0300-5633356

Admitted - A

نام

- (۱) شفیع الرحمن ولد عبدالرحمن، بسکنہ گاؤں موہا زخورد، ڈاکخانہ لسان نواب ماہرہ، تحصیل و ضلع ماہرہ
شناختی کارڈ نمبر: 3-0623012-13503
- (۲) محمد اجمل ولد جمال الدین، ساکنہ گاؤں نسل، ڈاکخانہ شیر گڑھ، ماہرہ، تحصیل ادگی، ضلع ماہرہ
شناختی کارڈ نمبر: 7-9212536-13504
- (۳) سرفراز خان ولد شہاب الدین، ساکنہ ماہرہ، تحصیل و ضلع ماہرہ۔
بمعرفت عثمان جنرل ہٹور، نزد شیل فلنگ سٹیشن، محلہ ڈب، ماہرہ

عنوان: زون 3 کے رہائشی مذکورہ بالا تینوں مسیول علیہم کا ADO کی پوسٹوں پر پبلک سروس کمیشن کی ملی بھگت سے

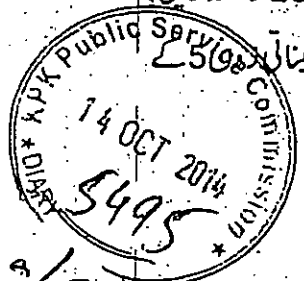
زون 5 کے کوٹ میں غیر قانونی تعیناتی

جناب عالی! درخواست عرض ذیل ہے۔

(1) یہ کہ سائل ثاقب اللہ نے مورخہ 30-06-2010 کو اسسٹنٹ ڈسٹرکٹ آفیسر (ADO)، گرڈ-16، محکمہ تعلیم کیلئے انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو 38 + ریگریڈ 20) یعنی 58/38 نمبر حاصل کئے۔

(درخواست خذا کے ساتھ لف صفحہ نمبر 24، سیریل نمبر 281 ملاحظہ کریں)

مگر تینوں مسیول علیہم کی پبلک سروس کمیشن کے ساتھ باہمی ملی بھگت اور ساز باز کے نتیجے میں سائل کی تعیناتی 59 کے کوٹ میں نہ ہو سکی۔



(2) اشتہار 05/2009 میں A.D.O کی کل 241 اسامیوں کی تفصیل درج ذیل ہے:-

Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30

(درخواست خذا کے ساتھ لف صفحہ نمبر 29 اور صفحہ نمبر 30 ملاحظہ کریں)

محمد سلیمان
14-10-2014

(3) حیران کن طور پر زون 5 کے رہائشی صرف اور صرف اٹھائیس (28) امیدواران تعینات کئے گئے۔

محمد سلیمان

- (4) یہ کہ تینوں مسنول علیہم نے بھرتی کیلئے "بھرتی فارم" کے ساتھ اپنا ڈومیسائل جو کہ ریکارڈ کے لحاظ سے زون 3 کا بننا ہے، پیش کیا تھا۔ لیکن ذاتی مفاد کی خاطر غلط بیانی کرتے ہوئے "بھرتی فارم" میں اپنے آپ کو زون 5 کے رہائشی ظاہر کیا۔
- (5) پبلک سروس کمیشن نے تینوں مسنول علیہم کے ڈومیسائل کو دیکھنے کے باوجود "بھرتی فارم" میں لکھے گئے زون 5 پر کوئی اعتراض نہ کیا تا کہ تینوں مسنول علیہم کی تعیناتی زون 5 کے کوٹ میں ہو سکے۔
- (6) تینوں مسنول علیہم اور پبلک سروس کمیشن کا یہ فعل مسائل سمیت دیگر باسیان زون 5 کی شدید حق تلفی کا باعث بنا ہے۔
- (7) مسنول علیہم نمبر 3 سرفراز خان کے کل حاصل کردہ نمبر 59 (انٹرویو 35 + دیگر 24) یعنی 59/35 ہیں۔ اگر مسنول علیہم نمبر 3 سرفراز خان کو زون 5 کے کوٹ سے نکال دیا جائے تو کم نمبروں کی وجہ سے زون 3 کے کوٹے میں اس کی تعیناتی نہیں ہو سکتی اور وہ فارغ ہو جائے گا۔
- (8) تینوں مسنول علیہم اور پبلک سروس کمیشن کے خلاف ایک مقدمہ W.P.No.357/11 عنوان "جہانزیب خان ہنام پبلک سروس کمیشن" پشاور ہائی کورٹ ایٹ آباد پٹیج میں زیر سماعت ہے جس کی آئندہ سماعت مورخہ 11-11-2014 مقرر ہے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 13 تا صفحہ نمبر 19 اور صفحہ نمبر 28 ملاحظہ کریں)
- (9) سائل پاجا تب اللہ کی C.M.No.42-A/12 بوساطت محمد شعیب خان ایڈووکیٹ مورخہ 25-04-2013 سے مندرجہ بالا مقدمہ میں منظور شدہ ہے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 05 تا صفحہ نمبر 08 ملاحظہ کریں)
- (10) سائل کی C.M. No. 42-A/12 ہائی کورٹ کی مورخہ 25-04-2013 کی آرڈر شیٹ کے ذریعے مذکورہ بالا مقدمے کا حصہ ہے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 08 ملاحظہ کریں)
- (11) سائل مورخہ 25-04-2013 سے مذکورہ مقدمہ W.P.No.357/11 میں مدعا علیہ نمبر 12 پر موجود ہے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 13، سیریل نمبر 12 ملاحظہ کریں)
- (12) مسنول علیہم نمبر 01 شفیق الرحمن اور مسنول علیہم نمبر 02 محمد اجمل نے مذکورہ مقدمہ W.P.No.357/11 میں بیان حلفیاں دی ہیں کہ وہ اپر تاول زون 3 کے رہائشی ہیں۔ بیان حلفیاں اس درخواست کے ساتھ لف ہیں۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 01، صفحہ نمبر 02 اور صفحہ نمبر 03، صفحہ نمبر 04 ملاحظہ کریں)
- (13) مندرجہ بالا مقدمہ کے مورخہ 25-09-2014 کے آرڈر شیٹ میں اسسٹنٹ ایڈووکیٹ جنرل نعیم عباسی کو ہائی کورٹ کی جانب سے ہدایت کی گئی ہے کہ وہ مسنول علیہم نمبر 01 اور مسنول علیہم نمبر 02 کی بیان حلفیاں پبلک سروس کمیشن کو ارسال کر دے تاکہ کمیشن ان تینوں مسنول علیہم کو زون 5 کے کوٹے سے نکال دے۔ (درخواست ہذا کے ساتھ لف صفحہ نمبر 12 ملاحظہ کریں)

سید

(71) (14) زون 5 کا آخری منتخب شدہ امیدوار رب نواز ولد گل داد خان، سیریل نمبر 279، حاصل کردہ نمبر 58/38، تاریخ پیدائش

15-04-1973 ہے۔

(درخواست ہذا کے ساتھ لف صفحہ نمبر 20، سیریل نمبر 09 اور صفحہ نمبر 24، سیریل نمبر 279 ملاحظہ کریں)

(15) سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے، یعنی سائل، سیریل

نمبر 281، حاصل کردہ نمبر 58/38، تاریخ پیدائش 14-04-1974 ہے۔
(درخواست ہذا کے ساتھ لف صفحہ نمبر 24، سیریل نمبر 281 ملاحظہ کریں)

(16) چونکہ سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے، اسلئے اگر ان تینوں

مسئول علیہم کو زون 5 کے کوٹہ سے نکال دیا جائے تو سائل کی تعیناتی ADO کی پوسٹ پر ہو جائے گی۔

(17) اگر درخواست ہذا پر پندرہ (15) دنوں تک کوئی عمل نہ کیا گیا تو سائل تینوں مسئول علیہم کے علاوہ پبلک سروس کمیشن کے

خلاف بھی اپنی کریپشن اور صوبائی تختہ کو درخواستیں دینے پر مجبور ہو جائے گا۔

لہذا استدعا ہے کہ مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے پبلک سروس کمیشن، ڈائریکٹوریٹ آف ایلیمنٹری اینڈ

لیکنڈری ایجوکیشن خیبر پختونخوا اپنا ورکوتینوں مسئول علیہم کی بھیجی گئی "Recommendation" واپس لے لے۔

اور تینوں مسئول علیہم کی جگہ میرٹ لسٹ سے سائل سمیت زون 5 کے رہائشیان کی تعیناتی کی جائے اور ظلم کے مرتکب

ذمہ داروں کو براہ راست سزا دی جائے۔

الرقوم: 14-10-2014

Abul Fatah

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تتوال بالا، بھٹاؤن، ڈاکخانہ بھٹہ، تحصیل دضلع مانسہرہ

شناختی کارڈ نمبر: 9-0383006-03503

موبائل نمبر 0345-9544498، 0300-5633356



Musa

بھصور جناب چیرمین پبلک سروس کمیشن حیر پختو کو ایشاور

تاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تینوال بالا، بھہ ٹاؤن، ڈاکخانہ بھہ، تحصیل و ضلع مانسہرہ
موبائل نمبر: 0300-5633356, 0345-9544498

بنام

سید محمود الحسن ولد سید سرور شاہ، ساکنہ ٹائٹ آباد، زون 5



عنوان: ADO کی میرٹ لسٹ میں مسئول علیہ کے نام کی میرٹ آرڈر نمبر 211 اور میرٹ آرڈر نمبر 276 پر یعنی دو دفعہ موجودگی۔

جناب عالی! درخواست عرض ذیل ہے۔

(1) یہ کہ سائل تاقب اللہ نے مورخہ 30-06-2010 کو اسٹنٹ ڈسٹرکٹ آفیسر (ADO)، گریڈ-16، بحکمہ تعلیم کے لئے انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو 38+ دیگر 20) یعنی 58/38 نمبر حاصل کئے۔

مگر مسئول علیہ کی میرٹ لسٹ میں دو دفعہ موجودگی سے سائل کی تعیناتی نہ ہو سکی۔

(2) اشتہار 05/2009 میں A.D.O کی کل 241 ایامیوں کی تفصیل درج ذیل ہے۔

Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30

(درخواست ہذا کے ساتھ لف صفحہ نمبر 1 اور صفحہ نمبر 2 ملاحظہ کریں)

(3) زون 5 کا آخری منتخب شدہ امیدوار رب نواز ولد گل داد خان، سیریل نمبر 279، حاصل کردہ نمبر 58/38،

تاریخ پیدائش 15-04-1973 ہے۔

سید محمد الحسن
27-10-2014

(Signature)

(4) مسائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے۔ یعنی مسائل
میرٹ نمبر 281، حاصل کردہ نمبر 58/38 تاریخ پیدائش 14-04-1974 ہے۔

(5) یہ کہ A.D.O کی میرٹ لسٹ میں سید محمود الحسن ولد سید سرور شاہ، ساکنہ ایبٹ آباد، زون 5 کا نام
میرٹ آرڈر نمبر 211 پر بھی موجود ہے اور میرٹ آرڈر نمبر 276 پر بھی موجود ہے۔

(6) چونکہ مسائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" اس لئے
سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ آرڈر میں دو دفعہ کے بجائے ایک دفعہ لکھنے سے مسائل کی تہناتی ADO
کی پوسٹ پر یقینی طور پر ہو جائے گی۔

لہذا استدعا ہے کہ سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ لسٹ میں دو دفعہ کے بجائے ایک دفعہ لکھ کر مسائل
ثاقب اللہ کی تہناتی ADO کی پوسٹ پر کی جائے۔

الرقوم: 27-10-2014

ثاقب اللہ

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تتوال بالا، بھہ ٹاؤن، ڈاکخانہ بھہ، تحصیل ولسلہ ماہرہ

شناختی کارڈ نمبر: 9-13503-0383006

موبائل نمبر: 0345-9544498, 0300-5633356



Added
to



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

OFFICE ORDER

The Competent Authority is pleased to constitute a Committee comprising of the following officers of the Khyber Pakhtunkhwa Public Service Commission to probe into alleged irregularities committed in the recruitment of Assistant District Officer (Male) (BPS-16) advertised vide Advertisement No. 05/2009:-

S#	Name	Designation
1.	Prof. Dr. Sarah Safdar	Member-I
2.	Prof. Dr. Muhammad Farooq Swati	Member-VII
3.	Mr. Ghulam Dastagir Ahmad	Director Recruitment

TORs of the Committee are as under:-

- (i) To examine the complaint of Mr. Saqibullah (Complainant) regarding recommendations of three candidates against the post of Assistant District Officer (Male) (BPS-16) Advertisement No. 05/2009.
 - (ii) Summon all the three candidates/recommendee's along with the complainant and hear/interrogate them in detail.
 - (iii) To probe into the alleged involvement of three candidates with Commission's staff and fix responsibility of making wrong recommendations by the Commission's staff, if any.
 - (iv) To examine the fact as to whether after a lapse of about four years, the Commission can entertain such applications / complaints and make re-allocation in the subject and recommend other candidates from the list or otherwise.
2. If answer to point IV of TORs are in affirmative, then make reallocation in subject and if there is no fault on the part of candidate, they may be adjusted against the posts reserved for Zone-III, wrongly recommended to the Government for appointment against the seats reserved for Zone-V. Moreover, fresh allocation/ recommendations of candidates belonging to Zone-III and V be made accordingly.
3. The Committee shall submit its report before 15th April 2015.

Sd/-
CHAIRMAN
PSC

No. KP/PSC/Admn/GF-319/

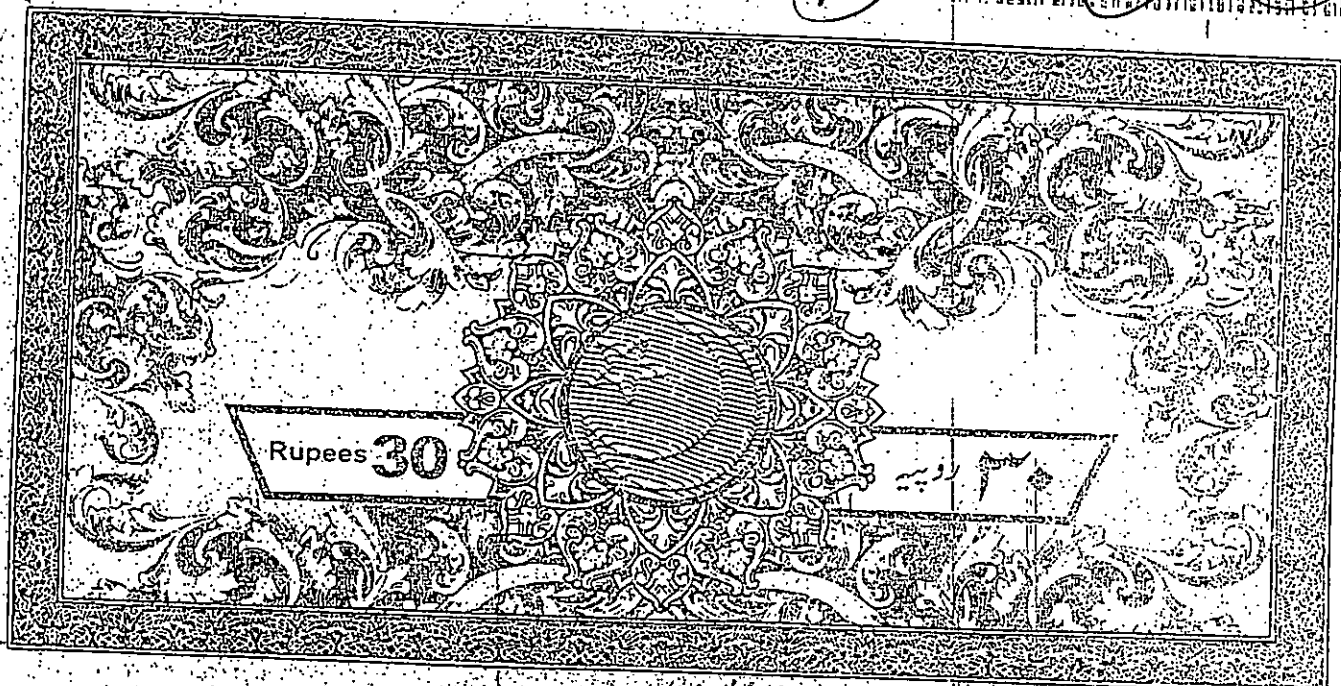
012440-45

Dated: 10/03/2015

Copy to:-

- 1. PS to Chairman, Khyber Pakhtunkhwa PSC.
- 2. PS to Member-I, Khyber Pakhtunkhwa PSC.
- 3. PS to Member-VII, Khyber Pakhtunkhwa PSC.
- 4. Director Recruitment, Khyber Pakhtunkhwa PSC.
- 5. Deputy Director-II, Khyber Pakhtunkhwa PSC.
- 6. Committee during enquiry proceedings.
- 7. Office Order file.

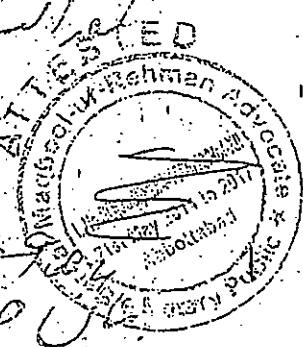
[Handwritten signature]



دو قطعہ اسبابِ مالیتی 30/2 - 30/1 کا دوپہ (1) Approved: C

محکمات جناب سپریم کورٹ کی بجٹ آف آفیس

سیریل نمبر CM 357 / 2011



محمد اظہار الحق ولد جمال الدین ساکن نمبر 1، ڈاکخانہ

شہر راولپنڈی تحصیل اوگھانہ ضلع مانیرہ۔ حلفاً بتائی جاتی ہے کہ

(1) یہ کہ اس کو یہ تمام عطا شدہ زمینیں ضلع مانیرہ علاقہ راولپنڈی میں

(2) ایسے زمینوں کی عطا شدہ زمینیں کے متعلق پہلے سروس کمیشن میں

(3) یہ کہ اس کے رشتہ دار نمبر 2008 کے مطابق 5 ADO کے کل = 241

پہلووں میں سے صرف = 1 کا زون 3 = 40 اور زون نمبر 5 = 30

کی گنتی تھی۔ یہ کہ اس کے متعلق عطا شدہ زمینیں صرف سروس

نمبر 30 میں ہیں جن میں متعلقہ ضلع مانیرہ کے 65 اور زون

5 کے متعلق ہیں۔ اس عطا شدہ زمینیں کے متعلق مندرجہ ذیل سے پہلے زون

Ally

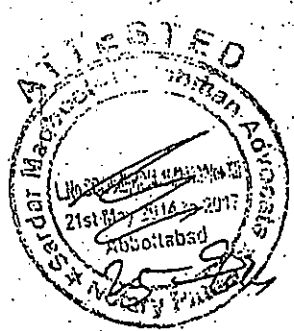
1.P # 2 Cantt



(14)

(2) ۱
 ۲ کے ۱ اور زون ۳ کے ۱ افراد منتخب ہوئے ہیں۔ مزید یہ ہے کہ
 کہ اس صوبہ کی لیٹ کے مطابق زون ۳ میں آفری منتخب ہونے
 والا فرد ضیاء الرحمن نے $\frac{56}{35}$ نمبر حاصل کیے اور زون ۱ کے
 محمود الحسن نے $\frac{58}{38}$ نمبر حاصل کیے۔
 (3) یہ کہ اس صوبہ کی لیٹ میں ماہی اور پن صوبہ میں بھی آفری
 اور ایسے علاوہ یہ زون ۳ و ۵ میں بھی شمار کیا
 جائے گا۔

