

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service appeal No. 944/2019

Date of institution ... 18.07.2019

Date of decision 17.06.2020

Mr. Shaheed Ullah S/O Rizwan Ullah R/O Serdheri Kandi Barookhel Tehsil & District Charsadda Mineral Guard BPS-03 H/Q office Peshawar.

... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Director General Mines & Minerals Peshawar and four (04) others

... (Respondents)

PresentMr. Nazir Ahmad
Advocate

...

For appellant.

Mr. Muhammad Jan,
Deputy District Attorney

...

For respondents.

MR. HAMID FAROOQ DURRANI,
MRS. ROZINA REHMAN,

...

...

CHAIRMAN
MEMBER(J).JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

Instant appeal has been preferred questioning the order dated 21.03.2019, whereby, the appellant was imposed upon major penalty in terms of compulsory retirement from service with pension benefits. His departmental appeal remained un-responded.

2. The relevant facts, as gatherable from record, are that the appellant was proceeded against departmentally and was ultimately issued a Show Cause Notice containing the allegations in terms of misconduct and

corruption on his part. In the Charge Sheet dated 03.12.2018 it was laid that the appellant was posted as a Mineral Guard at Jala Bela district Peshawar, through order dated 17.09.2018, for the purpose of lying hands on persons involved in illegal mining/ transportation of Mineral and report the cases accordingly. However, the appellant was found performing duty at jani Khawar Badhber without the permission of In-charge. Further, he was found involved in malpractice and collection of illegal money from the lease holders.

As another allegation, it was contended in the Charge Sheet that one Mr. Qadir Shah, lease holder of Minerals at jani Khawar Bahhber had filed a complaint against the appellant that he had received illegal money from the complainant and that he was involved in corruption. These allegations were made basis of impugned order dated 21.03.2019.

3. We have heard learned counsel for the appellant, learned Deputy District Attorney on behalf of respondents and have also gone through the available record with their assistance.

Learned counsel for the appellant vehemently argued that the proceedings conducted against the appellant were in clear violation of Government of Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules, 2011. More particularly, in contravention of Rules 10/11/13/14 & 15, therefore, were nullity in the eye of law. The respondents did not care to conduct a proper/regular inquiry against the appellant hence he was deprived of valuable rights in terms of defense and production of contra evidence. It was also the argument of learned counsel that the complaint

against the appellant was based on malafide as he had previously detected the high-handedness of the complainant and in that regard also lodged an FIR on 21.09.2015. The proceedings against the appellant was, therefore, liable to be dislodged. In support of his arguments learned counsel relied on judgments reported as 2004 SCMR 294 and 2006 SCMR 443.

On the other hand, learned DDA attempted to argue that the proceedings against the appellant were taken in accordance with rules. The appellant could not set forth any satisfactory response to the allegations, therefore, was rightly awarded the impugned penalty. He referred to a statement dated 19.11.2018 purportedly submitted by the appellant and stated that he had tacitly admitted the receipt of tainted money.

4. By now it is well settled through various judgments of Apex court that in cases where major penalty/punishment is imposed upon a Civil Servant a regular inquiry is all the more necessitated. Seen in the perspective we find from the record that a preliminary inquiry was conducted by Assistant Director Mineral (Complaint Cell) which was followed by another inquiry conducted by Deputy Director (Tech) H/Q office Peshawar, wherein, imposition of major penalty upon the appellant was recommended. It is, however, interesting to note that the preliminary inquiry having been superseded by the subsequent inquiry through order on 03.12.2018, reliance was placed by inquiry officer on the proceedings of preliminary inquiry. The statement of accused procured in the preliminary inquiry was also rested upon. It is very pertinent to note that

the alleged complaint against the appellant or statement of the complainant was never made part of record before us. The allegations against the appellant, therefore, were not substantiated.

5. The record is further suggestive of the fact that during preliminary inquiry an office order dated 22.11.2018 was issued by respondent No.4 wherein the appellant was required to appear before the inquiry officer on 22.11.2018 at 11:00 AM for recording of his statement. In the same office order the complainant was asked to attend the office of the inquiry officer on 22.11.2018 at 10:00 AM for discussion. The contents of office order clearly suggest that the appellant was given little reaction time to do the needful on one hand and, on the other, the complainant was not exposed to the appellant. This act on the part of respondent clearly smacked of malafide. In the same context the attempted counter blast by the complainant against the appellant, due to lodging of FIR against the former, could not be ruled out.

6. There is yet another important aspect of the case in hand. Throughout the record the respondents remained at loss in bringing forth date of incidence noted in both the allegation. So much so, that the amount of money which the appellant was alleged to have obtained as illegal gratification, was no-where mentioned. The allegations against the appellant could, therefore, not be established by any standards of proof.

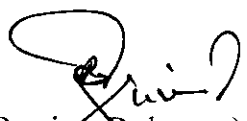
7. It is also worth noting that the impugned order was based on ground that the appellant could not forward any legal reasons to prove himself innocent. On one hand, it was obligatory upon the


complainant/respondents to have satisfactorily proved the charges against the appellant, and on the other, basing the impugned order on such flimsy ground was in blatant violation of principles of natural justice. It is also found that the statement of appellant has been treated as a piece of evidence against him by the inquiry officer as well as competent authority but the same was not appreciated as a whole. Needless to note that no witness to the occurrence was ever examined during the proceedings.

Parawise comments submitted by respondents before this Tribunal suggest that the same were not only evasive but also contained allegation against the appellant pertaining to the year 2011, much before the alleged occurrence in the year 2018, and totally extraneous to the matter under the issue. It is also mentioned in the comments that the appellant failed to prove himself innocent.

8. For what has been discussed above we consider that the appeal in hand merits acceptance. It is, therefore, accordingly allowed as prayed for.

Parties are left to bear their respective costs. File be consigned to the record room.


(Rozina Rehman)
Member (J)


(Hamid Farooq Durrani)
Chairman

ANNOUNCED
17.06.2020

A-No. 944/2019, Shaheedullah vs Govt

26.11.2019

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Iqbal, Supdt for respondents present.

Representative of respondent No.5 has submitted written reply/comments on behalf of the respondent No. 5 and stated at the bar that respondents No. 1 to 4 rely on the same.

Adjourned to 28.01.2020 for arguments before D.B. The appellant may file rejoinder, if any, for the date fixed.

Chairman

28.01.2020

None for the appellant present. Addl:AG for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 17.03.2020 before D.B. Appellant be put on notice for the date fixed.

Member

Member

27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before D.B.

Reader

24.09.2019

Counsel for the appellant present.

Contends that the appellant was not provided with opportunity of cross-examining the complainant during the enquiry proceedings. In that regard he referred to office order dated 22.11.2018 whereby the appellant was required to appear in person on 22.11.2018 at 11.00 AM while the complainant was summoned at 10.00 AM. In the said manner the departmental enquiry was not conducted in accordance with law. He relied on 2008-SCMR-609. Further contends that the impugned order dated 21.03.2019 itself is suggestive of the fact that there was no cogent evidence against the appellant and he was imposed upon major penalty of compulsory retirement from service on the ground that he did not forward any logical reason to prove himself innocent. This ground contained in the order was against all norms of justice and equity.

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents. To come up for written reply/comments on 26.11.2019 before S.B.

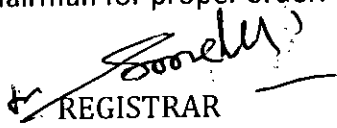

Appellant Deposited
Security & Process Fee

24/9/19


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 944/19

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/07/2019	<p>The appeal of Mr. Shaheedullah resubmitted today by Mr. Nazir Ahmad Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to SB for preliminary hearing to be put up there on <u>24-9-2019</u>.</p> <p> CHAIRMAN</p>

125

The appeal of Mr. Shaheed Ullah received today, i.e. on 18-07-2019 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copies of annexures should also be attached with spare copies.

No. 1231 /S.T,

Dt. 19-7- /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nazir Ahmed,
Adv, Peshawar.

Sw
As far as the Respondents are concerned, all are of the same department & a single copy may serve the purpose. Therefore, it is an extra copy in the sending them on surplus if needed, the request may be provided.
Re-submitted

agv
22/7/19

Annexure attached. objection removed.
Re-submitted

agv
22/7/19

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 944 /2019


Mr. Shaheed Ullah S/O Rizwan Ullah versus Govt: of KPK
through Director General Mines and Minerals and others.

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Appellant

Through


Nazir Ahmad Advocate
Advocate, Peshawar
High Court Peshawar.
Cell: 0301-8571879
0332-8540783.

①

Before the KPK Service Tribunal Peshawar .

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1011

Dated 18-7-19

Muhammad Ullah S/ O Rizwan Ullah R/O Serdheri Kandi
Dokhel Tehsil & District Charsadda Mineral Guard BPS -3
H/Q office Peshawar.Appellant

Versus

1. Government of KP through Director General Mines & Minerals KPk Peshawar.
2. Mineral Development Officer Nowshera.
3. Assistant Director Mineral Development/ technical Nowshera.
4. Mohsin Ali Khan Assistant Director / Inquiry Officer, H/Q Office Peshawar.
5. Hayat _ Ur- Rehman Deputy Director Minerals/ Enquiry officer, H/Q Office Peshawar.....Respondents

Filed to-day

Registrar

18/7/19

Service Appeal under Section 4 of the KPK Service Tribunal Act, against the impugned order No- 5158-67 DGMM/Amin/3/451 dated 21.03.2019. Whereby the major penalty (Compulsory Retirement from service with pension benefit) is imposed on the Appellant under Rule 4(1) (b) (II) of KPK Efficiency & Discipline Rules, 2011 and no reply of the Departmental Appeal filed by the Appellant is given so far.

Prayer:

That this Honourable Tribunal may graciously, on acceptance of this Service Appeal, set aside the impugned order **No- 5158-67 DGMM/Amin/3/451 dated 21.03.2019** by declaring it too harsh, against the Efficiency & Discipline Rules, tainted malafide and without lawful Authority , not recommended by the enquiry officer and re- instate the Appellant with all consequential benefits.

Respectfully Sheweth: The need for the instant Appeal arises due to the following facts:

Facts:

1. That the Appellant is a highly qualified person and joined the Department on 31.12.2008 as Mineral Guard BPS-1 and

worked under the kind control of the Respondent with full dedication, punctuality and honesty and with full satisfaction of the competent Authority with no any adverse remarks against him in the past(**Copy of appointment is attached as Annexure A**).

- 2. That the Appellant was posted and transferred from one place to another and as per direction of the competent Authority served at different places with the sole object of implementing rules, regulations and policy of the KPK Government and without any hesitation curbed the illegal mining, exploration, transportation of mines and many time was even threatened of dire consequences but the appellant did his duty as per his conscious and in accordance with the direction of the authorities...(**All The posting/transfer orders of the Appellant till compulsory retirement are attached as Annexure B**).
- 3. That the Appellant has a sufficient knowledge of computer, and his skill and service was utilized as computer operator for some time which testifies the caliber of the Appellant and his interest in office work rather to work for any illegal gains in the field and never demand to be posted in field. **(Copy of order dated 2.10.2014 is attached as annexure C)**.
- 4. That where ever the Appellant is posted, he irrespective of any reward and without any fear and favour took legal action against the defaulters as per rules and sent murasalas against them to the police concerned with reporting the matter to the concerned Assistant Director Mineral development head quarter office Peshawar. **(Copy of the detail of such murasalas is attached as Annexure D and shall be considered part and parcel of this Appeal)**.
- 5. That on 13th August 2018 the Appellant with 5 others through order No 14614-20/DGMM/MM/PR/misc/Office order were posted in District Peshawar to curb unauthorized mining/ transportation of major & minor minerals and was assigned the duty on 1473,73 acres area near village Badhber/ Janni Khawar, District Peshawar, Block 2 and surrounding areas and in continuation of this order the appellant was ordered to perform duty at Jalla Bella Peshawar(Special Task) and lodged FIR against the offenders of illegal mining and transportation and even on

28.11.2018 through another order was assigned duty to curb such activities in the 837.67 acres near village Naguman/ Bhattani, District Peshawar (Block6) and surrounding areas. Needless to mention that the Appellant with other 30 Royal sub- Inspector and Minerals Guard was transferred from Head quarter Office Peshawar to HQ office Mardan where he was assigned duties at different places to check all major and minor minerals bearing areas mentioned in the order..... (**Copies of such are attached as Annexure E and be considered part of this appeal**).

6. That through office order No- 19785/DGMM/Amin dated 22.11.2018 the appellant was informed that a lease holder **Mr. Qadir Shah S/O Haji Arab Shah Jehan of Jani Khawar Badhber Tehsil & District Peshawar** has filed a complaint against me and the Competent Authority has appointed Mohsin Ali Khan Assistant Director (**Respondent No- 4**) as an enquiry officer who asked the Appellant to appear before him on 22.11.2018 at 11.00 A.M for recording statement with no charge sheet and statement of allegation and also asked the complainant a lease holder to appear before him on the same date at 10.00.A.M(. One hour before) me with no chance given to me to confront him any question and judge the veracity of his complaint. Appellant submitted a statement on affidavit..(**Copy is attached as Annexure F**).
7. That a letter No 20723 DGMM/ Admin, dated 05.12.2018 as sent to the appellant by the **Respondent no 5** and it was revealed that he is appointed an enquiry Officer and asked him to appear for personal hearing on 10.12.2018 and recording written defense statement which the appellant did accordingly whereas the **Respondent No-1 issued** disciplinary action on 3.12.2018..... (**Documents are attached as Annexure G**).
8. That the enquiry officer submitted an enquiry report to the Respondent No1 on 20.12.2018 without providing any copy of such enquiry or of finding of fact report to the appellant and recommended the major penalty under Rule 4(b)(iii) of KPK Efficiency and discipline Rules 2011 .(**Copy is attached as annexure H**) .

9. *That on 27.2.2019 the Respondent issued a show cause notice which the Appellant replied accordingly in the light of law and fact. (Copy is attached as annexure I).*

10. *That the Respondent awarded the major penalty of compulsory retirement to the appellant through impugned order No- 5158-67 DGMM/Amin/3/451 dated 21.03.2019. (Impugned order is attached as annexure J).*

11. *That the Appellant filed a department appeal as per rule within time but is not respondent at all till today (Copy is attached as Annexure K)*

Being aggrieved hence this Appeal is preferred on the following grounds:

Grounds

- A. That the enquiry officer and the competent Authority without personal hearing, cross examining the complainant and even not providing a copy of the complaint of the complainant to the appellant with no final show cause notice imposed a major Penalty of compulsory retirement on the Appellant through impugned order dated 21.3 2019 which is illegal, against the rules, is unjust and is against the Principle of fair trial.
- B. That the impugned order is a blatant violation of Efficiency and Discipline Rules and the punishment so imposed is too harsh and is not proportionate to the crime even if proved properly consequent thereof is without jurisdiction.
- C. That the Guards like the appellant deals with the defaulters and in many serious cases the competent authority has taken the lenient view with his own employee which is on record but for unknown reasons the competent authority want to get rid of the appellant considering the complaint of Qadir shah a conclusive evidence against him with no analysis of the video.
- D. That such kind of action against the honest Guards may discourage them which may result in a chain of

irregularities as well as bad governance in the department.

E. That the Appellant is hesitant to involve the department in litigation and wish to solve the matter within the department as litigation in his opinion is bringing bad name to the department, hence preferred a departmental Appeal.

F. That he appellant is too young and this kind of punishment is stigma on his personality which is due to unknown reasons and just on the complainant of a person against whom the appellant has filed an FIR.

D. That the appellant is ready for oath that I has never demanded any illegal gratification during his service from any one and what the complainant Qadir shah has reported is false, fabricated and is manifestation of with the connivance of unseen hands as the Appellant have registered a lot of reports against the defaulters which is on record. The complainant was bound to prove the guilt of the Appellant not the appellant to prove his innocence which is against the basic principle of criminal law.

It is therefore humbly prayed that on acceptance of this Appeal the relief may be granted as prayed above.

Appellant

Through

NAZIR AHMAD
Advocate
M.A. LL.B. LL.M.

Nazir. Ahmad. Advocate.
Peshawar. High Court.
Peshawar

Certificate and affidavit

Certified that the appellant has not filed any such appeal before this one in respect of the same subject matter and affirm on oath that the contents of this Appeal are correct.

Identify by:

NAZIR AHMAD
Advocate
M.A. LL.B. LL.M.

Appellant.

Government of North-West Frontier Province
DIRECTORATE-GENERAL, MINES & MINERALS

Attached Department Complex, Khyber Road, Peshawar Cantt
FAX: # 091-9210236

6
Amended
A

NO. DGMM/ADMN/3/451/ 7890

Dated 18/06/2009

OFFICE ORDER.

On the recommendations of the Departmental Selection Committee and in pursuance of Peshawar High Court Peshawar order dated 9-4-2009, Mr. Shaheedullah S/o. Rizwanullah, Village Sardheri Kandi, Barookhel, Tehsil and District Charsadda, is hereby appointed as Mineral Guard (BPS-1) (2970-90-5670) plus usual allowances with effect from 30-12-2008 (Fore-noon) on the terms & conditions already conveyed to him vide this Directorate letter No. 15794-A/DGMM/ADMN/1-17 dated 26-12-2008.

He is posted in the office of Assistant Director Mineral Development Bunair.

Sd/-
DIRECTOR-GENERAL
MINES & MINERALS, NWFP.

AC 1576/2009

Endst. NO. DGMM/ADMN/3/451/ 7891-96

Dated 18/06/2009

A copy is forwarded to:-

1. PA to Director General Mines and Minerals NWFP.
2. The District Accounts Officer, Bunair
3. The Assistant Director Mineral Development Bunair.
4. The Budget and Accounts Officer, H.Q. Office Peshawar.
5. Mr. Shaheedullah, Mineral Guard, office of Assistant Director Mineral Development Bunair
6. File No. 1/33-Admn

Recd
Dated

Handwritten signature

Administrative Office
For Director General
15/6/2009



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 11/33/DGMM/Admn Dated 10/05/2013

7
Amaze
B

OFFICE ORDER

The Competent Authority has been pleased to make the following posting/transfer against the vacant posts of the Class-IV employees of this Directorate with immediate effect in the public interest:

S/#	Name of official	From	To
1	Muhammad Bashir, Naib Qasid	H/Q Office Peshawar	Mines Rescue Safety and Training Centre, Jalozai Dist: Nowshera
2	Shaheedullah/ Mineral Guard	O/o the Assistant Director (Technical), Bunair	H/Q Office Peshawar

Sd/-
Director General Mines & Minerals
Khyber Pakhtunkhwa

Endst: No. 7963-69- 11/33/DGMM/Admn Dated 6 /05/2013

A copy of the above is forwarded to:

- 1- The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 2- The District Accounts Officer, Nowshera and Bunair
- 3- The Rescue Superintendent, Mines Rescue Safety and Training Centre, Jalozai District Nowshera
- 4- The Assistant Director (Technical), Bunair.
- 5- The Assistant Director (Accounts), H/Q Office Peshawar.
- 6- Officials concerned for compliance. (Mr. Shaheedullah M/Guard)
- 7- Personal files of the officials concerned.

(MUHAMMAD ARSHAD)
Administrative Officer
For/ Director General.

Arshad



26

8

Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. _____ /3/451/DGMM/Admn:
Dated _____ / 07 / 2013

OFFICE ORDER

On submission of arrival report for duty in the Headquarter's Office, Peshawar on 12/7/2013, Mr. Shaheedullah, Mineral Guard, is hereby posted in the Litigation Cell, Headquarter's office Peshawar.

Sd/-
Director General Mines and Minerals
Khyber Pakhtunkhwa

15322-26.
Endst: No. _____ /3/451/DGMM/Admn:

Dated 31 /07/2013

A copy is forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Assistant Director (Accounts), H/O Office Peshawar.
3. The Assistant Director (Litigation), H/O Office Peshawar.
4. Official-concerned. *Mr. Shaheedullah Mineral Guard*
5. File No. 1/33/DGMM/Admn.

T. Yousaf
(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For/Director General

*Attended
ajja*



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

9

7

No. _____ /1/33/DGMM/Admn.
Dated _____ /2013

OFFICE ORDER

In order to control illegal mining operation/transportation of Laterite / Fireclay in the leased area in village Mamakhel District Nowshera, M/s. Shahidullah & Naqibullah Mineral Guards, H/Q Office Peshawar are hereby directed to perform duties on the said mining site and take legal action against the defaulters and report the matter to concerned Assistant Director Mineral Development, H/Q Office Peshawar.

Mr. Hazrat Said, Mineral Guard will also perform duties on the mining site mentioned above for the said purpose in addition to his own duties.

Sd/
Director General Mines & Minerals
Khyber Pakhtunkhwa

Endsl. No. 179-25 /1/33/DGMM/Admn.

Dated 27/1/2013

A copy of the above is forwarded to:

1. PS to Special Assistant to Chief Minister (for Mineral Dev.) Khyber Pakhtunkhwa
2. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa.
3. The Director Licensing, H/Q Office Peshawar.
4. The Assistant Director (Minerals), H/Q Office Peshawar.
5. The Mineral Development Officer, Mardan/Nowshera.
6. Officials concerned for compliance. (Mr. Shahidullah M. Eusuf)
7. Personal files of the official concerned.

*Attended
Muz*

[Signature]
Assistant Director (Administration)
For/ Director General



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

10

No. 9821 / DGMM/3/451/Admn:

Dated. 24 /7/2014

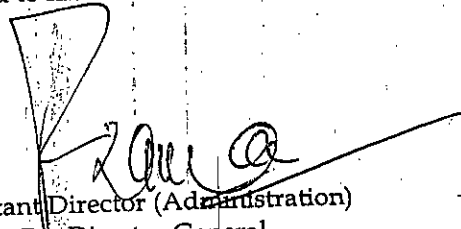
To:

Mr. Shaheedullah
Mineral Guard, o/o Mineral Dev: Officer,
Nowshera

Subject:

REQUEST FOR CANCELLATION OF TRANSFER ORDER.

It is to inform you that the Competent Authority (Director General, Mines and Minerals) has considered your subject application and decided to file.


Assistant Director (Administration)
For Director General

Attended



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

(11)

No. _____/DGMM/1/33/Admn:

Dated _____/2014

OFFICE ORDER

The following Mineral Guards of this Directorate are hereby deputed to perform temporary duties as per detailed given below with immediate effect in the public interest:

S#	Name of official	From	To
1	Mr. Shaheed Ullah, Mineral Guard	H/Q Office, Peshawar	Office of the Mineral Dev. Officer, Nowshera
2	Mr. Ishaq ur Rehman, Mineral Guard	H/Q Office, Peshawar (on temporary duty at Kohat)	-do-
3	Mr. Said Wali Shah, Mineral Guard	H/Q Office, Peshawar	Office of the Assistant Director Mineral, Mansehra
4	Mr. Naveed Khan, Mineral Guard	-do-	-do-

Sd/-
Director General Mines & Minerals
Khyber Pakhtunkhwa

Encls: No. 7586-92 /DGMM/1/33/Admn:

Dated 06/06/2014

A copy of the above is forwarded to:

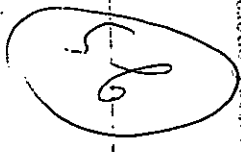
1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa.
2. The Director Licensing -I&II/ H/Q Office, Peshawar.
3. The Assistant Director Mineral Development, Kohat.
4. The Assistant Director Mineral, Mansehra.
5. The Mineral Development Officer, Nowshera.
6. Officials concerned for compliance.
7. Personal files of the official concerned.

Assistant Director (Administration)
For/ Director General

12

OFFICE OF THE
MINERAL DEVELOPMENT OFFICER
NOWSHERA

No. 355/MDC/MSR/Office Order.
Dated: 01/07/2014.



To
Director General
Mines and Minerals
Khyber Pakhtunkhwa
Peshawar.

SUBJECT: OFFICIAL DUTY FOR CHECKING AND CONTROLLING ILLEGAL MINING.

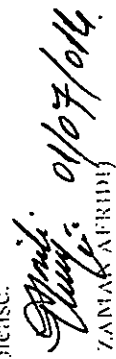
In order to check and control illegal mining at various areas of District Nowshera the available staff of this office is hereby deputed to perform their official duties as per the given detail

S.No.	Name of Official	Place of Duty
1	Mr. Hazrat Saïd Mr. Mohammad Quraish (Mineral Guard)	Mine at Check Post Jehangira. Mineral bearing areas of Khairabad, Jammu, Darvazgai, Nizampur, Mian Essa, Nandigak, Meshak, Mughalki, Pir Sabaq, Shedu Ziarat, Kaka Salub and all those areas that fall in the jurisdiction of P/S Nizampur and Akora Khattak.
2	Mr. Ishaq ur Rehman Mr. Shahid Ullah (Mineral Guards)	Suspended leased area of H. Yaqob Khan (Late), located in Mama Khel. For ensuring complete stoppage of illegal mining/transportation of Lapis etc. Lodge FIR against the persons involved in illegal mining and make sure that no mining machinery is present in the leased area.
3	Mr. Fajrullah Shah (Sub-Inspector)	Mineral bearing areas of Cherat, Jalozai, Rahim Khel Bhatti, Dagai Khwar, Zabo Banda, Gangway Khwar, Pir Pai, Mosa Talao, Babu Khwar, Kandar hills, Kabal river, Wattar, Gul Dhera, Manki, Sadu Khel and all those areas that fall in the jurisdiction of P/S Pabbi, Aza Khel, Nowshera Kalan and Risalpur.
	Mr. Mohammad Abid (Mineral Guard)	He is also advised to help Mohammad Abid in court cases, in time of need. Court cases and official work till the deputation of Mineral Staff as not a single clerk is available at this time.



The field staff is directed to take strict legal action against the culprits involved in illegal/un-authorized mining/transportation of minerals under Rule 173 and 214 of the Mining Concession Rules 2005 under intimation to the undersigned. In case of misconduct or slackness in performance of official duty, the concerned official shall be held responsible for all consequences.

Since, the undersigned is facing severe shortage of field and office staff as well as conveyance facility; therefore, the same may urgently be rectified please.


(Engr. FALAK ZAMAN AFRIDI)
Mineral Development Officer



GOVERNMENT OF
KHYBER PAKHTUNKHWA
OFFICE OF THE ASSISTANT DIRECTOR MINERAL
DEVELOPMENT NOWSHERA

No. 01 /MDW/AD/Office Order/2015

Dated 01 /07/2015

To

The Director General,
Mines and Minerals Khyber Pakhtunkhwa,
Peshawar.

Subject:- OFFICE ORDER.

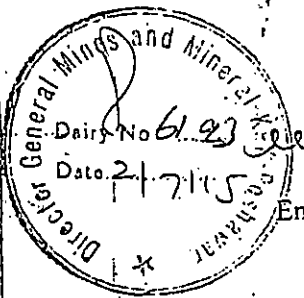
Reference Directorate office order letter No. 7384-95/DMW/PR/Misc./MC-II/2015 dated 29-06-2015 on the subject noted above.

In this connection, it is stated that Mr. Shaheed Ullah Mineral Guard is working in the office of the Assistant Director Mineral Development Nowshera as Computer Operator, as there is no computer operator and all typing work of official documents has been done by Mr. Shaheed Ullah. Due to transfer of Mr. Shaheed Ullah the official work will be badly suffered.

Now Mr. Shaheed Ullah has been assigned field duty of Kohat/Ring road Peshawar on 29-06-2015. Due to above reason, we given substitute of Mr. Shaheed Ullah to Directorate for field duty for the subject task.