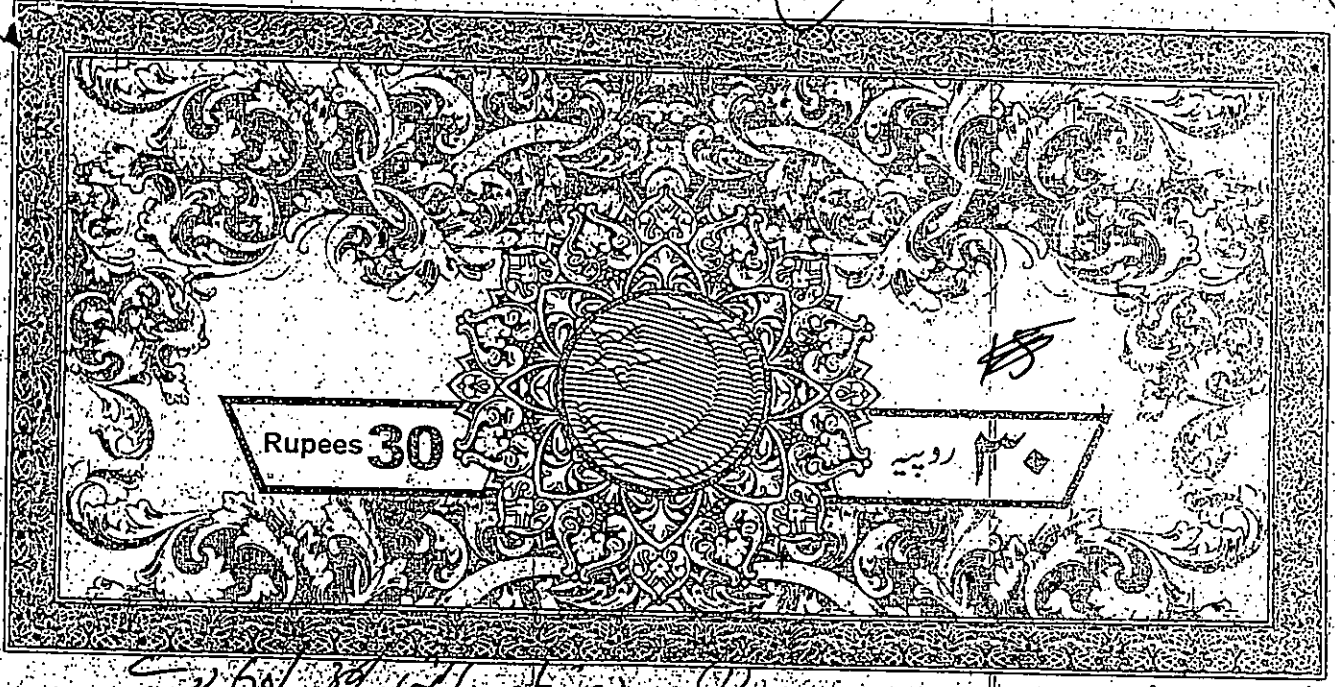
حکمہ صحت نا اہلین صحت و بہت اور دیگر
 جان صحت سہارا
 25-04-19
 12504-9212536-7



محمد اجمل مذکور

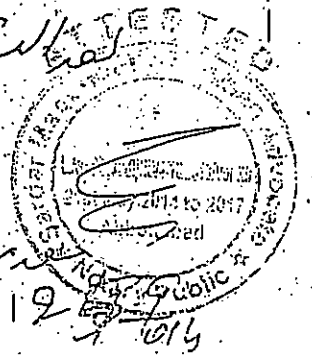
Abdul Muhsin Khan
 Punjab State Bank, Multan
 Remitted Date: 20/05/2016
 Serial No: 20/05/2016
 Fee Received Rs. 2000/-
 Sign: _____

Handwritten signature



دو طبقہ ماہنامہ ۱۹۸۳-۸۴ء ۶ روپے

کمیونٹی جاب پشاور یا آک کورٹ ایٹ آباد بیج ایٹ آباد
چانزریٹ خان بنام بینک سروس کمیشن



357 روپے سیریل نمبر 3
2011

بیان حلفیہ: صفیق الرحمان ولد عبد الرحمان ساکن سوہیاڑ خورد،
P.O. سان خورد تحصیل وضع مانیرہ. خلفاً بیانی ہیں کہ مقدمہ عنوان بالا
میں (1) جو آرڈر سی من قدر کا لکھا گیا ہے وہ درست ہے اور ڈومیسٹک
میں اسے نہ ملے کہ اس پر سوال فیصل مانیرہ کا ہے۔

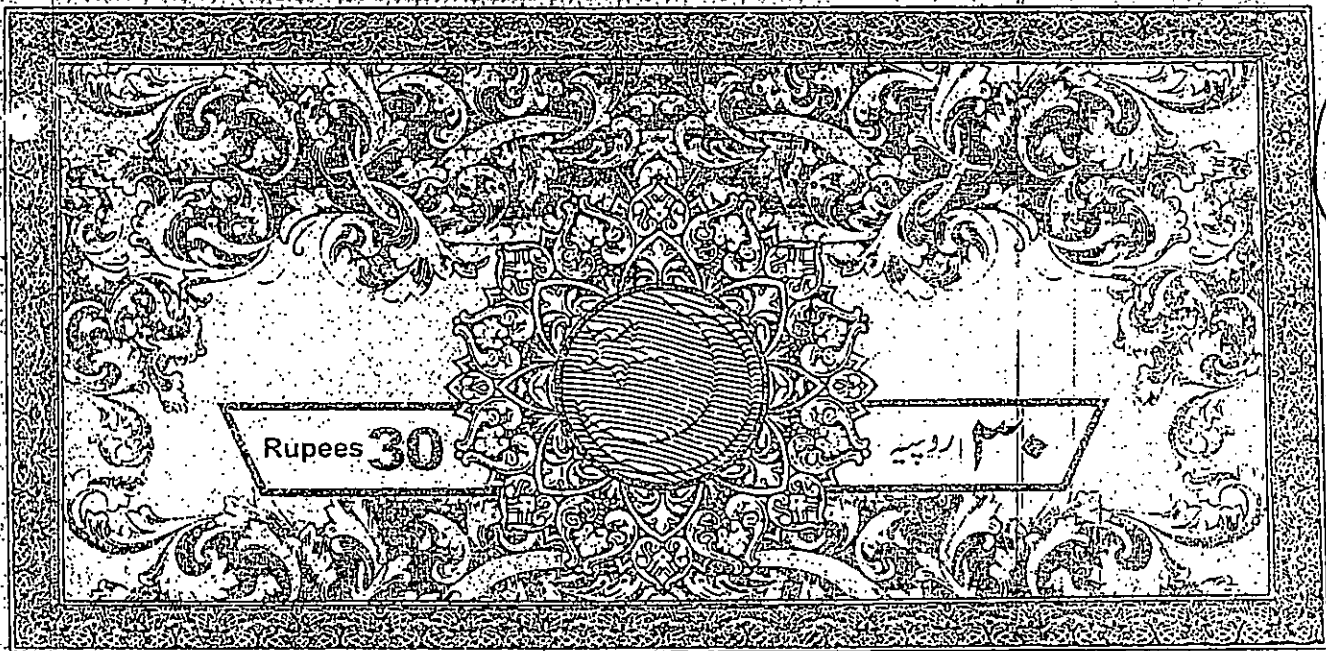
(2) اللہ ذونہل اربو کمیشن کے متعلق بینک سروس کمیشن و ضمانت بہ طور
پر کر سکتا ہے۔

(3) یہ کہ اسٹیٹ بینک 2006ء کے مطابق ADOs کی کل = 241 پوسٹوں
میں سے صرف 61 = 3 زون = 40 و 5 = 30 دیگر ٹی ٹی

سائل کی سٹیٹ بینک کے مطابق صرف 5 سیریل نمبر 5 پر ہے جس
میں میں فقر کے حاصل کردہ نبرات $\frac{64}{40}$ اور 5 زون 5 لکھا گیا ہے۔

اس صورت لکٹ کے مطابق میں سائل سے پہلے زون 3 کے 10 اور زون
کے 5 افراد منتخب ہوئے ہیں۔ مذہب ہر آں کہ ایسی صرف لکٹ کے

(P # 2 cont) محمد علی



15
16

(2)

مطابق سے زون 3 میں آفری منتخب ہونے والا فرد ہے اور

نمبر $\frac{56}{35}$ حاصل کیا اور زون 5 کا محمود الحسن نے $\frac{58}{38}$ نمبر حاصل کیے

(۶) یہ کہ سرور کے سرٹ لیٹ میں سائن اور ہین سرٹ میں سائن ہونا اور

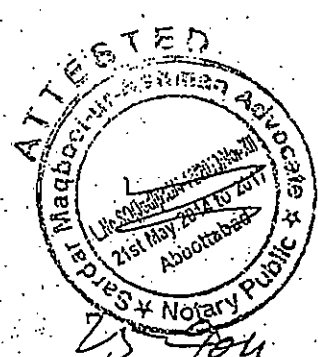
ایک علاوہ سرور زون 3 و 5 جس میں سائن کیا جائے گا ہین سرور کے مطابق منتخب ہوں۔

مجھ پر سب نالی بیان صلہ عذرا درست اور صحیح ہے۔

جان صلہ سید انور علی - الزون 5

13503-0623012-3

شفیق الرحمان سندھ



Abdul Hameed Khan
Petition Writing Grade 2nd Abbottabad.
L.Kin - 2009 Dt: 23.02.2009
Renewed upto 01.02.2015
Serial No. 15
Fee Received Rs. 250/-
Sign. _____

Handwritten signature

Muhammad Shaleh

06-04-201
P. 1
(17) (56) (88) (23)

1. How long you have been serving in the Commission?
2. Which post did you join initially and what posts you ~~were~~ promoted subsequently?
3. Referring to 2010-ADO's interviews which section you were working, in ~~what~~ ^{what} capacity and under

What were your responsibilities as Computer operator duties?

- Where did you get/enter/^{all} the information from, while making the D/Sheets?

Which place did you normally sit in to enter Office

whole data in Mr Masood's Office?

Where the Computer was placed?

How long did you work in Mr. Masood's office for preparing eligibility details, D/Sheets and the rest at the end?

Alpe

Handwritten signature or initials at the top right of the page.

6/4/15
2

Main body of handwritten text, appearing to be a list or detailed notes, written in Urdu. The text is partially obscured by a large dark shadow on the right side of the page.

Handwritten text at the bottom of the page, including a date "2010" and a list of numbers: 18, 5, 64, 57, and 53.

- 18
- 5
- 64
- 57
- 53

MSB

Did you carefully and correctly transfer all the data from the application forms and checked and rechecked it? Yes

Do you agree that candidates' names in the details as it is entered in the one time Yes

How it comes that ~~the~~ candidates' names in the D/Mark sheet Yes

Zone-3, but it is found in the D/Mark sheet Yes

Meet and meet sheet zone-3 has been done Yes

Mr. Sargodha or Mr. Ahmad? Mr. Sargodha

4. What was the normal procedure in preparing the sheet and who normally would check it? Mr. Sargodha

5. However Mr. Rattan would return the amount of clocking, did he normally suggest corrections? Yes

When he would return the amount after credits did you normally confirm the correction with application form? Yes

Mr. Sargodha

19
58
70
R2
10
13

سے جو ڈیٹا انٹری کی ہے صحیح ہے اور ای جینڈ بھی لیا ہے

انٹری میں جو ڈیٹا ہے اس کو جینڈ لینے دیا ہے تو جینڈ لینے

کے لئے ای جینڈ کی آڈٹ ہو گا۔ اس میں کوئی رد و بدل نہیں ہوگی

سپرینٹنڈنٹ الریحان، سر دراز، اور اہل کار میں ای جینڈ میں اس کی انٹری کی ہے۔

مدد علی سے زین کی ہونے کی وجہ سے اس کا لکھا ہے اور اس میں ای جینڈ کرنے کے لئے

سپرینڈنٹ کو دیا گیا اور وہ اس میں جینڈ کر کے اس کے لئے دیا گیا ہے

تھے یہ نہیں کہ مدد علی خود سے ہوئے ہیں۔ یا سپرینڈنٹ سے

میں ہے ای جینڈ کر کے دیا گیا اور اس کا آڈٹ اس کے سپرینڈنٹ سے

ہو دیا گیا ہے جینڈ کر کے دیا گیا ہے

انٹری میں نام، دلہنیا، ڈومیسائل، زون اور ای جینڈ کے آرکائیو

آئے تھے۔ یعنی میرا

ای جینڈ کر کے دیا گیا اور وہ ڈیٹا انٹری کر کے آرکائیو یا لگے سپرینڈنٹ

کو دیا گیا ہے اور اس میں آرکائیو کر کے دیا گیا ہے سپرینڈنٹ کو دیا گیا

اور اس میں نام سپرینڈنٹ کے لئے دیا گیا ہے اور اس میں

Handwritten signature or mark at the bottom of the page.

Muhammed Saheb

(9) (60) (72) (R³) (D)

1. Were the D/sheets used twice, if yes then why?
2. When you gave the print for the second time do there any changes incorporated into the D/sheet?
3. Who prepared the result, where and whose presence?
4. Where did you get the result from & for paper merit list?
5. Was the result fair?
6. How it happened that Mr. Mahmoodul Hasan's result were ^{held and} prepared twice?
7. Who checked the result?
8. When you both checked the result, how the doublet?
9. Mr. Saqib, the petitioner, used to see Mr. Mahmood before interview at the Commission, have you the Mr. Saqib?

(Signature)

(15) (16) (17) (18) (19)
میں لیدر B.P. Exp سے تھا۔ آمد بعد میں یہ منسلکہ بنا گیا۔ B.Ed. Exp

۱۔ تو عمرزاد ڈسٹریکٹ کا پرنٹ آرٹ دوبارہ دیا گیا۔

دوبارہ الٹو کرتے وقت اس میں کوئی Change نہیں کرتے تھے۔

لٹ میں نہ ٹیپوٹر مسعود صاحب لکھے میں بنا ہوا تھا۔ میں اور مسعود صاحب

لٹ میں نے عمرزاد ڈسٹریکٹ سے بنا ہوا تھا۔ صحیح لڑا لڑ گیا۔

آمد بعد کے انٹر ڈیو دو دفعہ ہوا ہے اس بار میں تھے کوئی علم نہیں

لڑا لڑ گیا 2 دفعہ انٹر ہوا ہے اس بار میں تھے کوئی علم نہیں

لڑا لڑ مسعود صاحب ان میں سے پیدا کیا گیا۔

لڑا لڑ پیدا کرتے وقت نام ترتیب سے نہیں تھے تو یہ نہیں جانتا تھا۔

مسعود صاحب کو جہاں آتے تھے آمد اس میں Candidates میں تھے تھے تو

تاقب کو میں نہیں جانتا تھا۔ آمد اس لکھے میں تھے جہاں مسعود صاحب

دیکھا کرتا تھا انٹر ڈیو کے دوران Candidates مسعود صاحب لکھے میں

آتے تھے۔ تھیں لڑا لڑ جہاں بنا رہے تھے تو اس وقت لکھے میں کوئی نہیں جانتا تھا۔

☆ 4/15

Alger

Muhammad Saqib

(93)

(92)

(94)

(95)

Do you know that Mr. Saqib handed over a bar cheque to Mr. Masood Zaman?

2. You have completed ten years here; do you know some employees here who accepted bribes from the candidates?

3. What could be the possible reason that Mr. Masood Zaman relied more than the Assistant Superintendent of the Section/Branch.

4. Your statement shows that any changes in the merit list, eligibility details, and the result sheet, you were not aware involved in it?

5. Working as Computer Operator, if you did not make any changes in these documents who then did it? Who is responsible for these changes?

Alged


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اگر آپ میں خود ایسی قابلیت ہو تو آپ کو اس کا پورا پورا سامنا کرنا پڑے گا۔
 اگر آپ میں خود ایسی قابلیت ہو تو آپ کو اس کا پورا پورا سامنا کرنا پڑے گا۔

میں اس بات کی گواہی دیتا ہوں کہ انٹر ڈیپارٹمنٹل مینڈیٹ شدہ اور اسٹینڈرڈ مینڈیٹ شدہ میں سے کوئی تبدیلی نہیں کی ہے۔

اس تبدیلی کا ذمہ دار نہیں ہے۔

انٹر ڈیپارٹمنٹل مینڈیٹ شدہ اور اسٹینڈرڈ مینڈیٹ شدہ میں سے کوئی تبدیلی نہیں کی ہے۔
 انٹر ڈیپارٹمنٹل مینڈیٹ شدہ اور اسٹینڈرڈ مینڈیٹ شدہ میں سے کوئی تبدیلی نہیں کی ہے۔


 5/4/15
 محمد شعیب


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(79)

سنتی الزمان سے مراد یہ ہے کہ

سوال نمبر (16) (25)

(78)

- 1) اس خبر پر غور کر کے اس خبر کے بارے میں نام لکھو
- 2) اس خبر کے تعلق میں دو سوالات لکھو
- 3) اس خبر کے بارے میں دو سوالات لکھو

پہلا سوال: Pakistan's political system is a democracy. Discuss.

دوسرا سوال: پاکستان میں جماعتی نظام کی کیا مثالیں دیں؟

تیسرا سوال: پاکستان میں جماعتی نظام کی کیا مثالیں دیں؟

Aliya

(17) (16) (15) (14) (13) (12) (11) (10) (9) (8) (7) (6) (5) (4) (3) (2) (1)

22-4-015

سب سے پہلے میں آڈیٹ پوائنٹ پر
 کسریں پورا کیا اور اب بطور ASDE کا کام

کرانا ہوں (پہلے عمل پیکارہ جائیگا)

(2) اس پر تعلق زون 3 جائیگا سے لے کر

(3) جس میں بھی زون 3 درخواست فارم میں

ہے زون 3 ہی لیا گیا اور اس کے ساتھ
 ڈیٹا مل بھی لیا گیا ہوا تھا

(4) اس پر میں قوطہ میں دے سکا

(5) جہاں ریٹ نام کے تحت ایک شخص نے عدالت

میں نہیں لیا گیا پورا ہے اور اس کے لئے میں

اس بارے میں بہت عمل

(6) اس بارے میں عدالت میں ان سے ملنے کا

پہلی تھی اس سے پہلے نہ تو سائب اللہ سے
 کو اس بارے میں آگے لے کر

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P. 2 (19) (18) مایہ

(27) میں سب سے سب سے کسی بھی فرد کو دانی طور

دائیں جانب ہوں

(8) میں اس سے کسی بھی شخص کو دانی

Q

اس کی

(9)

M. Ajmal ASDEO

مہلک ہلکے

22/04/05

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عوامی

ASDEO

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سے آج پوسٹ پر کھڑا ہوا تھا۔ اور اسے بطور ASDEO کے لیے پوزیشن
میں اسے خدمات انجام دے رہا ہوں۔

سب سے پہلے زون اور علاقہ اس کے متعلق صلح کا سلسلہ ہے۔

میں نے اسے در خواست نامہ میں بھی زون کا ذکر کیا تھا۔

صاحب میرے appointment ہوئے تو اس میں زون کا ذکر کیا گیا لیکن
جو کہ اس کے متعلق صلح کا سلسلہ ہے تو اس میں یہ نہیں لکھا گیا شاید
مجھے زون کے لیے Place دیا گیا ہے۔

مجھے اسے Selection کے علاقہ زون میں ہونے کا یہ اس وقت
حدود بنیاد یا سیکورٹ سٹریٹ کے لیے اس کے آباد کی حالت سے
مجھے پوزیشن ملے۔ اور میں حاضر ہوا تو وہاں سب نامی شخص نے
میرے Selection کو صلح کیا ہوا تھا۔

تاریخ اللہ نے جب اس کے نام پر Recommended صلح کیا
اور اس کے Status دیا تو عدالت میں مدعا ثابت ہوئے لیکن
اس وقت سے کاٹا ہوا ہے۔ اور وہاں سب نے اس کے لیے اس
کا نام لیا۔ صرف اس کے دائرہ کار کو واضح کیا ہوا ہے۔ اس سے
اسے اس کے لیے۔

محمد سعید

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Call # 03449715865

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8/14/15

Handwritten notes in Urdu script

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8/15, 5:00 PM

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ENQUIRY REPORT

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Subject: - PRELIMINARY ENQUIRY TO PROBE INTO THE IRREGULARITIES COMMITTED IN MALE ASSISTANT DISTRICT OFFICERS (BPS-16)

Amir - D

The Chairman KP PSC constituted a committee comprising the following vide Office Order No. KP/ PSC/ Admn/GF-319/012440-45 dated 10.03.2015 (Annex-I): -

1. Prof. Dr Sarah Safdar Member-I, PSC.
2. Prof. Dr Muhammad Farooq Swati Member-VII, PSC.
3. Mr. Ghulam Dastagir Ahmed Director Recruitment, PSC.

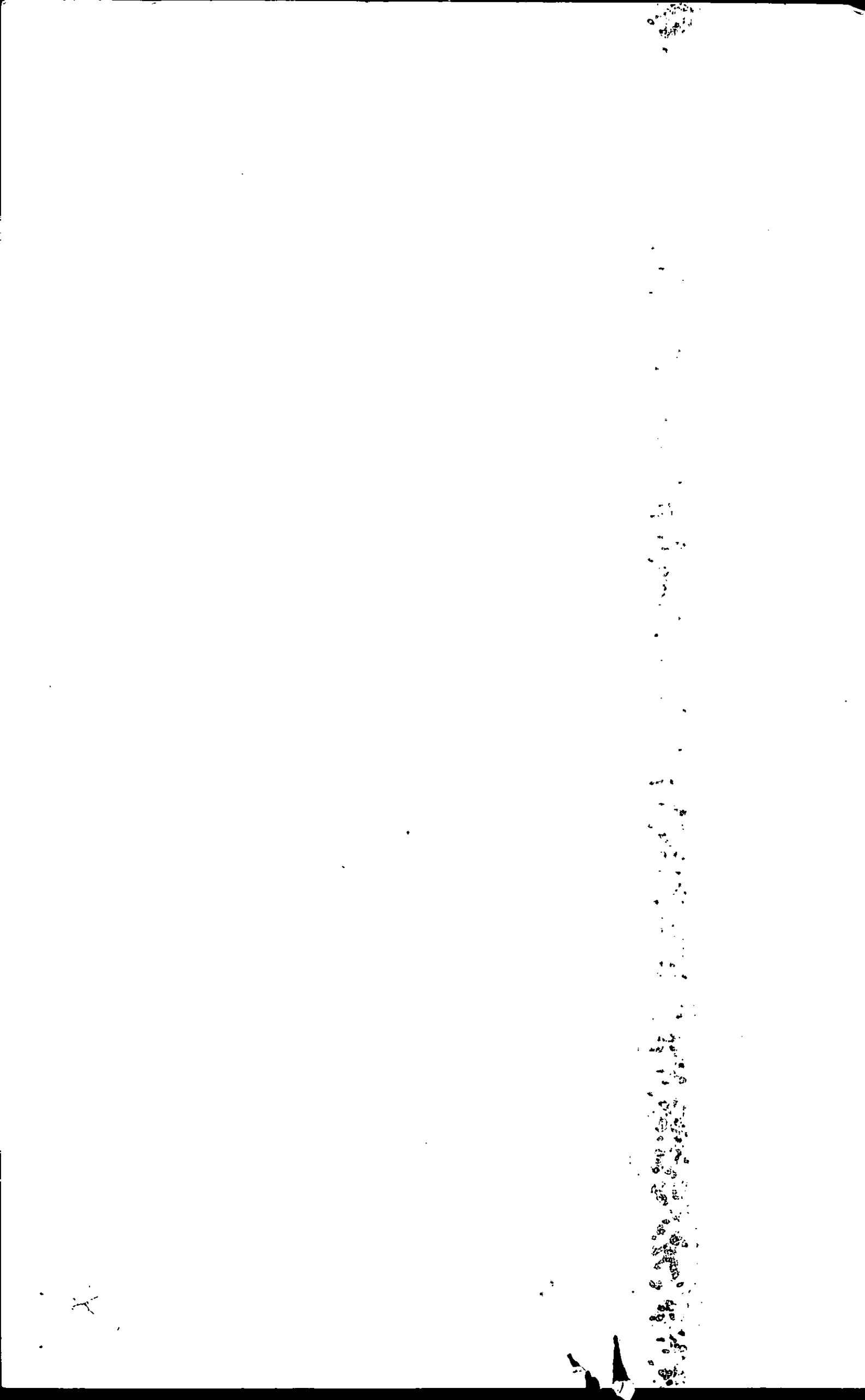
2. The Committee is required to examine the complaint of Mr. Saqibullah (Complainant) regarding alleged wrong recommendations of three candidates from Zone-5 against the post of Male Assistant District Officer (BPS-16) to summon and hear all the three recommendees, to probe into the alleged involvement of the three candidates with Commissions staff and fix responsibility and to examine as to whether after a lapse of about four years, the Commission can entertain such applications, complaints and make reallocation and fresh recommendations or otherwise.

3. First meeting of the Committee was held on 11.03.2015. Syed Ilyas Shah Deputy Director II was asked to produce applications forms of the three candidates alongwith application of the complainant Mr Saqibullah and complete record of recruitment of ADO BPS-16 advertised in Advertisement No. 5/2009.

4. In the 2nd meeting of the Committee held on 16.03.2015, the applications of the three candidates namely Mr Muhammad Ajmal S/O Jamal ud Din, Mr Sarfaraz S/O Shahabud Din and Mr Shafiq ur Rehman S/O Abdur Rehman and other record were thoroughly checked and the Committee found the following: -

- i. In the applications forms / departmental permissions, all the three candidates have clearly mentioned their zone as "Zone-3" but in the descriptive sheets prepared by the concerned officer/ officials for interview, the zone of the three candidates has been reflected as Zone-5 (Annex-II, III, IV).
- ii. The applications of Mr Ajmal and Mr Sarfaraz were signed only by Mr Rustam Khan the then Superintendent and no orders of eligibility of the Member were obtained.
- iii. Application of Mr Shafiq ur Rehman is signed by Mr Amir Ilyas the then Assistant and Mr Masood Zaman the then Deputy

Amir



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5. Next meeting of the Committee was held on 24/03/2015. Statement Mr Masood Zaman DS, Mr Rustam Khan the then Supdt, Mr Amir Ilyas the then dealing Assistant, Mr Muhammad Shahab the then Sr Clerk/ KPO, Mr Muhammad Sajjad Qureshi the then Supdt were recorded. Statement of the three recommendees were also recorded whereas Mr Saqib Ullah did not attend the enquiry proceedings.

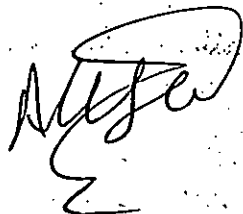
STATEMENT OF MR MASOOD ZAMAN THE THEN DEPUTY SECRETARY:

6. In his statement at Annex-VI, Mr Masood Zaman has stated that his job description is file work, scrutiny of applications, preparation of result and supervision of his Branches. Eligibility of candidates is done by the Assistant, then by the Supdts and is sent to the DS for onwards submission to Director/ Member. Descriptive sheet is prepared by the dealing Assistant. He submits the same to the Supdt. The Supdt. submit the same for countersignature to the DS. No file move up without my signature except when I am on leave. On conclusion of interview, the Director or the DS takes the result from Member, makes the calculations, prepare the merit list and allocation is made as per vacancies. The result is signed from dealing Assistant to the Director.

7. During the interviews it was decided that experience may be counted from B:Ed and not BA. There were five panels of interview. The Members had directed that after conclusion of the running interviews, scrutiny may be carried out and the experience be counted after B:Ed. They prepared fresh descriptive sheets as per orders and were handed over to the Members concerned. Due to load of work, he could not sign every descriptive. Before conveying the result, the Chairman had constituted a checking committee. The committee had taken the result and all the original applications of selected candidates. After checking the same, the result and applications were returned.

8. The three candidates in question belonged to District Mansehra (UDA). They were inadvertently considered in Mansehra Zone-5, instead of Mansehra (UDA) Zone-3. The descriptive was not changed but only zone 5 was mistakenly recorded instead of Zone-3. As per orders of the Chairman that the DS concerned will prepare the result, therefore, I with the help of Mr Shahab computer operator prepared the result.

9. He stated that he knows Mr Saqib for the last 3-4 years. He met with Mr Saqib for the last time in the office of Director some 2-3 months ago. When I was DS and the result was prepared, he had given me a cheque of Rs.750,000/- with the request to select him for the post. Photocopy of the said cheque is still with him for proving myself innocent. Mr Saqib had also offered him a Hotel at Abbottabad but he refused him. Mr Saqib had met with him through Mr Muhammad Sajjad Qureshi during the currency of interviews. He has not cashed the cheque till date because he does not takes bribe. The copy has been kept only for record.



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STATEMENT OF MR RUSTAM KHAN THE THEN SUPDT: (NOW RETIRED):-

10. In his statement at Annex-VIII, Mr Rustam Khan has stated that scrutiny of application forms is done by Assistant and is submitted to the Supdt and the process completes after approval of Member whereas descriptive sheet for interview is prepared by Assistant, checked by Supdt and rechecked and countersigned by the Deputy Secretary. We checked everything from application form and then signed the note. Descriptive Sheets of Mr Sarfaraz and Mr Ajmal bear my signature whereas descriptive sheet of Mr Shafiqur Rehman has been signed by Mr Amir Ilyas and Mr Masood Zaman. Experience was first taken from Bachelor Degree. When it was decided to take the experience from B.Ed, the descriptive sheets were prepared by Mr Shahab in the Office of Mr Masood Zaman DS. Mr Masood called him and told that Members are asking for revised descriptive. Please, signed the descriptive. Therefore, Mr Shahab printed the descriptive and he signed the same. Some descriptive sheets were signed by Mr Masood alone, some descriptive sheets were given to me for signature, some to Mr Amir Ilyas and some descriptive sheets were unsigned. Result was prepared only by Mr Masood Zaman and Mr Shahab but was signed by Mr Masood and no one else were involved. The recommendations were also sent by Mr Masood. He stated on oath that he neither know the four candidates nor has even seen them.

STATEMENT OF MR AMIR ILYAS SUPDT: -

11. In his statement (Annex-VIII), Mr Muhammad Amir Ilyas the then Assistant has stated that he used to make scrutiny of applications and prepare the descriptive sheets and then submit the same to the Supdt who after checking submit the same to the DS. Submission of applications to panels was done by Mr Masood Zaman. He signed the descriptive sheets which he himself prepared. He has carefully mentioned the correct zones of candidates in descriptive. Though he has signed the revised descriptive sheet, but the applications were lying in the Office of Mr Masood Zaman therefore, he could not check the same with application. Eligibility is done by the Member through a channel. It is possible that approval of the authority in some cases has inadvertently not be obtained. He knows Mr Ajmal, Sarfaraz and Shafiq and does not know Mr Saqibullah. Result is prepared under supervision of Director and he himself sign it. Result has neither been prepared by him nor signed. They may be called so that the case becomes clear. During interviews, he was not pressurized by any Member/ Officer.

STATEMENT OF MR MUHAMMAD SAJJAD QUREHI SUPDT:-

12. In his statement at Annex- IX, Mr Muhammad Sajjad Supdt has stated that He knows Mr Saqibullah who was referred to him by Mr Majid Khan, a Headmaster at Mansehra. He had to enquire about interviews for the post of ADO, therefore, he was sent by someone else and he did not remember that he took him or sent him to the Office of Mr Masood Zaman DS. He does not know any dealing between Saqibullah and Mr Masood Zaman because neither he met him again nor Mr Masood

Masood

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say something about him. He came to know about this thing about 02 months ago when the matter became known to most of the persons in the office that some dealing of cheque has taken place between Mr Masood and Mr Saqibullah. As far as I remember, he did not receive call for interview. Mr Masood should not take the cheque but he took the same and kept it with him.

STATEMENT OF MR MUHAMMAD SHAHAB ASSISTANT

13. Mr Muhammad Shahab Assistant Recruitment Wing has admitted in his statement at Annex-X that at that time he was Senior Clerk attached with Mr Masood Zaman and was typing descriptive of candidates for 05 panels of interview. The branch Assistant used to provide him application forms of the candidates and he prepared the same from application forms. He used to sit in the Office of Mr Masood Zaman DS and do the work. He had done all the entries after checking, and used to give the same printing without alteration. He used to make entries and gave the same to the Assistant / Supdt. who after checking return the same to him for correction or otherwise. He does not know that the wrong entry of the zone of Mr Shafiq, Sarfaraz and Ajmal was committed by him or the Supdt. / Assistant. Result was prepared by him from descriptive in the Office of Mr Masood Zaman which was correct. He does not know how a candidate was twicely interviewed. Visitors used to come to the Office of DS including candidates but he does not know Mr Saqib. He also does not know about the cheque given by Mr Saqib to Mr Masood.

MR SAQIB ULLAH, CANDIDATE

14. Mr Saqib Ullah the complainant was issued a letter dated 03.04.2015 to attached the enquiry proceedings (Annex-Xii) and was telephonically contacted by Syed Ilyas Shah Deputy Director but he refused to come the Commission's Office. Another letter dated 24.04.2015 was issued to Mr Saqib to attend the enquiry proceedings on 17.04.2015 (Annex-Xiii) but he again refused to attend the proceedings. After that on several occasions it was tried to contact him telephonically but his phone was powered off.

STATEMENTS OF MR SARFARAZ KHAN, MR SHAFIQR REHMAN AND MR MUHAMMAD AJMAL

15. Mr Sarfaraz Khan, Mr Shafiq ure Rehman and Mr Muhammad Ajmal were also called for personal hearing on 22.04.2015. Their statement were recorded (Annex-XIII XIV & XV). According to their statement no fault lied on their part as they had clearly mentioned their zones (Zone-3) in their applications. They did not conceal anything from

Alleg

FINDINGS:-

16. From the foregoing the enquiry committee came to the following conclusion: -

- i) A number of gross irregularities have been committed by the staff upto the DS in the process of selection of candidates for the posts of ADOs BPS-16 in Elementary and Secondary Education Department, All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives.
- ii) No care was taken into account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Supdt or DS and approval of the competent authority i.e., Member was not obtained. Moreover, proper checking of zones of the three candidates namely Mr Sarfaraz, Mr Ajmal and Mr Shafiqur Rehman was not made for which Mr Masood Zaman DS, Mr Rustam Khan the then Supdt, Mr Amir Ilyas the then Assistant and Mr Muhammad Shahab the then KPO are equally responsible for the gross irregularities.
- iii) Due to the extremely careless attitude of the concerned staff, one candidate was twice interviewed and was twice recommended.
- iv) The acceptance of cheque amounting to Rs. 750,000/- in bribe by Mr Masood Zaman Deputy Secretary from Mr Saqib in return of selecting him for the post of ADO has been proved beyond doubt.
- v) Though Mr Muhammad Sajjad Qureshi accepts that he took Mr Saqib to the Office Mr Masood Zaman for enquiry but it is not possible for a candidate to offer bribe directed to an unknown officer. There is an active role of Mr Muhammad Sajjad Qureshi in the offer of bribe by Mr Saqib to Mr Masood.
- vi) All the officers/ officials involved in this case also enjoy bad reputation in the Office.

RECOMMENDATIONS:-

17. The Committee recommends that: -
- i) Mr Masood Zaman Deputy Secretary may be dismissed from service.
 - ii) Mr Amir Ilyas Superintendent, Mr Muhammad Sajjad Qureshi Supdt and Mr Muhammad Shahab Assistant may be removed from service. Show cause notices may be issued to the officials under Rule 5 (a) of the E&D Rules, 2011.

Adil

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- (20)
- iii) As Mr Rustam Khan the then Supdt; has now retired from service. In his case, opinion of the Establishment Department may be obtained as to what punitive actions can be taken against him after his retirement.
- iv) Mr Saqib Ullah may be disqualified from applying to the Commission for ever and his case be referred to the Elementary and Secondary Education Department for taking punitive action against him under the rules. No. 7407/46
- v) In pursuance of the Supreme Court Decision dated 19.4.14 (Annex-XVI) that if a candidate is mistakenly recommended by the Commission without any fault on his part then he will not be disturbed while proceedings will be initiated against the officials concerned. Since there is no fault on the part of the recommended candidates namely Mr Shafiq ur Rehman, Mr Sarfaraz and Mr Ajmal Khan therefore, their recommendations may not be disturbed and the case of readjustment/ reallocation may not be processed after a lapse of almost five years of the recommendations.

(Signature)
(Ghulam Dastagir Ahmed)
Director Recruitment
Member of the I.C.

(Signature) 02/06/15
(Prof: Dr Muhammad Farooq Swati)
Member PSC
Member of the I.C.

(Signature)
(Prof: Dr Sarrah Safdar)
Member PSC
Chairperson of I.C.

(Signature)

Telephone No: 091-9212962



From:
Secretary,
Public Service Commission,
Peshawar.

KHYBER PAKHTUNKWA PUBLIC SERVICE
COMMISSION
2-FORT ROAD PESHAWAR CANTT.

No. KPI/PSC/Admn/

Date: 22/7/15

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ANNEX E

To

✓ Mr. Muhammad Shahab Assistant (BPS-16),
Khyber Pakhtunkhwa Public Service Commission.

Subject: **SHOW CAUSE NOTICE**

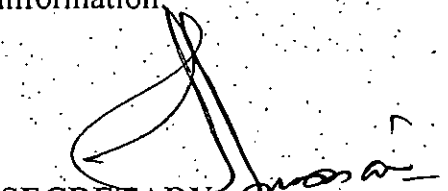
Enclosed find herewith a copy of Show Cause Notice duly approved/signed by Governor Khyber Pakhtunkhwa (Competent Authority) alongwith finding of enquiry report for information and further necessary action at your end.

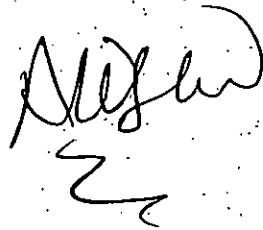

SECRETARY
PSC

Encl: As Above

Copy to:

1. PS to Chairman Khyber Pakhtunkhwa PSC for information


SECRETARY
PSC





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KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

SHOW CAUSE

I, Sardar Mahtab Ahmad Khan, Governor Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve you Mr. Muhammad Shahab Assistant (BPS-16), the following Show Cause Notice:-

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry committee comprising of Prof Dr Sarah Safdar Member-I PSC, Prof. Dr. Muhammad Farooq Swati Member-VI PSC and Mr. Ghulam Dastagir Ahmed Director Recruitment PSC for which you were given opportunity of hearing and recording of your written statement on 02.04.2015.
- (ii) on going through the findings and recommendations of the enquiry committee, the material on record and other connected papers including your defence before the enquiry committee:-

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

- (a) Gross irregularities have been committed by you in the process of selection of candidates for the posts of ADOs (Male) BPS-16 in Elementary & Secondary Education Department.
- (b) Legal procedures were not followed in the selection process of ADOs for ulterior motives.
- (c) No care was taken into account in the eligibility of the candidates. Candidates were declared eligible for interview with the approval of the dealing Assistant or Superintendent or Deputy Secretary and order of the competent authority was not obtained.
- (d) Documents / Zones of three candidates namely Mr. Muhammad Ajmal S/O Jamal Uddin, Mr. Sarfaraz Khan S/O Shahab Uddin and Mr. Shafiqur-Rehman S/O Abdur Rehman were not properly checked and they were recommended against the seats reserved for Zone-V, although they had clearly mentioned / attached domiciles of Zone-III with their application forms. By doing so, three candidates hailing from Zone-V were deprived from their legitimate right of selection.
- (e) Due to careless and lethargic attitude, one candidate was interviewed twice and his name was twicely reflected in the merit list.
- (f) You also enjoy bad reputation in the office.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under Rule 4(b) of the said rules.

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

4. If no reply to this notice is received within fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the enquiry committee is enclosed.

Rizwan

M. Mahtab
Governor

GOVERNOR, KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

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FINDINGS:-

16. From the foregoing the enquiry committee came to the following conclusion: -

- i) A number of gross irregularities have been committed by the staff upto the DS in the process of selection of candidates for the posts of ADOs BPS-16 in Elementary and Secondary Education Department, All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives.
- ii) No care was taken into account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Supdt or DS and approval of the competent authority i.e., Member was not obtained. Moreover, proper checking of zones of the three candidates namely Mr Sarfaraz, Mr Ajmal and Mr Shafiqur Rehman was not made for which Mr Masood Zaman DS, Mr Rustam Khan the then Supdt., Mr Amir Ilyas the then Assistant and Mr Muhammad Shahab the then KPO are equally responsible for the gross irregularities.
- iii) Due to the extremely careless attitude of the concerned staff, one candidate was twice interviewed and was twice recommended.
- iv) The acceptance of cheque amounting to Rs.750,000/- in bribe by Mr Masood Zaman Deputy Secretary from Mr Saqib in return of selecting him for the post of ADO has been proved beyond doubt.
- v) Though Mr Muhammad Sajjad Qureshi accepts that he took Mr Saqib to the Office Mr Masood Zaman for enquiry but it is not possible for a candidate to offer bribe directed to an unknown officer. There is an active role of Mr Muhammad Sajjad Qureshi in the offer of bribe by Mr Saqib to Mr Masood.
- vi) All the officers/ officials involved in this case also enjoy bad reputation in the Office.

RECOMMENDATIONS:-

17. The Committee, recommends that: -

- i) Mr Masood Zaman Deputy Secretary may be dismissed from service.
- ii) Mr Amir Ilyas Superintendent, Mr Muhammad Sajjad Qureshi Supdt and Mr Muhammad Shahab Assistant may be removed from service. Show cause notices may be issued to the officials under Rule 5 (a) of the E&D Rules 2011.

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-To

The Honourable Governor,
Khyber Pakhtunkhwa,
Peshawar

Approved: - F

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(20)

Through Proper Channel

Subject: - REPLY TO SHOW CAUSE NOTICE
R/ Sir,

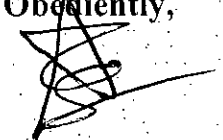
With reference to your Show Cause Notice conveyed vide PSC letter No. KP/ PSC/Admn/ 091660 dated 22.07.2015 received on 24.07.2015.