1. Mr. Tayyab Ali Shah Mineral Guard.
2. Mr. Raz Muhammad Mineral Guard.

In view of the above position, it is humbly requested to withdraw the field duty of Mr. Shaheed Ullah and assigned to any one of them above mentioned Mineral Guards.



[Signature]
01/7/2015
ASSISTANT DIRECTOR MINERAL
DEVELOPMENT NOWSHERA

Endst: No. 02 /MDW/AD/Office Order/2015

Dated 01 /07/2015

Copy to:-

- 1:- The Assistant Director Administration Mineral Department Peshawar for information and necessary action please.

[Signature]
01/7/2015
ASSISTANT DIRECTOR MINERAL
DEVELOPMENT NOWSHERA

D.G cell DL-II
Dairy No. 417
Dated 03-07-15

[Signature]
14/11/15

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10/08/15

[Signature]
10/08/15

[Signature]
10/08/15



DIRECTORATE GENERAL MINES & MINERAL

KHYBER PAKHTUNKHWA, PESHAWAR.

ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD, PESHAWAR.

Ph: 091-9210236, 9211153 Fax: 091-9210236

14

No. 7384-95 /MDW/PR/Misc/MC-II/2015

Dated 29 /06/2015

OFFICER ORDER.

The Competent Authority is pleased to assign the following duties to the following official with immediate effect till further order.

TEAM NO.1

S.No.	Name of official	Place/ perform of duties
1	Mr. Mansoor Ahmad, Royalty Inspector	Supervision and monitoring the below official teams on daily basis and submitted progress to this office. Further also take proper action against un-authorized mining/ transportation of mineral if any in the District.
2	Mr. Naeem Afridi, Royalty Sub-Inspector	
3	Mr. Naveed Khan, Mineral Guard	

TEAM NO.2

S.No.	Name of official	Place/ perform of duties
1	Mr. Sardar Hussain, Mineral	Perform the duties at Kohat/ Ring Road and its surrounding areas.
2	Mr. Noor Wali Shah, Mineral Guard	
3 ✓	Mr. Shaheed Ullah, Mineral Guard	

TEAM NO.3

S.No.	Name of official	Place/ perform of duties
1	Mr. Waqas, Mineral Guard	Perform the duties at Charsadda Road and its surrounding areas.
2	Mr. Muhammad Sajid Ali, Mineral Guard	
3	Mr. Aurang Zeb, Mineral Guard	

TEAM NO.4

S.No.	Name of official	Place/ perform of duties
1	Mr. Muhammad Yousaf, Mineral Guard	Perform the duties at GT Road/ Motorway and its surrounding areas.
2	Mr. Karamat Shah, Mineral Guard	
3	Mr. Shahid Ali, Mineral Guard	

All the above official will perform the duties regularly regarding control of un-authorized mining/ transportation of Major/ Minor Minerals in their respective jurisdiction and lodge FIR/Marsallas against the culprits involved in un-authorized mining/transportation of minerals and report to this office on weekly basis. In case any un-authorized mining/ transportation of minerals found the concerned official (s) will face their consequences and action will be taken against the under efficiency and disciplinary rules.

Assistant Director (Tech:)

For Director General

Dated 29 /06/2015

Endst: No. 7384-95 / MDW/PR/Misc/MC-II/2015

Copy to:-

1. Director General Mines & Mineral, KPK Peshawar for information please.
2. Director Licensing-II for information please.
3. Assistant Director (Admin:) H/Q office, Peshawar for information.

ASSH:

[Signature]
03/7/2015

Assistant Director (Tech:)



Directorate General of Mines & Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

15

No. MDW/PR/Misc/MC-II/2017/_____

Dated. _____/01/2017

To:

1. Mr. Farmanullah, Royalty Inspector HQ Office Peshawar
2. Mr. Kiramat Shah, Mineral Guard HQ Office Peshawar
3. Muhammad Yousaf, Mineral Guard HQ Office Peshawar

Subject:- PROPOSAL OF ESTABLISHMENT OF NEW MINERAL CHECK POSTS

Reference letter No. DGMM/Admin/1/35/1 3985-14000 dated 27.12.2016 on the subject noted above (copy enclosed).

I am directed to refer to the subject noted above and advise you to search out a suitable place for establishment of new Mineral Check Posts on main Kohat Road for checking of mineral transportation within a week time. You are further advised to perform your duty regularly regarding unauthorized mining/transportation of major/minor minerals in your respective jurisdiction and lodge FIR/Marasillas against the culprits involved in unauthorized mining/transportation of minerals and report to the undersigned on weekly basis every Monday positively. In case any unauthorized mining/transportation of minerals is found, you will be personally held responsible and action will be taken against you under E&D Rules:

ENCL: As above

[Signature]
Assistant Director (Technical-I)
For/ Director General

12/1/2017

Endst. No. MDW/PR/Misc/MC-II/2017/ 396-04

Dated. 12/01/2017

Copy forwarded to:-

1. PA to Director General Mines and Minerals Khyber Pakhtunkhwa
2. The Director Licensing -II, H/Q Office Peshawar
3. The Assistant Director (Admin), H/Q Office Peshawar with reference to his letter referred to above.
4. M/s Noor Wali, Muhammad Sajid Ali, Mineral Guard with the direction to perform the duty at Charsadda Road for similar action.
- ✓ 5. M/s Anwar Ali, Aurang Zeb, Shaheedullah, Shahid Ali, Mineral Guard with the direction to perform the duty at Headquarter Office for any emergency duties assigned to them when required.

[Signature]
Assistant Director (Technical-I)
For/ Director General

12/1/2017

163

Answer
C

66



DIRECTORATE GENERAL MINES AND MINERALS
KHYBER PAKHTUNKHWA
ATTACHED DEPARTMENTS COMPLEX, KHYBER ROAD, PESHAWAR

Nd. 13101/DGMM/1/GO/Admin: Dated 21/10/2014

To: The Assistant Director (Mineral)
Nowshera.

Subject: DETAILMENT OF COMPUTER OPERATOR AT THE OFFICE OF
ASSISTANT DIRECTOR MINERAL DEVELOPMENT, NOWSHERA.

I am directed to refer to your letter No. 520/MDW/NSR/Office Order 2014 dated 23.9.2014 and to state that Mr. Shaheed Ullah, Mineral Guard of your office has sufficient knowledge of computer typing, therefore, you are advised to utilize the services/skill of the official in the best interest of public.

[Signature]
Assistant Director (Administration)
For/ Director General

Please call the official for computer operating

JMC
23/10/2014

ACSH

[Signature]

[Handwritten note]

In order to stream line the office routine work. The office duties of this office are hereby distributed among the following officials mentioned against each name as per detail given below till further order.

S. No	Name of Officer / Officials	Designation	Duty / Activities
1	Mr. Majid Ali Khan	Mineral Development Officer	To deal with court cases, supervise field staff for controlling of illegal mining. concession work of Major Mineral & Minor Minerals related matters will be process through Mineral Development Officer etc.
2	Mr. Muhammad Qasim	Assistant	To deal with the concession work of Major Minerals & Minor Minerals; and all related matters etc.
3	Irfan	J / Clerk	To deal with account matters, diary and dispatch work and assist MDO and Assistant in official work etc.
4	Shaheed Ullah	Mineral Guard	To compose official letters and keep record etc.
5	Inayat Ali Shah	N / Qasid	Post and distribute official letter and related matters etc.
6	Fayaz ullah	N/ Qasid	Assist office staffs in the official work etc.
7	Bilal	Chainman	Assist MDO, Assistant in official work etc.
8	Rohul Amin	Chowkidar	Keep watch of office day and night.

Attested

ASSISTANT DIRECTOR (TECH)
MINERAL DEVELOPMENT
NOWSHERA

Endst.No. 812-19 / MDWNSR/Office Order 2015

Dated 29-4-2015.

A copy to:-

1. PA to Director General Mines and Minerals Khyber Pakhtunkhwa, for information please.
2. Mr. Majid Ali Khan Mineral Development Officer.
3. Muhammad Qasim Assistant.
4. Irfan J/Clerk.
5. Shaheed Ullah Mineral Guard
6. Inayat Ali Shah N / Qasid.
7. Fayaz ullah N / Qasid.
8. Bilal Chainman.
9. Rohul Amin Chowkidar.

Attested

29/4/2015

ASSISTANT DIRECTOR (TECH)
MINERAL DEVELOPMENT
NOWSHERA

Amexuril

(D)

(محکمہ غیر ملکی خزانہ)

پرنسپل آف ایس ایس ڈی ایف آئی

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قواعد نسبی منجلیہ

گذشتہ سال کے مالی سال کے دوران میں

کامیابی کے ساتھ منجلیہ کے قواعد کے مطابق

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تاریخ

28/01/19	15	9	21	وقت	9:00	8
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5-2062-42062	9	78	21	وقت	9:45	29
1731214	9	78	21	وقت	9:45	29
2005	9	78	21	وقت	9:45	29

ابتدائی اطلاع یہ درج ذیل ہے کہ -

مشہد اللہ کے مندرجہ ذیل صاحب مکان نے ایک شخص کو 28/01/19 کو اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

5HO صاحب مکان نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

آدرز نمبر 95-384-7 کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

سرہ خانہ نمبر 95-384-7 کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

حد درمیان میں ایک شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

اور ڈراما نمبر 95-384-7 کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

جوڑے کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

مسی سراج کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

دس ٹریکٹر مشاغلوں کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

مشاغلوں کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

صعدی خان کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

میں پر صعدی خان کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

جو کہ جانے کے موقع پر موجود تھا، مذکورہ بالا درج ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

کے مابقی کے خلاف مقدمہ درج کیا جائے اور دفعہ میں ملکی تحقیقاتی عدالتی عدالت کے

کی بھی بندگی جائے۔ مقدمہ درج کیا جائے اور دفعہ میں ملکی تحقیقاتی عدالتی عدالت کے

اس عمل سے متعلق ایک ایف آئی آر (FIR) سے بھی تیار کیا جائے اور دفعہ میں ملکی تحقیقاتی عدالتی عدالت کے

مشہد اللہ کے مندرجہ ذیل صاحب مکان نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

آدرز نمبر 95-384-7 کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

سرہ خانہ نمبر 95-384-7 کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

حد درمیان میں ایک شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

اور ڈراما نمبر 95-384-7 کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

جوڑے کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

مسی سراج کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

دس ٹریکٹر مشاغلوں کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

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صعدی خان کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

میں پر صعدی خان کے مندرجہ ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

جو کہ جانے کے موقع پر موجود تھا، مذکورہ بالا درج ذیل شخص نے اپنے مکان پر لے کر آ کر اسے اپنے مکان پر لے گیا۔

کے مابقی کے خلاف مقدمہ درج کیا جائے اور دفعہ میں ملکی تحقیقاتی عدالتی عدالت کے

کی بھی بندگی جائے۔ مقدمہ درج کیا جائے اور دفعہ میں ملکی تحقیقاتی عدالتی عدالت کے

اس عمل سے متعلق ایک ایف آئی آر (FIR) سے بھی تیار کیا جائے اور دفعہ میں ملکی تحقیقاتی عدالتی عدالت کے

صعدی خان

21/01/19

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اللہ ہی کیلئے ہیں مشرق و مغرب القرآن

DAILY MASHRIQ PESHAWAR

روزنامہ سیدناج میر شاہ پشاور

مشرق

سلسل اشاعت کے 49 سال

پشاور اسلام آباد سبیک وقت شائع ہونے والا کثیر الاشاعت قومی اخبار

ABC CERTIFIED

جلد 49 نمبر 8 ذوالحجہ 1436ھ 23 ستمبر 2015ء 17 سوچ قیمت 12 روپے

عمر کا رسمی زمین سے منگوری

جائے پر پانچ افراد گرفتار

پشاور (خلاف رپورٹ) قادیانی پولیس نے غیر قانونی پشاور
 طور پر سرکاری زمین سے بھری لے جانے پر 5 افراد کو
 گرفتار کر لیا، گزشتہ روز محکمہ سدیات کے پول گولڈ - قادیانی
 شہیدانہ نے قادیانی پولیس کو اطلاع دی کہ پشاور کا وہ
 شاہ ولد عرب شاہ کنڈی، مہراج کنڈی پانچ سو اور پندرہ
 زان دیکھو صاحبوں کے ہمراہ غیر قانونی طریقے سے
 سرحد خود جانے غرض میں واقع سرکاری زمین سے بھری
 اور ریت لے جا رہے ہیں پولیس نے اطلاع ملنے پر
 کارروائی کرتے ہوئے پانچوں ملزمان کو گرفتار کر لیا جن
 کے خلاف مقدمات درج کر لئے گئے ہیں۔

قبائلی مشران کا اصلاحات پر

Handwritten signature



**GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL MINES & MINERALS
PESHAWAR**

Registered

21
Annexure
E

No. DGMM/MM/PR/Misc./Office Order

Dated 13/08/2018

OFFICE ORDER

In order to curb Un-authorized Mining/ transportation of Major & Minor minerals in District Peshawar, the following duties are assigned to the officials as per detail below till further order.

S.No.	Jurisdiction of duty	Name of official (Mineral Guard)
1	817.975 acres near Masho Khwar & Loe Khwar (Dadber) District Peshawar (Block-1) and surrounding areas	Mr. Alamgir Royalty Sub Inspector
2	1473.73 acres near village Dadber/Jamal Khwar District Peshawar Block-2 and surrounding areas	Mr. Jamat ul Haq Royalty Sub Inspector
3	1244.72 acres near village Garhi Atlas/Multan Garhi (Bawal) District Peshawar (Block-3) and surrounding areas	Mr. Shabbir Ullah Mineral Guard
4	Major Minerals Aza Khel District Peshawar and surrounding areas	Mr. Waqas Mineral Guard
5	325.45 acres near village Tela-Band Dadber) District Peshawar (Block-4) and surrounding areas	Mr. Yousaf Mineral Guard Mr. Noor Wali Mineral Guard
6	195.34 acres near village Shahab khel Block-9; Ahmad Khel and surrounding areas	
7	462.51 acres near village Ghari Faizullah/Ghari Sadullah Bhattai District Peshawar (Block-5) and surrounding areas	
8	157.38 acres near village Umrar Bala District Peshawar (Block-7) and surrounding areas	
9	202.23 acres Near village Achini Payan District Peshawar Block-8 and surrounding areas	
10	406.00 acres near village Umrar Payan District Peshawar Block-14	
11	105.25 acres near village Umrar Payan Mera District Peshawar Block-15 and surrounding areas	Mr. Shadmān Royalty Sub Inspector
12	139.67 acres near Gudar Khwar District Peshawar (Block-10) and surrounding areas	Mr. Naveed Mineral Guard
13	201.72 acres near village Regi Lal District Peshawar Block-13 and surrounding areas	Mr. Kiramat Shah Mineral Guard Mr. Aurangzeb Mineral Guard Mr. Sajjad Ali Mineral Guard Mr. Anwar Ali Mineral Guard
14	19.00 acres near village Jogni District Peshawar and surrounding areas	Mr. Shahid Ali
15	837.67 acres near village Naguman/Bhattian District Peshawar (Block-6) and surrounding areas	
16	112.89 acres near village Garhi Baghbanan District Peshawar (Block-11) and surrounding areas	
17	51.89 acres near village Sabai Dalazak road District Peshawar (Block-12) and surrounding areas	

All the officials are directed to submit Marasalas to the concerned Police stations for registration of F.I.R against the person involved in Un-authorized Mining/ transportation as per Mineral Governance Act 2017. They are also directed to submit weekly progress to the undersigned in writing. The official may be called for duty anywhere in District Peshawar as and when needed.

Assistant Director (Technical)
For Director General

Endst: No. 14614-20 DGMM/MM/PR/Misc./Office Order

Dated 13/08/2018

Copy forwarded to:

- 1- The Director General Mines & Minerals Khyber Pakhtunkhwa for information please.
- 2- The Deputy Commissioner Peshawar for information please.
- 3- The Capital City Police Officer Peshawar with the request to direct all SHO's of District Peshawar to co-operate the field staff of this office, please.
- 4- Royalty Inspector H/Q office Peshawar for supervision & necessary action.
- 5- All SHOs of District Peshawar, for co-operation, please.
- 6- All official concerned.

M. Z. W. S.
Assistant Director (Technical)
For Director General

*Attested
M. Z. W. S.*

Actual pay receipt

Received a sum of
Rs 500/- from Sh. Shahbazullah
on Date 10/11/2018 at
Jalberla Distt Pk.

Sarifullah

Driver
Vehicle No.
PR-



23

Registered
DIRECTORATE GENERAL MINES & MINERAL
KHYBER PAKHTUNKHWA, PESHAWAR.
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD, PESHAWAR.
Ph: 091-9211136/9211154 Fax:091-9210236

No. 16990/DGMM/MM/PR/Misc./Office Order

Dated 17-09-2018

OFFICE ORDER

In continuation of Office Order No. 14641-20 dated 13-+08-2018. The entries in respect

of ~~Mr. Shaheed Ullah Mineral Guard, H/O, office Peshawar~~ may be read as to perform duty at Jalla Bella Peshawar (Special task) and lodge F.I.R's against the offenders of illegal mining/transportation and report accordingly.

Assistant Director (Tech)
For Director General

Copy to

- 1- P.A to Director General Mines and Minerals Khyber Pakhtunkhwa Peshawar.
- 2- Official concern for immediate compliance.
- 3- S.H.O Daud zai District Peshawar.

Assistant Director (Tech)
For Director General



DIRECTORATE GENERAL MINES & MINERAL

KHYBER PAKHTUNKHWA, PESHAWAR.
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD, PESHAWAR.
Ph: 091-9211136/9211154 Fax: 091-9210236

24

No: 20162-66 /DGMM/MM/PR/Misc./Office Order

Dated: 28/11 /2018

OFFICE ORDER

In order to curb Un-authorized Mining/Transportation of Major & Minor Minerals in District Peshawar, the following duties are assigned to the officials as per detail below till further order.

Name of officials	Jurisdiction of Duties	
Mr. Janat Ul Haq Royalty Sub-Inspector.	1	817.975 acres near Masho Khawar & Loe Khawar (Badbber District Peshawar (Block-1) and surrounding areas.
Mr. Waqas Mineral Guard.	2	1473.73 acres near village Badhber/ Janay Khwar Distric Peshawar (Block -2) and surrounding areas.
Mr. Shahid Ali Mineral Guard.	3	1244.72 acres near Village Garhi Atlas/ Multan Garh (Sorizai) District Peshawar (Block-3) and surrounding areas.
Mr. Kiramat Ullah Mineral Guard.	4	Major Minerals Aza Khel District Peshawar and surrounding areas.
Mr. Yousaf Mineral Guard.	5	325.45 acres near village Tela Band (Badbber) Distric Peshawar (Block-4) and surrounding areas.
Mr Sajjad Ali Mineral Guard.	6	195.34 acres near village Shahab Khel (Block-9), Ahma Khel and surrounding areas.
	7	462.51 acres near village Ghari Faizullah/Garhi Sadulla Bhatai District Peshawar (Block-5) and surrounding areas.
	8	157.38 acres near Village Urmar Bala District Peshawar (Block-7) in surrounding areas.
	9	202.23 acres near village Achini Payan District Peshawar (Block-8) and surrounding areas.
Mr. Shadman Royalty Sub-Inspector.	10	406.00 acres near village Urmar Payan District Peshawa (Block -14).
Mr. Naveed Khan Minerals Guard.	11	105.25 acres near Village Urmar Payan Mera Distric Peshawar (Block-15) and surrounding areas.
Mr. Noor Wali Mineral Guard.	12	139.67 acres near Gudar Khwar District Peshawar (Block -10) and surrounding areas
Mr. Aurangzeb Mineral Guard.	13	201.72 acres near Village Regi Lalma District Peshawa (Block-13) and surrounding areas.
Mr. Anwar Ali Mineral Guard.	14	19.00 acres near village Jogni District Peshawar ar surrounding areas.
Mr. Shaheedullah Mineral Guard.	15	837.67 acres near Village Naguman/Bhattian Distri Peshawar (Block-6) and surrounding areas.
	16	112.89 acres near village Garhi Baghbanan District Peshaw (Block -11) and surrounding areas.
	17	51.89 acres near Village Sabai Dalazak Road Distri Peshawar (Block-12) and surrounding areas.

All the officials are directed to submit Marasalas to the concerned Police Stations for registrat of F.I.R against the person involved in Un-authorized Mining/Transportation as per Mineral Govern Act, 2017. They are also directed to submit weekly progress to the undersigned in written. The officials may called for duty anywhere in District Peshawar as and when needed.

Signature of Assistant Director (Tech)

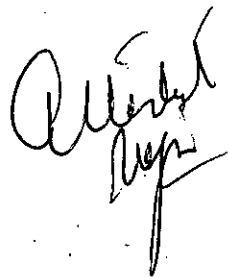
M. Z. Khan
Assistant Director (Tech)
For Director General

Endstt No: _____/DGMM/MM/PR/Misc./Office Order

Dated ____/____/2018

Copy forwarded to:-

1. The Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar for information please.
2. The Deputy Commissioner Peshawar for information please.
3. The Capital City Police Officer Peshawar with the request to direct all S.H.O's of District Peshawar to co-operate with the field staff of this office, please.
4. All S.H.O's of District Peshawar for co-operation, please.
5. All officials concerned.



Assistant Director (Tech)
For Director General



Directorate General of Mines & Minerals
KHYBER PAKHTUNKHWA

Attached Departments Complex Khyber Road Peshawar

No. _____/3/361/DGMM/Admn:

Dated _____/12/2018

OFFICE ORDER

The Competent Authority is pleased to order posting/transfer of Royalty Sub Inspectors and Mineral Guards with immediate effect on temporary basis in the best public interest.

S/No.	Name and Designation	From	To
1	Mr. Sajjid Khan Royalty Sub Inspector	Charsadda	H/Q office, Peshawar
2	Syed Shahab Ahmad Royalty Sub Inspector	-do-	-do-
3	Mr. Janat ul Haq Royalty Sub Inspector	H/Q office, Peshawar	Charsadda
4	Mr. Shadman Khan Royalty Sub Inspector	-do-	-do-
5	Mr. Waheed Khan Mineral Guard	Mardan	H/Q office, Peshawar
6	Mr. Munsif Khan Mineral Guard	-do-	-do-
7	Mr. Salman Iqbal Mineral Guard	-do-	-do-
8	Mr. Kashif Mineral Guard	-do-	-do-
9	Mr. Shahid Hussain Mineral Guard	-do-	-do-
10	Mr. Jehangir Said Mineral Guard	Swabi	H/Q office, Peshawar
11	Mr. Imran Ali Mineral Guard	Mardan	H/Q office, Peshawar
12	Mr. Sohail Ahmad Mineral Guard	-do-	-do-
13	Mr. Armaz Khan Mineral Guard	-do-	-do-
14	Mr. Hussain Ahmad Mineral Guard	Charsadda	-do-
15	Muhammad Ayaz Mineral Guard	Mardan	-do-
16	Mr. Hilal Ahmad Mineral Guard	Swabi	-do-
17	Mr. Ayaz Ali Mineral Guard	Mardan	-do-
18	Mr. Fayyaz Khan Mineral Guard	-do-	-do-
19	Mr. Afnan Khan Mineral Guard	-do-	-do-
20	Mr. Sardar Hussain Mineral Guard	H/Q office, Peshawar	Mardan
21	Mr. Noor Wali Shah Mineral Guard	-do-	-do-

*Attended
Muz*

27

22	Mr. Shaheed ullah Mineral Guard	-do-	-do-
23	Mr. Naveed Khan Mineral Guard	-do-	-do-
24	Muhammad Sajid Ali Mineral Guard	-do-	-do-
25	Mr. Aurangzeb Mineral Guard	-do-	-do-
26	Muhammad Yousaf Khan Mineral Guard	-do-	-do-
27	Mr. Kirammat Shah Mineral Guard	-do-	-do-
28	Mr. Shahid Ali Mineral Guard	-do-	-do-
29	Mr. Waqas Mineral Guard	-do-	-do-
30	Mr. Inam ullah Mineral Guard	-do-	-do-
31	Mr. Anwar Ali Mineral Guard	-do-	-do-

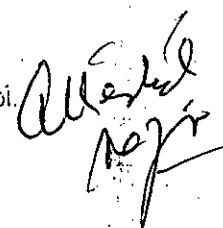
Sd/-
Director General Mines & Mineral
Khyber Pakhtunkhwa

Endst: No. 20717-22 /3/361/DGMM/Admin:

Dated 05 /12/2018

A copy of the above is forwarded to:

1. P.A to Director General Mines & Mineral, Peshawar.
2. The Assistant Director Mineral, Mardan/ Charsadda/ Swabi.
3. The Assistant Director Mineral Peshawar.
4. Personal file of the official concerned.
5. Officials concerned for compliance.
6. File No. 1/33/DGMM/Admin:


Assistant Director (Administration)
For Director General



**OFFICE OF THE
ASSISTANT DIRECTOR MINERAL DEVELOPMENT MARDAN**

Address: Center Colony, Near Jamia Masjid Muqam Chowk District Mardan, Tel: No.0937-9230506

Dated: ___/___/2018

No.:

/MDW/MR/Establishment

OFFICIAL DUTY

In supersession of previous order of this office regarding field duty in order to stop illegal excavation and transportation of mineral from different areas of District Mardan & Charsadda, the following officials are deputed to perform their duties till further order.

S. No	Name of Royalty Inspector-Sub-Inspector/ Mineral Guard	Contact No.	Place of duty
1	Mr. Shadman Khan (RSI) Mr. Noor Wali (MG) Mr. Naveed (MG)	0314-9028140 0312-0234544 0334-9221741	To check all minor/major minerals bearing areas in Palai, Kharkai and surrounding areas and establish mineral check post near Police Station Kharkai and take action against illegal mining/transportation of minerals as per Section-42 & 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.
2	Mr. Janatul Haq (RSI) Mr. Kiramat (MG) Mr. Waqas (MG)	0300-4548640 0348-8276413 0347-9005953 0332-9205694	To check all major/minor minerals bearing areas in Spinkai/Jabagai and surrounding areas and establish mineral check post at excise contractor and take action against illegal mining/transportation of minerals as per Section-42 & 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.
3	Muhammad Yousaf (MG) Mr. Sajid Ali (MG)	0316-0191983 0313-9807082	To check all major/minor minerals bearing areas in Sawal Dher Shakar Tangi and surrounding areas and establish mineral check post at excise contractor and take action against illegal mining/transportation of minerals as per Section-56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.
4	Mr. Shaheed Ullah (MG) Mr. Shahid Ali (MG)	0315-6960299 0311-9541102	To check all major/minor minerals bearing areas in (1) Shamozai (2) Babuzai, Jamal Ghari, Ibar Khan Banda and surrounding areas and will establish check post at Jamal Ghari/Farsh and take action against illegal mining/transportation of minerals as per Section-42 & 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.
5	Mr. Aurang Zeb (MG) Mr. Inam Ullah (MG) Mr. Anwar Ali (MG)	0336-5354915 0313-9130176	To perform duty at District Charsadda to check all major minerals/minor minerals transportation in District Charsadda and surrounding areas and take legal action against illegal mining/transportation of minerals as per Section-42 & 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.