2. Seriatim reply to the charges leveled against me is as under: -

- a. Submitted that I performed as Senior Clerk cum Key Punch Operator with Mr Masood Zaman the then Deputy Secretary and performed the typing work of the Branch under Mr Masood Zaman. The checking and scrutiny of the interviewed of ADO's paper were to be done by the concerned Assistant, Supdt: and the DS. Therefore, I did not commit any gross irregularity.
- b. Legal procedures were to be seen by the Assistant, Supdt: and the DS. Though I was Senior Clerk come Key Punch Operator, but I was doing only typing work with Mr. Masood Zaman DS.
- c. Eligibility of the candidates is determined/ decided by the Member concerned and the files are moved by the Dealing Assistant through the Supdt: and the DS concerned. As I was doing only typing work therefore, I am not responsible for the job performed by the dealing Assistant and the Supdt: because I fully concentrated only on my typing work and in this case no typing error, omission mistake, or my blunder on my behalf.
- d. Though the descriptive of the three candidates namely Mr Muhammad Ajmal S/O Jamal ud Din, MR Sarfaraz Khan S/O Shahab ud Din and MR Shafiq ur Rehman S/O Abdur Rehman were typed by the undersigned but the same were supposed to be checked by the Assistant/ Supdt:/ DS concerned as the responsibility of scrutiny/eligibility/ lies with them, according to notification No. **DR-54/2013 dated; 06.05.2013** (copy Annexure A).
- e. Same reply as given under (d) above.
- f. I do not enjoy any bad reputation My 12 years unblemished service record and my ACRs are free of adverse remarks or any such remarks relating to bad reputation. As far as the allegation of bad reputation is concerned, it is totally concocted, fabricated and based on personal grudges having no documentary proofs/evidence.

3. Keeping in view the above reply/ clarification, I earnestly request to kindly withdraw the Show Cause Notice issued to me and I may be exonerated from the charges.

Yours Obediently,



(Muhammad Shahab)
Assistant, KP PSC





Approved - 9 BS

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

41

NOTIFICATION

No.KP/PSC/Admn/GF-521/ Mr. Muhammad Shahab, Assistant (BPS-16) (thereinafter referred to as accused) Khyber Pakhtunkhwa Public Service Commission was proceeded against under the Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011 on account of irregularities committed in the selection process of Assistant District Officer (Male) (BPS-16) in Elementary and Secondary Education Department advertised vide Public Service Commission Advertisement No.05/2009; and

WHEREAS, an inquiry Committee, consisting of Member-I, Member-VI and Director Recruitment Khyber Pakhtunkhwa Public Service Commission was constituted; and

WHEREAS, the inquiry committee after having examined the charges, evidence on record and explanation of the accused official, submitted its report wherein imposition of major penalty of removal from service was recommended; and

WHEREAS, show cause notice was served upon the accused official in pursuance of Rule-5 (1) (a) of Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules, 2011 conveying therein tentative decision of Removal from service; and

WHEREAS, the accused official was provided an opportunity of personal hearing by the Competent Authority on 07.01.2016 to defend himself. The accused official during the personal hearing reiterated his previous stance and failed to defend himself and did not add any new fact; Now

THEREFORE, the Governor Khyber Pakhtunkhwa being Competent Authority, in exercise of powers conferred upon him under Rule 4 (b) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 has decided to confirm tentative major penalty of Removal from Service of Khyber Pakhtunkhwa Public Service Commission.

Pursuant to the above, Mr. Muhammad Shahab, Assistant (BPS-16) Khyber Pakhtunkhwa Public Service Commission stands removed from the service of Khyber Pakhtunkhwa Public Service Commission with immediate effect.

Sd/-

CHAIRMAN PSC

Dated: 15/11/16

No.KP/PSC/Admn/GF-521/ 001964-70

Copy forwarded to:-

1. Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Establishment, Khyber Pakhtunkhwa.
6. Mr. Muhammad Shahab Assistant; Address: Kanday Ghasi Mia Gan, Vill: Susizai Pagan, Teh & District Peshawar
7. Personal file of official concerned.
8. Office Order file.


SECRETARY
PSC



MSD

4- That in April 2015, the appellant was informed that there is a so-called Inquiry Committee has

the post of Assistant on 02/01/2013. Section. The appellant was further promoted to work as Key Punch Operator in the Computer 02/12/2004 but still the appellant continued to promoted to the post of MDC (Senior Clerk) on spotless service career, the appellant was 3- That keeping in view the good performance and

in the Computer Section of the commission. to work on the post of Key Punch Operator (KPO) Computer Operating, the appellant was deputed professional skill of the appellant in the field of Junior Clerk in 2003 but keeping in view the Pakhtunkhwa Service Commission as MDC / 2- That the appellant was absorbed in Khyber

employees. surplus pool, established for such kind of the appellant was placed at the disposal of restructuring of the said department, the service of Agriculture Department and due to the 1- That the appellant was an employee of

Appellant submits as under;

Respected Sir,

Subject: REVIEW / REPRESENTATION / DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 15/01/2016.

The Hon'ble Governor,
Khyber Pakhtunkhwa
Peshawar

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been constituted to probe into the alleged irregularities in the selection process of ADOs in education department.

- 5- That the appellant appeared before the said Inquiry Committee and fully explained his position who also admitted in principal that at that time, the appellant was performing his duties as "KPO".
- 6- That besides the above clarification/explanation, the appellant was served with a Show Cause Notice communicated vide Letter dated 22/07/2015 which was properly replied.
- 7- That although there is no active role of the appellant in the whole alleged irregularities but the appellant was shocked to receive the order dated 15/01/2016 vide which the appellant has been removed from service.
- 8- That being aggrieved from the said impugned order dated 15/01/2016, the appellant approaches your good self through the instant Recd. / representation / departmental appeal on the following grounds amongst others:

GROUND:

- A) That the impugned removal order dated 15/01/2016 is void ab-initio, illegal, without lawful authority and nullity in the eyes of law.

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- B) That the appellant has been awarded major punishment without observing the codal formalities.
- C) That the appellant was admittedly performing his duties as KPO "Key Punch Operator" and the job of the appellant was just to type and print the papers given / assigned to him, so the appellant have no concern with the alleged occurrence/allegation leveled against him.
- D) That no charge sheet or statement of allegations was ever served upon the appellant.
- E) That copy of the Inquiry Report was never provided to the appellant so the appellant was deprived from the right to explain his position keeping in view the so-called findings and recommendations of the said inquiry report.
- F) That the appellant has an unblemished service career / record of about 25 years and there is not a single adverse entry / remarks in the annual confidential reports of the appellant. This fact is clearly evident as the appellant was promoted from time to time.
- G) That without prejudice to the foregoing grounds, the punishment awarded to the appellant is too harsh and does not commensurate to the alleged guilt of the appellant.

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- H) That the impugned order has been passed without observing the codal formalities.
- I) That the inquiry has not been conducted in accordance with law and rules applicable thereto.
- J) That no final Show Cause Notice was served upon the appellant before issuance of the impugned order.
- K) That the impugned order is passed in sheer violation of the rules and regulations pertaining to the matter and therefore, liable to be struck down on this score alone.
- L) That the appellant may please be provided a chance of personal hearing to explain his position.

It is, therefore, most humbly prayed that the impugned removal order dated 15/01/2016 may kindly be set aside and the appellant be reinstated in service with all back benefits.

Dated 27/01/2016



Muhammad Shahab
S/o Muhammad Kamal
R/o Kandai Garhi Miagan
Village Surizai Payan
Tehsil & District Peshawar



Telephone No: 091-9212962



From:
Secretary,
Public Service Commission,
Peshawar.

KHYBER PAKHTUNKWA PUBLIC
SERVICE COMMISSION
2-FORT ROAD PESHAWAR CANTT.

No. KPI/PSC/Admn/GF-521/

Date: 18-4-16

015223

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To

Mr. Muhammad Shahab,
Address: Kanday Ghari Mia Gan, Village Surizai Payan,
Tehsil & District Peshawar.

Subject: REVIEW/REPRESENTATION/DEPARTMENTAL APPEAL AGAINST THE
ORDER DATED 15.01.2016

Reference your application of review petition dated 02.02.2016 on the subject
noted above.

2. It is to inform that the Governor Khyber Pakhtunkhwa being Reviewing
Authority has been pleased to reject your review petition and has upheld the penalty
conveyed to you vide this office Notification No.KPK/PSC/Admn/GF-521/1964-70 dated
15.01.2016.

SECRETARY
PSC

Copy to:

PS to Chairman, Khyber Pakhtunkhwa PSC for information.

SECRETARY
PSC

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

No.SOR-V(E&AD)/Instruction/2014
Dated 28th March, 2014

To

1. The Additional Chief Secretary,
P&D Department Govt. of Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA),
FATA Secretariat, Peshawar.
3. The Senior Member,
Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries
to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa
7. All the Deputy Commissioners in Khyber Pakhtunkhwa

Subject: PROCEDURE UNDER THE KHYBER PAKHTUNKHWA GOVERNMENT
SERVANTS EFFICIENCY AND DISCIPLINE RULES 2011

Dear Sir,

It has been observed that the inquiry officers/inquiry committees appointed under Rule-10 of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 do not follow strictly the procedure as laid down in rule-11 of the rules ibid but exceed the limit of their duties.

2. It is to clarify that the inquiry officer or the inquiry committee is supposed to find out whether the charges against the accused officers/officials have been proved or not or proved fully or partially and whether he/they is/are found guilty or not. The inquiry officer or the inquiry committee shall as the case may be clearly fix responsibility and assess the losses caused to the provincial exchequer, work out apportionment of losses amongst accused officers/officials and recommend recovery thereof from the officers/officials held responsible.

3. Contrary to the above provisions of the rules, the inquiry officer/inquiry committee recommend against the accused officers/officials either exoneration from the charges leveled against them or recommend major penalty and in most cases recommend minor penalty. It is to be noted that it is the prerogative/privilege of the competent authority to decide on the basis of the findings of the enquiry whether to impose a minor penalty or major penalty or exoneration. The inquiry officer/inquiry committee is not required to recommend exoneration or any other recommendation of punishment unless otherwise specifically asked for.

(4)
inquiry officer or the inquiry committee

Alif

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 513/2016.

Muhammad Shahab, Ex Assistant, KP PSC..... Appellant.

VERSUS

Govt of KP through Chief Secretary & others Respondents.

I N D E X

S.NO.	PARTICULARS	ANNEXURE	PAGE NO
1.	Parawise Comments of the Commission		1-10 ✓
2.	Copies of Office order, letters etc. regarding the appellant	A ✓	11-22 ✓
3.	Copy of Complaints to Chairman	A1,B ✓	23-27 ✓
4.	Copy of PSC Recommendation Letter	B1 ✓	28-32 ✓
5.	Copy of Enquiry Report	C ✓	33-38 ✓
6.	Copy of Merit List	C1 ✓	39 ✓
7.	Copy of Merit List	C2 ✓	40 ✓
8.	Copy of PSC letter to the appellant dated 22.07.2015	C3 ✓	41 ✓
9.	Copy of Questionnaire to appellant	D ✓	42-45 ✓
10.	Copy of appellant's reply to Questionnaire	E ✓	46-49 ✓
11.	Copy of PSC Notification dated 15/1/2016	F ✓	50 ✓



Assistant Director

Khyber Pakhtunkhwa

**Public Service Commission Peshawar
(Respondent)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 513/2016.

Muhammad Shahab, Ex Assistant, KP PSC..... Appellant.

VERSUS

Govt of KP through Chief Secretary & others Respondents.

JOINT PARA-WISE COMMENTS OF (RESPONDENT NO. 01 to 03)

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That appellant has got no *cause of action* and / or *locus standi* to file the instant service appeal.
2. That the allegations of the appellant are baseless and misleading.
3. Appellant is not an 'aggrieved person' under the law. He has not approached this honorable Tribunal with *clean hands*.
4. That no discrimination / injustice have been done to the appellant.
5. That the appeal is not based on facts and is unjustified and illegal demand against the lawful authority of the Commission.
6. That the service appeal is bad in the eyes of Law.
7. That the Service appeal is an embodiment of *falsehood* and *misrepresentation / concealment* of material facts. It is based on *gross mis-statement*, hence *bad* in law and facts both.
8. That the appellant is *estopped* by his own act and / or character. He filed the present service appeal *dishonestly, by design / scheme* and *after thought* not only to malign the Commission but to get sympathy /dogged this honorable Tribunal.
9. That all the acts of the replying respondents are in line with the norms and principles of natural justice.
10. That the removal from service of the appellant is based on the proper procedure of law.

ON FACTS

1. No comments. Pertains to record.
2. The appellant was adjusted and absorbed as Junior Clerk in the Khyber Pakhtunkhwa Public Service Commission. The Junior Clerks are supposed to perform typing work. From the date of his absorption in the Commission he enjoys bad reputation.
3. The appellant was promoted to the post of Senior Clerk and Assistant on the basis of his seniority.
4. Incorrect. As per findings of the Enquiry Report, the appellant is involved in illegal and corrupt practices. His service career is full of offences and consequential punishments. He had been issued warnings and explanations from time to time **(Annex- A)**.
5. Correct.
- 6-9. Both the complaints were submitted by Mr. Saqibullah on 14.10.2014 **(Annex A1 & B)**. Selection process was finalized on 04.02.2011. His complaints were on the basis of documents provided by the officials/officers involved in this case. On the basis of documents a time barred case was reopened through Writ Petition. The Khyber Pakhtunkhwa Public Service Commission advertised 241 posts of Assistant District Officer (BPS-16) vide Advertisement No. 05/2009 Serial No. 07 on 04.06.2009. After conducting interviews with effect from 03.12.2009 to 25.08.2010, recommendations were sent to Secretary Elementary & Secondary Education Department vide letter No. KPPSC/SR-I/1078 dated 04.02.2011 **(Annex-B₁)**. After a lapse of four years when the case attained finality, the one Saqibullah offered bribe amounting to rupees 7,50,000/- in the shape of crossed cheque bearing No. 63301 dated 01.08.2011 and obtained documents which are meant for official use only. On the basis of these documents he filed Writ Petition No. 898-A/2014 in Peshawar High Court Abbottabad Bench with a malafide and dishonest intentions. Since documents meant for official record were produced with Writ Petition No. 898-A/2014, therefore it was decided that an enquiry may

be got conducted to point out who provided these documents without permission of the Competent Authority and how a time barred case has been reopened after a lapse of four years. Before submission of comments in the Peshawar High Court Abbottabad Bench, an enquiry was conducted in order to meet the ends of justice. The Khyber Pakhtunkhwa Public Service Commission can't afford such illegal activities hence strict disciplinary action has been initiated against four officials involved in it. All the documents which are for official use were provided to Mr. Saqibullah without obtaining approval of Chairman, Khyber Pakhtunkhwa Public Service Commission. The Chairman Khyber Pakhtunkhwa Public Service Commission constituted a committee comprising the following vide Office Order No. KP/PSC/Admn/GF-319/012440-45 dated 10.03.2015 :

- i. Prof: Dr Sarah Safdar, Member-I, PSC
- ii. Prof: Dr Muhammad Farooq Swati, Member-VII, PSC
- iii. Mr. Ghulam Dastagir Ahmed, Director Recruitment, PSC

The Committee was required to examine the complaint of Mr. Saqibullah (Complainant) regarding alleged wrong recommendations of three candidates from Zone-5 against the post of (Male) Assistant District Officer (BPS-16), to summon and hear all the three recommendees, to probe into the alleged involvement of the three candidates with Commissions' Staff and fix responsibility and to examine as to whether after a lapse of about four years, the Commission can entertain such applications/ complaints and make reallocation and fresh recommendations or otherwise. The enquiry committee came to the following conclusion:

- i) A number of gross irregularities have been committed by the staff up to the Deputy Secretary in the process of selection of candidates for the posts of ADOs (BPS-16) in Elementary and Secondary Education Department. All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives.

- ii) No care was taken in account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Superintendent or Deputy Secretary. Approval of the competent authority i.e. Member was not obtained. Moreover, proper checking of zones of the three candidates namely Sarfaraz, Ajmal and Shafiqur Rehman was not made for which Masood Zaman Deputy Secretary, Rustam Khan the then Superintendent, Amir Ilyas the then Assistant and **Muhammad Shahab the then Key Punch Operator** are equally responsible for the gross irregularities.
- iii) Due to the extremely careless attitude of the concerned staff, one candidate was twice interviewed and was twice recommended.
- iv) **The acceptance of cheque amounting to Rs. 750,000/- in bribe by Masood Zaman, Deputy Secretary from Saqibullah in return of selecting him for the post of ADO has been proved beyond doubts.**
- v) Though Muhammad Sajjad Qureshi accepts he took Saqibullah to the office of Masood Zaman for enquiry but it is not possible for a candidate to offer bribe directly to an unknown officer. There is an active role of Muhammad Sajjad Qureshi in the offer of bribe by Saqibullah to Masood Zaman.
- vi) All the officers/officials involved in this case also enjoy bad reputation in the office.

The Committee recommended that:

- i. Mr. Masood Zaman, Deputy Secretary may be dismissed from service.
- ii. Mr. Amir Ilyas Superintendent, Mr. Muhammad Sajjad Qureshi Superintendent and **Mr. Muhammad Shahab Assistant may be removed from service.** Show cause notices may be issued to the officials under Rule 5(a) of the E&D Rules 2011.

- iii. As Rustam Khan the then Superintendent; has now retired from service. In his case, opinion of the Establishment Department may be obtained as to what punitive actions can be taken against him after his retirement.
- iv. Mr. Saqibullah may be disqualified from applying to the Commission for ever and his case be referred to the Elementary and Secondary Education Department for taking punitive action against him under the rules.
- v. In pursuance of the Supreme Court Judgment No. 7407/AG dated 19.04.2014 that if candidate is mistakenly recommended by the Commission without any fault on his part then he will not be disturbed while proceedings will be initiated against the officials concerned. Since there is no fault on the part of the recommended candidates namely Shafiqur Rehman, Sarfaraz and Ajmal Khan therefore, their recommendations may not be disturbed and the case of readjustment/ reallocation may not be processed after the lapse of almost five years of recommendations. (Annex-C)

Name of Mr. Syed Mahmood ul Hassan S/O Syed Sarwar Shah was reflected in the list and called for interview twice. His name was reflected in the merit list at serial number 211 & 276 (Annex-C1 & C2). It was noticed by senior officers and rectified otherwise it might have created embarrassing situation for the Commission. Candidates names and particulars given below in their application forms have clearly recorded Zone-III. Mr. Muhammad Shahab, Senior Clerk and other accused have included them against Zone-V.

S.NO	Name and father's name	Zone recorded in application form	Recommended against
1.	Muhammad Ajmal S/O Jamal Ud Din	Zone-III	Zone-V
2.	Shafiq ur Rehman S/O Abdur Rehman	Zone-III	Zone-V
3.	Sarfaraz Khan S/O Shahab ud Din	Zone-III	Zone-V

It is gross irregularity. Candidates from Zone-III have been recommended against quota reserved for Zone-V. This gross negligence was for personal gain which can't be ignored.

10-12. Incorrect. The complainant Mr. Saqibullah has also been disqualified and Elementary and Secondary Education Department has been asked to initiate disciplinary action against him. The competent authority constituted a committee in exercise of lawful authority to probe into the matter. The committee has acted in accordance with law and rules. Show Cause Notice can be served under the Khyber Pakhtunkhwa Civil Servant Efficiency & Discipline rules 2011. No irregularity has been committed by the Commission. The appellant was dealt with in accordance with law and rules by providing opportunity of personal hearing him in person by the committee. He was asked to respond to a questionnaire in writing as well as verbally. Reply of the appellant to the charges leveled against him was unsatisfactory, not supported by any solid proofs hence was proceeded against as per rules and regulations. The Public Service Commission is a Constitutional institution. It can't afford illegal practices which bring bad name for the entire organization. On the recommendations of the inquiry committee the competent authority served him with Show Cause Notice. After providing him an opportunity of personal hearing, passed a just, legal and impartial order of removal from service of the appellant fulfilling the needs of justice. The appellant preferred a Departmental appeal against his removal but the same was turned down on the basis of lacking valid grounds for considerations. Guilt of the appellant was proved beyond reasonable doubts. The Inquiry Committee has also confirmed that the appellant enjoy a bad reputation in the office. The appellant has been removed from service after fulfilling all the norms of justice. The appellant has been provided all the opportunities to prove his innocence but in vain. Retention of such officials is not

in the public interest. The Chairman Khyber Pakhtunkhwa Public Service Commission has rightly issued the order of dismissal from service of the appellant. The review petition of the appellant being devoid of merits was rightly turned down.

GROUND.