Assistant Director (Tech)
Mineral Development Mardan
Division Mardan

Dated 13/12/2018

Endst: No. 1931-51 /MDW/ MR/Establishment.
Copy forward to:-

- The Director General Mines and Mineral Khyber Pakhtunkhwa Peshawar for information and with the request to accord sanction from Finance Department.

- 2. The Deputy Commissioner Mardan/Charsadda for information, please.
- 3. The District Police Mardan/Charsadda for information, please.
- 4. The Assistant Director Monitoring Mardan/Charsadda with the request to depute your field staff 24/7 hours in the subject area, so to ensure complete stoppage of un-authorized mining in District Mardan/Charsadda and also coordinate with the field staff of this office.
- 5. Official concerned for compliance. *Shahheed Ullah*
- 6. MDW/MR/Unauthorized Mining file.

Sum 13
 Assistant Director (Tech)
 Mineral Development Mardan
 Division Mardan
12/18

*Attested
 Nazim*



**DIRECTORATE GENERAL
MINES & MINERALS, KHYBER PAKHTUNKHWA**
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD,
PESHAWAR, CANTT

ATTACHED DEPARTMENT COMPLEX, KHYBER ROAD, PESHAWAR.

Phone: 091-9210275 - 9211140 FAX: 091-9210236

No: 19725 /DGMM/Admin

Dated 22/11/2018

To


✓ Mr. Shahid Ullah (Mineral Guard)
District Charsadda

Subject: OFFICE ORDER.

The competent Authority vide order Endst.No- 19705-07/3/451/DGMM/Admin dated 20/11/2018, nominated the undersigned as inquiry officer on the complaint submitted by Mr. Qadir Shah S/o Haji Arab Shah Jahan lease holder of Jani Khawar at Badaber Tehsil & District Peshawar against you.

You are therefore advised to attend the office of undersigned on 22/11/2018 at 11:00 am for recording of your statement please.

Mr. Qadir Shah S/o Haji Arab Shah Jahan lease holder of Jani Khawar Badaber Tehsil & District Peshawar, you are also directed to provide further relevant information/details etc regarding his complaint if any and attend office of the undersigned on 22/11/2018 at 10:00 am for discussion please.


Mohsin Ali Khan
Assistant Director/Inquiry Officer
H/Q Office Peshawar

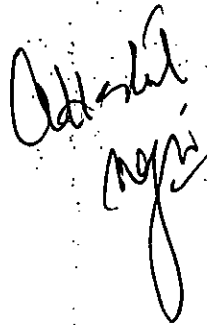
No. 1975586 /DGMM/Admin

Dated /11/2018

Copy for information to:-

Mr. Qadir Shah S/o Haji Arab Shah Jahan lease holder of Jani Khawar Badaber Tehsil & District Peshawar.

Mohsin Ali Khan
Assistant Director/Inquiry Officer
H/Q Office Peshawar



Annexure (30)
F

حلفہ بیان

میں سٹیڈ الڈ (کنٹرل گارڈ) حلفہ بیان دیا ہوگا کہ میں نے صلح لیسٹارڈ میں غیر قانونی
 مائنٹ انٹر سیل کے خلاف بہت زیادہ کام کیا ہے جو کہ دفعہ کی رپورٹ میں موجود
 ہے۔ قادر شاہ لیسٹارڈ اپنی معدنیات جانے جوڑ میں شکایت میں وہیں حلفہ جی ہاں
 ہی ہیں وہ بالکل بے بنیاد ہیں جانے جوڑ میں لیسٹارڈ سے پہلے جن بندوں نے کام کیا ہے اس
 کے خلاف میں نے مزید اسلئے جمع کیئے ہیں (کاپی لفٹ ہے) جب سے قادر شاہ نامی شخص کو
 لیسٹارڈ ملا ہے تو میں نے اس کا قانونی حدود کیا ہے اس بابت جہد کر رہی تھا ہے کہ یہاں
 غیر قانونی مائنٹ ہوئی ہے وہاں جاکر میں نے کارروائی کی ہے تاکہ وہ نقصان سے بچ سکے۔
 جب اس نے خود غیر قانونی کام کیا تھا تو اس کے خلاف بھی فراسلئے جمع کیئے ہیں۔ (کاپی لفٹ ہے)
 قادر شاہ مجھے بار بار کہتا تھا کہ حج سے پہلے نکلوانے والے جانے وہاں غیر قانونی کام
 کو بند کرو۔ میں نے اسے بہ جواب دیا تھا کہ میں تو کل ٹرانسپورٹ سے نہیں آ سکتا۔ اس نے مجھے
 بتا دیا کہ اب Taxi میں آ جاؤ۔ Taxi کاروبار میں آ کر دوں گا۔ میں حلفہ تھا ہوں کہ میں نے
 غیر قانونی مائنٹ انٹر سیل کی رپورٹ اور غیر قانونی سیسوں کا کچھ مطالعہ کیا ہے انہوں نے مجھے شکایتیں
 کا کر رہے ہیں جو وہ خود مان رہا تھا اور مجھے جب پور کرنا تھا کہ اب تو کل ٹرانسپورٹ سے مت آؤ اور
 شکایتیں کیا کرو جس جگہ تک وہ کہتا تھا۔ اس کے علاوہ میں جانے جوڑ اور حلفہ ملوث حالت میں
 فراسلئے کیئے ہیں سب کی کاپیاں رپورٹ لیسٹارڈ سے بھی ہیں قادر شاہ نے کہنے پر مسٹر فیضان / احمد صاحب
 نے لیسٹارڈ، قسبی، شہاب قسبی بتا دی ہیں۔ جہاں ہم بھی ان ملاکوں میں غیر قانونی مائنٹ انٹر سیل
 دیکھا گیا جس کے خلاف فراسلئے جمع کیئے ہیں (کاپیاں لفٹ ہیں)۔

وہ کل لفٹ کیئے جو اس طرح اس طرح کے ہیں اس وڈو میں جو رپورٹ لیسٹارڈ سے اس
 نو قادر شاہ نے کھانڈرے سے پیش کیا ہے لیکن اصل بات یہ ہے کہ یہ رقم مجھے شکایتیں کر رہے ہیں
 دے رہے ہیں جو میں لگا کر چھا ہوں۔ اس کے علاوہ ان کے غور سے سن لو تو اب تک میں نے اس کو کیا
 کیا ہے۔ ۱۵۵۰ روپیے کا کر رہے تو تو شہر تک ہے۔ قانونی کام میں کس طرح میں اب لیسٹارڈ کو
 نوٹیف کروں گا۔ میں کنٹرل گارڈ کی حالت سے کس طرح اس کا لیسٹارڈ کنٹرول کروں گا۔ یہ بندہ
 مجھے دباؤ دے رہا ہے اور میرا دل لہنے لہنے ہی ہے کام کر رہا ہے جو میں نے لیسٹارڈ سے پہلے اس کے اوپر فراسلئے

Attended
Nep

کے قریب کاؤنٹ میں۔

عصر صبح کی حالت میں کہ قادر شاہ خور ایک کینز بولڈر سے جس نے اس کی مدد کی ہے لہذا اس کے
میں اور کپیس ٹی وی ریکارڈ میں ڈالر ہے اور اس کے علاوہ اس نے خود کینز کاؤنٹی کا
تعمیراتی نوٹس کے خلاف جی کارروائی کی ہے وہ تجھے سرکاری اہتمام ہوتے ہوئے لہرانے
اور اسے کا بدلے رہا ہے اور اسی وجہ سے شفاہت اور وٹرو جمع کی ہے جو کہ بے بنیاد
اور حق تعاقب سے لہذا استدعا کی جاتی ہے کہ خود فورہ شفاہت فائل کی جائے۔

شکر ہے

القادر شاہ
مستند اللہ (میر قادر شاہ)
19-11-08

Attested
Mehar

۱۱/۵ افسان شاہ

Mob: 0315-6960299

نوٹ: جہاں اپنی ضلع اور میں مجھے افسران بالا کے طرف سے ڈیوٹی سر انجام دینے
کی ہدایت جاری کی گئی تھی میں نے جس کے مطابق اپنی ڈیوٹی سر انجام دیا ہے
اس ضمن میں میرے لئے کی گئی تھی مختلف افسران اور رزلٹ کا بیان بطور
بیرونی نفاذ جاتی ہیں۔

Received
Date
19-11-08

~~0315-6960299~~

DG PTCL 091-92 10 275

DG Munteizer Khan 0333-9104202

PS to Mineral Minister 0345-9209293

Minister for Mineral 0345-9545555

PTCL No: 091-92 70534

W



DIRECTORATE GENERAL

MINES & MINERALS, KHYBER PAKHTUNKHWA
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD,
PESHAWAR, CANTT.

Phone: 091-9210275 - 9211140 Fax: 091-9210236

Registered

33

Amare

G

Dated: 05/12/2018

No. 20723 /DGMM/Admin

To

Mr. Shaheed Ullah,
Mineral Guard,
H/Q office Peshawar.

Subject:

PERSONAL HEARING / WRITTEN DEFENSE

The Competent Authority has nominated the undersigned as enquiry officer to enquire into allegations highlighted in the complaint of one Mr. Qadar Shah lease holder of minor minerals of Jani Khawar district Peshawar. In order to finalize the same in accordance with the prevailing rules, you are advised to attend the office of the undersigned on 10-12-2018 at 10:00 A.M for personnel hearing and recording your written defense statement as well.

Hayat Ur Rehman
Deputy Director Mineral/ Enquiry officer
H/Q office Peshawar

Dated 12/2018

Endst No. _____ /DGMM/Admin

Copy to:

1. P.A to Director General Mines and Minerals Khyber Pakhtunkhwa.

Hayat Ur Rehman
Deputy Director Mineral/ Enquiry officer
H/Q office Peshawar

بیان حلفی

حوالہ چھی نمبر - Endst No./20553-55/DGMM/2-1134-Admn- مورخہ 03-12-2018 میں شہید اللہ سرمن
 آفس پشاور تحریری بیان جمع کرتا ہوں کہ جہاں تک آفس آرڈر نمبر Endst.No./14614-20/DGMM/MM/PR/Misc./Office Order
 13-08-2018 کی بات ہے تو اس میں Continuation کا لفظ استعمال کی گئی ہے جس سے ظاہر ہے کہ میرے پاس دونوں جگہوں کی ذمہ داری دی گئی ہے جس نے
 برائے اور نئے آرڈر Endst.No. 16220/DGMM/MM/PR/Misc./Office Order مورخہ 17-09-2018 (کا پیاں لف) میں کے مطابق
 ذمہ داری سوا ختم دی ہے۔ اس لئے خود اور ملحقہ علاقہ کا ڈوٹ میں نے لیڈ ہولڈر کے طور پر ایک شکایت دورہ 12-11-2018 پر کی ہے۔

1- جیسا کہ میں نے اپنے حلفیہ بیان مورخہ 19-11-2018 (کا پی لف) میں بھی لکھا گیا ہے کہ میں نے کبھی بھی دوران ڈیوٹی کسی لیڈ ہولڈر سے کوئی
 مطالبہ کیا ہے بلکہ کر پکارڈ سے ثابت ہے کہ میں نے ہمیشہ غیر قانونی لیڈ ہولڈروں کے خلاف جتنے فراٹے اور F.I.Rs کئے ہیں (کا پیاں لف میں) اس
 کی مثال شاہد ہی کسی اور سرمنل گاؤں کی اس سیشن کی ریکارڈ پر ہو۔

2- جہاں تک قادر شاہ کا میرے خلاف درخواست، ویڈیو کا تعلق ہے یہ سراسر زیادتی اور جھوٹ پر مبنی الزام ہے بلکہ جیسا کہ ریکارڈ ظاہر ہے کہ 2015 سے اب
 تک میں نے قادر شاہ کے خلاف کئی بار فراٹے اور F.I.Rs کئے ہیں اور وارنٹ بھی دی ہے۔ جس کا انھیں کافی ڈکھ تھا اور اس کا انتظام لینے کے لئے
 انھوں نے میرے ساتھ یہ ذرا مزہ چایا۔

3- جب میں نے وہاں قادر شاہ کا بجائی واقعہ شاہ اور مٹی قاسم غلط اطلاع دینے پر بازہدس کی تو وہ بائیس شائیں کرنے لگا اور مزید معلومات کرنے پر جب میں
 نے اس سے پوچھا کہ مجھے کس کے کہے پر یہاں بلایا اور کیوں بلایا تو پھر انھوں نے معافی مانگنا شروع کی اور کہا کہ ہم آئی جیسی کا کرنا بھی ادا کرنے کو تیار
 ہیں۔

4- جناب عالی! ان لوگوں نے مجھے بھڑانے کے لئے میرے خلاف نکلنے کو ایک سازش کر کے درخواست دی جو کہ سراسر جھوٹ پر مبنی ہے۔ کہ میں
 نے ان سے رشوت لی ہے۔ جناب عالی! اس لئے درخواست ہے کہ سرمنل گاؤں کو تحفظ فراہم کرنے کے لئے لیڈ ہولڈروں کی جھوٹی
 درخواستوں کی بجائے نکلے معذنیات کو اپنی کرپشن کے ذریعے F.I.R درج کرنے کی ہدایت کی جائے۔

5- سرمنل گاؤں کو تحفظ فراہم کرنے کے لئے قادر شاہ کے خلاف ایکشن لیا جائے تاکہ وہ نکلے معذنیات کے اہلکاروں کو اس طرح بے عزتی اور بائیس کا شکار نہ
 بنائے۔ مزید کہ جس جیسی مورس نے جانے خود اور ملحقہ علاقہ جات کے لئے ڈوٹ پر کرنا پڑا تو اس کی گواہی میں تحریری اور ذمہ داری آتے صاحبان کے
 حضور میں پیش کر سکتا ہوں۔

12-12-018
 شہید اللہ سرمنل گاؤں

12-12-2018 مورخہ پشاور آفس پشاور

Received
 by 86 pages
 Bilal Khan
 of Hayat-ul-Rehmat
 Deputy Director
 Mineral Resources
 Nes

DISCIPLINARY ACTION

1. Muntazir Khan, Director General Mines & Mineral Khyber Pakhtunkhwa, as Competent Authority, am, of the opinion that Mr. Shaheedullah Mineral Guard H/Q office, Peshawa, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGAION

i. The enquiry officer has levelled allegations in his report that the Assistant Director Mineral Peshawar Division posted Mr. Shaheedullah at Jalla Bela District Peshawar vide officer order No.16221-23/DGMM/MM/PR/Misc/office order, dated.17.09.2018, with the advice to lodge FIR against the offenders involved in illegal mining/transportation of minerals and report accordingly. But the mineral guard was found performing duty at Jani Khwar Badaber without the permission of his in charge and found in malpractice and collection of illegal money from a Minor Mineral lease holder. A video recording to this extent is also available.

ii. One Mr. Qadir Shah lease holder of Minor Mineral of Jani Khwar has filed a complaint that the mineral guard has received illegal money from him and he is involved in corruption and malpractice. The enquiry officer has reported that the complaint is based on facts.

Handwritten signature/initials

2. For the purpose of inquiry, under Rule 10(1)(a) of the ibid rules, against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following, is constituted:

i) Hayat ur Rehman DD

ii) _____

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

4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.

Signature
Director General Mines & Mineral
Khyber Pakhtunkhwa, Peshawar

CHARGE SHEET

_____ as Competent Authority, hereby charge you, Mr. Shaheedullah, Mineral Guard, H/Q office, Peshawar, as follows:

That you, while posted as Mineral Guard at Jalla Bela Peshawar, committed the following irregularities:

- i. The enquiry officer has levelled allegations in his report that the Assistant Director Mineral Peshawar Division posted you at Jalla Bela District Peshawar vide officer order No.16221-23/DGMM/MM/PR/Misc/office order, dated 17.09.2018, with the advice to lodge FIR against the offenders involved in illegal mining/transportation of minerals and report accordingly. But, you were found performing duty at Jani Khwar Badaber without the permission of your in charge and found in malpractice and collection of illegal money from a Minor Mineral lease holder. A video recording to this extent is also available.
 - ii. One Mr. Qadir Shah lease holder of Minor Mineral of Jani Khwar has filed a complaint that you have received illegal money from him and you were also involved in corruption and malpractice. The enquiry officer has reported that the complaint is based on facts.
2. By reason of the above, you appear to be guilty of corruption under Rule 3 (c) of the Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.
 3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer/Inquiry Committee, as the case may be.
 4. Your written defense, if any, should reach the Inquiry Officer/Inquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.

*Attal
Rajm*


(COMPETENT AUTHORITY)

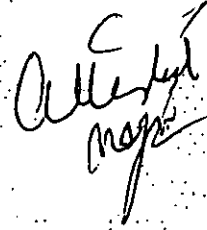
Case No. 20553-55 / DGMM/2/1134-Admn.

Dated 03 / 12 / 2018

A copy of the above is forwarded to:

- 1- PA to Director General, Mines and Minerals, Peshawar.
- 2- The Inquiry Officer for initiating proceedings against the accused under provision of the Khyber Pakhtunkhwa, Efficiency and Discipline Rules, 2011
- 3- Mr. Shaheed ullah, Mineral Guard, H/Q office, Peshawar with the direction to appear before the inquiry officer, on the date, time and place fixed by the inquiry officer for the purposes of the inquire proceedings.


 (COMPETENT AUTHORITY)



1) Hagar - Empty report

2) Show Cause Notice
Removal from service



DIRECTORATE GENERAL

MINES & MINERALS, KHYBER PAKHTUNKHWA
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD,
PESHAWAR, CANTT.

Phone: 091-9210275 - 9211140 Fax: 091-9210236

Amazail
(H) 38
247

No. 316/19 /DGMM/Admin/Enquiry

Dated 2-0 /12/2018

To
The Director General
Mines and Minerals
Government of Khyber Pakhtunkhwa.

Subject: ENQUIRY

Enclosed please find herewith a copy of the enquiry report conducted against Mr. Shaheed Ullah Mineral Guard in light of charge sheet and statement of allegation issued by the competent Authority vide order No.20553-55/DGMM/2/11.4.4 Admin dated 3-12-2018 for further necessary action please.

G. Khan

Deputy Director Mineral /Enquiry officer
H/Q office Peshawar

8980
21-12-18

Please put up
in file immediately
EA-II

AD (Admin)

Attended
replied

21/12/18
Pl. Put up copy of
E to D Rules

A-C

21/12/18

21/12/18

for personal hearing and also recorded his written statement as per...

ENQUIRY

The Competent Authority issued charge sheet and statement of allegation vide order No. 20553-55/DGMM/2/1134-Admin dated 03-12-2018 and nominated the undersigned as enquiry officer under Rule 10 (1) (a) of the E&D 2011 rules to conduct enquiry into the charges leveled in the ibid charge sheet and statement of allegation against Mr. Shaheed Ullah, Mineral Guard of the Directorate General Mines and Minerals.

BACKGROUND:

The preliminary enquiry report submitted by the Assistant Director (Complaint Cell) Headquarter office Peshawar (**Annexed-I**) reveals that the complainant Mr. Qadar Shah S/o Haji Arab shah was granted one year mining lease for minor minerals through auction in lieu of Rs. 1260000/- for the area situated near Jani Khawar, Badaber, District Peshawar vide allotment letter dated 27/06/2018.

The complainant filed a complaint dated 13/11/2018 against Mr. Shaheed Ullah Mineral Guard duly addressed to the Director General Mines and Minerals Khyber Pakhtunkhwa and stated that Mr. Shaheed Ullah is involved in illegal mining / transportation near his leased area and is collecting his share from the workers, involved in illegal mining, on monthly basis. He further stated that, the accused also comes in his leased area and make hurdles in his lawful mining by demanding money, threatening him and his staff for cancellation of mining lease and registration of FIRs etc. The complainant also stated in the complaint that he has also a video evidence of the above mentioned allegations and requested for stoppage of losses to him and the Provincial Government.

The Assistant Director Mineral Development Peshawar deputed / posted all the available field staff through office order for the control of un-authorized mining, by specifying the area of jurisdiction of each official. He further reported/ mentioned in the letter that, the accused Mineral Guard Mr. Shaheed Ullah was posted at Jala Bela vide office order dated 17/09/2018 and was strictly advised to perform duty at Jala Bela as a special task for lodging FIR against the offenders involved in illegal mining / transportation of minerals. However, despite of his written order, the accused was found performing duty at Jani Khawar, Badaber, without the permission / intimation to him and resultantly he found in malpractice and collecting illegal money from the lease holder and someone also made video of his illegal practice.

PROCEEDINGS:

On receipt of the enquiry order, the undersigned called the accused on 10-12-2018 for personal hearing and also recorded his written statement. He was personally heard. He

submitted his written statement along-with supporting documents on 12-12-2018 (Annexed-II). In his written statement / affidavit, Mr. Shaheed Ullah Mineral Guard has stated that the office order dated 17-09-2018 is in continuation of office order dated 13-08-2018, therefore he considered that both the office order are intact for performing duties at Jala Bela and Jani Khawar. Therefore, the Mineral Guard was of the view that he was performing official duty at Jani Khwar and has not violated orders of his In-charge Assistant Director.

Mr. Shaheed Ullah Mineral Guard has stated in his statement / affidavit that he has never made a demand from any lease holder but it is evident from the record that he has submitted severals Marasillas / FIRs against the culprits. Regarding the complaint and video of Qadir Shah, the Mineral Guard stated that it is based on malafide intentions and is against the facts on record. He has also annexed marasillas / FIRs against Mr. Qadir Shah complainant in 2015, and also issued him warning. He further added that recording of video is based on malafide intention and repercussion of the said FIRs already lodged against the complainant. He stated in his statement that when he asked Waqif Shah, brother of Qadir Shah, and Munshi Qasim that their complaint about illegal mining is baseless, they excused for their fault of giving me wrong information and promised also to give money (fare) to the taxi as well. He further added in his statement that this was a conspiracy against him. He refused of any kind of involvement in corruption.

Mr. Shaheed Ullah Mineral Guard has requested that the department may lodge FIR against the lease holders due to submission of their illegal and baseless complaints. He has finally stated that the Mineral Guards may be provided protection to take action against Qadir Shah, so that the Mineral Guards are not disgraced /disappointed. He also stated in his statement that he can provide the driver as a witness to whom he paid the fare charges of the taxi to Jani Khawar

OBSERVATIONS AND FINDING:

From perusal of the preliminary enquiry conducted by Assistant Director Mineral (Complaint Cell) Head Quarter office Peshawar, and statement of accused as well as available records, the following observations were made:

1. The duty place of the accused was Jalla Bela, Peshawar, while the accused was performing duty at Jani Khawar, in violation of the order of his in-charge officer (Assistant Director Mineral Development Peshawar). However, the accused considered that he was performing duties at both the places under two separate office orders.

- 2. The allegations leveled by the complainant are correct to the extent that the Money was received by the Mineral Guard but he admitted in his statement that the said money was actually fare charges of taxi.
- 3. The accused was unaware of the law that, he cannot collect or demand money in shape of Taxi fare from the lease holder.
- 4. The accused also registered FIR against the complainant on 21/08/2015 for involvement of the complainant Mr. Qadar Shah in illegal transportation of minerals.

RECOMMENDATIONS:

Since the prevailing law / rules does not allow anyone to collect fare taxi charges from the lease holder, therefore, the charge of collecting money from the lease holder in shape of fare taxi charges is proved against the accused. The following recommendations are made:

*Attended
Peshawar*

- 1. Major Penalty under rule (4) (b) (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rules, 2011 may be imposed upon him.
- 2. In order to curb unauthorized mining / transportation of minerals, all the Mineral Guards may be provided with motorcycles and proper uniform for efficient performance of their official duties and their recognition as Government officials.
- 3. All the Mineral Guards may also be given field allowance to discourage malpractices.
- 4. The Assistant Director Administration may also be directed to take up the case with the Finance Department through administrative department for establishment of mineral check posts at suitable places of the province to discourage unauthorized mining / transportation and managed the same effectively in the best public interest.

(Engr. Hayat-ur-Rehman)
Deputy Director (Tech)/Enquiry Officer
H/Q office Peshawar

Annexure I



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 3240 DGMM/Admin / 3/451

Dated. 27/02/2019

To

(Reg)

✓ Mr. Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Kandi Baroo Khel
Tehsil & District Charsadda.

Subject **SHOW CAUSE NOTICE**

I am directed to refer to the subject noted above and to enclose herewith "Show Cause Notice" along-with inquiry report received from Mr. Hayat-ur-Rehman Deputy Director (Technical-III)/inquiry Officer H/Q Office Peshawar for acknowledgment.

Encl As above.

Assistant Director (Administration)
For Director General

Endst: No. _____ DGMM/Admin / 3/451

Dated. ____/02/2019

Copy forwarded to:-

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Director Mineral (Technical-III) H/Q Office Peshawar.
3. Master File/DGMM/Admin.

Assistant Director (Administration)
For Director General

SHOW CAUSE NOTICE

I, (Muntazir Khan, Director General Mines & Mineral), as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Shaheed ullah, Mineral Guard, as follows:

(i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No.20553-55/DGMM/2-1134/Adm dated:03.12.2018

and

(ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defense before the inquiry officer/inquiry committee,

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

- (a) Guilty of misconduct
 (b) Guilty of corruption
 (c) _____


2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Compulsory retirement under rule 4 (1) (b) (ii) of the said rules.

3. You are, thereof, 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 seven days or not more than 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 inquiry officer/inquiry committee is enclosed.

Attended
Signature


 (Muntazir Khan)
 Director General Mines & Mineral
 Khyber Pakhtunkhwa

Mr. Shaheed Ullah S/O Rizwan Ullah.
 Village Sardheri Kandi Baroo Khel
 Tehsil & District Charsadda.

To

The Director General,
Mines & Mineral Khyber Pakhtunkhwa,
Peshawar.

Subject:- REPLY TO SHOW CAUSE NOTICE.

R/Sir,

Kindly refer to your good self subject show cause notice received with your office letter No. 3240/DGMM/Admin/3/451 dated 27-02-2019 which was received to undersigned on 09-03-2019.

In this connection it is submitted that the complainant was involved in illegal and un-authorized mining excavation and mineral transportation of Minor Minerals which is clear violation of the provisions of Khyber Pakhtunkhwa Mineral Governance Sector Act 2017 and punishable under the Act ibid.

It is the prime duty of the undersigned being Mineral Guard and Royalty Sub Inspector to take legal actions against such culprits to control the illegal and un-authorized mining and to safeguard and protect the Government Exchequer from irreparable financial losses in the best public interest.

Since the complainant persistently continued his illegal acts and was not ready accept the writ of the Government and was violating the rules and law in this context, therefore, the undersigned while performing the duty, took action the culprit and sent so many murasallas with the request to register/convert murasallas into F.I.Rs against his and stop him from illegal mining which is the primary duty of the undersigned.

In repercussions of the above F.I.Rs and take legal action against his for his illegal work and giving losses to Government Exchequer, he made a forged video and lodged a baseless complaint against the undersigned to protect his illegal work and to black mail the undersigned.

It is worth mentioning here that in the office order it was clear that I would perform duty at one place, therefore, the undersigned preferred to perform duty at both the places.

It is further added that the inquiry is biased and accusations regarding misconduct and corruption leveled against the undersigned are baseless, ab-anitio, having no legal footings and not cover the rule and law and evidence, and undersigned neither involved in any kind of corruption nor mis-conduct but performed the duty in the best interest of the Government, always preferred to obey the order of my superiors.

In view of the position stated above and on acceptance of the instant reply of the undersigned, it is humbly prayed that the subject show cause notice may be filed so that the undersigned may continue his duty keen interest please.

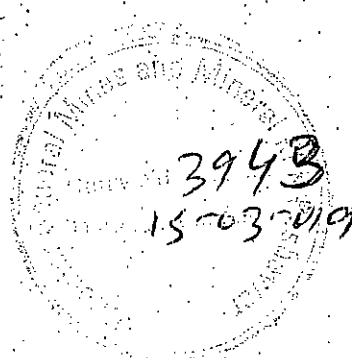
Dated 15-03-2019

Encl:- ~~(8)~~

Thanking You,

(87)
pages

Attard
Rizwan



Yours Obediently,

Signature of Mr. Shaheed Ullah S/O Rizwan Ullah
15-03-2019

Mr. Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Moh: Baro Khel
Tehsil & District Charsadda



Directorate General of Mines and Minerals

KHYBER PAKHTUNKHWA

Attached Departments Complex Khyber Road Peshawar

No. / 3/451/DGMM/Admin

Dated. /03/2019

OFFICE ORDER

1. WHEREAS, Mr. Shaheed Ullah Mineral Guard (BPS-03) H/Q Office Peshawar was proceeded against under the relevant Rules in vogue as he was found guilty of misconduct and corruption.

2. AND WHEREAS, on the recommendation of Inquiry Officer, show cause notice was served upon him on his home address, vide this Directorate letter No. 324/DGMM/Admn/2/451 dated 27.02.2019.

3. AND WHEREAS, the accused was directed that the Competent Authority has tentatively decided to impose upon him the penalty of compulsory retirement under rules rule 4(1)(b)(ii) of the Khyber Pakhtunkhwa Govt Servants (E&D) Rules 2011. He was also directed to show cause as to why the aforesaid penalty should not be imposed upon him and also intimate whether he desires to be heard in person.

4. AND WHEREAS, the reply/statement of the accused was found unsatisfactory. The accused was also heard in person on 18.03.2019 in light of his written request. Since, the accused did not forward any logical reason to prove himself innocent and also failed to plead his case properly and satisfy the Competent Authority.

5. NOW THEREFORE, the Competent Authority in exercise of the power conferred under rule 4(1)(b)(ii) of the Khyber Pakhtunkhwa Govt Servant (E&D) Rules 2011, imposed major penalty (Compulsory Retired from Government Service with pension benefit) upon accused official with immediate effect.

-Sd/-

Director General Mines and Minerals
Khyber Pakhtunkhwa

Endst: No. 5158-67 DGMM/Admin / 3/451

Dated. 21 /03/2019

Copy is forwarded to: -

1. PS to Minister, Minerals Development Department, Khyber Pakhtunkhwa Peshawar.
2. PA to Secretary, Minerals Development Department, Khyber Pakhtunkhwa Peshawar.
3. PA to Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar.
4. The Additional Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director Licensing-I, II, III H/Q Office, Peshawar.
7. The Deputy Director Mineral-I, II, III & IV H/Q Office, Peshawar.
8. The Assistant Director (Accounts), H/Q Office, Peshawar.
9. Mr. Shaheed Ullah S/O Rizwanullah village Sar-Dheri Kandi Baroo-Khel Tehsil and District Charsadda.
10. Master File/DGMM/Admn/2019.

Assistant Director (Admn)
For Director General.

Annexure K

To _____

The Secretary,
to Government of Khyber Pakhtunkhwa,
Mineral Development Department,
Peshawar.

Mineral Dev. Deptt: (KPK)
Secy: Diary No...5715...
Date...18.04.2019...

Subject:- DEPARTMENTAL APPEAL/REPRESENTATION AGAINST OFFICE ORDER NO. 5158-67/DGMM/ADMN/3/451 DATED 02-02-2019.

Respected Sir,

The appellant feeling aggrieved with impugned order communicated vide office order No.5158-67/DGMM/Admn./3/451 dated 02-02-2019 wherein Major penalty of compulsory retirement from Government Service with pension benefit has been imposed upon appellant under rule 4 (1) (b) of Khyber Pakhtunkhwa Government Servant Rules 2011. Hence the appellant files the appeal as under (Copy is Annexed "A").

The brief facts of the appeal are as under:

- 1 That the appellant resumed his services as Mineral Guard (B.P.S-1) w.e.f 30-12-2008 (Forenoon vide order No. DGMM/Admn./3/451/ dated 18-06-2009 in the Directorate General Mines and Mineral Khyber Pakhtunkhwa (Copy is Annexure "B")
- 2 That the appellant resumed his services as Mineral Guard in the Directorate General and was posed / transferred at different places, such in different branches within Head Quarter office, filed offices, check posts, and Mineral sites from time to time. (Copies of posting transfers are Annexure "C") for ready reference.
- 3 That the appellant performed his duties at every place with honestly, zest, keen interest and to the best satisfaction of his superiors and purely in the best public interest.
- 4 That the appellant has neither given any chance of complaint to his superior regarding his non-performance, mis-conduct nor involved in any kind of corrupt practices.
- 5 That keeping in view the best performance and honesty no of his superior officer has ever recorded any adverse remarks against the appellant inn his annual confidential report (ACR) which are available on record.
- 6 That on 28-11-2018 was posted serial No. 15 office order No. 2062-66/DGMM/MM/PR/Misc./Office Order dated 28-11-2018 area covering 837.67 acres near village Naugman/Bhattian District Peshawar (Block-6) and surrounding areas issued by the Assistant Director (Tech) H/Q Office Peshawar (Copy Annexure "D")
- 7 That simultaneously another Office Order No. 1930-51/MR/Establishment dated 13-12-2019 was issued by the Assistant Director (Tech) Mineral Development Mardan wherein at Serial No. 4 the appellant was assigned the duties as under:

"to check all Major / Minor Minerals bearings areas in (1) shamozai (2) Babuzaim Jamal Ghar, Itbar Khan Banda and surrounding areas and will establish check post at Jamal Ghari/Frash and take action against illegal mining/transportation of Minerals as per Section 42 and 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act-2017. No. onn will leave station without permission of undersigned and submit weekly report to this office" (Copy is Annexure "E")
- 8 That a person namely Qadir Shah S/O Arab Shah was involved in illegal excavation/mineral transportation of Miner Mineral in jurisdiction place of the appellant and as said in Para-7 above, the appellant was assigned the duty to control and take action against the person involved in illegal and unlawful excavation and transportation of Minor Mineral which was violation of the aforesaid sections of the Act ibid, hence the appellant took action against him to restrain him from unauthorized excavation and transportation.

Handwritten signature

The involvement of such person was illegal and un-authorized, unlawful and his mining excavation and mineral transportation Mineral Minor Mineral was clear violation of the provisions of Khyber Pakhtunkhwa Governance Sector Act 2017 and punishable under the Act ibid.

9 It is the prime duty of the undersigned being Mineral Guard and Royalty Sub-Inspector to take legal actions against such culprits to control the illegal and unauthorized mining and to safeguard and protect the Government Exchequer from irreparable financial losses in the best interest.

10 Since the said person had persistently continued and unlawful acts and was not ready to accept the writ of the Government and was violating the rules and law in the context, therefore, the appellant while performing the duties, took action against the culprit and sent so many Murasallas into F.I.Rs against all culprits including Mr. Qadir Shah S/O Arab Shah to stop them from illegal excavation mineral transportation of mining, (Copy is Annexure "F")

11 In repercussions of the above F.I.Rs and taking legal against him for his illegal and unlawful work and was consistently engage in giving suffering / losses to Government Exchequer, he made a forge video and lodged a baseless complaint against the appellant to protect his illegal work and to black mail the undersigned.

12 It is worth mentioning here that in the office order it was not clear that he would perform his duty at one place, therefore, then appellant preferred to perform his duty at both places as the latest order was not clear as to whether the appellant will perform his duty at which place. Even then the appellant performed his duties regularly to control illegal and unlawful work to protect the Government from irreparable losses.

13 That the respondents instead of appreciating the action of the appellant against the culprit, proceeded/conducted inquiry against the appellant, issued shows cause notice which was responded by the appellant and finally Major Penalty of Compulsory Retirement from Government Service with pension benefit has been imposed under rule 4 (1) (b) (ii) of Khyber Pakhtunkhwa Government Servant Rules 2011 against the appellant vide order dated 02-03-2019 without giving opportunities of personal hearing. (Copy already annexed as Annexure-A)

14 That the inquiry is biased and accusations regarding misconduct and corruption levelled against the appellant are baseless, ab-anitio, having no legal footings and not cover under the rule and law and evidence on the following grounds.

Attorney General

Grounds:

- A That the Petitioner ha been condemned unheard, which is against the spirit of fair trial.
- B The decision of the respondents is discriminatory, unconstitutional, unreasonable, vindictive, and arbitrary without jurisdiction, without lawful authority; malafide, illegal, based on ulterior motives, against the principles of natural justice.
- C **That ton be treated, equally and in accordance with law is the inalienable right of every citizen including the appellant, indeed guaranteed and safeguarded by the Constitution of Islamic Republic of Pakistan, 1973.**
- D **That the Petitioner has been treated in violation of Article 9, 18 and 25 of Constitution of Islamic Republic of Pakistan, 1973.**
- E **That the appellant's rights as guanteed enshrined and protected by the Constitution of Islamic Republic of Pakistan, 1973**
- F **That the impugned order of the respondents is against the Norms, and principles of natural justice.**
- G That appellant neither involved in any kind of corruption nor committed any kind of misconduct but performed his duties in accordance with the instructions of the superior and purely in the best interest of Government, always preferred to obey the order of my superiors.

PRAYER:-

It is very humbly prayed that on acceptance of the instant appeal of the appellant, the impugned order may graciously be declared.

- i) as illegal unlawful, without lawful authority, without jurisdiction, based upon ulterior motive and have no legal effects on the rights of appellant and the appellant may be reinstated on his service as Mineral Guard (B.P.S-3 being innocent, poor and having no other source of income for the livelihood of the family.
- ii) **by acceptance of interm relief, the appellant may kindly be allowed to continue his service and restrain the respondents from taking any adverse action against the appellant till finalization of this appeal.**
- iii) **Any other relief if deem appropriate in the circumstances but not specifically asked for may also be granted.**
- iv) **The appellant may also be head in person.**

Dated 18/04/2019

Thanking you,

Handwritten signature

Yours Obediently,

Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Moh: Baro Khel
Tehsil & District Charsadda
Cell No. 0315-6960299

Copy to

The Director General Mines & Mineral Khyber Pakhtunkhwa Peshawar for information please.

Handwritten signature

Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Moh: Baro Khel
Tehsil & District Charsadda
Cell No. 0315-6960299

Wakalat nama

In the KPK Service Tribunal Peshawar

Mr. Shaheed Ullah S/O Rizwan Ullah **Appellant**

VS

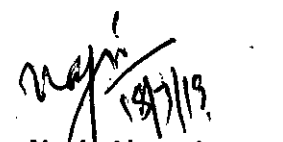
Government of KPK through Director general Mines & Minerals
KPK & others **Respondents**

I Mr. Shaheed Ullah S/O Rizwan Ullah the Appellant, do hereby appoint **Mr. Nazir Ahmad Advocate, Peshawar High Court Peshawar** as my Counsel in subject proceedings and authorize him to appear, plead, compromise, withdraw or refer the matter for arbitration for me without any liability for his default and with the authority to engage/appoint any other advocate/counsel at my expense if necessary and receive all sums and amounts payable to me and to all such acts which he may deem necessary for protecting my interests in the matter. He is authorized to file Appeal, Revision, Review and Application for restoration or Application for setting-aside ex-parte decree proceedings on my behalf.


18-07-019
Appellant

Dated: 18.7.2019

Accepted and Attested


18/7/19
Nazir Ahmad
Advocate. Peshawar
Cell: 0301-8571879
0332-8540783
091-5277215

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 944/2019


Mr. Shaheed Ullah S/O Rizwan Ullah **versus** Govt: of KPK
through Director General Mines and Minerals and others.

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4.	Posting as computer Operator	C	16-17
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6.	Posting order dated 13.8.2018	E	21-29
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Appellant

Through


Nazir Ahmad

Advocate, Peshawar

High Court Peshawar.

Cell: 0301-8571879

0332-8540783.

(1)

Before the KPK Service Tribunal Peshawar .

Mr. Shaheed Ullah S/ O Rizwan Ullah R/O Serdheri Kandi
Barookhel Tehsil & District Charsadda Mineral Guard BPS -3
H/Q office Peshawar.**Appellant**

Versus

1. Government of KP through Director General Mines & Minerals KPk Peshawar.
2. Mineral Development Officer Nowshera.
3. Assistant Director Mineral Development/ technical Nowshera.
4. Mohsin Ali Khan Assistant Director / Inquiry Officer, H/Q Office Peshawar.
5. Hayat _ Ur- Rehman Deputy Director Minerals/ Enquiry officer, H/Q Office Peshawar.....**Respondents**

Service Appeal under Section 4 of the KPK Service Tribunal Act, against the impugned order No- 5158-67 DGMM/Amin/3/451 dated 21.03.2019. Whereby the major penalty (Compulsory Retirement from service with pension benefit) is imposed on the Appellant under Rule 4(1) (b) (II) of KPK Efficiency & Discipline Rules, 2011 and no reply of the Departmental Appeal filed by the Appellant is given so far.

Prayer:

That this Honourable Tribunal may graciously, on acceptance of this Service Appeal, set aside the impugned order **No- 5158-67 DGMM/Amin/3/451 dated 21.03.2019** by declaring it too harsh, against the Efficiency & Discipline Rules, tainted malafide and without lawful Authority , not recommended by the enquiry officer and re- instate the Appellant with all consequential benefits.

Respectfully Sheweth: The need for the instant Appeal arises due to the following facts:

Facts:

1. That the Appellant is a highly qualified person and joined the Department on 31.12.2008 as Mineral Guard BPS-1 and

(2)

worked under the kind control of the Respondent with full dedication, punctuality and honesty and with full satisfaction of the competent Authority with no any adverse remarks against him in the past(**Copy of appointment is attached as Annexure A**).

2. That the Appellant was posted and transferred from one place to another and as per direction of the competent Authority served at different places with the sole object of implementing rules, regulations and policy of the KPK Government and without any hesitation curbed the illegal mining, exploration, transportation of mines and many time was even threatened of dire consequences but the appellant did his duty as per his conscious and in accordance with the direction of the authorities...(**All The posting/transfer orders of the Appellant till compulsory retirement are attached as Annexure B**).
3. That the Appellant has a sufficient knowledge of computer, and his skill and service was utilized as computer operator for some time which testifies the caliber of the Appellant and his interest in office work rather to work for any illegal gains in the field and never demand to be posted in field. **(Copy of order dated 2.10.2014 is attached as annexure C)**.
4. That where ever the Appellant is posted, he irrespective of any reward and without any fear and favour took legal action against the defaulters as per rules and sent murasalas against them to the police concerned with reporting the matter to the concerned Assistant Director Mineral development head quarter office Peshawar. (**Copy of the detail of such murasalas is attached as Annexure D and shall be considered part and parcel of this Appeal**).
5. That on 13th August 2018 the Appellant with 5 others through order No 14614-20/DGMM/MM/PR/misc/Office order were posted in District Peshawar to curb unauthorized mining/ transportation of major & minor minerals and was assigned the duty on 1473,73 acres area near village Badhber/ Janni Khawar, District Peshawar, Block 2 and surrounding areas and in continuation of this order the appellant was ordered to perform duty at Jalla Bella Peshawar(Special Task) and lodged FIR against the offenders of illegal mining and transportation and even on

28.11.2018 through another order was assigned duty to curb such activities in the 837.67 acres near village Naguman/ Bhattani, District Peshawar (Block6) and surrounding areas. Needless to mention that the Appellant with other 30 Royal sub- Inspector and Minerals Guard was transferred from Head quarter Office Peshawar to HQ office Mardan where he was assigned duties at different places to check all major and minor minerals bearing areas mentioned in the order..... (**Copies of such are attached as Annexure E and be considered part of this appeal**).

6. That through office order No- 19785/DGMM/Amin dated 22.11.2018 the appellant was informed that a lease holder **Mr. Qadir Shah S/O Haji Arab Shah Jehan of Jani Khawar Badhber Tehsil & District Peshawar** has filed a complaint against me and the Competent Authority has appointed Mohsin Ali Khan Assistant Director (**Respondent No- 4**) as an enquiry officer who asked the Appellant to appear before him on 22.11.2018 at 11.00 A.M for recording statement with no charge sheet and statement of allegation and also asked the complainant a lease holder to appear before him on the same date at 10.00.A.M(. One hour before) me with no chance given to me to confront him any question and judge the veracity of his complaint. Appellant submitted a statement on affidavit..(**Copy is attached as Annexure F**).
7. That a letter No 20723 DGMM/ Admin, dated 05.12.2018 as sent to the appellant by the **Respondent no 5** and it was revealed that he is appointed an enquiry Officer and asked him to appear for personal hearing on 10.12.2018 and recording written defense statement which the appellant did accordingly whereas the **Respondent No-1 issued** disciplinary action on 3.12.2018..... (**Documents are attached as Annexure G**).
8. That the enquiry officer submitted an enquiry report to the Respondent No1 on 20.12.2018 without providing any copy of such enquiry or of finding of fact report to the appellant and recommended the major penalty under Rule 4(b)(iii) of KPK Efficiency and discipline Rules 2011 .(**Copy is attached as annexure H**) .

- 9. *That on 27.2.2019 the Respondent issued a show cause notice which the Appellant replied accordingly in the light of law and fact. (Copy is attached as annexure I).*

- 10. *That the Respondent awarded the major penalty of compulsory retirement to the appellant through impugned order No- 5158-67 DGMM/Amin/3/451 dated 21.03.2019. (Impugned order is attached as annexure J).*

- 11. *That the Appellant filed a department appeal as per rule within time but is not respondent at all till today (Copy is attached as Annexure K)*

Being aggrieved hence this Appeal is preferred on the following grounds:

Grounds

- A. That the enquiry officer and the competent Authority without personal hearing, cross examining the complainant and even not providing a copy of the complaint of the complainant to the appellant with no final show cause notice imposed a major Penalty of compulsory retirement on the Appellant through impugned order dated 21.3 2019 which is illegal, against the rules, is unjust and is against the Principle of fair trial.
- B. That the impugned order is a blatant violation of Efficiency and Discipline Rules and the punishment so imposed is too harsh and is not proportionate to the crime even if proved properly consequent thereof is without jurisdiction.
- C. That the Guards like the appellant deals with the defaulters and in many serious cases the competent authority has taken the lenient view with his own employee which is on record but for unknown reasons the competent authority want to get rid of the appellant considering the complaint of Qadir shah a conclusive evidence against him with no analysis of the video.
- D. That such kind of action against the honest Guards may discourage them which may result in a chain of

irregularities as well as bad governance in the department.

E. That the Appellant is hesitant to involve the department in litigation and wish to solve the matter within the department as litigation in his opinion is bringing bad name to the department, hence preferred a departmental Appeal.

F. That he appellant is too young and this kind of punishment is stigma on his personality which is due to unknown reasons and just on the complainant of a person against whom the appellant has filed an FIR.

D. That the appellant is ready for oath that I has never demanded any illegal gratification during his service from any one and what the complainant Qadir shah has reported is false, fabricated and is manifestation of with the connivance of unseen hands as the Appellant have registered a lot of reports against the defaulters which is on record. The complainant was bound to prove the guilt of the Appellant not the appellant to prove his innocence which is against the basic principle of criminal law.

It is therefore humbly prayed that on acceptance of this Appeal the relief may be granted as prayed above.

Appellant
Through : *Nazir Ahmad* 18/7/19
Nazir. Ahmad. Advocate.
Peshawar. High Court.
Peshawar

Certificate and affidavit
Certified that the appellant has not filed any such appeal before this one in respect of the same subject matter and affirm on oath that the contents of this Appeal are correct.

Nazir Ahmad
Nazir Ahmad
Advocate
M.A. LL.B. LL.M.

Appellant.

Government of North-West Frontier Province
DIRECTORATE-GENERAL, MINES & MINERALS

Attached Department Complex, Khyber Road, Peshawar Cantt
FAX: # 091-9210236

6
Annex A

NO. DGMM/ADMN/3/451/ 7840

Dated 18/06/2009

OFFICE ORDER.

On the recommendations of the Departmental Selection Committee and in pursuance of Peshawar High Court Peshawar order dated 9-4-2009, Mr. Shaheedullah S/o Rizwanullah, Village Sardheri Kandi Barookhel, Tehsil and District Charsadda, is hereby appointed as Mineral Guard (BPS-1) (2970-90-5670) plus usual allowances with effect from 30-12-2008 (Fore-noon) on the terms & conditions already conveyed to him vide this Directorate letter No.15794-A/DGMM/ADMN/1-17 dated 26-12-2008.

He is posted in the office of Assistant Director Mineral Development Bunair.

Sd/-
DIRECTOR-GENERAL
MINES & MINERALS, NWFP.

ACG 15/6/2009

Endst. NO. DGMM/ADMN/3/451/ 7891-96

Dated 18 /06/2009

A copy is forwarded to:-

1. PA to Director General Mines and Minerals NWFP.
2. The District Accounts Officer, Bunair
3. The Assistant Director Mineral Development Bunair.
4. The Budget and Accounts Officer, H.Q. Office Peshawar.
5. Mr. Shaheedullah; Mineral Guard, office of Assistant Director Mineral Development Bunair
6. File No. 1/33-Admn

Recd
17

Abdul
Majid

Administrative Officer
For Director General
ACG
15/6/2009



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex: Khyber Road Peshawar.

No. _____ /1/33/DGMM/Admn: Dated _____ /05/2013.

7
Amour
B

OFFICE ORDER

The Competent Authority has been pleased to make the following posting/transfer against the vacant posts of the Class-IV employees of this Directorate with immediate effect in the public interest:

S/#	Name of official	From	To
1	Muhammad Bashir, Naib Qasid	H/Q Office Peshawar	Mines Rescue Safety and Training Centre, Jalozai Distt: Nowshera
2	Shaheedullah Mineral Guard	O/o the Assistant Director (Technical), Bunair	H/Q Office Peshawar

Sd/-

Director General Mines & Minerals
Khyber Pakhtunkhwa

Endst: No. 2963-69- /1/33/DGMM/Admn:

Dated 6 /05/2013

A copy of the above is forwarded to:

- 1- The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 2- The District Accounts Officer, Nowshera and Bunair
- 3- The Rescue Superintendent, Mines Rescue Safety and Training Centre, Jalozai District Nowshera
- 4- The Assistant Director (Technical), Bunair.
- 5- The Assistant Director (Accounts), H/Q Office Peshawar.
- 6- Officials concerned for compliance. (Mr. Shaheedullah M/Guard)
- 7- Personal files of the officials concerned.

(MUHAMMAD ARSHAD)
Administrative Officer
For/ Director General.

Handwritten signature



26

8

Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. _____ /3/451/DGMM/Admn:

Dated _____ / 07 / 2013

OFFICE ORDER

On submission of arrival report for duty in the Headquarter's Office, Peshawar on 12/7/2013, Mr. Shaheedullah, Mineral Guard, is hereby posted in the Litigation Cell, Headquarter's office Peshawar.

Sd/-

Director General Mines and Minerals
Khyber Pakhtunkhwa

Endst: No. 15322-26 /3/451/DGMM/Admn:

Dated 31 /07/2013

A copy is forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Assistant Director (Accounts), H/O Office Peshawar.
3. The Assistant Director (Litigation), H/O Office Peshawar.
4. Official concerned. (Mr. Shaheedullah M/Rund)
5. File No. 1/33/DGMM/Admn:

(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For/Director General

Attested
ayaz



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

9

7

No. _____/1/33/DGMM/Admn.

Dated _____/2013

OFFICE ORDER

In order to control illegal mining operation/transportation of Laterite / Fireclay in the leased area in village Marnakhel District Nowshera, M/s. Shahidullah & Naqibullah, Mineral Guards, H/Q Office, Peshawar are hereby directed to perform duties on the said mining site and take legal action against the defaulters and report the matter to concerned Assistant Director Mineral Development, H/Q Office, Peshawar.

Mr. Hazrat Said, Mineral Guard will also perform duties on the mining site mentioned above for the said purpose in addition to his own duties.

Sd/-
Director General Mines & Minerals
Khyber Pakhtunkhwa

Endst. No. 119-25/1/33/DGMM/Admn.

Dated 27/1/2013

A copy of the above is forwarded to:

1. PS to Special Assistant to Chief Minister (for Mineral Dev.), Khyber Pakhtunkhwa.
2. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa.
3. The Director Licensing, H/Q Office, Peshawar.
4. The Assistant Director (Minerals), H/Q Office, Peshawar.
5. The Mineral Development Officer, Mardan/Nowshera.
6. Officials concerned for compliance. (Mr. Shahidullah M. Sued)
7. Personal files of the official concerned.

Shahidullah M. Sued

[Signature]
Assistant Director (Administration)
For/ Director General.



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

10

No. 9821 / DGMM/3/451/Admn:

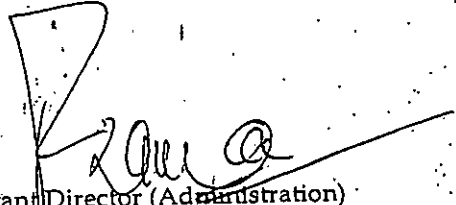
Dated. 24 /7/2014

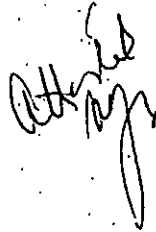
To:

✓ Mr. Shaheedullah
Mineral Guard, o/o Mineral Dev: Officer,
Nowshera

Subject: REQUEST FOR CANCELLATION OF TRANSFER ORDER.

It is to inform you that the Competent Authority (Director General, Mines and Minerals) has considered your subject application and decided to file.


Assistant Director (Administration)
For Director General





Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

11

No. _____ /DGMM/1/33/Admn:

Dated _____ /2014

OFFICE ORDER

The following Mineral Guards of this Directorate are hereby deputed to perform temporary duties as per detailed given below with immediate effect in the public interest:

S/#	Name of official	From	To
1	Mr. Shaheed Ullah, Mineral Guard	H/Q Office, Peshawar	Office of the Mineral Dev. Officer, Nowshera
2	Mr. Ishaq ur Rehman, Mineral Guard	H/Q Office, Peshawar (on temporary duty at Kohat)	-do-
3	Mr. Said Wali Shah, Mineral Guard	H/Q Office, Peshawar	Office of the Assistant Director Mineral, Mansehra
4	Mr. Naveed Khan, Mineral Guard	-do-	-do-

Sd/-
Director General Mines & Minerals
Khyber Pakhtunkhwa

Encls: No. 7586-92 /DGMM/1/33/Admn

Dated 06/06/2014

A copy of the above is forwarded to:

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa.
2. The Director Licensing -I&II/ H/Q Office, Peshawar.
3. The Assistant Director Mineral Development, Kohat.
4. The Assistant Director Mineral, Mansehra.
5. The Mineral Development Officer, Nowshera.
6. Officials concerned for compliance.
7. Personal files of the official concerned.

Assistant Director (Administration)
For/ Director General.

Registered

OFFICE OF THE
MINERAL DEVELOPMENT OFFICER
NOWSHERA

12

No.355/MDO/NSR/Office Order.
Dated: 01/07/2014.

To
Director General
Mines and Minerals
Khyber Pakhtunkhwa
Peshawar.