- A. Incorrect. The order and entire procedure adopted by the inquiry committee is in accordance with the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011 hence legal, just, impartial and based on facts and circumstances. Involvement of appellant in corrupt practice was proved. The Khyber Pakhtunkhwa Public Service Commission being constitutional body cannot afford and allow such illegal practices.
- B. Incorrect. The departmental Inquiry Committee comprising of the senior most Members and reputable officer was established under the lawful authority. The Inquiry Committee submitted its impartial findings whereby the illegal act, malafide intention and misconduct of the appellant were proved and established beyond any doubt.
- C. Incorrect. The appellant is removed from service after the fulfillment of all the codal formalities. He is liable to be taken to task for his grave and serious misconduct. Otherwise confidence of general public shall be shaken. Entire record was provided for personal gain. Approval of the competent authority was not obtained. Similarly approval of the Member incharge was also not obtained.
- D. Incorrect. The guilt of the appellant was proved beyond reasonable doubts by the inquiry committee. Under the Khyber Pakhtunkhwa Government Servants Efficiency and Discipline rules 2011 Show Cause notice can be served directly. Appellant was provided opportunity of personal hearing by the competent authority. Subsequently major penalty of removal from service was imposed.
- E. Incorrect. All the norms of justice and fairplay have been followed in the case of the appellant. Copy of Inquiry report was provided vide letter dated


22.07.2015.(Annex-C3) The inquiry committee has acted in accordance with law and provided each and every opportunity to the appellant to prove his innocence but he failed to do so. He was also provided an opportunity of personal hearing by the competent authority. The appellant had not objected and also submitted reply to the Show Cause Notice thus enabling him fair chance to defend himself properly.

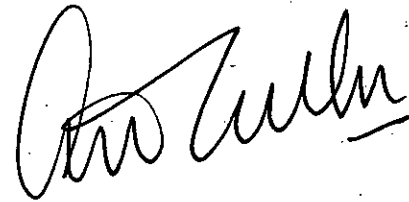
- F. Incorrect. Questionnaire served upon Muhammad Shahab is at (Annex-D). His written statement is at (Annex-E) The Commission constituted enquiry to probe into the involvement of other officers/officials in the instant case, and as a result of Enquiry Report the appellant was awarded the penalty of removal from service. The gross irregularity committed by the appellant was proved beyond any doubt is enough to remove him from service. The appellant has been removed from service after observing all the codal formalities and just procedures as per approval of the Governor/Competent authority. His service career is full of offences and consequential punishments. He was removed from service vide office order NO. KP/PSC/Admn/GF-521/001964-70 dated 15.01.2016(Annex-F). He had been issued warnings and explanations from time to time. Orders passed by Chairman are liable to be maintained being legal and according to law and facts. The Instant appeal is without legal footings whereby an illegal demand has been made against the lawful authority. The orders passed by the Respondents are legal, based on law and facts hence liable to be maintained. Since, the service record and conduct of the delinquent appellant has been thoroughly examined and allegations leveled against him are proved beyond any doubt, therefore, the instant appeal may be dismissed being without merit. The respondents also seek leave of this Honorable Tribunal to raise additional grounds at the time of arguments. Retention of person involved in corrupt practices shall shake the trust of general public.
- G. Incorrect. All the norms of justice were observed in letter and spirit. Details of changes is at para 9 above.

- H. Incorrect. Guilt of the appellant was proved beyond reasonable doubts.
- I. Incorrect. A copy of the Enquiry Report was duly provided to the appellant vide letter dated 22.07.2015. Removal from service of the appellant is in the best interests of the prestige of the Khyber Pakhtunkhwa Public Service Commission.
- J. Incorrect. The inquiry committee is competent to recommend imposition of minor/major penalty. The appellant has been removed from service after fulfillment of all the norms of justice.
- K. Incorrect. The appellant has been involved in the irregularities as per findings of the Enquiry Report. All the officers/officials involved in the instant case have mutual connivance while committing irregularities mentioned at para 9 above.
- L. Incorrect. The appellant failed to prove his innocence before the Enquiry Committee and competent authority. Approval of the Member incharge was not obtained.
- M. Incorrect. The appellant has been treated in accordance with law and rules. Mr. Saqibullah was asked to appear before the Inquiry Committee but he did not turn up. Case has been decided on the basis of documentary record.
- N. Incorrect. There are sufficient documentary proof on the basis of which major penalty has been imposed. No short procedure has been adopted rather the appellant has been removed after fulfillment of all the codal formalities. Under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, Show Cause Notice can be served.
- O. Incorrect. According to the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) rules, 2011, Show Cause Notice can also be served. No irregularity has been committed by the Commission.
- P. Incorrect. The appellant enjoy bad reputation as per Enquiry Report. His service career is full of offences and consequential punishments. He had been issued warnings and explanations from time to time.

- Q. Incorrect. The Khyber Pakhtunkhwa Public Service Commission cannot afford such like corrupt practices otherwise trust of general public shall be shaken.
- R. Incorrect. The appellant being guilty may not be allowed to raise other grounds at the time of arguments.

It is therefore humbly prayed that on acceptance of this reply/submission made herein above the instant appeal may kindly be dismissed.

for

 CHIEF SECRETARY
 KHYBER PAKHTUNKHWA
 PESHAWAR
 (RESPONDENT NO.01)


 CHAIRMAN
 KHYBER PAKHTUNKHWA
 PUBLIC SERVICE COMMISSION
 PESHAWAR
 (RESPONDENT NO.02)



 SECRETARY
 KHYBER PAKHTUNKHWA
 PUBLIC SERVICE COMMISSION
 PESHAWAR
 (RESPONDENT NO.03)

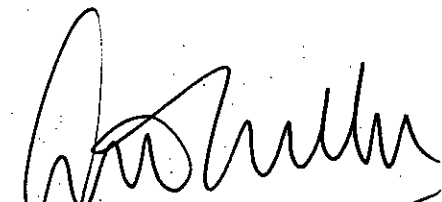
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AFFIDAVIT

Stated on oath that the contents of this Para wise comments are true and correct & nothing has been concealed from this Honorable tribunal.

DEPONENTS

for

 CHIEF SECRETARY
 KHYBER PAKHTUNKHWA
 PESHAWAR
 (RESPONDENT NO.01)


 CHAIRMAN
 KHYBER PAKHTUNKHWA
 PUBLIC SERVICE COMMISSION
 PESHAWAR
 (RESPONDENT NO.02)


 SECRETARY
 KHYBER PAKHTUNKHWA
 PUBLIC SERVICE COMMISSION
 PESHAWAR
 (RESPONDENT NO.03)

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① *[Signature]*

① *[Signature]*



Amka

11

NWFP PUBLIC SERVICE COMMISSION PESHAWAR

OFFICE ORDER

WHEREAS Mr. Momin Ali Assistant, Mr. Muhammad Shahab Junior Clerk, Mr. Raza Muhammad Junior Clerk and Mr. Muhammad Humayun Naib Qasid, NWFP Public Service Commission, were proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000 for the charges mentioned in their charge sheets dated 29.01.2004.

AND WHEREAS Mrs. Asad Bano, Psychologist, NWFP Public Service Commission, was appointed as Inquiry Officer to conduct formal inquiry against the said officials for the charges levelled against them in accordance with the rules.

AND WHEREAS the Inquiry Officer, after having examined the charges, evidence on record and explanation of the accused officials submitted her report.

AND WHEREAS the Inquiry Officer in her Enquiry Report has reported that none of the charges/allegations levelled against them have been proved.

NOW THEREFORE the competent authority, after having considered the charges, evidence on record, explanation of the accused officials and findings of the Inquiry Officer, has been pleased to exonerate Mr. Momin Ali Assistant, Mr. Muhammad Shahab Junior Clerk, Mr. Raza Muhammad Junior Clerk and Mr. Muhammad Humayun Naib Qasid, NWFP Public Service Commission from the charges levelled against them in the charge sheets statements of allegations.

SECRETARY
AUTHORITY
NWFP PUBLIC SERVICE COMMISSION
PESHAWAR

No. 10.10-Admin/2003/6385-90

Dated: 4/5/09

- 1. The Director, Recruitment, NWFP PSC
- 2. The Director, Examination, NWFP PSC
- 3. The Psychologist, NWFP PSC
- 4. PS to Chairman, NWFP PSC
- 5. Supdt. Adm., NWFP PSC
- 6. Officials concerned
- 7. Files of the Officials

SECRETARY

Attested
M. Bilal

KPA SUPERINTENDENT
NWFP Public Service Commission
Peshawar.

MP Public Service Commission
SUPERINTENDENT
Patna

Attended
(M)

2/5/11

Handwritten notes in Urdu script, possibly a list or summary of items.

Handwritten notes in Urdu script.

Handwritten notes in Urdu script, including the number '11-9444'.

Handwritten notes in Urdu script.

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Handwritten notes in Urdu script, including the date '13-5-2011'.

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MP Public Service Commission
21 MAY 2011
3249
DIARY

KOP SUBSISTENTENRANG
BWP Public Service Commission
Peshawar.

(M)

Muzamil

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7/9

Put up on the
Muzamil

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Telephone No: 091-9212962



From:
Secretary,
Public Service Commission,
Peshawar.

KHYBER PAKHTUNKWA PUBLIC SERVICE
COMMISSION

2-FORT ROAD PESHAWAR CANTT.

14

No. KP/PSC/Admn/ 92792-94
Date: 27-10-14

To

1. Mr. Muhammad Shahab Assistant,
Khyber Pakhtunkhwa PSC.
2. Mr. Feroz Naib Qasid,
Khyber Pakhtunkhwa PSC

Subject: EXPLANATION

It has been reported by Assistant Director-I that you do not observe office timing and frequently come late to office. Your this attitude tantamount to misconduct/negligence which renders the Govt. Employees to be proceeded against under Govt: of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.

2. You are therefore, called upon to explain the reason of not observing official timing, as to why you should not be proceeded against under the said rule.

3. Your written reply must reach to the undersigned within three days of the receipt of this letter failing which exparte action will be taken against you and your case will be decided on merit.

DIRECTOR
EXAMINATION
PSC

Copy to:

1. Director Recruitment Khyber Pakhtunkhwa PSC.
2. Assistant Director-I, Khyber Pakhtunkhwa PSC.

Attested
M. Qasid

SUPERINTENDENT
Public Service Commission
Peshawar.

DIRECTOR
EXAMINATION
PSC

27-10-14

Telephone No: 091-9212962

KHYBER PAKHTUNKWA PUBLIC SERVICE COMMISSION
2-FORT ROAD PESHAWAR CANTT.



No. KP/PSC/Admn/PF-120/ 095876

Date: 08/11/2013

From:
Secretary,
Public Service Commission,
Peshawar.

To

Mr. Muhammad Shahab,
Assistant, Khyber Pakhtunkhwa PSC.

Subject: LEAVE REGRETTED

Reference your application dated 30.10.2013, it is to inform you that you have recently been post with Mr. Sher Ajmal Superintendent where work load is heavy due to processing of the applications of candidates for the posts of Subject Specialists therefore, your request for grant of leave cannot be acceded to.

SECRETARY

✓ AC

Attested

SUPERINTENDENT
Public Service Commission
Peshawar.

No 005944

dated 16/02/2012

A copy of above is forwarded to:-

1. Mr. Fazal Badshah Deputy Secretary-I Recruitment Branch, Khyber Pakhtunkhwa Public Service Commission for initiating proceedings against the accused under the provision of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011.

2. Mr. Muhammad Shahab S/Clerk (BPS-09), Khyber Pakhtunkhwa Public Service Commission with the directions to appear before Enquiry Committee, on the date, time and place fixed by Enquiry Committee, for the purpose of enquiry proceedings.

3. Mr. Faizullah Tariq Assistant Establishment Khyber Pakhtunkhwa Public Service Commission, with directions to assist the Enquiry Committee during the enquiry proceeding and provide the relevant record.

A

(ATTA-UR-REHMAN)
SECRETARY
(COMPETENT AUTHORITY)



Attest



SUPERINTENDENT

 Public Service Commn
Peshawar.



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

DISCIPLINARY ACTION.

1. I, Atta-ur-Rehman Secretary, Khyber Pakhtunkhwa Public Service Commission as Competent Authority am of the opinion that Mr. Muhammad Shahab S/Clerk (BPS-09), Khyber Pakhtunkhwa PSC, has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS.

- A. He avail leave frequently without prior permission from the competent authority.
- B. He does not take interest in the official duty.
- C. Inefficient.
- D. Misconduct.
2. For the purpose of enquiry against the said accused with reference to the above allegations, inquiry committee consisting of the following is constituted under Rules-10 of the Rules ibid:-
- i. Mr. Fazal Badshah, Deputy Secretary-I Recruitment Branch, PSC.
3. The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty (30) days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.
4. The accused official and a well conversant representative of the department shall join the proceeding on the date, time and place fixed by the inquiry officer.

Ar
(ATTA-UR-REHMAN)
SECRETARY
(COMPETENT AUTHORITY)

Attested
[Signature]
SUPERINTENDENT
K.P.K. Public Service Commission
Peshawar.



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

CHARGE SHEET.

I, Atta-Ur-Rehman Secretary Khyber Pakhtunkhwa Public Service Commission as competent authority, hereby charge you, **Mr. Muhammad Shahab S/Clerk (BPS-09)**, Khyber Pakhtunkhwa Public Service Commission as follows: -

That you, while posted as Senior Clerk (BPS-09), Khyber Pakhtunkhwa Public Service Commission in Computer Section committed the following irregularities: -

- A. You avail leave frequently without prior permission from the competent authority.
 - B. You do not take interest in the official duty.
 - C. Inefficient.
 - D. Misconduct.
2. By reasons of the above, you appear to be guilty of misconduct under Rules-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
3. You are therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the Enquiry Officer.
4. Your written defence, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case Ex-parte action shall follow against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

A
(ATTA-UR-REHMAN)
SECRETARY
(COMPETENT AUTHORITY)

16/2/12

Attest
Mull
SUPERINTENDENT
Khyber Pakhtunkhwa Public Service Commission
Peshawar.



19

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

DISCIPLINARY ACTION.

1. I, Atta-ur-Rehman Secretary, Khyber Pakhtunkhwa Public Service Commission as Competent Authority am of the opinion that **Mr. Muhammad Iqbal Assistant (BPS-14)**, Khyber Pakhtunkhwa PSC, has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3. of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS.

2. For the purpose of enquiry against the said accused with reference to the above allegations, inquiry committee consisting of the following is constituted under Rules-10 of the Rules ibid:-

i. **Mr. Fazal Badshah, Director Recruitment PSC**

3. The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty (30) days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.

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

(ATTA-UR-REHMAN)
SECRETARY
(COMPETENT AUTHORITY)

Atta-ur-Rehman

Muhammad Iqbal

BPS-14 SUPERINTENDENT
Public Service Commission
Peshawar.

No. _____

dated _____

A copy of above is forwarded to:-

1. **Mr. Fazal Badshah Director Recruitment** Khyber Pakhtunkhwa Public Service Commission for initiating proceedings against the accused under the provision of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules, 2011.

2. **Mr. Mr. Muhammad Shahab S/Clerk (BPS-09)**, Khyber Pakhtunkhwa Public Service Commission with the directions to appear before Enquiry Committee, on the date, time and place fixed by Enquiry Committee, for the purpose of enquiry proceedings.

(ATTA-UR-REHMAN)
SECRETARY
(COMPETENT AUTHORITY)

Atta-ur-Rehman
Mail
SUPERINTENDENT
Public Service Commission
Peshawar.



21

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

CHARGE SHEET.

1. I, Atta-Ur-Rehman Secretary Khyber Pakhtunkhwa Public Service Commission as competent authority, hereby charge you, **Mr. Muhammad Shahab S/Clerk (BPS-09)**, Khyber Pakhtunkhwa Public Service Commission as follows: -

That you, while posted as S/Clerk (BPS-09), Khyber Pakhtunkhwa Public Service Commission in Computer Section committed the following irregularities: -

- A. You are habitual late comer to the detriment of this office interest as has been reported by the Programmer.
- B. You exhibit irresponsible attitude towards your official duty and prefer your private commitment to your assigned duty.
- C. You do not take interest in your assigned duty and your this attitude has adversely affected the workload of the computer section
- D. Misconduct

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

3. You are therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the Enquiry Officer.

4. Your written defence, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case Ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

(ATTA-UR-REHMAN)
SECRETARY
(COMPETENT AUTHORITY)

Attestat

Mul

K.P.A.
SUPERINTENDENT
Khyber Public Service Commission
Peshawar.



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

OFFICE ORDER

Mr. Muhammad Shahab Senior Clerk (BPS-09) Khyber Pakhtukhwa Public Service Commission is hereby granted thirty (30) days Earned Leave on full pay w.e.f 17.10.2011 to 15.11.2011.

On expiry of leave he will report to his own post and place of duty.

**SECRETARY
PSC**

No.10130-Admn/ 053134
Copy to:-

Dated 12/10/2011

1. The Accountant General, Khyber Pakhtunkhwa Peshawar
2. The Programmer, Khyber Pakhtunkhwa PSC.
3. The Cashier, PSC.
4. Official concerned.
5. Personal file of the official.
6. Office order file.


**SECRETARY
PSC**

Rained
Qari
12/10/2011

Attested

**SUPERINTENDENT
Khyber Pakhtunkhwa Public Service Comm.
Peshawar.**

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیموال بالا، بفتح ٹاؤن، ڈاکخانہ بفتح، تحصیل و ضلع مانسہرہ
موبائل نمبر: 0300-5633356, 0345-9544498

بنام

سید محمود الحسن ولد سید سرور شاہ، ساکنہ ایبٹ آباد، زون 5



عنوان: ADO کی میرٹ لسٹ میں مسئول علیہ کے نام کی میرٹ آرڈر نمبر 211 اور میرٹ
آرڈر نمبر 276 پر یعنی دو دفعہ موجودگی۔

جناب عالی! درخواست عرض ذیل ہے۔

(1) یہ کہ سائل ثاقب اللہ نے مورخہ 30-06-2010 کو اسٹنٹ ڈسٹرکٹ آفیسر (ADO)، گریڈ-16، محکمہ
تعلیم کے لئے انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو 38+ دیگر 20) یعنی 58/38 نمبر حاصل کئے۔

مگر مسئول علیہ کی میرٹ لسٹ میں دو دفعہ موجودگی سے سائل کی تعیناتی نہ ہو سکی۔

(2) اشتہار 05/2009 میں A.D.O کی کل 1241 جگہوں کی تفصیل درج ذیل ہے۔

Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30

(درخواست لکھنے کے ساتھ لفٹ صفحہ نمبر 1 اور صفحہ نمبر 2 ملاحظہ کریں)

(3) زون 5 کا آخری منتخب شدہ امیدوار رب نواز ولد گل داد خان، سیریل نمبر 279، حاصل کردہ نمبر 58/38،

تاریخ پیدائش 15-04-1973 ہے۔

Handwritten signature and date: 27-10-2014

Attested

SUPERINTENDENT

Public Service Commission
Peshawar.