SUBJECT: OFFICIAL DUTY FOR CHECKING AND CONTROLLING ILLEGAL MINING.

In order to check and control illegal mining, at various areas of District Nowshera the available staff of this office is hereby deputed to perform their official duties as per the given detail

S.No.	Name of Official	Place of Duty
1	Mr. Hazrat Said Mr. Mohammad Quraish (Mineral Guard)	Mineral Check Post Jehangira, Mineral bearing areas of Khairabad, Jammu, Daryazgai, Nizampur, Mian Essa, Nandarak, Meshak, Mughalki, Pir Sabaq, Shedu Ziarat, Kaka Sahib and all those areas that fall in the jurisdiction of P/S Nizampur and Akora Khattak.
2	Mr. Ishaq ur Rehman Mr. Shaheed Ullah (Mineral Guards)	Suspended leased area of H. Yaqob Khan (Late), located in Mama Khel, for ensuring complete stoppage of illegal mining/transportation of Laterite etc. Lodge FIR against the persons involved in illegal mining and make sure that no mining machinery is present in the leased area.
3	Mr. Tajammul Shah (Sub-Inspector)	Mineral bearing areas of Cherat, Jaloza, Rahim Khan Bhatti, Dagai Khwar, Zaho Banda, Gangay Khwar, Pir Pai, Mosa Talao, Babu Khwar, Kandar hills, Kabal river, Wattar, Gul Dher, Manki, Sadu Khel and all those areas that fall in the jurisdiction of P/S Pabbi, Aza Khel, Nowshera Kalan and Risalpur. He is also advised to help Mohammad Abid in court cases, in time of need.
4	Mr. Mohammad Abid (Mineral Guard)	Court cases and official work till the deputation of Clerical Staff as not a single clerk is available at this time.

[Handwritten signature]

The field staff is directed to take strict legal action against the culprits involved in illegal/un-authorized mining/transportation of minerals under Rule 173 and 214 of the Mining Concession Rules 2005 under intimation to the undersigned. In case of misconduct or slackness in performance of official duty, the concerned official shall be held responsible for all consequences.

Since, the undersigned is facing severe shortage of field and office staff as well as conveyance facility; therefore, the same may urgently be rectified please.

[Handwritten signature] 01/07/2014
(Engr. FALAK ZAMAN AFRIDI)
Mineral Development Officer



GOVERNMENT OF
KHYBER PAKHTUNKHWA
OFFICE OF THE ASSISTANT DIRECTOR MINERAL
DEVELOPMENT NOWSHERA

No. 01 /MDW/AD/Office Order/2015 Dated 01 /07/2015

To

The Director General,
Mines and Minerals Khyber Pakhtunkhwa,
Peshawar.

Subject:- OFFICE ORDER.

Reference Directorate office order letter No. 7384-95/DMW/PR/Misc:/MC-II/2015 dated 29-06-2015 on the subject noted above.

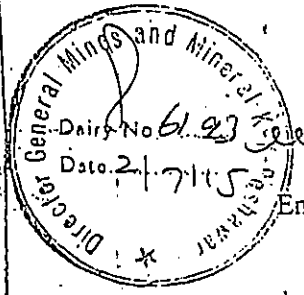
In this connection, it is stated that Mr. Shaheed Ullah Mineral Guard is working in the office of the Assistant Director Mineral Development Nowshera as Computer Operator, as there is no computer operator and all typing work of official documents has been done by Mr. Shaheed Ullah. Due to transfer of Mr. Shaheed Ullah the official work will be badly suffered.

Now Mr. Shaheed Ullah has been assigned field duty of Kohat/Ring road Peshawar on 29-06-2015. Due to above reason, we given substitute of Mr. Shaheed Ullah to Directorate for field duty for the subject task.

1. Mr. Tayyab Ali Shah Mineral Guard.
2. Mr. Raz Muhammad Mineral Guard.

In view of the above position, it is humbly requested to withdraw the field duty of Mr. Shaheed Ullah and assigned to any one of them above mentioned Mineral Guards.

Alloret



11/7/15
01/7/2015
O/P ASSISTANT DIRECTOR MINERAL
DEVELOPMENT NOWSHERA

Endst: No. 02 /MDW/AD/Office Order/2015 Dated 01 /07/2015

Copy to:-

1:- The Assistant Director Administration Mineral Department Peshawar for information and necessary action please.

11/7/15
01/7/2015
ASSISTANT DIRECTOR MINERAL
DEVELOPMENT NOWSHERA

D.G cell DL-II
Dairy No. 417
Dated 03-07-15

11/7/15

ASD
10/08/15

10/08/15



DIRECTORATE GENERAL MINES & MINERAL

KHYBER PAKHTUNKHWA, PESHAWAR.

ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD, PESHAWAR.

Ph: 091-9211246, 9211153 Fax: 091-9210236

No. 7384-95 /MDW/PR/Misc/MC-II/2015Dated 29/06/2015OFFICER ORDER.

The Competent Authority is pleased to assign the following duties to the following official with immediate effect till further order.

TEAM NO.1

S.No.	Name of official	Place/ perform of duties
1	Mr. Mansoor Ahmad, Royalty Inspector	Supervision and monitoring the below official team, on daily basis and submitted progress to this office. Further also take proper action against un-authorized mining/ transportation of mineral if any in the District.
2	Mr. Naeem Afridi, Royalty Sub-Inspector	
3	Mr. Naveed Khan, Mineral Guard	

TEAM NO.2

S.No.	Name of official	Place/ perform of duties
1	Mr. Sardar Hussain, Mineral	Perform the duties at Kohat/ Ring Road and its surrounding areas.
2	Mr. Noor Wali Shah, Mineral Guard	
3	Mr. Shaheed Ullah, Mineral Guard	

TEAM NO.3

S.No.	Name of official	Place/ perform of duties
1	Mr. Waqas, Mineral Guard	Perform the duties at Charsadda Road and its surrounding areas.
2	Mr. Muhammad Sajid Ali, Mineral Guard	
3	Mr. Aurang Zeb, Mineral Guard	

TEAM NO.4

S.No.	Name of official	Place/ perform of duties
1	Mr. Muhammad Yousaf, Mineral Guard	Perform the duties at GT Road/ Motorway and its surrounding areas.
2	Mr. Karamat Shah, Mineral Guard	
3	Mr. Shahid Ali, Mineral Guard	

All the above official will perform the duties regularly regarding control of un-authorized mining/ transportation of Major/ Minor Minerals in their respective jurisdiction and lodge FIR/Marsallas against the culprits involved in un-authorized mining/transportation of minerals and report to this office on weekly basis. In case any un-authorized mining/ transportation of minerals found the concerned official (s) will face their consequences and action will be taken against the under efficiency and disciplinary rules.

Assistant Director (Tech.)

For Director General

Dated 29/06/2015Ends: No. 7384-95 / MDW/PR/Misc/MC-II/2015

Copy to:-

1. Director General Mines & Mineral, KP: Peshawar for information please.
2. Director Licensing-II for information please.
3. Assistant Director (Admn:) H/Q office, Peshawar for information.

ASSH:

03/7/2015

Assistant Director (Tech.)



Directorate General of Mines & Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

15

No. MDW/PR/Misc/MC-II/2017/ _____

Dated. _____/01/2017

To:

1. Mr. Farmanullah, Royalty Inspector HQ Office Peshawar
2. Mr. Kiramat Shah, Mineral Guard HQ Office Peshawar
3. Muhammad Yousaf, Mineral Guard HQ Office Peshawar

Subject: PROPOSAL OF ESTABLISHMENT OF NEW MINERAL CHECK POSTS

Reference letter No. DGMM/Admin/1/35/1 3985-14000 dated 27.12.2016 on the subject noted above (copy enclosed).

I am directed to refer to the subject noted above and advise you to search out a suitable place for establishment of new Mineral Check Posts on main Kohat Road for checking of mineral transportation within a week time. You are further advised to perform your duty regularly regarding unauthorized mining/transportation of major/minor minerals in your respective jurisdiction and lodge FIR/Marasllas against the culprits involved in unauthorized mining/transportation of minerals and report to the undersigned on weekly basis every Monday positively. In case any unauthorized mining/transportation of minerals is found, you will be personally held responsible and action will be taken against you under E&D Rules.

ENCL: As above

[Signature]
Assistant Director (Technical-I)
For/ Director General

12/1/2017

Encls: No. MDW/PR/Misc/MC-II/2017/ 396-04

Dated. 12/01/2017

Copy forwarded to:-

1. PA to Director General Mines and Minerals Khyber Pakhtunkhwa
2. The Director Licensing -II, H/Q Office Peshawar
3. The Assistant Director (Admin), H/Q Office Peshawar with reference to his letter referred to above.
4. M/s Noor Wali, Muhammad Sajid Ali, Mineral Guard with the direction to perform the duty at Charsadda Road for similar action.
- ✓ 5. M/s Anwar Ali, Aurang Zeb, Shaheedullah, Shahid Ali; Mineral Guard with the direction to perform the duty at Headquarter Office for any emergency duties assigned to them when required.

[Signature]
Assistant Director (Technical-I)
For/ Director General

12/1/2017

Answers
C

66



DIRECTORATE GENERAL MINES AND MINERALS
KHYBER PAKHTUNKHWA
ATTACHED DEPARTMENTS COMPLEX, KHYBER ROAD, PESHAWAR

No. 13101/DGMM/1/60/Admin: Dated 21/10/2014

To: The Assistant Director (Mineral)
Nowshera.

Subject: DETAILMENT OF COMPUTER OPERATOR AT THE OFFICE OF ASSISTANT DIRECTOR MINERAL DEVELOPMENT, NOWSHERA.

I am directed to refer to your letter No. 520/MDW/NSR/Office Order 2014 dated 23.9.2014 and to state that Mr. Shaheed Ullah, Mineral Guard of your office has sufficient knowledge of computer typing, therefore, you are advised to utilize the services/skill of the official in the best interest of public.

Assistant Director (Administration)
For/ Director General

Please call the official for computer operating

DM
23/10/2014

ACSA

In order to stream line the office routine work. The office duties of this office are hereby distributed among the following officials mentioned against each name as per detail given below till further order.

S. No	Name of Officer / Officials	Designation	Duty / Activities
1	Mr. Majid Ali Khan	Mineral Development Officer	To deal with court cases, supervise field staff for controlling of illegal mining, concession work of Major Mineral & Minor Minerals related matters will be process through Mineral Development Officer etc.
2	Mr. Muhammad Qasim	Assistant	To deal with the concession work of Major Minerals & Minor Minerals and all related matters etc.
3	Irfan	J / Clerk	To deal with account matters, diary and dispatch work and assist MDO and Assistant in official work etc.
4	Shaheed Ullah	Mineral Guard	To compose official letters and keep record etc.
5	Inayat Ali Shah	N / Qasid	Post and distribute official letter and related matters etc.
6	Fayaz ullah	N / Qasid	Assist office staffs in the official work etc.
7	Bilal	Chainman	Assist MDO, Assistant in official work etc.
8	Rohul Amin	Chowkidar	Keep watch of office day and night.

Attended

ASSISTANT DIRECTOR (TECH)
MINERAL DEVELOPMENT
NOWSHERA.
Dated 29-4-2015.

Endst.No. 212-19 / MDW/NSR/Office Order 2015

A copy to:-

1. PA to Director General Mines and Minerals Khyber Pakhtunkhwa, for information please.
2. Mr. Majid Ali Khan Mineral Development Officer.
3. Mohammad Qasim Assistant.
4. Irfan J/Clerk.
5. Shaheed Ullah Mineral Guard
6. Inayat Ali Shah N / Qasid.
7. Fayaz ullah N / Qasid.
8. Bilal Chainman.
9. Rohul Amin Chowkidar.

Attended

29/4/2015

ASSISTANT DIRECTOR (TECH)
MINERAL DEVELOPMENT
NOWSHERA

Annexure

(D)

(گورنمنٹ ہیرسٹون)

گورنمنٹ ہیرسٹون کی سرکاری سرکاری زمینوں پر

21/09/2005

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21/09/2005

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سیر شاہ خانہ جوائنٹ

214173 انگلستان 2005

S.H.O. صاحب کمانڈر قسطنطنیہ قلعہ پشاور

مگر زمین سے رقم آج سے ساری زمین سیر شاہ خانہ جوائنٹ 9304-95

کمانڈر قسطنطنیہ قلعہ پشاور کے قلم میں سیر شاہ خانہ جوائنٹ 9304-95

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ابتدائی اطلاع کے تحت...

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آڈر نمبر 95-4-387...

سرہ خانہ جہاں خود لکھی...

حد در حد تھیں...

اور ڈرائیوران کے ذریعے...

جوڑے۔ مصروف پانچ...

مسی سراج سولہ...

دس ٹریکٹر ٹھاول پاکٹ...

مٹھاول پاکٹ ایئر بیٹر...

معدنی کمان کی...

میں پر معدنی کمان...

جو کہ جانے موقع پر...

کے مائن کے خلاف...

کی بھی بند کی جائے...

اسی عمل سے جو کہ...

میں کارا کو کر برص...

مٹھل خان آج...

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http://www.dailymashriq.com.pk

اللہ ہی کیلئے ہیں مشرق و مغرب القرآن

DAILY MASHRIQ PESHAWAR

پشاور روزنامہ

سیدنا سیدنا

مشرق

سلسلہ شاعت کے 49 سال

پشاور اسلام آباد سبیک وقت شائع ہونے والا کثیر الشاعت قومی اخبار

ABC CERTIFIED

جلد 49 نمبر 8 ذوالحجہ 1436ھ 23 ستمبر 2015ء 17 سبج قیمت 12 روپے

شمارہ 38

پشاور کی رہنمائی سے خبریں

جائے پریاچ افراد گرفتار

پشاور (ٹاف رپورٹ) قاتل سنی پولیس نے غیر قانونی پشاور جیل پر سرکاری زمین سے بڑی لے جانے پر 5 افراد کو گرفتار کر لیا، کوششوں کے بعد نجات کے حصول کا یہ قراء شہداء نے قاتل سنی پولیس کی اطلاع دی کہ لڑکانہ قاتل شاہ ولد عرب شاہ سنی ہزاروں روپے بڑھ ہزاروں شہداء زبان دیکھو سائینوں کے ہزار غیر قانونی طریقے سے سرخو روہ جاتے خود میں واقع سرکاری زمین سے بڑی اور عت کے بارے میں پولیس نے اطلاع ملے ہزار کارروائی کر کے ہونے یا زمین لڑکانہ گرفتار کر لیا زمین کے خلاف مقدمات دیہان کرنے لگے ہیں۔

تباہی مشران کا اصلاحات پر

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GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL MINES & MINERALS
PESHAWAR

Registered

Amateur

(21)
(E)

No. _____ DGMM/MM/PR/Misc./Office Order

Dated 13/08/2018 ✓

OFFICE ORDER

In order to curb Un-authorized Mining/ transportation of Major & Minor minerals in District Peshawar, the following duties are assigned to the officials as per detail below till further order.

S.No	Jurisdiction of duty	Name of official (Mineral Guard)
1	817.975 acres near Masho Khwar & Loe Khwar (Badsher) District Peshawar (Block-1) and surrounding areas	Mr. Alamgir Royalty Sub Inspector
2	1473.73 acres near village Badsher/Junal Khwar District Peshawar Block-2 and surrounding areas	Mr. Junaid Haq Royalty Sub Inspector
3	1244.72 acres near village Orhi Atlas/Multan (Badsher) District Peshawar (Block-1) and surrounding areas	Mr. Shabbir Ullah Mineral Guard
4	Major Minerals Aza Khel District Peshawar and surrounding areas	Mr. Waqas Mineral Guard Mr. Yousaf Mineral Guard Mr. Nour Wali Mineral Guard
5	325.45 acres near village Tela Band Badsher District Peshawar (Block-4) and surrounding areas	
6	195.34 acres near village Shahab khel Block-9, Ahind Khel and surrounding areas	
7	462.51 acres near village Ghari Faizullah/Ghari Sadullah Bhattai District Peshawar (Block-5) and surrounding areas	
8	157.38 acres near village Umar Bale District Peshawar (Block-7) and surrounding areas	
9	202.23 acres Near village Achini Payan District Peshawar Block-8 and surrounding areas	
10	406.00 acres near village Umar Payan District Peshawar Block-14	
11	105.25 acres near village Umar Payan Mera District Peshawar Block-15 and surrounding areas	Mr. Shadman Royalty Sub Inspector
12	139.67 acres near Gudar Khwar District Peshawar (Block-10) and surrounding areas	Mr. Naveed Mineral Guard Mr. Kiramat Shah Mineral Guard
13	201.72 acres near village Regi Lal District Peshawar (Block-13) and surrounding areas	Mr. Aurangzeb Mineral Guard Mr. Sajjad Ali Mineral Guard Mr. Anwar Ali Mineral Guard
14	19.00 acres near village Jogni District Peshawar and surrounding areas	Mr. Shahid Ali
15	837.67 acres near village Naguman/Bhattian District Peshawar (Block-6) and surrounding areas	
16	112.89 acres near village Garhi Baghbanan District Peshawar (Block-11) and surrounding areas	
17	51.89 acres near village Sabai Dalazak road District Peshawar (Block-12) and surrounding areas	

All the officials are directed to submit Marasulas to the concerned Police stations for registration of F.I.R against the person involved in Un-authorized Mining/ transportation as per Mineral Governance Act 2017. They are also directed to submit weekly progress to the undersigned in writing. The official may be called for duty anywhere in District Peshawar as and when needed.

Assistant Director (Technical)
For Director General

Endst. No. 14614-20 DGMM/MM/PR/Misc./Office Order

Dated 13/08/2018

Copy forwarded to:

- 1- The Director General Mines & Minerals Khyber Pakhtunkhwa for information please.
- 2- The Deputy Commissioner Peshawar for information please.
- 3- The Capital City Police Officer Peshawar with the request to direct all SHO's of District Peshawar to co-operate the field staff of this office, please.
- 4- Royalty Inspector H/Q office Peshawar for supervision & necessary action.
- 5- All SHOs of District Peshawar; for co-operation, please.
- 6- All official concerned.

M. Z. W. S. S.
 Assistant Director (Technical)
 For Director General

*Attested
 M. Z. W. S. S.*



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Registered
DIRECTORATE GENERAL MINES & MINERAL
KHYBER PAKHTUNKHWA, PESHAWAR.
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD, PESHAWAR.
Ph: 091-9211136/9211154 Fax:091-9210236

No. 16220/DGMM/MM/PR/Misc./Office Order

Dated 17-09-2018

OFFICE ORDER

In continuation of Office Order No. 14641-20 dated 13-08-2018. The entries in respect of Mr. Shahced Ullah Mineral Guard H/Q office Peshawar may be read as to perform duty at Jalla Bella Peshawar (Special task) and lodge F.I.R's against the offenders of illegal mining/transportation and report accordingly.


Assistant Director (Tech)
For Director General

Copy to

- 1- P.A to Director General Mines and Minerals Khyber Pakhtunkhwa Peshawar.
- 2- Official concern for immediate compliance.
- 3- S.H.O Daud zai District Peshawar.

Assistant Director (Tech)
For Director General





DIRECTORATE GENERAL MINES & MINERAL

KHYBER PAKHTUNKHWA, PESHAWAR.
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD, PESHAWAR.
Ph: 091-9211136/9211154 Fax:091-9210236

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No: 20162-66 /DGMM/MM/PR/Misc./Office Order

Dated: 28/11/2018

OFFICE ORDER

In order to curb Un-authorized Mining/Transportation of Major & Minor Minerals in District Peshawar, the following duties are assigned to the officials as per detail below till further order.

Name of officials	Jurisdiction of Duties	
Mr. Janat Ul Haq Royalty Sub-Inspector.	1	817.975 acres near Masho Khawar & Loe Khawar (Badbber District Peshawar (Block-1) and surrounding areas.
Mr. Waqas Mineral Guard.	2	1473.73 acres near village Badhber/ Janay Khwar Distric Peshawar (Block -2) and surrounding areas.
Mr. Shahid Ali Mineral Guard.	3	1244.72 acres near Village Garhi Atlas/ Multan Garh (Sorizai) District Peshawar (Block-3) and surrounding areas.
Mr. Kiramat Ullah Mineral Guard.	4	Major Minerals Aza Khel District Peshawar and surrounding areas.
Mr. Yousaf Mineral Guard.	5	325.45 acres near village Tela Band (Badbber) Distric Peshawar (Block-4) and surrounding areas.
Mr Sajjad Ali Mineral Guard.	6	195.34 acres near village Shahab Khel (Block-9), Ahma Khel and surrounding areas.
	7	462.51 acres near village Ghari Faizullah/Garhi Sadulla Bhatai District Peshawar (Block-5) and surrounding areas.
	8	157.38 acres near Village Urmar Bala District Peshawar (Block-7) in surrounding areas.
	9	202.23 acres near village Achini Payan District Peshawar (Block-8) and surrounding areas.
Mr. Shadman Royalty Sub-Inspector.	10	406.00 acres near village Urmar Payan District Peshawa (Block -14).
Mr. Naveed Khan Minerals Guard.	11	105.25 acres near Village Urmar Payan Mera Distric Peshawar (Block-15) and surrounding areas.
Mr. Noor Wali Mineral Guard.	12	139.67 acres near Gudar Khwar District Peshawar (Block -10) and surrounding areas
Mr. Aurangzeb Mineral Guard.	13	201.72 acres near Village Regi Lalma District Peshawa (Block-13) and surrounding areas.
Mr. Anwar Ali Mineral Guard.	14	19.00 acres near village Jogni District Peshawar ar surrounding areas.
Mr. Shahcedullah Mineral Guard.	15	837.67 acres near Village Naguman/Bhattian Distri Peshawar (Block-6) and surrounding areas.
	16	112.89 acres near village Garhi Baghbanan District Peshaw (Block -11) and surrounding areas.
	17	51.89 acres near Village Sabai Dalazak Road Distri Peshawar (Block-12) and surrounding areas.

All the officials are directed to submit Marasalas to the concerned Police Stations for registrat of F.I.R against the person involved in Un-authorized Mining/Transportation as per Mineral Govern Act,2017. They are also directed to submit weekly progress to the undersigned in written. The officials may called for duty anywhere in District Peshawar as and when needed.

Attested
Agar

M. Z. 002
Assistant Director (Tech)
For Director General

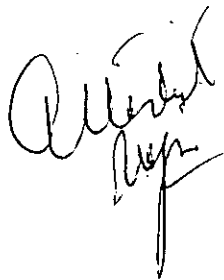
25

Endstt No: ___/DGMM/MM/PR/Misc./Office Order

Dated ___/___/2018

Copy forwarded to:-

1. The Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar for information please.
2. The Deputy Commissioner Peshawar for information please.
3. The Capital City Police Officer Peshawar with the request to direct all S.H.O's of District Peshawar to co-operate with the field staff of this office, please.
4. All S.H.O's of District Peshawar for co-operation, please.
5. All officials concerned.



Assistant Director (Tech)
For Director General



Directorate General of Mines & Minerals
KHYBER PAKHTUNKHWA

Attached Departments Complex Khyber Road Peshawar

Dated ___/12/2018

No. ___/3/361/DGMM/Admn:

OFFICE ORDER

The Competent Authority is pleased to order posting/transfer of Royalty Sub Inspectors and Mineral Guards with immediate effect on temporary basis in the best public interest.

S/No.	Name and Designation	From	To
1	Mr. Sajjid Khan Royalty Sub Inspector	Charsadda	H/Q office, Peshawar
2	Syed Shahab Ahmad Royalty Sub Inspector	-do-	-do-
3	Mr. Janat ul Haq Royalty Sub Inspector	H/Q office, Peshawar	Charsadda
4	Mr. Shadman Khan Royalty Sub Inspector	-do-	-do-
5	Mr. Waheed Khan Mineral Guard	Mardan	H/Q office, Peshawar
6	Mr. Munsif Khan Mineral Guard	-do-	-do-
7	Mr. Salman Iqbal Mineral Guard	-do-	-do-
8	Mr. Kashif Mineral Guard	-do-	-do-
9	Mr. Shahid Hussain Mineral Guard	-do-	-do-
10	Mr. Jehangir Said Mineral Guard	Swabi	H/Q office, Peshawar
11	Mr. Imran Ali Mineral Guard	Mardan	H/Q office, Peshawar
12	Mr. Sohail Ahmad Mineral Guard	-do-	-do-
13	Mr. Armaz Khan Mineral Guard	-do-	-do-
14	Mr. Hussain Ahmad Mineral Guard	Charsadda	-do-
15	Muhammad Ayaz Mineral Guard	Mardan	-do-
16	Mr. Hilal Ahmad Mineral Guard	Swabi	-do-
17	Mr. Ayaz Ali Mineral Guard	Mardan	-do-
18	Mr. Fayyaz Khan Mineral Guard	-do-	-do-
19	Mr. Afnan Khan Mineral Guard	-do-	-do-
20	Mr. Sardar Hussain Mineral Guard	H/Q office, Peshawar	Mardan
21	Mr. Noor Wali Shah Mineral Guard	-do-	-do-

*Attended
naji*

22	Mr. Shaheed ullah Mineral Guard	-do-	-do-
23	Mr. Naveed Khan Mineral Guard	-do-	-do-
24	Muhammad Sajid Ali Mineral Guard	-do-	-do-
25	Mr. Aurangzeb Mineral Guard	-do-	-do-
26	Muhammad Yousaf Khan Mineral Guard	-do-	-do-
27	Mr. Kiramat Shah Mineral Guard	-do-	-do-
28	Mr. Shahid Ali Mineral Guard	-do-	-do-
29	Mr. Waqas Mineral Guard	-do-	-do-
30	Mr. Inam ullah Mineral Guard	-do-	-do-
31	Mr. Anwar Ali Mineral Guard	-do-	-do-

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Sd/-
Director General Mines & Mineral
Khyber Pakhtunkhwa

Dated 05/12/2018

Endst: No. 20717-22 /3/361/DGMM/Admn:

A copy of the above is forwarded to:

1. P.A to Director General Mines & Mineral, Peshawar.
2. The Assistant Director Mineral, Mardan/ Charsadda/ Swabi.
3. The Assistant Director Mineral Peshawar.
4. Personal file of the official concerned.
5. Officials concerned for compliance.
6. File No. 1/33/DGMM/Admn:

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Assistant Director (Administration)
For/ Director General

OFFICE OF THE

ASSISTANT DIRECTOR MINERAL DEVELOPMENT MARDAN

Address: Center Colony, Near Jamia Masjid Muqam Chowk District Mardan. Tel: No.0937-9230506

Dated: / / 2018

No. /MDW/MR/Establishment

OFFICIAL DUTY

In supersession of previous order of this office regarding field duty in order to stop illegal excavation and transportation of mineral from different areas of District Mardan & Charsadda, the following officials are deputed to perform their duties till further order.

S. No	Name of Royalty Inspector-Sub-Inspector/ Mineral Guard	Contact No.	Place of duty
1	Mr. Shadman Khan (RSI) Mr. Noor Wali (MG) Mr. Naveed (MG)	0314-9028140 0312-0234544 0334-9221741	To check all minor/major minerals bearing areas in Palai, Kharkai and surrounding areas and establish mineral check post near Police Station Kharkai and take action against illegal mining/transportation of minerals as per Section-42 & 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.
2	Mr. Janatul Haq (RSI) Mr. Kiramat (MG) Mr. Waqas (MG)	0300-4548640 0348-8276413 0347-9005953 0332-9205694	To check all major/minor minerals bearing areas in Spinkai/Jabagai and surrounding areas and establish mineral check post at excise contractor and take action against illegal mining/transportation of minerals as per Section-42 & 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.
3	Muhammad Yousaf (MG) Mr. Sajid Ali (MG)	0316-0191983 0313-9807082	To check all major/minor minerals bearing areas in Sawal Dher Shakar Tangi and surrounding areas and establish mineral check post at excise contractor and take action against illegal mining/transportation of minerals as per Section-56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.
4	Mr. Shaheed Ullah (MG) Mr. Shahid Ali (MG)	0315-6960299 0311-9541102	To check all major/minor minerals bearing areas in (1) Shamoza (2) Babuzai, Jamal Ghari, Itbar Khan Banda and surrounding areas and will establish check post at Jamal Ghari/Farsh and take action against illegal mining/transportation of minerals as per Section-42 & 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.
5	Mr. Aurang Zeb (MG) Mr. Inam Ullah (MG) Mr. Anwar Ali (MG)	0336-5354915 0313-9130176	To perform duty at District Charsadda to check all major minerals/minor minerals transportation in District Charsadda and surrounding areas and take legal action against illegal mining/transportation of minerals as per Section-42 & 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. No one will leave station without permission of undersigned and submit weekly report to this office.

Assistant Director (Tech)
Mineral Development Mardan
Division Mardan

Dated 13/12/2018

Endst: No. 1931-S1/MDW/MR/Establishment.
Copy forward to:-

- The Director General Mines and Mineral Khyber Pakhtunkhwa Peshawar for information and with the request to accord sanction from Finance Department.

- 2. The Deputy Commissioner Mardan/Charsadda for information, please.
- 3. The District Police Mardan/Charsadda for information, please.
- 4. The Assistant Director Monitoring Mardan/Charsadda with the request to depute your field staff 24/7 hours in the subject area, so to ensure complete stoppage of un-authorized mining in District Mardan/Charsadda and also coordinate with the field staff of this office.
- 5. Official concerned for compliance. *Shahed Ullah*
- 6. MDW/MR/Unauthorized Mining file.

Snr-13
 Assistant Director (Tech)
 Mineral Development Mardan
 Division Mardan

112/18

*Attested
 Muzir*



**DIRECTORATE GENERAL
MINES & MINERALS, KHYBER PAKHTUNKHWA**
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD,
PESHAWAR, CANTT

ATTACHED DEPARTMENT COMPLEX, KHYBER ROAD, PESHAWAR

Phone: 091-9210275 - 9211140 FAX: 091-9210236

No. 19785 /DGMM/Admin

Dated 22/11/2018

To

✓
Mr. Shahid-Ullah (Mineral Guard)
District Charsadda

Subject: OFFICE ORDER

The competent Authority vide order Endst.No- 19705-07/3/451/DGMM/Admin dated 20/11/2018, nominated the undersigned as inquiry officer on the complaint submitted by Mr. Qadir Shah S/o Haji Arab Shah Jahan lease holder of Jani Khawar at Badaber Tehsil & District Peshawar against you.

You are therefore advised to attend the office of undersigned on 22/11/2018 at 11:00 am for recording of your statement please.

Mr. Qadir Shah S/o Haji Arab Shah Jahan lease holder of Jani Khawar Badaber Tehsil & District Peshawar, you are also directed to provide further relevant information/details etc regarding his complaint if any and attend office of the undersigned on 22/11/2018 at 10:00 am for discussion please.

Mohsin Ali Khan
Assistant Director/Inquiry Officer
H/Q Office Peshawar

No. ~~19785-86~~ /DGMM/Admin

Dated /11/2018

Copy for information to:-

Mr. Qadir Shah S/o Haji Arab Shah Jahan lease holder of Jani Khawar Badaber Tehsil & District Peshawar.

Mohsin Ali Khan
Assistant Director/Inquiry Officer
H/Q Office Peshawar

*Attended
copy*

Annexure (30)
(F)

حلفہ بیان

میں شہید اللہ (کنٹرل کارڈ) حلفہ بیان دیا ہے کہ میں نے صلح لیکچرار میں غیر قانونی
 مائنٹ انٹریسیل کے خلاف بہت زیادہ کام کیا ہے جو کہ دفعہ کی ریکارڈ میں موجود
 ہے۔ قادر شاہ لکھنے پولاڈرا دنی متعدد بیانات جانے ہوئے ہیں شکایت میں صرف حلفہ جو میں
 نے ہے وہ بالکل بے بنیاد ہیں جانے ہوئے ہیں لکن سے پہلے جن بندوں نے عام کیا ہے اس
 کے خلاف میں نے درخواست جمع کی ہے (کامی نوبت) جب سے قادر شاہ نامی شخص کو
 لکھنے ملا ہے تو میں نے اس کا قانونی مدد کیا ہے اس بابت جہد کر رہا ہے کہ بیان
 غیر قانونی مائنٹ ہوئی ہے وہاں جاکر میں نے کارروائی کی ہے تاکہ وہ نقصان سے بچ سکے۔
 جب اس نے خود غیر قانونی کام کیا تھا تو اس کے خلاف درخواست جمع کی ہے اس (کامی نوبت)
 قادر شاہ مجھے بار بار کہتا تھا کہ صلح منسوخ ہو گئی ہے فلاں قدر جاؤ وہاں غیر قانونی کام
 کو بند کرو۔ میں نے اسے بد جواب دیا تھا کہ میں تو مل ٹرانسپورٹ سے نہیں آ سکتا۔ اس نے مجھے
 بتا دیا کہ اب Taxi میں آ جاؤ۔ Taxi کارڈ میں آ کر دوں گا۔ میں حلفہ بتا ہوں کہ میں نے

Attended
Mep

غیر قانونی مائنٹ انٹریسیل کی ریکارڈ اور غیر قانونی بیسیوں کا بھی مطالبہ کیا ہے انہوں نے مجھے شکست
 کا کرنا دیا ہے جو وہ خود مان رہا تھا اور مجھے جیورڈ بنا دیا تھا کہ اب تو مل ٹرانسپورٹ میں مت آؤ اور
 شکستیں بنا کر جس حد تک وہ کہتا تھا۔ اس کے علاوہ میں جانے ہوئے اور حلفہ ملکہ حالات میں
 فراہم کیے ہیں سب کی کامیاں رپورٹ لکھنے نوبت میں قادر شاہ کے کہنے پر سسر نرانی / احمد علی
 بدلو میں، ہتھی، شہاب علی تھا ہوں۔ جہاں ہم جہاں ان ملکہوں میں غیر قانونی مائنٹ انٹریسیل
 دیکھا ہے جس کے خلاف درخواست جمع کی ہے (کامی نوبت) میں حلفہ بیان لے رہا ہوں۔

وڈیو لکھنے کے لئے اس طرح سے کہیں (کامی نوبت) میں حلفہ بیان لے رہا ہوں۔
 نو قادر شاہ نے کھ اور طرح سے ہتھی کیا ہے لیکن اہل بات نہ ہے۔ آ رہا ہے کہ شکستیں کرنا
 دے رہے ہیں جو میں ادا کر چکا ہوں۔ آپ اچھا ان کے غور سے سن لو تو آپ حکم میں نے اس کو کیا
 تھا (1000 روپیے) کا کرنا تو نو شہد تک ہے۔ قانونی کام میں کس طرح میں اب لکھنے پولاڈرا کو
 نو شکست کروں گا۔ میں نہیں کارڈ کی حالت سے کس طرح اس کا لکھنے کینسل کروں گا۔ نہ بندہ
 مجھے دباؤ دے اور نہ مانا بدل لکھنے کے لئے بد کام کر رہا ہے جو میں نے لکھنے سے پہلے اس کے اوپر
 درخواست

کے قریب قریب قانون میں۔

عصر صبح کی جاتی ہے کہ قادر شاہ فور ایبل لیٹر بولڈر سے جس نے اس کی مدد کی ہے نیز ملانے میں انور کھلیس ٹوی رکاوٹ میں ڈال رہے ہیں اور اس کے علاوہ اس نے خود علم قانونی کام دیا ہے تو اس کے خلاف جی کارروائی کی ہے وہ جج سرکاری اہلکار ہوتے ہوئے ہرگز ایسے کام نہ کرے رہا ہے اور اسی وجہ سے تقاضات اور وٹرو جمع کی ہے جو کہ بے بنیاد اور حق تعاقب سے لہذا استدعا کی جاتی ہے کہ عدوہ تقاضات فائل کی جائے۔

شکر بہ

اللہ اعلم
مستید اللہ (میرنگانہ)

19-11-018

مستید اللہ (میرنگانہ)

Attested
Majid

H/O افسانہ

Mob: 0315-6960299.

نوٹ: جہاں اپنی ضلع اور میں مجھے افسران بالا کے طرف سے ڈیوٹی سر انجام دینے کی ہدایت جاری کی گئی تھی میں نے اس کے مطابق اپنی ڈیوٹی سر انجام دیا ہے اس ضمن میں یہ کہہ کر کہ "میں نے" خلاف افسانہ آرڈرز کے کامیابیاں بطور ثبوت نفاذ کی جاتی ہیں۔

Received
Date
19-11-018

~~19-11-018~~



DIRECTORATE GENERAL

MINES & MINERALS, KHYBER PAKHTUNKHWA
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD,
PESHAWAR, CANTT.

Phone: 091-9210275 - 9211140 Fax: 091-9210236

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No. 20723 /DGMM/Admin

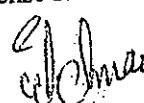
Dated: 05/12/2018

To

Mr. Shaheed Ullah,
Mineral Guard,
H/Q office Peshawar.

Subject: PERSONAL HEARING / WRITTEN DEFENSE

The Competent Authority has nominated the undersigned as enquiry officer to enquire into allegations highlighted in the complaint of one Mr. Qadar Shah lease holder of minor minerals of Jani Khawar district Peshawar. In order to finalize the same in accordance with the prevailing rules, you are advised to attend the office of the undersigned on 10-12-2018 at 10:00 A.M for personnel hearing and recording your written defense statement as well.

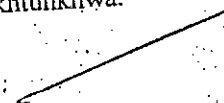

Hayat Ur Rehman
Deputy Director Mineral/ Enquiry officer
H/Q office Peshawar

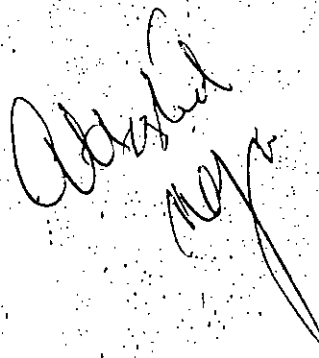
Dated /12/2018

Endst No. /DGMM/Admin

Copy to:

1. P.A to Director General Mines and Minerals Khyber Pakhtunkhwa.


Hayat Ur Rehman
Deputy Director Mineral/ Enquiry officer
H/Q office Peshawar



بیان حلفی

بجوالد چھی نمبر - En dst No./20553-55/DGMM/2-1134-Admn- مورخہ 03-12-2018 میں شہید اللہ منزل

آفس پشاور تحریری بیان جمع کرتا ہوں کہ جہاں تک آفس آرڈر نمبر Endst.No./14614-20/DGMM/MM/FR/Misc./Office Order 13-08-2018 کی بات ہے تو اس میں Continuation کا لفظ استعمال کی گئی ہے جس سے ظاہر ہے کہ میرے پاس دو نوں جگہوں کی ذمہ داری دی گئی ہے میں نے پرائے اور لے آرڈر Endst.No. 16220/DGMM/MM/PR/Misc./Office Order مورخہ 17-09-2018 (کاپیاں لف) میں کے مطابق ذیلی سرانجام دی ہے۔ اس لئے خورڈ اور ملحقہ علاقوں کا وزٹ میں نے لیز ہولڈر کے پائل ڈیک شکایت مورخہ 12-11-2018 پر کی ہے۔

جیسا کہ میں نے اپنے حلفیہ بیان مورخہ 19-11-2018 (کاپی لف) ہے میں بھی آغا گیا ہے کہ میں نے کبھی بھی دوران ڈیوٹی کسی لیز ہولڈر سے کوئی مطالبہ کیا ہے بلکہ کر دیکارڈ سے ثابت ہے کہ میں نے ہمیشہ غیر قانونی لیز ہولڈروں کے خلاف جتنے مراصلے اور F.I.Rs کئے ہیں (کاپیاں لف میں) اس کی مثال شاہد ہی کسی اور منزل گاڑڈ کی اس سیشن کی ریکارڈ پر ہو۔

جہاں تک قاور شاہ کا میرے خلاف درخواست، ویڈیو کا تعلق ہے یہ سراسر زیادتی اور جھوٹ پر مبنی الزام ہے بلکہ جیسا کہ ریکارڈ ظاہر ہے کہ 2015 سے اب تک میں نے قاور شاہ کے خلاف کئی بار مراصلے اور F.I.Rs کئے ہیں اور وارنٹ بھی دی ہے جس کا انھیں کافی ڈکھتا اور اس کا انتقام لینے کے لئے انھوں نے میرے ساتھ یہ ڈرامہ چایا۔

جب میں نے وہاں قاور شاہ کا بھائی واقف شاہ اور فشی قاسم غلط اطلاع دینے پر باہر بس کی تو وہ بائیں شاہیں کرنے لگا اور مزید معلومات کرنے پر جب میرے لئے ان سے پوچھا کہ مجھے کس کے کہنے پر یہاں بلایا اور کیوں بلایا؟ تو پھر انھوں نے معافی مانگنا شروع کی اور کہا کہ ہم آگئی ٹیکسی کا گراہی ہیں اور میرے دوست ہیں۔

جناب عالی! ان لوگوں نے مجھے پھنسانے کے لئے میرے خلاف محکمے کو ایک سازش کر کے درخواست دی جو کہ سراسر جھوٹ پر مبنی ہے۔ کہ میں نے ان سے رشوت لی ہے۔ جناب عالی! اس لئے درخواست ہے کہ منزل گاڑڈ کو تحفظ فراہم کرنے کے لئے لیز ہولڈروں کی جھوٹی درخواستوں کی بجائے محکمہ معدنیات کو اپنی کرپشن کے ذریعے F.I.R درج کرنے کی ہدایت کی جائے۔

منزل گاڑڈ کو تحفظ فراہم کرنے کے لئے قاور شاہ کے خلاف ایکشن لیا جائے تاکہ وہ محکمہ معدنیات کے اہلکاروں کو اس طرح بے عزتی اور مایوسی کا شکار نہ بنائے مزید کہ جس ٹیکسی موٹر میں نے جانے خورڈ اور ملحقہ علاقوں جات کے لئے وزٹ پر لیا یہ لیا تو اس کی گواہی میں تحریری و زبانی آپ صاحبان کے حضور میں پیش کر سکتا ہوں۔

العاض
12-12-2018
شہید اللہ منزل گاڑڈ
بجوالد چھی نمبر پشاور مورخہ 12-12-2018

Received
by 86 pages
Bilal Khan
of Hayat-ul-Rehmat
Deputy Director
Mineral Affairs
Nes

DISCIPLINARY ACTION

1. Muntazir Khan, Director-General Mines & Mineral Khyber Pakhtunkhwa, as Competent Authority, am, of the opinion that Mr. Shaheedullah Mineral Guard H/Q office, Peshawa, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGAION

1. The enquiry officer has levelled allegations in his report that the Assistant Director Mineral Peshawar Division posted Mr. Shaheedullah at Jalla Bela District Peshawar vide officer order No.16221-23/DCMM/MM/PR/Misc/office order, dated 17.09.2018, with the advice to lodge FIR against the offenders involved in illegal mining/transportation of minerals and report accordingly. But the mineral guard was found performing duty at Jani Khwar Badaber without the permission of his in charge and found in malpractice and collection of illegal money from a Minor Mineral lease holder. A video recording to this extent is also available.

ii. One Mr. Qadir Shah lease holder of Minor Mineral of Jani Khwar has filed complaint that the mineral guard has received illegal money from him and he is involved in corruption and malpractice. The enquiry officer has reported that the complaint is based on facts.

Qadir Shah

2. For the purpose of inquiry, under Rule 10(1)(a) of the ibid rules, against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following, is constituted:

- i) Hayat ul Rehman DD
- ii) _____

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

4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.

[Signature]
Director General Mines & Mineral
Khyber Pakhtunkhwa, Peshawar

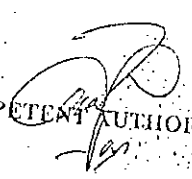
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CHARGE SHEET

_____ as Competent Authority, hereby charge you, Mr. Shaheedullah, Mineral Guard, H/Q office, Peshawar, as follows:

That you, while posted as Mineral Guard at Jalla Bela Peshawar, committed the following irregularities:

- i. The enquiry officer has levelled allegations in his report that the Assistant Director Mineral Peshawar Division posted you at Jalla Bela District Peshawar vide officer order No.16224-23/DGMM/MM/PR/Misc/office order, dated 17.09.2018, with the advice to lodge FIR against the offenders involved in illegal mining/transportation of minerals and report accordingly. But, you were found performing duty at Jani Khwar Badaber without the permission of your in charge and found in malpractice and collection of illegal money from a Minor Mineral lease holder. A video recording to this extent is also available.
 - ii. One Mr. Qadir Shah lease holder of Minor Mineral of Jani Khwar has filed a complaint that you have received illegal money from him and you were also involved in corruption and malpractice. The enquiry officer has reported that the complaint is based on facts.
2. By reason of the above, you appear to be guilty of corruption under Rule 3 (c) of the Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.
 3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer/Inquiry Committee, as the case may be.
 4. Your written defense, if any, should reach the Inquiry Officer/Inquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.

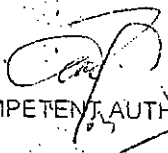

(COMPETENT AUTHORITY)

Post No. 20553-25 / DC/MM/2/1134-Admn.

Dated 03 / 12 / 03 / 2018

A copy of the above is forwarded to:

- 1- PA to Director General, Mines and Minerals, Peshawar.
- 2- The Inquiry Officer for initiating proceedings against the accused under provision of the Khyber Pakhtunkhwa, Efficiency and Discipline Rules, 2011
- 3- Mr. Shaheed ullah, Mineral Guard, H/Q office, Peshawar with the direction to appear before the inquiry officer, on the date, time and place fixed by the inquiry officer for the purposes of the inquire proceedings.


(COMPETENT AUTHORITY)

*Attested
Mazhar*



DIRECTORATE GENERAL

MINES & MINERALS, KHYBER PAKHTUNKHWA
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD,
PESHAWAR, CANTT.

Phone: 091-9210275 - 9211140 Fax: 091-9210236

Amazal
(H)
38
247

No. 21/11 /DGMM/Admin/Enquiry

Dated 20 /12/2018

To: The Director General
Mines and Minerals
Government of Khyber Pakhtunkhwa.

Subject: ENQUIRY

Enclosed please find herewith a copy of the enquiry report conducted against Mr. Shaheed Ullah Mineral Guard in light of charge sheet and statement of allegation issued by the competent Authority vide order No.20553-55/DGMM/2/11-1 Admin dated 3-12-2018 for further necessary action please.

Deputy Director Mineral /Enquiry officer
H/Q office Peshawar

21/12/18
21-12-18

Please put up copy of
AD (Admin)
immediately

Advised
21/12/18

21/12/18
put up copy of
F & D Rules

21/12/18

A-C

21/12/18

for personal reading and also recorded in my diary.

ENQUIRY

The Competent Authority issued charge sheet and statement of allegation vide order No. 20553-55/DGMM/2/1134-Admin dated 03-12-2018 and nominated the undersigned as enquiry officer under Rule 10 (1) (a) of the E&D 2011 rules to conduct enquiry into the charges leveled in the ibid charge sheet and statement of allegation against Mr. Shaheed Ullah, Mineral Guard of the Directorate General Mines and Minerals.

BACKGROUND:

The preliminary enquiry report submitted by the Assistant Director (Complaint Cell) Headquarter office Peshawar (**Annexed-I**) reveals that the complainant Mr. Qamar Shah S/o Haji Arab shah was granted one year mining lease for minor minerals through auction in lieu of Rs. 1260000/- for the area situated near Jani Khawar, Badaber, District Peshawar vide allotment letter dated 27/06/2018.

The complainant filed a complaint dated 13/11/2018 against Mr. Shaheed Ullah Mineral Guard duly addressed to the Director General Mines and Minerals Khyber Pakhtunkhwa and stated that Mr. Shaheed Ullah is involved in illegal mining / transportation near his leased area and is collecting his share from the workers, involved in illegal mining, on monthly basis. He further stated that, the accused also comes in his leased area and make hurdles in his lawful mining by demanding money, threatening him and his staff for cancellation of mining lease and registration of FIRs etc. The complainant also stated in the complaint that he has also a video evidence of the above mentioned allegations and requested for stoppage of losses to him and the Provincial Government.

The Assistant Director Mineral Development Peshawar deputed / posted all the available field staff through office order for the control of un-authorized mining, by specifying the area of jurisdiction of each official. He further reported/ mentioned in the letter that, the accused Mineral Guard Mr. Shaheed Ullah was posted at Jala Bela vide office order dated 17/09/2018 and was strictly advised to perform duty at Jala Bela as a special task for lodging FIR against the offenders involved in illegal mining / transportation of minerals. However, despite of his written order, the accused was found performing duty at Jani Khawar, Badaber, without the permission / intimation to him and resultantly he found in malpractice and collecting illegal money from the lease holder and someone also made video of his illegal practice.

Handwritten signature/initials

PROCEEDINGS:

On receipt of the enquiry order, the undersigned called the accused on 10-12-2018 for personal hearing and also recorded his written statement. He was personally heard. He

submitted his written statement along-with supporting documents on 1-2-2018 (Annexed-II). In his written statement / affidavit, Mr. Shaheed Ullah Mineral Guard has stated that the office order dated 17-09-2018 is in continuation of office order dated 13-08-2018, therefore he considered that both the office order are intact for performing duties at Jala Bela and Jani Khawar. Therefore, the Mineral Guard was of the view that he was performing official duty at Jani Khwar and has not violated orders of his In-charge Assistant Director.

Mr. Shaheed Ullah Mineral Guard has stated in his statement / affidavit that he has never made a demand from any lease holder but it is evident from the record that he has submitted several Marasillas / FIRs against the culprits. Regarding the complaint and video of Qadir Shah, the Mineral Guard stated that it is based on malafide intentions and is against the facts on record. He has also annexed marasillas / FIRs against Mr. Qadir Shah complainant in 2015, and also issued him warning. He further added that recording of video is based on malafide intention and repercussion of the said FIRs already lodged against the complainant. He stated in his statement that when he asked Waqif Shah, brother of Qadir Shah, and Munshi Qasim that their complaint about illegal mining is baseless, they excused for their fault of giving me wrong information and promised also to give money (fare) to the taxi as well. He further added in his statement that this was a conspiracy against him. He refused of any kind of involvement in corruption.

Mr. Shaheed Ullah Mineral Guard has requested that the department may lodge FIR against the lease holders due to submission of their illegal and baseless complaints. He has finally stated that the Mineral Guards may be provided protection to take action against Qadir Shah, so that the Mineral Guards are not disgraced /disappointed. He also stated in his statement that he can provide the driver as a witness to whom he paid the fare charges of the taxi to Jani Khawar

OBSERVATIONS AND FINDING:

From perusal of the preliminary enquiry conducted by Assistant Director Mineral (Complaint Cell) Head Quarter office Peshawar, and statement of accused as well as available records, the following observations were made:

1. The duty place of the accused was Jala Bela, Peshawar, while the accused was performing duty at Jani Khawar, in violation of the order of his in-charge officer (Assistant Director Mineral Development Peshawar). However, the accused considered that he was performing duties at both the places under two separate office orders.

[Handwritten signature]

[Handwritten mark]

2. The allegations leveled by the complainant are correct to the extent that the Money was received by the Mineral Guard but he admitted in his statement that the said money was actually fare charges of taxi.
3. The accused was unaware of the law that, he cannot collect or demand money in shape of Taxi fare from the lease holder.
4. The accused also registered FIR against the complainant on 21/07/2015 for involvement of the complainant Mr. Qadar Shah in illegal transportation of minerals.

RECOMMENDATIONS:

Since the prevailing law / rules does not allow anyone to collect fare or charges from the lease holder, therefore, the charge of collecting money from the lease holder in shape of fare taxi charges is proved against the accused. The following recommendations are made:

1. Major Penalty under rule (4) (b) (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rules, 2011 may be imposed upon him.
2. In order to curb unauthorized mining / transportation of minerals, all the Mineral Guards may be provided with motorcycles and proper uniform for efficient performance of their official duties and their recognition as Government officials.
3. All the Mineral Guards may also be given field allowance to discourage malpractices.
4. The Assistant Director Administration may also be directed to take up the case with the Finance Department through administrative department for establishment of mineral check posts at suitable places of the province to discourage unauthorized mining / transportation and managed the same effectively in the best public interest.

Hayat-ur-Rehman

(Engr. Hayat-ur-Rehman)
Deputy Director (Tech)/Enquiry Officer
H/Q office Peshawar

42

Annexure I



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 3240 DGMM/Admin / 3/451

Dated. 27/02/2019

To

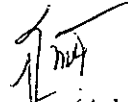
(Reg)

✓ Mr. Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Kandi Baroo Khel
Tehsil & District Charsadda.

Subject **SHOW CAUSE NOTICE**

I am directed to refer to the subject noted above and to enclose herewith "Show Cause Notice" along-with inquiry report received from Mr. Hayat-ur-Rehman Deputy Director (Technical-III)/inquiry Officer H/Q Office Peshawar for acknowledgment.

Encl As above.

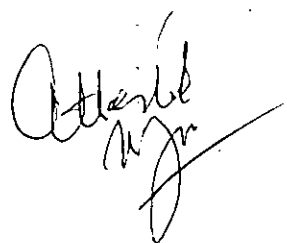

Assistant Director (Administration)
For Director General

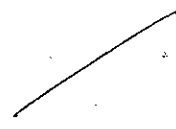
Endst: No. _____ DGMM/Admin / 3/451

Dated. _____/02/2019

Copy forwarded to:-

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Director Mineral (Technical-III) H/Q Office Peshawar.
3. Master File/DGMM/Admin.




Assistant Director (Administration)
For Director General

SHOW CAUSE NOTICE

I, (Muntazir Khan, Director General Mines & Mineral), as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Shaheed ullah, Mineral Guard, as follows:

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No.20553-55/DGMM/2-1134/Adm dated:03.12.2018

and

- (ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defense before the inquiry officer/inquiry committee,

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


- (a) Guilty of misconduct
 (b) Guilty of corruption
 (c) _____

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Compulsory retirement under rule 4 (1) (b) (ii) of the said rules.

3. You are, thereof, 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 seven days or not more than 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 inquiry officer/inquiry committee is enclosed.


 (Muntazir Khan)
 Director General Mines & Mineral
 Khyber Pakhtunkhwa

Mr. Shaheed Ullah S/O Rizwan Ullah
 Village Sardheri Kandi Baroo Khel
 Tehsil & District Charsadda.

To

The Director General,
Mines & Mineral Khyber Pakhtunkhwa,
Peshawar.

Subject:- REPLY TO SHOW CAUSE NOTICE

R/Sir,

Kindly refer to your good self subject show cause notice received with your office letter No. 3240/DGMM/Admin/3/451 dated 27-02-2019 which was received to undersigned on 09-03-2019.