(4) مسائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے۔ یعنی مسائل،

سیریل نمبر 281، حاصل کردہ نمبر 58/38 تاریخ پیدائش 14-04-1974 ہے۔

24

(5) یہ کہ A.D.O کی میرٹ لسٹ میں سید محمود الحسن ولد سید سرور شاہ، ساکنہ ایٹ آباد، زون 5 کا نام میرٹ آرڈر نمبر 211 پر بھی موجود ہے اور میرٹ آرڈر نمبر 276 پر بھی موجود ہے۔

(6) چونکہ مسائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" اس لئے سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ آرڈر میں دو دفعہ کے بجائے ایک دفعہ لکھنے سے مسائل کی تعیناتی ADO کی پوسٹ پر یقینی طور پر ہو جائے گی۔

لہذا استدعا ہے کہ سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ لسٹ میں دو دفعہ کے بجائے ایک دفعہ لکھ کر مسائل ثاقب اللہ کی تعیناتی ADO کی پوسٹ پر کی جائے۔

المقوم: 27-10-2014

Abul Fatah

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیتوال بالا، بھدہ ٹاؤن، ڈاکخانہ بھدہ، تحصیل و ضلع مانسہرہ

شناختی کارڈ نمبر: 13503-0383006-9

موبائل نمبر: 0300-5633356, 0345-9544498



Attested

Muhammad

SUPERINTENDENT
Public Service Commission
Peshawar

تائب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیبوال بالا، بھڈاؤن، ڈاکخانہ بھڈہ، تحصیل ضلع مانسہرہ
موبائل نمبر 0300-5633356, 0345-9544498

بیانات

(1) شفیق الرحمن ولد عبدالرحمن، سکڑہ گاؤں سوہاڑ خور، ڈاکخانہ لسان نواب ایشاد، تحصیل ضلع مانسہرہ

شناختی کارڈ نمبر: 3-13503-0623012

(2) محمد اجمل ولد جمال الدین، ساکنہ گاؤں ٹمبل، ڈاکخانہ شیر گڑھ، ایشاد، تحصیل ادگی، ضلع مانسہرہ

شناختی کارڈ نمبر: 7-13504-9212536

(3) سر فرزان خان ولد شہاب الدین، ساکنہ ایشاد، تحصیل ضلع مانسہرہ۔

بمقام عثمان جزل سٹور، نزد شیل فلنگ سٹیشن، محلہ ڈب، مانسہرہ

عنوان :- زون 3 کے رہائشی مذکورہ بالا تینوں مسئول علیہم کا ADO کی پوسٹوں پر پبلک سروس کمیشن کی مٹی بھگت سے

زون 5 کے کوٹہ میں غیر قانونی تعیناتی

جناب عالی! درخواست عرض ذیل ہے۔

(1) یہ کہ سائل تائب اللہ نے مورخہ 30-06-2010 کو اسٹنٹ ڈسٹرکٹ آفسر (ADO)، گریڈ-16، محکمہ تعلیم کیا ہے

انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو پر 38+ دیگر 20) یعنی 58/38 نمبرات حاصل کئے۔

(درخواست لکھنے کے ساتھ لفٹ نمبر 24، سیریل نمبر 281، ملاحظہ کریں)

مگر تینوں مسئول علیہم کی پبلک سروس کمیشن کے ساتھ باہمی مٹی بھگت اور ساز باز کے نتیجے میں سائل کی تعیناتی زون 5 کے کوٹہ میں نہ ہو سکی۔

(2) اشتہار 05/2009 میں A.D.O کی کل 1241 سائیڈوں کی تفصیل درج ذیل ہے:-

Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30

(درخواست لکھنے کے ساتھ لفٹ نمبر 29 اور صفحہ نمبر 30 ملاحظہ کریں)

14-10-2014

(3) حیران کن طور پر زون 5 کے رہائشی صرف اور صرف ان تینوں (28) امیدواران تعینات کئے گئے۔

Attested

Mul

SUPERINTENDENT
PWP Public Service Commission
Peshawar.

26

(4) کہ میونسٹری سبکدوشی کے لیے بھرتی فارم کے ساتھ اپنا ڈومیسائل پتہ درج کر کے ایک روزہ کے لحاظ سے زون 3 کا بنانا ہے، پیش کیا تھا۔ لیکن زون میں شامل کی خاطر غلطی ہوئی ہے، بھرتی فارم میں اپنے آپ کو زون 5 کے رہائشی ظاہر کیا۔

(5) ایک سرورس کمیشن نے میونسٹری سبکدوشی کے ڈومیسائل دیکھنے کے باوجود "بھرتی فارم" میں لکھے گئے زون 5 پر کوئی اعتراض نہ کیا تاکہ میونسٹری سبکدوشی کی تعیناتی زون 5 کے کوڈ میں ہو سکے۔

(6) تینوں میونسٹری سبکدوشی اور ایک سرورس کمیشن کا یہ فعل مسائل سمیت دیگر باسیان زون 5 کی شدید حق تلفی کا باعث بنا ہے۔

(7) میونسٹری سبکدوشی نمبر 3 سرفر از خان کے کل جائمل کردہ نمبر 59 (ایئرڈ یو 35 + دیگر 24) یعنی 59/35 ہیں۔

اگر میونسٹری سبکدوشی نمبر 3 سرفر از خان کو زون 5 کے کوڈ سے نکال دیا جائے تو کم نمبروں کی وجہ سے زون 3 کے کوڈ میں اس کی تعیناتی نہیں ہو سکتی اور وہ فائرنگ ہو جائے گا۔

(8) تینوں میونسٹری سبکدوشی اور ایک سرورس کمیشن کے خلاف ایک مقدمہ W.P.No.357/11 عنوان "جہانزیب خان بنام ایک سرورس کمیشن" پٹنہ ڈیپارٹمنٹ ہائی کورٹ آف ایٹ آبادیج میں زیر سماعت ہے جس کی آئندہ سماعت مورخہ 11-11-2014 مقرر ہے۔ (درخواست لکھنا کے ساتھ لف صفحہ نمبر 13 تا صفحہ نمبر 19 اور صفحہ نمبر 28 ملاحظہ کریں)

(9) مسائل قاتب اللہ کی C.M.No.42-A /12 بوساٹٹ محمد شیب خان ایڈوکیٹ مورخہ 25-04-2013 سے مندرجہ بالا مقدمہ میں منظور شدہ ہے۔ (درخواست لکھنا کے ساتھ لف صفحہ نمبر 05 تا صفحہ نمبر 08 ملاحظہ کریں)

(10) مسائل کی C.M. No. 42-A /12 ہائی کورٹ کی مورخہ 25-04-2013 کی آرڈر شیٹ کے ذریعے مذکورہ بالا مقدمہ کا حتمی ہے۔ (درخواست لکھنا کے ساتھ لف صفحہ نمبر 08 ملاحظہ کریں)

(11) مسائل مورخہ 25-04-2013 سے مذکورہ مقدمہ W.P.No.357/11 میں مدعا علیہ نمبر 12 پر موجود ہے۔ (درخواست لکھنا کے ساتھ لف صفحہ نمبر 13، سیریل نمبر 12 ملاحظہ کریں)

(12) میونسٹری سبکدوشی نمبر 01 شفیق الرحمن اور میونسٹری سبکدوشی نمبر 02 محمد اجمل نے مذکورہ مقدمہ W.P.No.357/11 میں بیان حلفیوں دی ہیں کہ وہ اپر متاؤل زون 3 کے رہائشی ہیں۔ بیان حلفیوں اس درخواست کے ساتھ لف ہیں۔ (درخواست لکھنا کے ساتھ لف صفحہ نمبر 01، صفحہ نمبر 02 اور صفحہ نمبر 03، صفحہ نمبر 04 ملاحظہ کریں)

(13) مندرجہ بالا مقدمہ کے مورخہ 25-09-2014 کے آرڈر شیٹ میں اسسٹنٹ ایڈوکیٹ جنرل نعیم نبیاس کو ہائی کورٹ کی (درخواست لکھنا کے ساتھ لف صفحہ نمبر 01، صفحہ نمبر 02 اور صفحہ نمبر 03، صفحہ نمبر 04 ملاحظہ کریں)

14-10-2014

Attest
SUPERINTENDENT
Public Service Commission
Peshawar.

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15-04-1973 ہے۔

(درخواست ہذا کے ساتھ لف صفحہ نمبر 20، سیریل نمبر 09 اور صفحہ نمبر 24، سیریل نمبر 279 ملاحظہ کریں)

(15) سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے، یعنی سائل، سیریل نمبر 281، حاصل کردہ نمبر 58/38، تاریخ پیدائش 14-04-1974 ہے۔

(درخواست ہذا کے ساتھ لف صفحہ نمبر 24، سیریل نمبر 281 ملاحظہ کریں)

(16) چونکہ سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے، اسلئے اگر ان تینوں مسؤل علیہم کو زون 5 کے کوڈ سے نکال دیا جائے تو سائل کی تعیناتی ADO کی پوسٹ پر ہو جائے گی۔

(17) اگر درخواست ہذا پر پندرہ (15) دنوں تک کوئی ٹل نہ کیا گیا تو سائل تینوں مسؤل علیہم کے علاوہ پبلک سروس کمیشن کے خلاف جی اینی کرپشن اور سو بانی تختب کو درخواستیں دینے پر مجبور ہو جائے گا۔

لہذا استدعا ہے کہ مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے پبلک سروس کمیشن، ڈائریکٹوریٹ آف ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا ایشادور کو تینوں مسؤل علیہم کی بھیجی گئی "Recommendation" واپس لے لے۔ اور تینوں مسؤل علیہم کی جگہ میرٹ لسٹ سے سائل سمیت زون 5 کے رہائشیان کی تعیناتی کی جائے اور ظلم کے مرتکب ذمہ داروں کو قرار داتی سزا دی جائے۔

المرقوم 14-10-2014

Bul
Fullah

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکے محلہ تیتوال بالا، بڈہ ٹاؤن، ڈاکخانہ بڈہ، تحصیل دس ماںسہرہ

شناختی کارڈ نمبر: 9-0383006-13503

موبائل نمبر 0345-9544498، 0300-5633356



Attested

SUPERINTENDENT
Public Service Commission
Peshawar.

BETTER COPY

ADVT. NO.05/2009 S.NO.07


RECRUITMENT OF MALE ASSISTANT DISTRICT OFFICE (B-16) ELEMENTARY AND SECONDARY EDUCATION DEPTT.

Dear Sir,

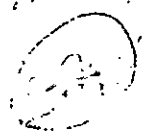
I am directed to refer to your letter No. SO(S)-3-2/09/Requestion dated 16.05.2009 on the subject noted above and to state that the Commission recommends the following candidates against the subject cited post to the Govt. for appointment.

S.No	Name	Father Name	Domicile/Zone
1	Abdul Haleem	Yaseen	Shangil/3
2	Abdul Haleem	Jehangir Khan	Peshawar/2
3	Abduk Kareem	Muhammad Remzan	D.I.Khan/4
4	Abdul Khalid	Muhammad Anwar	Khy-Agv/1
5	Abdul Malik	Abul Hannan	Bannu/4
6	Abdul Qayum Khan	Haji Lal Khan	Abbotabad/5
7	Abdul Qayum Khan	Inayatullah Jan	L.Marwal/4
8	Aul Rehman Rashid	Muhammad Miskien	Manshera/5
9	Abdul Samad	Abdul Ghaloor	Swabi/2
10	Abdul Wahab	Abdul Qadir	Abbotabad/5
11	Abdul Wahed	Sadin Khan	Kurram Agv/1
12	Abdullah Khan	Zarhon Shah	Karak/1
13	Abdullah Khan	Sultan Ahmad	Pesh/2
14	Abdus Samad Jan	Ghulam	Kurram Agv/1
15	Abid Hussain	Nasrullah	Charsadda/2
16	Ahmadullah	Safullah	Dir/3
17	Ajcebulah	Fateh Muhammad	Dir/3
18	Akbar Ghani	Babbar Khan	Dir/3
19	All Hader	Nasrullah Khan	Mkd/3
20	Aliat Hussain	Said Ali Shah	Bannu/3
21	Amran-ul-Malik Shah	Tamash Gul	Mardan/2
22	Amir Bacha	Gul Nazir	F.R.Kakki/1
23	Agal Wazir	Ghulam Nabi	Abbotabad/5
24	Arsad Mehmood	Nawab Ali Shah	Bannu/4
25	Asadullah Shah		

SURRENDERED
Public Service Commission
Peshawar

Attest


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RESERVES
SUPERINTENDENT
Public Service Commission

A. Hossain

26	Asrar Rasul	Abdur Rasul	F.R. Bannu/1
27	Asrar Ali	Abdur Rasul	F.R. Bannu/1
28	Asmatullah	Abdur Rasul	D.I. Khan/4
29	Aurangzab	Abdur Rasul	Shangha/3
30	Bakht Zada	Abdur Rasul	D.I. Khan/3
31	Bismillah Jan	Abdur Rasul	Pesh/2
32	Chan Zeb	Abdur Rasul	Abbotabad/3
33	Dil Nawaz Khan	Abdur Rasul	Karak/4
34	Rabeem Jan	Abdur Rasul	Pesh/2
35	Farhanullah	Abdur Rasul	Pesh/2
36	Fayaz-ud-Din	Abdur Rasul	D.I. Khan/3
37	Fazal Wahab	Abdur Rasul	Bannu/3
38	Fazl-e-Qadir	Abdur Rasul	Lahore/5
39	Fazl-e-Khuda	Abdur Rasul	Mardan/2
40	Fida Muhammad	Abdur Rasul	Swabi/3
41	Fida Muhammad	Abdur Rasul	Moh-Agy/1
42	Ghulam Habib	Abdur Rasul	Moh-Agy/1
43	Ghulam Jelani	Abdur Rasul	Mansehra/5
44	Ghulam Sarwar	Abdur Rasul	Mkd/3
45	Gul Faraz	Abdur Rasul	Karak/4
46	Habib-ur-Rehman	Abdur Rasul	L. Marwat/4
47	Habibullah	Abdur Rasul	Pesh/2
48	Habiz Arshad Ali	Abdur Rasul	Mardan/2
49	Hafiz Muhammad Ziaullah	Abdur Rasul	Kohat/4
50	Hameed-ur-Rehman	Abdur Rasul	Pesh/2
51	Hamid Rasul	Abdur Rasul	Bannu/4
52	Hamidullah	Abdur Rasul	Laki Arwat/4
53	Hameed-ur-Rehman	Abdur Rasul	Pesh/2
54	Hag Nawaz	Abdur Rasul	Bannu/3
55	Hassim Khan	Abdur Rasul	Laki Marwat/4
56	Haze Sand	Abdur Rasul	Mkd/3
57	Hayat Khan	Abdur Rasul	Chusadda/2
58	Hikmatullah	Abdur Rasul	Laki Marwat/4
59	Hidayat Khan	Abdur Rasul	Chusadda/2
60	Hikmat Ahmad	Abdur Rasul	Abbotabad/5
61	Hikmat Ali Khan	Abdur Rasul	Mardan/2
62	Hikmatullah	Abdur Rasul	Mardan/2
63	Hikmat-ud-Din	Abdur Rasul	Mardan/3
64	Himaz Ali	Abdur Rasul	Pesh/2
65	Himaz Khan	Abdur Rasul	D.I. Khan/3
66	Himaz Khan	Abdur Rasul	Noshetra/2
67	Himayullah	Abdur Rasul	Pesh/2
68	Himay Gul	Abdur Rasul	Laki Arwat/4
69	Himay Ali	Abdur Rasul	Chusadda/2
70	Himay Khan	Abdur Rasul	Pesh/2
71	Hidayat Ahmad Khan	Abdur Rasul	Abbotabad/5
72	Himay Khan	Abdur Rasul	Swabi/2
73	Himay Khan	Abdur Rasul	Chusadda/2
74	Hidayat Iqbal	Abdur Rasul	Moh-Agy/1
75	Hidayat Zeb Ali	Abdur Rasul	Moh-Agy/1
76	Hidayat Khan	Abdur Rasul	Pesh/2
77	Hidayat Khan	Abdur Rasul	Mardan/2
78	Hidayat Nagem	Abdur Rasul	D.I. Khan
79	Hidayat-ur-Rehman	Abdur Rasul	Pesh/2
80	Hidayatullah	Abdur Rasul	D.I. Khan
81	Hidayatullah	Abdur Rasul	F.R. Bannu/1
82	Love Zain	Abdur Rasul	D.I. Khan/4
83	Muhammad Iqbal	Abdur Rasul	Pesh/2
84	Nichab Shah	Abdur Rasul	Swabi/1

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Public Service Commission
Superintendent

Muz
H. Hossain

88	Muhammad	Arbab Khan	Chittah
89	Mrs. Saima Khan	Kaam Khan	Balagram
90	Mohd. Rehan	Muhammad Luqman	N.W.A.
91	Muhammad Abid	Fazl-e-Khaliq	Savabi/2
92	Muhammad Afsar	Faizan Zeb	Savabi/2
93	Muhammad Afab	Masat Khan	Novshera/2
94	Muhammad Ajmal	Amal ud din	Manshera/5
95	Muhammad Alamin	Muhammad Iqbal Din	D.K.Bannu/1
96	Muhammad Anwar	Muzafar Khan	Mardan/2
97	Muhammad Arif	Muhammad Junaid Khan	Savabi/2
98	Muhammad Arshad	Waqar-ur-Rehman	Pesh/2
99	Muhammad Ashiq Iqbal	Farman Iqbal	Pesh/2
100	Muhammad Asif Khan	Muhammad Akram Khan	Abbotabad/5
101	Muhammad Azam Khan	Gul Khan	D.K.Bannu/1
102	Muhammad Azam	Badshah Islam	M.K.D/3
103	Muhammad Azim Khan	Nawab Khan	N.W.Agy/1
104	Muhammad Ijaz	Mir Saib Khan	S.W.A/1
105	Muhammad Farooq	Gul Rahman	Karak/4
106	Muhammad Hamayun	Salam Gul	Karak/4
107	Muhammad Hayat Khan	Masat Khan	Novshera/2
108	Muhammad Hussain	Mir Abbas Khan	Karak/4
109	Muhammad Iqbal	Baz Mulla	D/3
110	Muhammad Irfan	Mizan Fazl-e-Bayan	Noshera/2
111	Muhammad Isnad	Miaz Farid	F.R.Bannu/1
112	Muhammad Ishaq	Muhammad	M.K.D/3
113	Muhammad Ishaq Khan	Muhammad Hussain Khan	Abbotabad/5
114	Muhammad Ishaq	Muhammad Ayub	Manshera/5
115	Muhammad Ishaq	Muhammad Latif	Pesh/2
116	Muhammad Ishtiaq	Faiz-ul-Mulk Khan	D/3
117	Muhammad Khatab	Gulab	D/3
118	Muhammad Naeem	Mumtaz Khan	Karak/4
119	Muhammad Naseem	Hussn-ul-Maab	Savabi/3
120	Muhammad Noor Sultan	Elawar Khan	D.K.Bannu/4
121	Muhammad Raza Shah	Muhammad Latif	D/3
122	Muhammad Saadq	Muhammad Kamal	Mardan/2
123	Muhammad Saeed-ur-Rehman	Abdul Hadi	Harpur/5
124	Muhammad Salim	Abdul Haleem	Noshera/2
125	Muhammad Salim	Ghulam Sarwar	D.K.Bannu/4
126	Muhammad Salim	Muhammad Azim Khan	Pesh/2
127	Muhammad Sayyar Khan	Muhammad Iqbal	Pesh/2
128	Muhammad Sharif	Sheer Khan	Kurram/1
129	Muhammad Shiraz	Muhammad	Kurram/1
130	Muhammad Sohail Khan	Mir Jafar Khan	Novshera/2
131	Muhammad Sahr	Latif Jan	D/3
132	Muhammad Tanveer	Faiz Muhammad	Abbotabad/5
133	Muhammad Tariq	Noor Ali Khan	Bannu/4
134	Muhammad Zahid Khan	Sheer Zaman	Novshera/2
135	Muhammad Zafar	Nawaz Ali	Novshera/2
136	Muhammad Zubair	Sabz Ali Shah	D.K.Bannu/4
137	Mukhtar Khan	Ismael Khan	Mardan/2
138	Muneeb-ur-Rehman	Abdul Ghaffoor	Abbotabad/5
139	Muneeb Ahmad	Gul Zafar Ahmad	Peshawar/2
140	Muham Khan	Anwar Khan	Bul-Agy/1
141	Nadeem	Abdul Qayum	Manshera/5
142	Nasir Iqbal	Sakhi Arjan	Karak/4
143	Nasrullah Khan	Nadir Khan	D/3
144	Nasrullah Khan	Khanullah	Novshera/2
145	Naveed Ahmad	Muhammad Farid Khan	Savabi/2

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147	Nisar Ahmad	Bahadar Khan	Laki Marwar/4
148	Nisar Muhammad	Noor Muhammad Khan	Karak/4
149	Noor Ajab Khan	Said Muhammad	Baj Agy/1
150	Noor Muhammad	Noor Muhammad	D/3
151	Peer Muhammad Khan	Nadir Khan	Laki Marwar/4
152	Qadir Shah	Sahib Shah	Laki Marwar/4
153	Qasim Khan	Muhammad Nawaz Khan	Laki Marwar/1
154	Races Khan	Johar Gul	Khy Agy/1
155	Races Khan	Sher Zaman Khan	MKD/3
156	Rahim Khan	Fazl Khan	Peshawar/2
157	Rais ur Rehman	Noor ur Rehman	Manshehr/5
158	Raja Babu Jahangir	Raja Sultan Mubarak	Manshehr/5
159	Rajab Ali	Mir Qadam Khan	SW Agy/4
160	Riaz Hussain	Iqbal Muhammad	Peshawar/2
161	Rohullah Jan	Misbahuddin	Mardan/2
162	S. Ihsad Ali	All Asfar	Abdabad/5
163	S. Sikhawati Ali Shah	S. Chiragh Shah	Peshawar/2
164	Saeed Mehmood	Hazrat Mehmood	Bunair/3
165	Saidul Badshah	All Ahmad	Swabi/2
166	Saidul Zahid	Fazl Muhammad	Bungr/3
167	Saidul Zamin Shah	Agahin Shah	Moh Agy/1
168	Sajid Ullah	Qazi Fazl-e-Husain	Charsadda/2
169	Sajjad Ahmad	Abdul Rashid	Peshawar/2
170	Sajjad Rashid	Muhib Ali Shah	Peshawar/2
171	Sakin Shah	Lal Bad Shah	L Marwar/4
172	Sateh Bad Shah	Shad Muhammad	Swabi/2
173	Sattar Muhammad	Muhammad Sher Khan	FK Bannu
174	Sawallah	Shahab Uddin	Manshehr/5
175	Saeed Khan	Mir Rehman	Moh Agy/1
176	Saeed Khan	Gazo Fazl Husain	Peshawar/2
177	Sabbir Ahmad	Abdur Rehman	Manshehr/5
178	Shahid ur Rehman	Zia ul Haq	Abdabad/5
179	Shahid ur Rehman	H. Aslam Khan	Peshawar/2
180	Shah Jehan Khan	M. Aslam Khan	Bungr/3
181	Shah Jehan	Gul Kabir Khan	SW Agy/1
182	Shah Zaf Khan	Fazal Maman	NW A/1
183	Shahab Din	Kharshid Ahmad	Charsadda/3
184	Shahzad Nadeem	Muhammad Ahmad	DIKhan/4
185	Shakeel Ahmad	Niaz Muhammad	Charsadda/2
186	Sham ul Islam Niaz	Malik ur Rehman	Manshehr/5
187	Shams ur Rehman	Gul Nadir Khan	Charsadda/3
188	Sham ul Din	Muhammad Aslam Khan	Abdabad/4
189	Shariat Khan	Sadiq Ullah	Swabi/2
190	Sikandar Hayat	Fazlul Khan	DIKhan
191	Sikandar Iqbal	Rehman Ullah	SW A/1
192	Suhail Ullah	All Akbar	Mardan/2
193	Sultan Muhammad	Syed Mehmood Shah	Moh Agy/1
194	Syed Anwar Ali Shah	Syed Mardan Shah	Manshehr/5
195	Syed Anwar Shah	Syed Adurrah Shah	Moh Agy/1
196	Syed Anwar Shah	Mir Hatim Shah	Charsadda/2
197	Syed Fazl-e-Amin	Syed Latifuddin	Peshawar/2
198	Syed Ihsanullah Shah	Syed Muhammad Khan	Mardan/2
199	Syed Iqbal	Syed Anwar Shah	Abdabad/5
200	Syed Mehmood-ul-Hassan	Rab Nawaz Khan	Laki Marwar/4
201	Syed Tahir Khan	Sher Alam	FK Bannu/1
202	Taj Alam	Dattar Shah	Bungr/3
203	Ulfat Ali	Burhanud	Bungr/3

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H.P.O. SUPL. INDEPENDENT
 Public Services Commission
 Peshawar.