In this connection it is submitted that the complainant was involved in illegal and un-authorized mining excavation and mineral transportation of Minor Minerals which is clear violation of the provisions of Khyber Pakhtunkhwa Mineral Governance Sector Act 2017 and punishable under the Act ibid.

It is the prime duty of the undersigned being Mineral Guard and Royalty Sub Inspector to take legal actions against such culprits to control the illegal and un-authorized mining and to safeguard and protect the Government Exchequer from irreparable financial losses in the best public interest.

Since the complainant persistently continued his illegal acts and was not ready accept the writ of the Government and was violating the rules and law in this context, therefore, the undersigned while performing the duty, took action the culprit and sent so many murasallas with the request to register/convert murasallas into F.I.Rs against his and stop him from illegal mining which is the primary duty of the undersigned.

In repercussions of the above F.I.Rs and take legal action against his for his illegal work and giving losses to Government Exchequer, he made a forged video and lodged a baseless complaint against the undersigned to protect his illegal work and to black mail the undersigned.

It is worth mentioning here that in the office order it was clear that I would perform duty at one place, therefore, the undersigned preferred to perform duty at both the places.

It is further added that the inquiry is biased and accusations regarding misconduct and corruption leveled against the undersigned are baseless, ab-anitio, having no legal footings and not cover the rule and law and evidence, and undersigned neither involved in any kind of corruption nor mis-conduct but performed the duty in the best interest of the Government, always preferred to obey the order of my superiors.

In view of the position stated above and on acceptance of the instant reply of the undersigned, it is humbly prayed that the subject show cause notice may be filed so that the undersigned may continue his duty keen interest please.

Dated 15-03-2019

Encl:- ~~(8)~~

Thanking You,

(87)
pages

Attard
copy

3943
15-03-2019

Yours Obediently,

Signature
15-03-2019

Mr. Shaheed Ullah S/O Rizwan Ullah
Village Sardheji Moh: Baro Khel
Tehsil & District Charsadda



(45) Answer
(J)

Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. _____ / 3/451/DGMM/Admin

Dated. _____ /03/2019

OFFICE ORDER

1. WHEREAS, Mr. Shaheed Ullah Mineral Guard (BPS-03) H/Q Office Peshawar was proceeded against under the relevant Rules in vogue as he was found guilty of misconduct and corruption.

2. AND WHEREAS, on the recommendation of Inquiry Officer, show cause notice was served upon him on his home address, vide this Directorate letter No. 324/DGMM/Admn/2/451 dated 27.02.2019.

3. AND WHEREAS, the accused was directed that the Competent Authority has tentatively decided to impose upon him the penalty of compulsory retirement under rules rule 4(1)(b)(ii) of the Khyber Pakhtunkhwa Govt Servants (E&D) Rules 2011. He was also directed to show cause as to why the aforesaid penalty should not be imposed upon him and also intimate whether he desires to be heard in person.

4. AND WHEREAS, the reply/statement of the accused was found unsatisfactory. The accused was also heard in person on 18.03.2019 in light of his written request. Since, the accused did not forward any logical reason to prove himself innocent and also failed to plead his case properly and satisfy the Competent Authority.

5. NOW THEREFORE, the Competent Authority in exercise of the power conferred under rule 4(1)(b)(ii) of the Khyber Pakhtunkhwa Govt Servant (E&D) Rules 2011, imposed major penalty (Compulsory Retired from Government Service with pension benefit) upon accused official with immediate effect.

-Sd/-

Director General Mines and Minerals
Khyber Pakhtunkhwa

Dated. 21 /03/2019

Endst: No. 5158-67 DGMM/Admin / 3/451

Copy is forwarded to: -

1. PS to Minister, Minerals Development Department, Khyber Pakhtunkhwa Peshawar.
2. PA to Secretary, Minerals Development Department, Khyber Pakhtunkhwa Peshawar.
3. PA to Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar.
4. The Additional Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director Licensing-I, II, III H/Q Office, Peshawar.
7. The Deputy Director Mineral-I, II, III & IV H/Q Office, Peshawar.
8. The Assistant Director (Accounts), H/Q Office, Peshawar.
9. Mr. Shaheed Ullah S/O Rizwanullah village Sar-Dheri Kandi Baroo-Khel Tehsil and District Charsadda.
10. Master File/DGMM/Admn/2019.

Assistant Director (Admn)
For Director General.

Annexure K

Mineral Dev: Deptt: (KPK)

Secy: Diary No...5715...

Date...18.04.2019...

The Secretary,
to Government of Khyber Pakhtunkhwa,
Mineral Development Department,
Peshawar.

Subject:- DEPARTMENTAL APPEAL/REPRESENTATION AGAINST OFFICE ORDER NO. 5158-67/DGMM/ADMN/3/451 DATED 02-02-2019.

Respected Sir,

The appellant feeling aggrieved with impugned order communicated vide office order No.5158-67/DGMM/Admn./3/451 dated 02-02-2019 wherein Major penalty of compulsory retirement from Government Service with pension benefit has been imposed upon appellant under rule 4 (1) (b) of Khyber Pakhtunkhwa Government Servant Rules 2011. Hence the appellant files the appeal as under (Copy is Annexed "A").

The brief facts of the appeal are as under:

- 1 That the appellant resumed his services as Mineral Guard (B.P.S-1) w.e.f 30-12-2008 (Forenoon vide order No. DGMM/Admn./3/451/ dated 18-06-2009 in the Directorate General Mines and Mineral Khyber Pakhtunkhwa (Copy is Annexure "B")
- 2 That the appellant resumed his services as Mineral Guard in the Directorate General and was posed / transferred at different places, such in different branches within Head Quarter office, filed offices, check posts, and Mineral sites from time to time. (Copies of posting transfers are Annexure "C") for ready reference.
- 3 That the appellant performed his duties at every place with honestly, zest, keen interest and to the best satisfaction of his superiors and purely in the best public interest.
- 4 That the appellant has neither given any chance of complaint to his superior regarding his non-performance, mis-conduct nor involved in any kind of corrupt practices.
- 5 That keeping in view the best performance and honesty no of his superior officer has ever recorded any adverse remarks against the appellant inn his annual confidential report (ACR) which are available on record.
- 6 That on 28-11-2018 was posted serial No. 15 office order No. 2062-66/DGMM/MM/PR/Misc./Office Order dated 28-11-2018 area covering 837.67 acres near village Naugman/Bhattian District Peshawar (Block-6) and surrounding areas issued by the Assistant Director (Tech) H/Q Office Peshawar (Copy Annexure "D")
- 7 That simultaneously another Office Order No. 1930-51/MR/Establishment dated 13-12-2019 was issued by the Assistant Director (Tech) Mineral Development Mardan wherein at Serial No. 4 the appellant was assigned the duties as under:

"to check all Major / Minor Minerals bearings areas in (1) shamozai (2) Babuzaim Jamal Ghar, Itbar Khan Banda and surrounding areas and will establish check post at Jamal Ghari/Frash and take action against illegal mining/transportation of Minerals as per Section 42 and 56 of Khyber Pakhtunkhwa Mineral Sector Governance Act-2017. No. onn will leave station without permission of undersigned and submit weekly report to this office" (Copy is Annexure "E")
- 8 That a person namely Qadir Shah S/O Arab Shah was involved in illegal excavation/mineral transportation of Miner Mineral in jurisdiction place of the appellant and as said in Para-7 above, the appellant was assigned the duty to control and take action against the person involved in illegal and unlawful excavation and transportation of Minor Mineral which was violation of the aforesaid sections of the Act ibid, hence the appellant took action against him to restrain him from unauthorized excavation and transportation.

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The involvement of such person was illegal and un-authorized, unlawful and his mining excavation and mineral transportation Mineral Minor Mineral was clear violation of the provisions of Khyber Pakhtunkhwa Governance Sector Act 2017 and punishable under the Act ibid.

9 It is the prime duty of the undersigned being Mineral Guard and Royalty Sub-Inspector to take legal actions against such culprits to control the illegal and unauthorized mining and to safeguard and protect the Government Exchequer from irreparable financial losses in the best interest.

10 Since the said person had persistently continued and unlawful acts and was not ready to accept the writ of the Government and was violating the rules and law in the context, therefore, the appellant while performing the duties, took action against the culprit and sent so many Murasallas into F.I.Rs against all culprits including Mr. Qadir Shah S/O Arab Shah to stop them from illegal excavation mineral transportation of mining, (Copy is Annexure "F")

11 In repercussions of the above F.I.Rs and taking legal against him for his illegal and unlawful work and was consistently engage in giving suffering / losses to Government Exchequer, he made a forge video and lodged a baseless complaint against the appellant to protect his illegal work and to black mail the undersigned.

12 It is worth mentioning here that in the office order it was not clear that he would perform his duty at one place, therefore, then appellant preferred to perform his duty at both places as the latest order was not clear as to whether the appellant will perform his duty at which place. Even then the appellant performed his duties regularly to control illegal and unlawful work to protect the Government from irreparable losses.

13 That the respondents instead of appreciating the action of the appellant against the culprit, proceeded/conducted inquiry against the appellant, issued shows cause notice which was responded by the appellant and finally Major Penalty of Compulsory Retirement from Government Service with pension benefit has been imposed under rule 4 (1) (b) (ii) of Khyber Pakhtunkhwa Government Servant Rules 2011 against the appellant vide order dated 02-03-2019 without giving opportunities of personal hearing. (Copy already annexed as Annexure-A)

14 That the inquiry is biased and accusations regarding misconduct and corruption levelled against the appellant are baseless, ab-anitio, having no legal footings and not cover under the rule and law and evidence on the following grounds.

Grounds:

- A That the Petitioner ha been condemned unheard, which is against the spirit of fair trial.
- B The decision of the respondents is discriminatory, unconstitutional, unreasonable, vindictive, and arbitrary without jurisdiction, without lawful authority, malafide, illegal, based on ulterior motives, against the principles of natural justice.
- C That to be treated, equally and in accordance with law is the inalienable right of every citizen including the appellant, indeed guaranteed and safeguarded by, the Constitution of Islamic Republic of Pakistan, 1973.
- D That the Petitioner has been treated in violation of Article 9, 18 and 25 of Constitution of Islamic Republic of Pakistan, 1973.
- E That the appellant's rights as guanteed enshrined and protected by the Constitution of Islamic Republic of Pakistan, 1973
- F That the impugned order of the respondents is against the Norms, and principles of natural justice.
- G That appellant neither involved in any kind of corruption nor committed any kind of misconduct but performed his duties in accordance with the instructions of the superior and purely in the best interest of Government, always preferred to obey the order of my superiors.

PRAYER:-

It is very humbly prayed that on acceptance of the instant appeal of the appellant, the impugned order may graciously be declared.

- i) as illegal unlawful, without lawful authority, without jurisdiction, based upon ulterior motive and have no legal effects on the rights of appellant and the appellant may be reinstated on his service as Mineral Guard (B.P.S-3 being innocent, poor and having no other source of income for the livelihood of the family.
- ii) by acceptance of interm relief, the appellant may kindly be allowed to continue his service and restrain the respondents from taking any adverse action against the appellant till finalization of this appeal.
- iii) Any other relief if deem appropriate in the circumstances but not specifically asked for may also be granted.
- iv) The appellant may also be head in person.

Dated 18/04/2019

Thanking you,

Handwritten signature

Yours Obediently,

Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Moh: Baro Khel
Tehsil & District Charsadda
Cell No. 0315-6960299

Copy to

The Director General Mines & Mineral Khyber Pakhtunkhwa Peshawar for information please.

Handwritten signature

Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Moh: Baro Khel
Tehsil & District Charsadda
Cell No. 0315-6960299

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Service Appeal No. 944/2019

Shahheed Ullah Appellant

Versus

Government of Khyber Pakhtunkhwa etc Respondent

Affidavit

I Muhammad Iqbal Superintendent (Admin), Directorate General Mines & Mineral do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from Honorable Court.

DEPONENT

Identified by

11/7/2019-11/5/2019-10/13/19

2

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

Service Appeal No. 944/2019

Shaheed Ullah

Appellant

Versus

Government of Khyber Pakhtunkhwa etc.

Respondents

Respectively Sheweth

Parawise comments on behalf of respondent No. 1 to 5

Preliminary Objections:

1. That the appellant has not come to this tribunal with clean hands nor the appeal is based upon legal footings and is therefore liable to be dismissed.
2. That the appellant has no cause of action or locus standi to file the instant appeal, hence this appeal is not maintainable in its present form.
3. That the appellant is not entitled to any relief and this appeal is filed just to waste the precious time of this court.
4. That the appellant has no case in his support.

Reply on facts

1. Para No. 1 of the service appeal is correct.
2. Para No.2 of the service appeal is correct to the extent that appellant has performed duties at various stations but was not punctual as he is showing. The appellant vide order dated: 20.07.2011 was transferred to the office of Assistant Director Mineral Abbottabad (**Annex-A**) and submitted his arrival report in the office of Assistant Director Mineral Abbottabad on 15.08.2011. Appellant was deputed to perform his duty with Royalty Inspector and other Mineral Guards at Qalandarabad (Abbottabad) phosphate bearing area for the control of illegal/unauthorized mining, but he left the station after stay of one night without any intimation/permission to the Assistant Director Mineral Abbottabad. Self-explained copy of letter of then Assistant Director Mineral Abbottabad is attached (**Annex-B**). In compliance to the letter Annex "B" appellant was served a notice to attend /resume his duty (**Annex-C**). Further it is mentioned here that the appellant remained absent from duty despite issuance of several explanations copies attached (**Annex-D**).
3. Para No.3 of the service appeal is correct to the extent that the appellant has sufficient knowledge of computer but he always preferred to remain in field duty in such stations which were near to his hometown (**Annex-E**).
4. Para No.4 of the service appeal is incorrect as already explained in Para No. 2.


5. Para No.5 of the service appeal is incorrect to the extent that the appellant was posted/ transferred vide order dated: 05-12-2018 from H/Q office Peshawar to office of the Assistant Director Mineral Mardan on temporary basis (**Annex-F**). The appellant was deputed to perform his duties in major/ minor mineral bearing areas i.e. Shomozai, Babuzai, Jamal Ghari and Itbar Khan Banda and surrounding areas in District Mardan and to establish check post at Jamal Ghari/ Farash and take action against illegal mining / transportation of mineral as per Act-2017 with the advice that no one will leave station without prior permission of the Assistant Director Mineral Mardan and to submit weekly report positively.
6. Para No.6 of the service appeal is incorrect to the extent that the complainant Mr. Qadir Shah S/O Arab Shah R/O Jani Khwar Peshawar submitted complaint against the applicant on 13-11-2018 showing himself as lease holder of minor mineral area near Jani Khwar Peshawar. It is pertinent to mention here that no action has been taken by the applicant during his duty in Peshawar on the complainant. Moreover, the appellant was provided proper opportunities, by issuing charge sheet along with statement of allegation and after conducting proper inquiry a show cause notice and thereafter, the appellant was personally heard by the Competent Authority but he failed to prove himself innocent and failed to satisfy the Competent Authority. It is also worth mentioning here that the complainant has also provided video evidence in which the appellant is taking money from some persons (copy of Show Cause Notice, Charge Sheet, Statement of Allegation and Inquiry Report are **Annex-G, H, I and J**).
7. Para No.7 of the service appeal is correct to the extent that an inquiry is conducted against the appellant on the basis of complaint submitted by Mr. Qadir Shah S/O Arab Shah R/O Jani Khwar Peshawar as mentioned in para No. 06. It is pertinent to mention here that the appellant was heard personally by the Competent Authority on 18-03-2019 in light of his written request but he failed to prove himself innocent and failed to satisfy the Competent Authority. Therefore, the major penalty of compulsory retirement from service with pension benefit has been imposed under Rules 4 (1) (b) (ii) of E&D Rules-2011 against the appellant.
8. Para No.8 of the service appeal is incorrect. The appellant was provided the inquiry report and after issuing show cause notice the appellant was provide opportunity of personal hearing.

- 4
9. Para No.9 of the service appeal is correct to the extent but the Competent Authority is not satisfied with show-cause reply submitted by the appellant.
 10. Para No.10 of the service appeal is correct to the extent that appellant failed to prove himself innocent, therefore, the major penalty of compulsory retirement from service with pension benefit has been imposed under Rules 4 (1) (b) (ii) of E&D Rules-2011 against the appellant.
 11. Para No.11 of the service appeal is incorrect. The appeal has been filed by the Competent Authority/Secretary Minerals, Khyber Pakhtunkhwa.

GROUND:

- A. Para-A of the Grounds is incorrect, the appellant was provided proper opportunities, by issuing show cause notice and thereafter, the appellant was personally heard by the Competent Authority but he failed to prove himself innocent and failed to satisfy the Competent Authority.
- B. Para-B of the Grounds is incorrect, the action taken against the appellant was in accordance with the Efficiency and Discipline Rules-2011.
- C. Para-C of the Grounds is incorrect.
- D. Para-D of the Grounds is incorrect, the honest Guards are given rewards such as promotion/upgradation and in this department a Mineral Guard (BPS-03) can be promoted to the post of Dy. Director Minerals (BS-18) under the rules.
- E. Para-E of the Grounds is incorrect.
- F. Para-F of the Grounds is incorrect. Such like punishment is necessary for those employees who involved in corruption/malpractices and cause of bad reputation for the department.
- G. In reply to the para-G of the Grounds, it is submitted that the complainant submitted complaint along with video against the appellant.

In view of the above narrated facts, the appeal of the appellant is baseless, having no solid grounds, therefore, it is requested that the appeal of the appellant may please be dismissed.


Hayat Ur Rehman
Deputy Director (Admin)
(On behalf of Respondents
No. 01 to 05)



DIRECTORATE GENERAL OF MINES & MINERALS
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road

No. DGMM/Admn/3/312/_____

Dated Peshawar, the _____

OFFICE ORDER

The Competent Authority is pleased to order that the following Mineral Guards should perform their duties on temporary basis in the office of Assistant Director Mineral Abbottabad with immediate effect till further order to control the illegal mining activities in Abbottabad:

- ✓ 1- Mr. Shaheedullah, Mineral Guard, H/Q Office Peshawar.
- 2- Mr. Muhammad Shehzad, Mineral Guard H/Q Office Peshawar.

Sd/-
Director General
Mines & Mineral Khyber Pakhtunkhwa

Endst: No. DGMM/Admn:/3/312/9132-36

Dated: 07/07/2011

A copy of the above is forwarded to:

1. PA to Director General Mines and Minerals Khyber Pakhtunkhwa Peshawar.
2. The Assistant Director Mineral Development, Abbottabad.
3. Officials concerned for compliance.
- ✓ 4. Personal files of the official concerned.
5. File No. 1/33-Admn:

(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For/ Director General.

Registered

6
30

No. 1574 / MDW/AD/Misc. (1)/2009.
Office of the Assistant Director (Technical)
Minerals Development Ashraf Plaza Supply Abbottabad

A/Abad, dated the 18/8/11.

To,

The Director General Mines and
Minerals Peshawar.

Subject; ARRIVAL REPORT.

Kindly refer to the subject noted above and state that Mr. Shahed-u-llah Mineral Guard submitted arrival report for duty in this office on 15.8.2011. was deputed with the Royalty Inspector and other Mineral Guards with the advise to perform duty at Gulanderal the purpose to control illegal mining/transportation phosphate in the vicinity. After stay of one night on 15 & 16/8/2011, Mr. Shahed-u-llah has left the station office without any information or intimation to the Royalty Inspector. Therefore, this is not in picture of where about of the said official such this state of affair on the part of the official not only against the official decorum, but is clear violation of the Rules in vogue.

In view of the above it is requested that the matter may be looked into and necessary action against the official may be taken in accordance with the Rules please.

[Signature]
Assistant Director (Technical)
Minerals Development A/Abad

6532

18/8/11

put up immediately

BAZ

19/8/11

7 35
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Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 798 /3/45U/DGMM/Admn

Dated: 01/2013

To: Mr. Shaheedullah
Mineral Guard, HQ Office
Peshawar

Subject: ATTENDANCE OF DUTY

I am directed to advise you to resume your duty in the office of Assistant Director Mineral Development Buner within a period of three (03) days from the date of issue of this letter, failing which disciplinary action under Government Servants (E&D) Rules 2011 will be initiated against you without any other notice to you.

MUHAMMAD ALI
Administrative Officer
For Director General

Encls. No. 799 /3/45U/DGMM/Admn

Dated: 01/2013

A copy is forwarded to the Assistant Director Mineral Dev: Buner with the advice to stop the pay of the official if he failed to resume his duty within the stipulated period.

MUHAMMAD ALI
Administrative Officer
For Director General
01/13



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 5618/3/451/DGMM/Admn:

Dated. 5 /4/2013

To:


Mr. Shaheedullah
Mineral Guard, o/o Assistant Director Mineral
Bunair

Subject: ABSENT FROM DUTY.

You have been advised to perform duty in Minor Minerals Section, 11/12 Office Peshawar instead of in the office of Assistant Director Mineral Development Bunair

You have been performed duty in the Minor Minerals Section on 18.3.2013 & 29.3.2013 but after that you have been remained absent from duty without any application / prior permission of the Competent Authority, which is quite against the office decorum.

You are therefore, called upon to explain the reasons of your willful absence from the official duty. Your reply should reach the undersigned within three (03) days positively and if no reply is received within the stipulated time, it will presume that you have nothing in your defence and stern disciplinary action will be taken against you under Government Servants (E&D) Rules, 2011.



(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General

Endst. No. 5619-20/3/451/DGMM/Admn:

Dated 5/04/2013

A copy is forwarded to:-

- 1- PA to Director General, Mines and Minerals, Khyber Pakhtunkhwa.
- 2- The Deputy Director (Technical-IV), Headquarter Office Peshawar with the request to intimate whether the Mineral Guard has assumed the duty or otherwise. In case, he assumed the duty then comments may be furnished to Admn. Wing to proceed further in the matter.


(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General

9

411

To

The Assistant Director,
Administration Mines and Mineral,
Department Khyber Pakhtunkhwa,
Peshawar.

Subject:- ABSENCE FROM DUTY.

File

Reference your letter No. 5618/3/451/DGMM/Admn: dated 05-04-2013
on the subject noted above.

In this connection it is for kind information that on Monday 01-04-2013 I
went to Bunair to take/bring my remaining luggage/blankets etc. I reached on above
dated I gave telephonically message through a public call office from Bunair to Assistant
of Minor Mineral Section Mr. Asghar Rasool. In Bunair I told to concerned Assistant
Director Mineral Development that I will have to go back but he stated I am being a new
appointee and there is some computer pendency. It is quite revenge from concerned
Assistant that he cannot wrote a telephonically message to ask Administration that
official contact on from me and he become under pressure with officers but he forgotten
my telephonically message in written/application for me. If he refused from
telephonically talk the God is upon my head that I contact him.

Besides this at the end of March the concerned Assistant contact me to
please come there are a lot of pendency for computer work and official work is badly
suffer.

It is therefore requested that refer note is baseless and un-true and I will
not be repeat such in action. Kindly withdraw my explainaiton from my personal file.

I shall be thankful to you for this act of kindness.

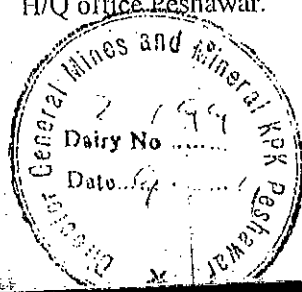
Dated:- 09-04-2013

Your obediently

[Handwritten Signature]

Shaheed Ullah
H/Q office Peshawar.

*not mention
Deby relation.*





Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

Dated. _____ / 4 / 2013

No. _____ / 3 / 451 / DGMM / Admn:

To: Mr. Shahcedtullah
Mineral Guard, o/o Assistant Director Mineral
Bunair

Subject: **ABSENT FROM DUTY.**

You have been advised to perform duty in Minor Minerals Section, H/Q Office Peshawar instead of in the office of Assistant Director Mineral Development Bunair.

You have been performed duty in the Minor Minerals Section on 28.3.2013 & 29.3.2013 but after that you have been remained absent from duty without any application / prior permission of the Competent Authority, which is quite against the office decorum

You are therefore, called upon to explain the reasons of your willful absence from the official duty. Your reply should reach the undersigned within three (03) days positively and if no reply is received within the stipulated time, it will presume that you have nothing in your defence and stern disciplinary action will be taken against you under Government Servants (E&D) Rules, 2011.

(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General

Endst. No. 5619-20 / 3 / 451 / DGMM / Admn:

Dated 5 / 04 / 2013

A copy is forwarded to:-

- 1- PA to Director General, Mines and Minerals, Khyber Pakhtunkhwa.
- 2- The Deputy Director (Technical-IV), Headquarter Office Peshawar with the request to intimate whether the Mineral Guard has assumed the duty or otherwise. In case, he assumed the duty then comments may be furnished to Admn: Wing to proceed further in the matter.

(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 790573/451/DGMM/Admn:

Dated. _____/4/2013


To:

Mr. Shaheedullah
Mineral Guard, Minor Minerals Section
Headquarter Office Peshawar

Subject: WARNING.

Reference your reply No. 2799 dated 9.4.2013 on the subject noted above.

It is to inform you that your reply has been considered by the Competent Authority and found unsatisfactory. However, taking a lenient view, it has been decided by the Competent Authority to warn you at this stage with the advise to be careful in future and not repeat such practice again, otherwise drastic action will be taken against you under E&D Rules, 2011.


(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General



45

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Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 1/133/DGMM/Admn: Dated 05/2013

OFFICE ORDER

The Competent Authority has been pleased to make the following posting/transfer against the vacant posts of the Class-IV employees of this Directorate with immediate effect in the public interest:

S/#	Name of official	From	To
1	Muhammad Bashir, Naib Qasid	H/Q Office Peshawar	Mines Rescue Safety and Training Centre, Jalozai Distt: Nowshera
2	Shaheedullah Mineral Guard	O/o the Assistant Director (Technical), Bunair	H/Q Office Peshawar

Sd/-
Director General Mines & Minerals
Khyber Pakhtunkhwa

Endst: No. 7963-69
1/133/DGMM/Admn:

Dated 6 /05/2013

A copy of the above is forwarded to:

- 1- The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 2- The District Accounts Officer, Nowshera and Bunair
- 3- The Rescue Superintendent, Mines Rescue Safety and Training Centre, Jalozai District Nowshera
- 4- The Assistant Director (Technical), Bunair.
- 5- The Assistant Director (Accounts), H/Q Office Peshawar.
- 6- Officials concerned for compliance.
- 7- Personal files of the officials concerned. (ma. Shaheedullah Mineral Guard)

(MUHAMMAD ARSHAD)
Administrative Officer
For/ Director General.

GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE ASSISTANT DIRECTOR MINERAL DEVELOPMENT
DEPARTMENT DAGGAR DISTRICT BUNAI

No: 409 MDW/AD/BNR/MISC/ Dated: /05/13

To

The Director General,
Minerals and Mines,
Khyber Pakhtunkhwa,
Peshawar.

Subject: EXPLANATION

Reference to this office letter No: 383-85 MDW/BNR/AD/MISC dated 26/04/2013 on the subject noted above.

Enclosed find herewith a copy of reply submitted by Mr. Shahed (Mineral Guard) for verification and necessary advice in the matter please.