M. Heston
 (Signature)

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Sd/-
 Deputy Secretary-III
 (Masood Zaman)

Yours Faithfully

2. Recommendation in favour of the recommendees is provisional subject to passing the prescribed medical test and perusal of ACR's of all the recommendees to satisfaction of the Commission which may be made available at the earliest.
3. The remaining 20 candidates recommendation will be conveyed after the receipt of their deficiencies.
4. The inter-se-merit of the selectees will be communicated after the completion of deficiencies of the remaining recommendees as quoted above. The serial chronological order will not confer any right of seniority.
5. Original application (with enclosures) of the 221 recommendees are sent herewith for your record. Please acknowledge receipt.

208	Waqar Khan ✓	Sifaullah	Peshawar/2
209	Wasim Fazal	Faz-ur-Rehman	Abbotabad/5
210	Wazir Zada	Sahib Zada	Mardan/2
211	Wissal Muhammad	Dost Muhammad	Charsadda/2
212	Yousaf Khushaan	Abdur-Rehman	Nowshera/2
213	Zafar Khan	Munawar Khan	Abbotabad/5
214	Zaher-ud-Din	Muhammad Saeed	Dt/3
215	Zahir Qamar	Shams-ul-Qamar	Peshawar/2
216	Zahir Shah	Sardar Khan	Peshawar/2
217	Zia-ur-Rehman	Mir Hussain	Hangw/4
218	Zakir Hussain	Fussain Gul	Malakand/3
219	Zahir Ahmad Khan	Ahmad Nawaz Khan	DIKhan/4
220	Zaullah	Zikria Khan	Peshawar/2
221	Zia-ur-Rehman	Said Rahman	Peshawar/2

ENQUIRY REPORT

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33

Subject - PRELIMINARY ENQUIRY TO PROBE INTO THE IRREGULARITIES COMMITTED IN MALE ASSISTANT DISTRICT OFFICERS (BPS-16)

The Chairman KP PSC constituted a committee comprising the following vide Office Order No. KP/ PSC/ Admn/GF-319/012440-45 dated 10.03.2015 (Annex-I) :-

1. Prof: Dr Sarah Safdar Member-I, PSC.
2. Prof: Dr Muhammad Farooq Swati Member-VII, PSC.
3. Mr Ghulam Dastagir Ahmed Director Recruitment, PSC.

2. The Committee is required to examine the complaint of Mr Saqibullah (Complainant) regarding alleged wrong recommendations of three candidates from Zone-5 against the post of Male Assistant District Officer (BPS-16), to summon and hear all the three recommendees, to probe into the alleged involvement of the three candidates with Commissions' staff and fix responsibility and to examine as to whether after a lapse of about four years, the Commission can entertain such applications/ complaints and make reallocation and fresh recommendations or otherwise.

3. First meeting of the Committee was held on 11.03.2015. Syed Ilyas Shah Deputy Director II was asked to produce applications forms of the three candidates alongwith application of the complainant Mr Saqibullah and complete record of recruitment of ADO BPS-16 advertised in Advertisement No. 5/2009.

4. In the 2nd meeting of the Committee held on 16.03.2015, the applications of the three candidates namely Mr Muhammad Ajmal S/O Jamal ud Din, Mr Sarfaraz S/O Shahabud Din and Mr Shafiq ur Rehman S/O Abdur Rehman and other record were thoroughly checked and the Committee found the following: -

- i. In the applications forms / departmental permissions, all the three candidates have clearly mentioned their zone as "Zone-3" but in the descriptive sheets prepared by the concerned officer/ officials for interview, the zone of the three candidates has been reflected as Zone-5(Annex-II, III, IV).
- ii. The applications of Mr Ajmal and Mr Sarfaraz were signed only by Mr Rustam Khan the then Superintendent and no orders of eligibility of the Member were obtained.
- iii. Application of Mr Shafiq ur Rehman is signed by Mr Amir Ilyas the then Assistant and Mr Masood Zaman the then Deputy Secretary and no orders of the Member concerned were obtained (Annex-V).
- iv. The result is signed by Mr Masood Zaman DS and Mr Fazal Badshah the then Director.

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Attested

[Signature]

Public Service Commission

5. Next meeting of the Committee was held on 24.03.2015. Statement Mr Masood Zaman DS, Mr Rustam Khan the then Supdt, Mr Amir Ilyas the then dealing Assistant, Mr Muhammad Shahab the then Sr. Clerk/ KPO, Mr Muhammad Sajjad Qureshi the the Supdt were recorded. Statement of the three recommendees were also recorded whereas Mr Saqib Ullah did not attend the enquiry proceedings.

STATEMENT OF MR MASOOD ZAMAN THE THEN DEPUTY SECRETARY:-

6. In his statement at Annex-VI, Mr Masood Zaman has stated that his job description is file work, scrutiny of applications, preparation of result and supervision of his Branches. Eligibility of candidates is done by the Assistant, then by the Supdts and is sent to the DS for onwards submission to Director/ Member. Descriptive sheet is prepared by the dealing Assistant. He submits the same to the Supdt. The Supdt submit the same for countersignature to the DS. No file move up without my signature except when I am on leave. On conclusion of interview, the Director or the DS takes the result from Member, makes the calculations, prepare the merit list and allocation is made as per vacancies. The result is signed from dealing Assistant to the Director.

7. During the interviews it was decided that experience may be counted from B.Ed and not BA. There were five panels of interview. The Members had directed that after conclusion of the running interviews, scrutiny may be carried out and the experience be counted after B.Ed. They prepared fresh descriptive sheets as per orders and were handed over to the Members concerned. Due to load of work, he could not sign every descriptive. Before conveying the result, the Chairman had constituted a checking committee. The committee had taken the result and all the original applications of selected candidates. After checking the same, the result and applications were returned.

8. The three candidates in question belonged to District Mansehra (UDA). They were inadvertently considered in Mansehra Zone-5 instead of Mansehra (UDA) Zone-3. The descriptive was not changed but only zone 5 was mistakenly recorded instead of Zone-3. As per orders of the Chairman that the DS concerned will prepare the result, therefore, I with the help of Mr Shahab computer operator prepared the result.

9. He stated that he knows Mr Saqib for the last 3-4 years. He met with Mr Saqib for the last time in the office of Director some 2-3 months ago. When I was DS and the result was prepared, he had given me a cheque of Rs.750,000/- with the request to select him for the post. Photocopy of the said cheque is still with him for proving myself innocent. Mr Saqib had also offered him a Hotel at Abbottabad but he refused him. Mr Saqib had met with him through Mr Muhammad Sajjad Qureshi during the currency of interviews. He has not cashed the cheque till date because he does not take bribe. The copy has been kept only for record.

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 SUPERINTENDENT
 Public Service Commission
 Peshawar.

10. In his statement at Annex-VII, Mr Rustam Khan has stated that scrutiny of application forms is done by Assistant and is submitted to the Supdt and the process completes after approval of Member whereas descriptive sheet for interview is prepared by Assistant, checked by Supdt and rechecked and countersigned by the Deputy Secretary. We checked everything from application form and then signed the note. Descriptive Sheets of Mr Sarfaraz and Mr Ajmal bear my signature whereas descriptive sheet of Mr Shafiqur Rehman has been signed by Mr Amir Ilyas and Mr Masood Zaman. Experience was first taken from Bachelor Degree. When it was decided to take the experience from B.Ed, the descriptive sheets were prepared by Mr Shahab in the Office of Mr Masood Zaman DS. Mr Masood called him and told that Members are asking for revised descriptive. Please signed the descriptive. Therefore, Mr Shahab printed the descriptive and he signed the same. Some descriptive sheets were signed by Mr Masood alone, some descriptive sheets were given to me for signature, some to Mr Amir Ilyas and some descriptive sheets were unsigned. Result was prepared only by Mr Masood Zaman and Mr Shahab but was signed by Mr Masood and no one else were involved. The recommendations were also sent by Mr Masood. He stated on oath that he neither know the four candidates nor has even seen them.

STATEMENT OF MR AMIR ILYAS SUPDT: -

11. In his statement (Annex-VIII), Mr Muhammad Amir Ilyas the then Assistant has stated that he used to make scrutiny of applications and prepare the descriptive sheets and then submit the same to the Supdt who after checking submit the same to the DS. Submission of applications to panels was done by Mr Masood Zaman. He signed the descriptive sheets which he himself prepared. He has carefully mentioned the correct zones of candidates in descriptive. Though he has signed the revised descriptive sheet, but the applications were lying in the Office of Mr Masood Zaman therefore, he could not check the same with application. Eligibility is done by the Member through a channel. It is possible that approval of the authority in some cases has inadvertently not be obtained. He knows Mr Ajmal, Sarfaraz and Shafiq and does not know Mr Saqibullah. Result is prepared under supervision of Director and he himself sign it. Result has neither been prepared by him nor signed. They may be called so that the case becomes clear. During interviews, he was not pressurized by any Member/ Officer.

STATEMENT OF MR MUHAMMAD SAJJAD QUREHI SUPDT:-

12. In his statement at Annex- IX, Mr Muhammad Sajjad Supdt has stated that He knows Mr Saqibullah who was referred to him by Mr Majid Khan, a Headmaster at Mansehra. He had to enquire about interviews for the post of ADO, therefore, he was sent by someone else and he did not remember that he took him or sent him to the Office of Mr Masood Zaman DS. He does not know any dealing between Saqibullah and Mr Masood Zaman because neither he met him again nor Mr Masood

Attested
M. Ilyas
SUPERINTENDENT
Public Service Commission
Peshawar.

say something about him. He came to know about this thing about 02 months ago when the matter became known to most of the persons in the office that some dealing of cheque has taken place between Mr Masood and Mr Saqibullah. As far as I remember, he did not receive call for interview. Mr Masood should not take the cheque but he took the same and kept it with him.

36

STATEMENT OF MR MUHAMMAD SHAHAB ASSISTANT

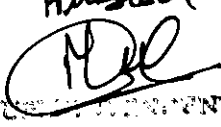
13. Mr Muhammad Shahab Assistant Recruitment Wing has admitted in his statement at Annex-X that at that time he was Senior Clerk associated with Mr Masood Zaman and was typing descriptive of candidates for 50 panels of interview. The branch Assistant used to provide him application forms of the candidates and he prepared the same from application forms. He used to sit in the Office of Mr Masood Zaman DS and do the work. He had done all the entries after checking and used to give the same printing without alteration. He used to make entries and gave the same to the Assistant / Supdt: who after checking return the same to him for correction or otherwise. He does not know that the wrong entry of the zone of Mr Shafiq, Sarfaraz and Ajmal was committed by him or the Supdt: / Assistant. Result was prepared by him from descriptive in the Office of Mr Masood Zaman which was correct. He does not know how a candidate was twice interviewed. Visitors used to come to the Office of DS including candidates but he does not know Mr Saqib. He also does not know about the cheque given by Mr Saqir to Mr Masood.

MR SAQIB ULLAH, CANDIDATE

14. Mr Saqib Ullah the complainant was issued a letter dated 03.04.2015 to attached the enquiry proceedings (Annex-XI) and was telephonically contacted by Syed Ilyas Shah Deputy Director but he refused to come the Commission's Office. Another letter dated 24.04.2015 was issued was issued to Mr Saqib to attend the enquiry proceedings on 17.04.2015 (Annex-XII) but he again refused to attend the proceedings. After that on several occasions it was tried to contact him telephonically but his phone was powered off.

STATEMENTS OF MR SARFARAZ KHAN, MR SHAFIQR REHMAN AND MR MUHAMMAD AJMAL

15. Mr Sarfaraz Khan, Mr Shafiq ure Rehman and Mr Muhammad Ajmal were also called for personal hearing on 22.04.2015. Their statement were recorded (Annex-XIII XIV & XV). According to their statement no fault lied on their part as they had clearly mentioned their zones (Zone-3) in their applications. They did not conceal anything from the Commission.

Attested

SUPERVISOR
BWP Recruitment Commission
Date: 17/04/2015

FINDINGS:-

16. From the foregoing the enquiry committee came to the following conclusion: -

- i) A number of gross irregularities have been committed by the staff upto the DS in the process of selection of candidates for the posts of ADOs BPS-16 in Elementary and Secondary Education Department. All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives.
- ii) No care was taken into account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Supdt or DS and approval of the competent authority i.e., Member was not obtained. Moreover, proper checking of zones of the three candidates namely Mr Sarfaraz, Mr Ajmal and Mr Shafiqur Rehman was not made for which Mr Masood Zaman DS, Mr Rustam Khan the then Supdt., Mr Amir Ilyas the then Assistant and Mr Muhammad Shahab the then KPO are equally responsible for the gross irregularities.
- iii) Due to the extremely careless attitude of the concerned staff, one candidate was twice interviewed and was twice recommended.
- iv) The acceptance of cheque amounting to Rs.750,000/- in bribe by Mr Masood Zaman Deputy Secretary from Mr Saqib in return of selecting him for the post of ADO has been proved beyond doubt.
- v) Though Mr Muhammad Sajjad Qureshi accepts that he took Mr Saqib to the Office Mr Masood Zaman for enquiry but it is not possible for a candidate to offer bribe directed to an unknown officer. There is an active role of Mr Muhammad Sajjad Qureshi in the offer of bribe by Mr Saqib to Mr Masood.
- vi) All the officers/ officials involved in this case also enjoy bad reputation in the Office.

RECOMMENDATIONS:-

17. The Committee, recommends that: -
- i) Mr Masood Zaman Deputy Secretary may be dismissed from service.
 - ii) Mr Amir Ilyas Superintendent, Mr Muhammad Sajjad Qureshi Supdt and Mr Muhammad Shahab Assistant may be removed from service. Show cause notices may be issued to the officials under Rule 5 (a) of the E&D Rules 2011.

Attested
PPul
SUPERINTENDENT
NWFP Public Service Commission
Peshawar.

- iii) As Mr Rustam Khan the then Supdt; has now retired from service. In his case, opinion of the Establishment Department may be obtained as to what punitive actions can be taken against him after his retirement.
- iv) Mr Saqib Ullah may be disqualified from applying to the Commission for ever and his case be referred to the Elementary and Secondary Education Department for taking punitive action against him under the rules. No 7607/AC7

In pursuance of the Supreme Court Decision dated 13.12.13 ((Annex-XXI)) that if a candidate is mistakenly recommended by the Commission without any fault on his part then he will not be disturbed while proceedings will be initiated against the officials concerned. Since there is no fault on the part of the recommended candidates namely Mr Shafiq ur Rehman, Mr Sarfaraz and Mr Ajmal Khan therefore, their recommendations may not be disturbed and the case of readjustment/ reallocation may not be processed after a lapse of almost five years of the recommendations.

(Ghulam Dastagir Ahmed)
Director Recruitment
Member of the I.C.

(Prof: Dr Muhammad Farooq Swati)
Member PSC
Member of the I.C.

(Prof: Dr Sarrah Safdar)
Member PSC
Chairperson of I.C.

Attested

SUPERINTENDENT
Public Service Commission
Peshawar.

262.	59/35	01.03.72	Moheb ur Rehman S/O Muhammad Luqman	Nowshera/2
263.	59/35	01.07.72	Sajid Ahmad S/O Abdur-Rauf	Peshawar/2
264.	59/35	12.04.73	Muhammad Amir S/O Saad Ullah Jan	Nowshera/2
265.	59/35	01.01.74	Barkatullah S/O Shah Gulab	Dir/3
266.	59/35	08.03.74	Sanaullah S/O Muhammad Sher Khah	FR. Bannu/1
267.	59/35	01.02.75	Saru ur Rahman S/O Siraj ur Rahman	Mardan/2
268.	59/35	03.04.75	Muhammad Zahir Shah S/O Ghulam Qadir	Dir/3
269.	59/35	03.03.78	Riaz Ahmed S/O Sher Ahmed	Chitral/3
270.	59/35	01.02.79	Hafiz Maqbool Khan S/O Khair Ullah Khan	Bannu/4
271.	59/33	01.04.68	Dilawar Khan S/O Sahib Jamal	Karak/4
272.	59/33	01.08.72	Shamroz Khan S/O Nairoz Khan	Swat/3
273.	58/45	01.01.74	Nadeem S/O Abdul Qayyum	Manshra/5
274.	58/40	05.03.77	Miraj Ahmad Khan S/O Ibadat Khan	Chitral/3
275.	58/38	29.10.65	Ghulam Jilani S/O Darwaish	Manshra/5
276.	58/38	20.03.70	Syed Mehmoob ul Hassan S/O Syed Sarwar Shah	Abbottabad/5
277.	58/38	04.03.71	Aziz Khan S/O Abdul Gabor	Mardan/2
278.	58/38	01.01.73	Abdul Wali Khan S/O Mehboob Wali Khan	Chitral/3
279.	58/38	15.04.73	Rab Nawaz S/O Gul Dad Khan	Abbottabad/5
280.	58/38	15.07.73	Bashir Ahmad S/O Mir Muhammad	Mardan/2
281.	58/38	14.04.74	Saqib Ullah S/O Rafi Ullah	Manshra/5
282.	58/38	16.04.74	Jehan Zeb Ali S/O Farid Khan	Moh Agy/1
283.	58/38	03.05.76	Anzar Ali S/O Zahir Shah	Haripur/5
284.	58/38	11.11.76	Sung-e-Paris S/O Malook	Moh Agy/1
285.	58/38	14.02.77	Muhammad Tufan S/O Qazi Gul Muhammad	Peshawar/2
286.	58/38	10.05.77	Anwar Adil S/O Saif ur-Rahman	Mardan/2
287.	58/38	10.09.77	Muhammad Ejaz S/O Mir Sahib Khan	S.W Agy/1
288.	58/38	02.01.78	Muhammad Shah Zeb Gul S/O Bad Shah Gul	
289.	58/38	03.01.78	Muhammad Usman S/O Muhammad Yahya	Swabi/2
290.	58/38	03.02.79	Sajid ur Rehman S/O Sher Bahadar	Karak/4
291.	58/38	03.01.80	Aqal Wazir S/O Gul Nazu	FR-Lakki/1
292.	58/35	10.11.65	Zia ur Rahman S/O Inayat ur-Rahman	Chitral/3
293.	58/35	01.09.66	Muhammad Asif Iqbal Khan S/O Muhammad Iqbal Khan	Nowshera/2
294.	58/35	10.02.68	Bacha Jan S/O Gul Rehman	Charsadda/2

(26)

(27)

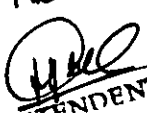
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Attended
Ok

Attended

 SUPERINTENDENT
 Public Service Commission
 Peshawar.

40

Annex C2

196.	60/38	20.11.77	Taj Alam S/O Shier Alam	FR. 33/00/1
197.	60/38	16.06.81	Abdul Karim S/O Jehangir Khan	Peshawar/2
198.	60/35	17.10.61	Miftahuddin S/O Akbar Khan	Chitral/3
199.	60/35	05.03.68	Haq Nawaz S/O Ahmad Khan	Battagram/3
200.	60/35	15.06.68	Abid Hussain S/O Hussain Ghulam	Kuchai/5
201.	60/35	15.02.70	Muhammad Ishraq S/O Muhammad Ayyub	Manshera/5
202.	60/35	03.04.70	Ashfaq Rasool S/O Ghulam Rasool Saq	Moh. Ays/2
203.	60/35	14.04.71	Muhammad Anif S/O Muhammad Junaid Khan	Swabi/2
204.	60/35	12.04.73	Zamir Ahmad Khan S/O Ahmad Nawaz Khan	D.I. Khan/1
205.	60/35	16.05.73	Shakeel Ahmad S/O Muhammad Ahmad	D.I. Khan/7
206.	60/35	06.01.74	Muhammad Saleem S/O Muhammad Azeem Khan	Peshawar/2
207.	60/35	25.12.74	Zafar Khan S/O Munawar Khan	Abbottabad/5
208.	60/35	15.04.75	Jehangeer Khan S/O Shah Jehan	Peshawar/2
209.	60/35	19.11.75	Nisar Muhammad S/O Bahadar Khan	L. Marwat/1
210.	60/35	10.12.75	Zafar Iqbal S/O Amir Badshah	Peshawar/2
211.	60/35	18.06.77	Syed Mehmood ul Hassan S/O Syed Sarwar Shah	Abbottabad/5
212.	60/35	18.06.77	Khams-ul-Haq S/O Miran Habib Jan	Peshawar/2
213.	60/33	20.06.67	Waseem Fazal S/O Fazal ur Rehman	Abbottabad/3
214.	60/33	01.01.68	Muhammad Tanveer S/O Faqeer Muhammad	Abbottabad/5
215.	60/33	01.09.68	Fahir Shah S/O Qadir Shah	Mardan/2
216.	60/33	25.05.72	Races Khan S/O Shier Zaman Khan	MIR/3
217.	60/30	13.03.67	Shamsur Rehman S/O Hafiz Abdul Hadi	Haripur/4
218.	59/40	11.03.71	Syed Fazle Amin S/O Mir Hatem Shah	Charsadda/2
219.	59/40	11.05.72	Sahib-Kamal S/O Haji Fazal Zaman	Peshawar/2
220.	59/40	04.10.72	Saeed Ahmad S/O Haji Dilber Khan	Mardan/3
221.	59/40	10.06.73	Tariq Ahmad S/O Fazal Rashid	D.I/3
222.	59/40	26.07.73	Muhammad Arshad Sharif S/O Sharif Khan	Komal/1
223.	59/40	01.04.74	Ulfat Ali S/O Dattar Shah	SW. Agy/1
224.	59/40	31.01.76	Qasim Ali Khan S/O Munir Ali Khan	Peshawar/2
225.	59/40	03.01.79	Muhammad Kamran S/O Latif Shauq	Komal/1
226.	59/40	06.03.79	Abdus Sattar Ali Shah S/O Gul Afzal Ali Shah	Bannu/4
227.	59/38	05.01.65	Muhammad Ibrahim Siddiq ul Haq S/O Abdul Hamid	Charsadda/2
228.	59/38	10.03.70	Fazli Malik S/O Abdul Hadi	Mardan/2

Attested

 K.P.U. SUPERINTENDENT
 P.S.C. Public Service Commission
 Peshawar.

Annex C3
Telephone No: 091-9212962



KHYBER PAKHTUNKWA PUBLIC SERVICE
COMMISSION
2-FORT ROAD PESHAWAR CANTT.

41

No. KP/PSC/Admn/

191060-61

Date:

22/7/15

From:
Secretary,
Public Service Commission,
Peshawar.

To

Mr. Muhammad Shahab Assistant (BPS-16),
Khyber Pakhtunkhwa Public Service Commission.

Subject: SHOW CAUSE NOTICE


Enclosed find herewith a copy of Show Cause Notice duly approved/signed by Governor Khyber Pakhtunkhwa (Competent Authority) alongwith finding of enquiry report for information and further necessary action at your end.


SECRETARY
PSC


Encl: As Above

Copy to:

1. PS to Chairman Khyber Pakhtunkhwa PSC for information


SECRETARY
PSC

ofc

Attested

SUPERINTENDENT
Public Service Commission
Peshawar.

H.P. SUPERINTENDENT
Public Service Commission
Peshawar.

Approved
(Signature)

at the end?

How long did you work in Mr. Mosaad's office while
receiving electricity details, D/Sheets and the loans

to whom the computer was placed?

While data in Mr. Mosaad's office.

Which place did you normally sit in to enter the

making the D/Sheets?

When did you get/enter the information from while
making the D/Sheets?

What were your responsibilities as computer operator
during

when were working in what capacity and under what
reference to 2010-AD's instructions which section

you were promoted (subsequently)?

Which post did you hold initially and what posts were

How long have you been serving in the Commission?

M. Muhammad Saad
22/11/2010
42
Amir D
06-04-2011
P. 1

(Signature)
M. J. ...

Did you carefully and correctly transfer all the data from the application forms and checked and rechecked it? Answer Yes.

Do you agree that Compton's prints in the detail as it is entered in it?

These candidates have written in Zone 3 how it comes that ~~that~~ ^{that} candidates in the D/Zone 3 and Zone 3, but it is found that Mr. Street and Robert Street Zone 3 (Candidates were Mr. Street's signature).

Mr. Street as Mr. Alford?

What was the normal procedure in preparing the secret and was normally used clock it?

Therefore Mr. Rankin would return the document after clocking, did he normally accept the clocking, did he normally return the document after creation?

Then he would return the document with the clock and you normally confirm the creation with the application form?

Attest
[Signature]

1. When you gave the print of the record the name of the project was used twice, it was then lying?
2. When you gave the print of the record the name of the project was misinterpreted into the project there any change?
3. When prepared the report, where and where prepared?
4. Where did you get the report from for preparation (must list)?
5. Was the report fair?
6. How it happened that Mr. Markwardt's name on all reports were prepared twice?
7. When checked the report?
8. When you both checked the report, how the doubling occurred?
9. Mr. Szyb, the behavior, used to see Mr. Ward Zane before interview at the commission, have you know Mr. Szyb?

[Signature]

44

06-04-2003

RESERVED
SUPERINTENDENT
Public Service Commission

Attest

Working on computer in those documents, who is responsible for making those changes? Who did it? At these changes?

For the most part, you were not aware of the secret sheet, you were not aware of the secret sheet, you were not aware of the secret sheet, you were not aware of the secret sheet.

For statement about that any changes made in the most part, eligibility details on 10/12/02

What could be the possible reason that Mr. Moore was not selected more than the Applicant and Applicant listed in the Section/Bureau?

Do you know that Mr. Seyle handled over a bank degree X Mr. Mored Zanna?

Do you know that Mr. Seyle handled over a bank degree X Mr. Mored Zanna?

Do you know that Mr. Seyle handled over a bank degree X Mr. Mored Zanna?

Attest
[Signature]

Responsible
SUPERINTENDENT
Public Service Commission

Attest
(Signature)

6/11/15
(Signature)

Handwritten text in Urdu script, appearing to be a list or set of instructions. The text is partially obscured by a large, dark, textured area on the right side of the page. Legible fragments include:
- 2010
- 55
- PSC
- 2005
- (E) 46
- Annex

Attested
M.P.

24/1/15

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...
10. ...

Superintendent
Public Service Commission
Essex

Handwritten signature

15/11/51
Handwritten initials

Handwritten text in Urdu script, appearing to be a letter or official communication. The text is dense and covers most of the page.

48



(Signature)
M. K.

15/4/15
1/3

پیشگی ہے

مستند ہے۔ یہ ایک ایسی چیز ہے جس سے
مستند ثابت ہو سکتا ہے۔

5) *(Signature)*

6) *(Signature)*

7) *(Signature)*

8) *(Signature)*

9) *(Signature)*

10) *(Signature)*

11) *(Signature)*

12) *(Signature)*



Amir F

NOTIFICATION

No.KP/PSC/Admn/GF-521/ Mr. Muhammad Shahab, Assistant (BPS-16) (hereinafter referred to as accused) Khyber Pakhtunkhwa Public Service Commission was proceeded against under the Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011 on account of irregularities committed in the selection process of Assistant District Officer (Male) (BPS-16) in Elementary and Secondary Education Department advertised vide Public Service Commission Advertisement No.05/2009; and

WHEREAS, an inquiry Committee, consisting of Member-I, Member-VI and Director Recruitment Khyber Pakhtunkhwa Public Service Commission was constituted; and

WHEREAS, the inquiry committee after having examined the charges, evidence on record and explanation of the accused official, submitted its report wherein imposition of major penalty of removal from service was recommended; and

WHEREAS, show cause notice was served upon the accused official in pursuance of Rule-5 (1) (a) of Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules, 2011 conveying therein tentative decision of Removal from service; and

WHEREAS, the accused official was provided an opportunity of personal hearing by the Competent Authority on 07.01.2016 to defend himself. The accused official during the personal hearing reiterated his previous stance and failed to defend himself and did not add any new fact; Now

THEREFORE, the Governor Khyber Pakhtunkhwa being Competent Authority, in exercise of powers conferred upon him under Rule 4 (b) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 has decided to confirm tentative major penalty of Removal from Service of Khyber Pakhtunkhwa Public Service Commission

Pursuant to the above, Mr. Muhammad Shahab, Assistant (BPS-16) Khyber Pakhtunkhwa Public Service Commission stands removed from the service of Khyber Pakhtunkhwa Public Service Commission with immediate effect.

No.KP/PSC/Admn/GF-521/ 01084-70

Copy forwarded to:-

1. Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Establishment, Khyber Pakhtunkhwa.
6. Mr. Muhammad Shahab Assistant, Address: Kanday Ghari ma gany, Vill: Suriazai pagara, Teh & District Peshawar.
7. Personal file of official concerned.
8. Office Order file.

SD/-
CHAIRMAN PSC
Dated: 15/11/16

SECRETARY
PSC

Superintendent
Khyber Public Service Commission
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No.513/2016

Muhammad Shahab, Ex-Assistant KPK Public Service Commission, Peshawar.

..... APPELLANT

VERSUS

Government of the Khyber Pakhtunkhwa, through Chief Secretary and others.

..... RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT

PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading, the appellant has illegally been awarded the penalty of removal from service, hence he has got the necessary cause action to file the instant appeal.
2. Contents incorrect and misleading, the contents of the instant appeal are true and correct.
3. Contents incorrect and misleading, the appellant has illegally been removed from service hence he is *aggrieved person* under the law. Moreover the appellant has come to the tribunal with clean hands.
4. Contents incorrect and misleading, the appellant has been illegally awarded the penalty, hence injustice is done to him.
5. Contents incorrect and misleading, the contents of the instant appeal is based on facts and since he has been illegally awarded the penalty hence he is entitled for reinstatement under the law.
6. Contents incorrect and misleading, the instant appeal is well maintainable under the law.
7. Contents incorrect and misleading, as stated above the instant appeal is based on facts and nothing has been concealed from the Tribunal and hence maintainable.
8. Contents incorrect and misleading, no rule of estoppel is applicable to the instant case.

9. Contents incorrect and misleading, the respondent acted against the norms and justice.
10. Contents incorrect and misleading, no proper procedure as is prescribed under the law, has been adopted before awarding the penalty upon the appellant.

FACTS

1. No comments. However the contents of the appeal are true and correct.
 2. Need no comments to the extent of adjustment and absorption. However, the allegation of enjoying bad reputation in the office against appellant is baseless, malicious and vague term added by the Preliminary Enquiry Committee in its findings beyond its domain (TORs) just for giving weight to the former charges which is unfounded, unheard, uncalled for and mere an allegation without any concrete documentary proof and evidence in support of said allegation. There is no complaint against the appellant during more than 27 years service. The appellant has been assigned duties of Representative on different examinations and expertise, work and conduct of the appellant always appreciated and earned excellent ACRs from the superiors that is why got promotions from Junior Clerk to the present post of Assistant.
 3. Contents need no comments, being admitted.
 4. Contents of Para 4 of the appeal are correct, the reply submitted to the Para No. 4 is totally incorrect and misleading hence denied.
 5. No comments.
- 6-12. Incorrect. The allegation of providing official record to the candidate is a fresh / new allegation based on guess of answering respondents which is baseless, unfounded, uncalled for and without any documentary evidence

and conclusively proving same. The appellant was not working in the respective recruitment branch dealing with ADOs cases during 2014. Moreover, the Preliminary Enquiry Committee called the appellant for answering their questions. The appellant gave detailed reply to their questions according to actual facts. The said Preliminary Enquiry Committee **beyond its domain (TORs)** leveled the following allegations against the appellant and recommended penalty of removal from service:-

- i. Gross irregularities have been committed by you in the process of selection of candidates for the posts of ADOs (male) BPS-16 in Elementary & Secondary Education Department.
- ii. Legal procedures were not followed in the selection process of ADOs for ulterior motives.
- iii. No care was taken into account in the eligibility of the candidates. Candidates were declared eligible for interview with the approval of the dealing assistant or Superintendent of Deputy Secretary and order of the competent authority was not obtained.
- iv. Documents / Zones of three candidates namely Mr. Muhammad Ajmal S/O Jamal ud Din, Mr. Serfaraz Khan S/O Shahab ud Din and Mr. Shafiq ur Rehman S/O Abdur Rehman were not properly checked and they were recommended against the seats reserved for Zone-V, although they had clearly mentioned / attached domiciles of Zone-III with their application forms. By doing so, three candidates hailing from Zone-V were deprived from their legitimate right of selection.
- v. Due to careless and lethargic attitude, one candidate was interviewed twice and his name was twicely reflected in the merit list.
- vi. You also enjoy bad reputation in the office.

No departmental regular / full fledged enquiry was conducted, serving charge sheet, statement of allegation, providing fair chance of self defense, proper personal hearing, none of the statement recorded in presence of the appellant nor provided opportunity of cross examination. **The competent authority issued direct show cause notice without passing orders of dispensing with the enquiry which was mandatory under Rule-7 of the E&D Rules, 2011. The appellant has given detailed reply to all the allegations in defense reply to show cause notice and review petition (Copies attached as Annex- II & III) and ultimately the competent authority removed the appellant from service on 15.01.2016 with the solitary charge of committing irregularities in the selection process of ADOs.** However, for convenience of the learned Tribunal to reach a just and fair conclusion the appellant reiterates the following grounds for perusal which reveal innocence of the appellant in said charge:-

- i. *The Preliminary Enquiry Committee called the appellant and placed written questionnaire for giving replies while sitting before them without giving time and opportunity for production of documentary evidence in defense.*
- ii. *The Preliminary Enquiry Committee leveled this allegation **beyond its domain (TORs)** on the basis of speculation / fiction of mind / imaginary considerations / doubt / assumption without any evidence in support of allegation and conclusively proving same.*
- iii. *Eligibility of the candidates is determined / decided by the Member concerned and the files are moved by the Dealing Assistant through the Supdt: and the DS concerned. As I was doing only typing work therefore, I am not responsible for the job performed by the dealing Assistant and the Supdt: because I fully concentrated only on my typing work and in this case no typing error, omission mistake.*
- iv. *No comments.*
- v. *No comments.*
- vi. *None of all the sitting members of the Commission including Preliminary Enquiry Members were part of selection of ADOs in 2010, 2011 when interviews of ADOs conducted and interview result and recommendations finalized with approval of the then full Commission. How, a past and closed transaction finalized with the*

approval of the then Commission can be termed as gross irregularities by the Members of the Preliminary Enquiry Committee without recording their statement and consent.

GROUND

- A. Incorrect. The whole procedure adopted by the Respondents till removal from service of the appellant was not in consonance with the provisions of E & D Rules, 2011. Hence, the Removal from service order of the appellant are illegal, unlawful and not based on facts as narrated in the Paras of factual above.
- B. Incorrect. The whole procedure adopted by the respondents till Removal from service of the appellant was not in consonance with the provisions of E & D Rules, 2011. Hence, the Removal from service order of the appellant are illegal, unlawful and not based on facts as narrated in the Paras of factual above.
- C. Incorrect. Detailed reply to the allegations has been given in preceding paras.
- D. Incorrect. The Preliminary Enquiry Committee was bound to probe and fix responsibility for the lapses if occurred but it did not have the mandate to establish allegations which has not been done in the instant case and recommend imposition of penalty on the appellant. Under the E & D Rules, 2011 enquiry can be dispensed with by the competent authority in cases where guilt is proved with documentary proof and beyond shadow of doubt but in my case neither charges have not been established by the Preliminary Enquiry Committee beyond shadow of doubt nor the competent authority dispensed with enquiry passing orders and reasons recorded in black and white before issuing show cause notice.
- E. As reply in proceeding paras.
- F. As reply in proceeding paras.
- G. No comments.

H. Incorrect. The competent authority issued direct show cause notice on the recommendations of the Preliminary Enquiry Committee for the charges even not established beyond shadow of doubt and without passing order of dispensing with the enquiry which was mandatory under the E & D Rules, 2011 and removed the appellant from service. The Review Petition of the appellant was rejected with no good grounds and not a speaking order. Thus, the removal order of respondents is not sustainable in the eyes of law and due process of law not fulfilled in the removal process of appellant.

I. Incorrect. Copy of inquiry report has not been provided to the appellant.

J. Incorrect. The Preliminary Enquiry Committee did not obtain statement of any of subordinate or superior to judge reputation of appellant in the office with whom the appellant worked during the last more than 30 years in order to establish the charge beyond shadow of doubt. Moreover, the said committee added this allegation in its findings beyond its domain without any documentary proof and evidence without hearing the appellant for the charge and providing opportunity to say anything in self defense.

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In view of the above, it is humbly prayed that the Removal from service order dated 15.01.2016 and rejection of review petition order dated 18.04.2016 of the answering respondents may kindly be set aside with cost along-with all back and consequential benefits allowing compensation for damaging career and putting in mental torture to the appellant despite innocence.

Appellant

Through



IJAZ ANWAR

Advocate, Peshawar.

&



YASIR SALEEM

Advocate, Peshawar

Dated: 17/01/2017

AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal.



DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No.513/2016

Muhammad Shahab, Ex-Assistant KPK Public Service Commission, Peshawar.

..... APPELLANT

VERSUS

Government of the Khyber Pakhtunkhwa, through Chief Secretary and others.

..... RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT

PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading, the appellant has illegally been awarded the penalty of removal from service, hence he has got the necessary cause action to file the instant appeal.
2. Contents incorrect and misleading, the contents of the instant appeal are true and correct.
3. Contents incorrect and misleading, the appellant has illegally been removed from service hence he is *aggrieved person* under the law. Moreover the appellant has come to the tribunal with clean hands.
4. Contents incorrect and misleading, the appellant has been illegally awarded the penalty, hence injustice is done to him.
5. Contents incorrect and misleading, the contents of the instant appeal is based on facts and since he has been illegally awarded the penalty hence he is entitled for reinstatement under the law.
6. Contents incorrect and misleading, the instant appeal is well maintainable under the law.
7. Contents incorrect and misleading, as stated above the instant appeal is based on facts and nothing has been concealed from the Tribunal and hence maintainable.
8. Contents incorrect and misleading, no rule of estoppel is applicable to the instant case.

9. Contents incorrect and misleading, the respondent acted against the norms and justice.
10. Contents incorrect and misleading, no proper procedure as is prescribed under the law, has been adopted before awarding the penalty upon the appellant.

FACTS

1. No comments. However the contents of the appeal are true and correct.
2. Need no comments to the extent of adjustment and absorption. However, the allegation of enjoying bad reputation in the office against appellant is baseless, malicious and vague term added by the Preliminary Enquiry Committee in its findings beyond its domain (TORs) just for giving weight to the former charges which is unfounded, unheard, uncalled for and mere an allegation without any concrete documentary proof and evidence in support of said allegation. There is no complaint against the appellant during more than 27 years service. The appellant has been assigned duties of Representative on different examinations and expertise, work and conduct of the appellant always appreciated and earned excellent ACRs from the superiors that is why got promotions from Junior Clerk to the present post of Assistant.
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Appellant

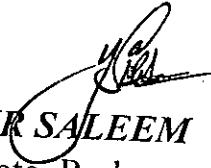
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