Encls: As stated above

Assistant Director (T-4)
Mineral Dev: Bunai

No: MDW/AD/BNR/MISC/ Dated: /05/2013

Copy Forwarded to:

1. The Assistant Director (Administration), Directorate General, Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.

Assistant Director (T-4)
Mineral Dev: Bunai

BA-2
27/5

30/05/2013

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13



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. DGMM/Admin / 3/451/ 6662

Dated. 14 /03/2018

OFFICE ORDER

The Competent Authority is pleased to order that the service of Mr. Shaheed Ullah, Mineral Guard (BPS-03), H/Q Office, Peshawar keep at the disposal of Assistant Director Mineral, Dev: Swat till further order please.


Sd/-
Director General Mines and Minerals
Khyber Pakhtunkhwa, Peshawar

Endst: No. DGMM/Admin / 3/451/ 6663-88

Dated. 14 /03/2018

Copy forwarded to:-

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. The Director Licensing-I & II, H/Q Office, Peshawar.
3. THE Assistant Director Mineral (Royalty), H/Q Office, Peshawar.
4. The Assistant Director Mineral, Dev: Swat.
5. Official concerned for compliant.
6. File No. 1/33/DGMM/Admin.


Assistant Director (Administration)
For Director General

o/c

بخدمت جناب ڈائریکٹر جنرل محکمہ معدنیات صوبہ خیبر پختونخواہ پشاور

عنوان: درخواست بمراد تبادلہ سوات سے پشاور

جناب عالی!

گزارش ہے کہ درخواست گزار کا عارضی تبادلہ دفتر اسٹنٹ ڈائریکٹر منرل محکمہ معدنیات سوات آرڈر نمبر:

Endst: No. D G M M / A d m n / 3 / 4 5 1 6 6 6 4 - 6 8

مورنہ 14-03-2018 ہو گیا ہے۔ میں نے مذکورہ بالا آرڈر کی تعمیل میں ADM سوات دفتر میں اپنی آمد کی رپورٹ مورنہ

21-03-2018 کیا ہے۔ آپ سے درخواست ہے کہ بندہ کا گھر انہ بالکل اکیلا ہو گیا ہے۔ میری والدہ فوت ہو گئی ہے اور چھوٹے

چھوٹے بھائی ہیں، اور والد صاحب کمزور اور بیمار ہے۔ میرے گھر میں میرے علاوہ کوئی نگرانی والا نہیں ہے مزید برآں ساکنے

مختلف پیشینوں میں ڈیوٹی سرانجام دی ہے اور چونکہ میرا بانی ضلع چارسدہ ہے جو کہ ضلع پشاور کے قریب ہے لہذا میرے مشکلات کو مد نظر

رکتے ہوئے میرا تبادلہ سوات سے پشاور کیا جائے۔

میں اور میرے گھر والے تمام عمر دغا گور میں گے۔

عین نوازش ہوگی۔

(Handwritten signature)

آپ کا مخلص شہید اللہ منرل گارڈ 09-04-2018

دفتر اسٹنٹ ڈائریکٹر منرل محکمہ معدنیات سوات

تاریخ 09-04-2018

(Handwritten signature)

*May please be
considered as desired
by the HMF in the blue
interest*

(Handwritten signature)

9/4/18
DIRECTOR GENERAL
MINERAL DEVELOPMENT
PESHAWAR

2309
10/4/18

(Handwritten signature)

(Handwritten signature)
09-4-18

بخدمت جناب ڈائریکٹر جنرل محکمہ معدنیات صوبہ خیبر پختونخواہ پشاور

عنوان: درخواست بھرا تادالہ سوات سے پشاور

جناب عالی!

22-68

S-03)

date

تذکرہ ہے کہ درخواست گزار کا عارضی تبادلہ دفتر اسٹنٹ ڈائریکٹر منرل محکمہ معدنیات سوات آرڈر نمبر Endst: DGMMA / Admin / 3 / 4516664 - 61

تاریخ 14-03-2018 ہو گیا ہے۔ میں نے مذکورہ بالا آرڈر کی تعمیل میں ADM سوات دفتر میں اپنی آمد کی رپورٹ ممبرانہ 21-03-2018 کیا ہے۔ آپ سے درخواست ہے کہ بندہ کا گھرانہ بالکل اکیلا ہو گیا ہے۔ میری والدہ فوت ہو گئی

میرے بہن بھائی ہیں، اور والد صاحب کمزور اور بیمار ہے۔ میرے گھر میں میرے علاوہ کوئی نگرانی والا نہیں ہے مزید برآں مسائل کے وقت شیشوں میں ڈیوٹی سرانجام دی ہے اور چونکہ میرا بانی ضلع چارسدہ ہے جو کہ ضلع پشاور کے قریب ہے لہذا میرے مشکلات کو مد نظر رکھتے ہوئے میرا تبادلہ سوات سے پشاور کیا جائے۔

میں اور میرے گھر والے تمام عمر دعا گو رہیں گے۔

Re Kamran +
Ruhana

9-4-2018

عین نوازش ہوگی

آپ کا مخلص شہید اللہ منرل گارڈ

دفتر اسٹنٹ ڈائریکٹر منرل محکمہ معدنیات سوات

تاریخ 09-04-2018

ADP
DCs, Commercial

May please
considered as class
by the HMF in the
interest



Muzaffar Said
Advocate

Minister for Finance
Khyber Pakhtunkhwa

Tel: +92-91-9212614
+92-91-9210505
Cell: +92-346-8006500

E-mail: muzaffarsaid60@gmail.com

EA-11

17/4

17/4/18

9/4/18
Minister for Finance
Khyber Pakhtunkhwa



DIRECTORATE GENERAL MINES AND MINERAL
KHYBER PAKHTUNKHWA, PESHAWAR.
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD, PESHAWAR
Ph: 09-9211136/9211154 Fax: 091-921023

Dated 3/05/2018

NO. DGMM/Admin/3/451/

9178

OFFICE ORDER

The Competent Authority is pleased to withdraw the Office order Endst: No. 6622-68 dated 14-03-2018, the temporary positing/transfer of Mr. Shaheed Ullah, Mineral Guard (B.P.S-03) of this Directorate to the Office of the Assistant Director Mineral Development Swat with immediate effect in the best public interest.

Sd/-
Director General Mines & Mineral
Khyber Pakhtunkhwa, Peshawar

Endst: No. NO. DGMM/Admin/3/451/

9179-85

Date - 3/5/2018

Copy forwarded to:-

- 1- PA to Director General Mines and Mineral, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Licensing I & II, H/Q Office, Peshawar.
- 3- The Assistant Director (Royalty, H/Q Office, Peshawar.
- 4- The Assistant Director Mineral Development Swat.
- 5- Official concerned for compliant.
- 6- File No. 1/33/DGMM/Admin:..

o/c. Assistant Director (Administration)
For Director General

1
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Registered

134



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE ASSISTANT DIRECTOR MINERALS
DEVELOPMENT SWAT

Registered 134

OPPOSITE G.H.S#3, MUHALLAH ZAMARUD KAN MINGORA, DISTRICT SWAT.

No. /MDW/SWT/II E-1

Dated: / / 018

To,

Mr. Shaheed Ullah (Mineral Guard) s/o Rizwan Ullah,
r/o Sardheri Kandi Barook Khel,
Tehsil & District Charsadda.

Subject: EXPLANATION

It has been noticed with great concern that you have been absent from 09/07/08 till date without any prior permission, which is totally against the valid rules and office discipline. Furthermore, field duties have also been badly suffered because of your absence.

You are therefore served with this notice to explain your position within 07 days positively. Failing which, action under the E&D rules shall be recommended against you.

Assistant Director (Tech)
Minerals Development
Swat

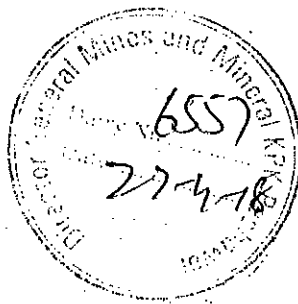
Dated: 17/04/08

E/No. 933 /MDW/SWT/II E-1

Copy to:

1. The Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar for information please.

Assistant Director (Tech)
Minerals Development
Swat



my
27-4-08

AD (Admin)

3657
27/4/08

19/11/10

24/19

Directorate General of Mines & Minerals
KHYBER PAKHTUNKHWA

Attached Departments Complex Khyber Road Peshawar

/3/361/DGMM/Admn:

Dated ___/12/2018

OFFICE ORDER

The Competent Authority is pleased to order posting/transfer of Royalty Sub Inspectors and Mineral Guards with immediate effect on temporary basis in the best public interest.

S/No.	Name and Designation	From	To
1	Mr. Sajjid Khan Royalty Sub Inspector	Charsadda	H/Q office, Peshawar
2	Syed Shahab Ahmad Royalty Sub Inspector	-do-	-do-
3	Mr. Janat ul Haq Royalty Sub Inspector	H/Q office, Peshawar	Charsadda
4	Mr. Shadman Khan Royalty Sub Inspector	-do-	-do-
5	Mr. Waheed Khan Mineral Guard	Mardan	H/Q office, Peshawar
6	Mr. Munsif Khan Mineral Guard	-do-	-do-
7	Mr. Salman Iqbal Mineral Guard	-do-	-do-
8	Mr. Kashif Mineral Guard	-do-	-do-
9	Mr. Shahid Hussain Mineral Guard	-do-	-do-
10	Mr. Jehangir Said Mineral Guard	Swabi	H/Q office, Peshawar
11	Mr. Imran Ali Mineral Guard	Mardan	H/Q office, Peshawar
12	Mr. Sohail Ahmad Mineral Guard	-do-	-do-
13	Mr. Armaz Khan Mineral Guard	-do-	-do-
14	Mr. Hussain Ahmad Mineral Guard	Charsadda	-do-
15	Muhammad Ayaz Mineral Guard	Mardan	-do-
16	Mr. Hilal Ahmad Mineral Guard	Swabi	-do-
17	Mr. Ayaz Ali Mineral Guard	Mardan	-do-
18	Mr. Fayyaz Khan Mineral Guard	-do-	-do-
19	Mr. Afnan Khan Mineral Guard	-do-	-do-
20	Mr. Sardar Hussain Mineral Guard	H/Q office, Peshawar	Mardan
21	Mr. Noor Wali Shah Mineral Guard	-do-	-do-

23	Mr. Shaheed ullah Mineral Guard	-do-	-do-
	Mr. Naveed Khan Mineral Guard	-do-	-do-
24	Muhammad Sajid Ali Mineral Guard	-do-	-do-
25	Mr. Aurangzeb Mineral Guard	-do-	-do-
26	Muhammad Yousaf Khan Mineral Guard	-do-	-do-
27	Mr. Kiramat Shah Mineral Guard	-do-	-do-
28	Mr. Shahid Ali Mineral Guard	-do-	-do-
29	Mr. Waqas Mineral Guard	-do-	-do-
30	Mr. Inam ullah Mineral Guard	-do-	-do-
31	Mr. Anwar Ali Mineral Guard	-do-	-do-


Sd/-
Director General Mines & Mineral
Khyber Pakhtunkhwa

Dated 05 /12/2018

Encl: No. 20717-22 /3/361/DGMM/Admin:

A copy of the above is forwarded to:

1. P.A to Director General Mines & Mineral, Peshawar.
2. The Assistant Director Mineral, Mardan/ Charsadda/ Swabi.
3. The Assistant Director Mineral Peshawar.
4. Personal file of the official concerned.
5. Officials concerned for compliance.
6. File No.1/33/DGMM/Admin:


Assistant Director (Administration)
For Director General



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

Dated. 27/02/2019

No. 3240 DGMM/Admin / 3/451

To

Mr. Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Kandi Baroo Khel
Tehsil & District Charsadda.

Subject **SHOW CAUSE NOTICE**

I am directed to refer to the subject noted above and to enclose herewith "Show Cause Notice" along-with inquiry report received from Mr. Hayat-ur-Rehman Deputy Director (Technical-III)/inquiry Officer H/Q Office Peshawar for acknowledgment.

Encl As above.

Assistant Director (Administration)
For Director General

Dated. 27/02/2019

3241-43
Endst: No. _____ DGMM/Admin / 3/451

Copy forwarded to:-

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Director Mineral (Technical-III) H/Q Office Peshawar.
3. Master File/DGMM/Admin.

Assistant Director (Administration)
For Director General

SHOW CAUSE NOTICE

(Muntazir Khan, Director General Mines & Mineral), as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Shaheed Ullah, Mineral Guard, as follows:

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No.20553-55/DGMM/2-1134/Adm dated:03.12.2018

and
(ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defense before the inquiry officer/inquiry committee,

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

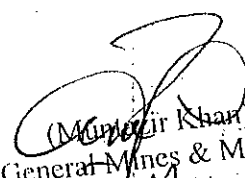
- (a) Guilty of misconduct
(b) Guilty of corruption
(c) _____

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Compulsory retirement under rule 4 (1) (b) (ii) of the said rules.

3. You are, thereof, 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 seven days or not more than 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 inquiry officer/inquiry committee is enclosed.


(Muntazir Khan)
Director General Mines & Mineral
Khyber Pakhtunkhwa

Mr. Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Kandi Baroo Khel
Tehsil & District Charsadda.

Charge Sheet

_____ as Competent Authority, hereby charge you, Mr. Shahcedullah, Mineral Guard, H/Q office, Peshawar, as follows:

That you, while posted as Mineral Guard at Jalla Bela Peshawar, committed the following irregularities:

i. The enquiry officer has levelled allegations in his report that the Assistant Director Mineral Peshawar Division posted you at Jalla Bela District Peshawar vide officer order No.16221-23/DGMM/MM/PR/Misc/office order, dated 17.09.2018, with the advice to lodge FIR against the offenders involved in illegal mining/transportation of minerals and report accordingly. But, you were found performing duty at Jani Khwar Badaber without the permission of your in charge and found in malpractice and collection of illegal money from a Minor Mineral lease holder. A video recording to this extent is also available.

ii. One Mr. Qadir Shah lease holder of Minor Mineral of Jani Khwar has filed a complaint that you have received illegal money from him and you were also involved in corruption and malpractice. The enquiry officer has reported that the complaint is based on facts.

2. By reason of the above, you appear to be guilty of corruption under Rule 3 (c) of the Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer/Inquiry Committee, as the case may be.

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

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


6. A statement of allegations is enclosed.

(COMPETENT AUTHORITY)
A.S.

Endst. No. 2053-JJ / DGMM/2/1134

A copy of the above is forwarded to:

- 1- PA to Director General, Mines and Minerals, Peshawar.
- 2- The Inquiry Officer for initiating proceedings against the accused under provision of the Khyber Pakhtunkhwa, Efficiency and Discipline Rules, 2011
- 3- Mr. Shaheed ullah, Mineral Guard, H/Q office, Peshawar with the direction to appear before the inquiry officer, on the date, time and place fixed by the inquiry officer for the purposes of the inquire proceedings.


(COMPETENT AUTHORITY)
S/V.

Mineral Guard

-cc-

DISCIPLINARY ACTION

I, Muntazir Khan, Director General Mines & Mineral Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Shaheedullah Mineral Guard, H/Q office, Peshawar, has rendered himself liable to be proceeded against as he committed the following acts/omissions, within the meaning of rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGAION

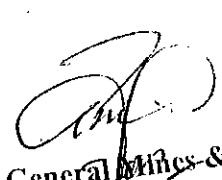
- i. The enquiry officer has levelled allegations in his report that the Assistant Director Mineral Peshawar Division posted Mr. Shaheedullah at Jalla Bela District Peshawar vide officer order No.16221-23/DGMM/MM/PR/Misc/office order, dated 17.09.2018, with the advice to lodge FIR against the offenders involved in illegal mining/transportation of minerals and report accordingly. But, the mineral guard was found performing duty at Jani Khwar Badaber without the permission of his in charge and found in malpractice and collection of illegal money from a Minor Mineral lease holder. A video recording to this extent is also available.
- ii. One Mr. Qadir Shah lease holder of Minor Mineral of Jani Khwar has filed a complaint that the mineral guard has received illegal money from him and he is involved in corruption and malpractice. The enquiry officer has reported that the complaint is based on facts.

2. For the purpose of inquiry, under Rule 10(1)(a) of the ibid rules, against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following, is constituted:

- i) Hayat ur Rehman DD
- ii) _____

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

4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.


Director General Mines & Mineral



DIRECTORATE GENERAL

MINES & MINERALS, KHYBER PAKHTUNKHWA
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD,
PESHAWAR, CANTT.

Phone: 091-9210275 - 9211140 Fax: 091-9210236

No. 21619 /DGMM/Admin/Enquiry

Dated 20 /12/2018

To ✓
The Director General
Mines and Minerals
Government of Khyber Pakhtunkhwa.

Subject: ENQUIRY

Enclosed please find herewith a copy of the enquiry report conducted against Mr. Shaheed Ullah Mineral Guard in light of charge sheet and statement of allegation issued by the competent Authority vide order No.20553-55/DGMM/2/1134-Admin dated 3-12-2018 for further necessary action please.

Deputy Director Mineral /Enquiry officer
H/Q office Peshawar

8980
21-12-18

use put up on file - immediately
AD (Admin)

21/12/18 Pl. put up copy of E & D Rules

21/12/18

A/O

21/12/18

or personal hearing and also recorded his written statement

ENQUIRY

The Competent Authority issued charge sheet and statement of allegation vide order No. 20553-55/DGMM/2/1134-Admin dated 03-12-2018 and nominated the undersigned as enquiry officer under Rule 10 (1) (a) of the E&D 2011 rules to conduct enquiry into the charges leveled in the ibid charge sheet and statement of allegation against Mr. Shaheed Ullah, Mineral Guard of the Directorate General Mines and Minerals.

BACKGROUND:

The preliminary enquiry report submitted by the Assistant Director (Complaint Cell) Headquarter office Peshawar (**Annexed-1**) reveals that the complainant Mr. Qader Shah S/o Haji Arab Shah was granted one year mining lease for minor minerals through auction in lieu of Rs. 1260000/- for the area situated near Jani Khawar, Badaber, District Peshawar vide allotment letter dated 27/06/2018.

The complainant filed a complaint dated 13/11/2018 against Mr. Shaheed Ullah Mineral Guard duly addressed to the Director General Mines and Minerals Khyber Pakhtunkhwa and stated that Mr. Shaheed Ullah is involved in illegal mining / transportation near his leased area and is collecting his share from the workers, involved in illegal mining, on monthly basis. He further stated that, the accused also comes in his leased area and make hurdles in his lawful mining by demanding money, threatening him and his staff for cancellation of mining lease and registration of FIRs etc. The complainant also stated in the complaint that he has also a video evidence of the above mentioned allegations and requested for stoppage of losses to him and the Provincial Government.

The Assistant Director Mineral Development Peshawar deputed / posted all the available field staff through office order for the control of un-authorized mining, by specifying the area of jurisdiction of each official. He further reported/ mentioned in the letter that, the accused Mineral Guard Mr. Shaheed Ullah was posted at Jala Bela vide office order dated 17/09/2018 and was strictly advised to perform duty at Jala Bela as a special task for lodging FIR against the offenders involved in illegal mining / transportation of minerals. However, despite of his written order, the accused was found performing duty at Jani Khawar, Badaber, without the permission / intimation to him and resultantly he found in malpractice and collecting illegal money from the lease holder and someone also made video of his illegal practice.

PROCEEDINGS:

On receipt of the enquiry order, the undersigned called the accused on 10-12-2018 for personal hearing and also recorded his written statement. He was personally heard. He

submitted his written statement along-with supporting documents on 12-12-2018 (Annexed-II). In his written statement / affidavit, Mr. Shaheed Ullah Mineral Guard has stated that the office order dated 17-09-2018 is in continuation of office order dated 13-08-2018, therefore he considered that both the office order are intact for performing duties at Jala Bela and Jani Khawar. Therefore, the Mineral Guard was of the view that he was performing official duty at Jani Khwar and has not violated orders of his In-charge Assistant Director.

Mr. Shaheed Ullah Mineral Guard has stated in his statement / affidavit that he has never made a demand from any lease holder but it is evident from the record that he has submitted severals Marasillas / FIRs against the culprits. Regarding the complain and video of Qadir Shah, the Mineral Guard stated that it is based on malafide intentions and is against the facts on record. He has also annexed marasillas / FIRs against Mr. Qadir Shah complainant in 2015, and also issued him warning. He further added that recording of video is based on malafide intention and repercussion of the said FIRs already lodged against the complainant. He stated in his statement that when he asked Waqif Shah, brother of Qadir Shah, and Munshi Qasim that their complaint about illegal mining is baseless, they excused for their fault of giving me wrong information and promised also to give money (fare) to the taxi as well. He further added in his statement that this was a conspiracy against him. He refused of any kind of involvement in corruption.

Mr. Shaheed Ullah Mineral Guard has requested that the department may lodge FIR against the lease holders due to submission of their illegal and baseless complaints. He has finally stated that the Mineral Guards may be provided protection to take action against Qadir Shah, so that the Mineral Guards are not disgraced /disappointed. He also stated in his statement that he can provide the driver as a witness to whom he paid the fare charges of the taxi to Jani Khawar

OBSERVATIONS AND FINDING:

From perusal of the preliminary enquiry conducted by Assistant Director Mineral (Complaint Cell) Head Quarter office Peshawar, and statement of accused as well as available records, the following observations were made:


1. The duty place of the accused was Jala Bela, Peshawar, while the accused was performing duty at Jani Khawar, in violation of the order of his in-charge officer (Assistant Director Mineral Development Peshawar). However, the accused considered that he was performing duties at both the places under two separate office orders.

- The allegations leveled by the complainant are correct to the extent that the Money was received by the Mineral Guard but he admitted in his statement that the said money was actually fare charges of taxi.
3. The accused was unaware of the law that, he cannot collect or demand money in shape of Taxi fare from the lease holder.
 4. The accused also registered FIR against the complainant on 21/09/2015 for involvement of the complainant Mr. Qadar Shah in illegal transportation of minerals.

RECOMMENDATIONS:

Since the prevailing law / rules does not allow anyone to collect fare taxi charges from the lease holder, therefore, the charge of collecting money from the lease holder in shape of fare taxi charges is proved against the accused. The following recommendations are made:

1. Major Penalty under rule (4) (b) (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rules, 2011 may be imposed upon him.
2. In order to curb unauthorized mining / transportation of minerals, all the Mineral Guards may be provided with motorcycles and proper uniform for efficient performance of their official duties and their recognition as Government officials.
3. All the Mineral Guards may also be given field allowance to discourage malpractices.
4. The Assistant Director Administration may also be directed to take up the case with the Finance Department through administrative department for establishment of mineral check posts at suitable places of the province to discourage unauthorized mining / transportation and managed the same effectively in the best public interest.


(Engr. Hayat-ur-Rehman)
Deputy Director (Tech)/Enquiry Officer
H/Q office Peshawar



Inquiry Report

Through a Notification vide No. SO(E)/MDD/6-8/sawabi/4359-61 dated 15.05.2018 by Establishment Section of Minerals Development Department, I, Mr. Altaf Hussain Deputy Secretary (Admin) appointed as Inquiry officer to probe into the allegation/charge leveled against Mr. Mazhar Abbas (Royalty Inspector) & Mr. Jahangir (Mineral Guard)

Back History

Assistant Director Monitoring, District Sawabi (Engr: Kamran Zaka), submitted a complaint to secretary MDD through E-mail dated 11.05.2018, against Mr. Mazhar Abbas, (Royalty Inspector) and Mr. Jahangir, (Mineral Guard) that they demanded an amount from site owner Mr. Ishaq and Mr. Naseer during their visit paid to District Sawabi on 12.03.2018 for continuations of illegal mining activities. In this regard copy of E-mail and its enclosure i.e. photo images, are attached as F/A & F/B.

Proceedings

The inquiry started and all concerned i.e. Mazhar Abbas and Jahangir were called and directed for submission of replies/statements. Accordingly, both the officials concerned have submitted their replies which are available at flag F/C & F/D. They have also provided an opportunity of personal hearing to explain their position before the inquiry officer on 24.05.2018.

Statement of Mazhar Abbas

Mr. Mazhar Abbas (Royalty Inspector) Mineral Development Department in his statement, shown at F/C, stated that he is working in District Sawabi since February 2018 till date. He further stated that FIR, against Mr. Naseer, who was found involved in illegal mining in the area of Geela, without having any authorization by the department, was registered on 11.03.2018. In addition, he also added that Mr. Hilal Ahmad mineral guard was directed to inspect the said area; and the Mineral Guard was also threatened by Mr. Naseer who was busy in illegal mining.

So far receipt of amount by him is concerned, the above named Royalty Inspector (Mazhar Abbas) stated that one day when he returned from duty, the brother of Mr. Naseer, involved in the illegal mining, met him on the way and offered money which he refused and issued warning to him to be refrain from such like practice. However, he added that this is totally conspiracy against him; and also to blaming his career.

Statement of Mr. Jahangir

Mr. Jahangir (Mineral Guard) Mineral Development Department in his statement, shown at F/D, stated that he was with Royalty Inspector to inspect the place of Geela; and on return the brother of Mr. Naseer offered them some amount which refused to accept, and started motorbike for return to their office. He further stated that through video (photo image) it clearly shows that there is no role on his part in taking the offered amount. He further added that the Mineral Guard is under duty control of Royalty Inspector. Hence, I performed the duty

Handwritten signature

3

as ordered by the Royalty inspector; because, he is new comer and hardly completed 15-days in service.

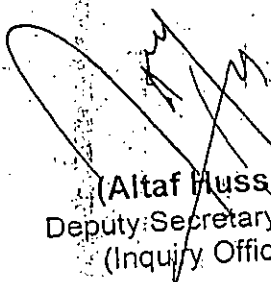
Findings:

- 1) From the video it is clearly shows that Mr. Mazhar Abbasi is receiving the amount.
- 2) Their dialoguing with the party is an evidence that they are also, involved in illegal mining activities.
- 3) As far back history, Mr. Mazhar Abbasi was working in Abbotabad and he was also transfer to Sawabi upon same type of complaints, which he again repeated here in District, Sawabi so he is virtually involved himself in such like activities.

Recommendations:

- 1) In view of the above, it is recommended that Mr. Mazhar Abbasi, (Royalty Inspector) may immediately be transferred from District Sawabi to Headquarter office Peshawar; and his field posting for a considerable time period (1-3) years may be banned as a punishment to him. Furthermore, a warning to refrain from such un-desirable practice, in future; may also be issued to him.
- 2) Mineral Guard (Mr. Jahangir) he may also be issued warning to be careful, in such like illegal activities in future.
- 3) Instruction, through a circular, for smooth functioning of the official business may be issued by the Directorate to all the Royalty Inspector as well as monitoring officers to the effect that they may perform their duties with spirit and zeal.

Dated: _____


(Altaf Hussain)
Deputy Secretary (Admin)
(Inquiry Officer)



Government of
Khyber Pakhtunkhwa
Minerals Development Department

No. SO (E)/MDD/4-1/6-8/Swabi/2018/
Dated Peshawar, June 19, 2018

5728-29

To

The Directorate General,
Mines & Minerals,
Khyber Pakhtunkhwa

SUBJECT: ENQUIRY REPORT

I am directed to refer to the subject cited above and to enclose herewith a copy of Enquiry Report conducted against Mr. Mazhar Abbasi, Royalty Inspector and Mr. Jehangir, Mineral Guard, with the direction that recommendations may be implemented accordingly, under intimation to this department.


Section Officer (Estt.)

Encls: as Above:

Endst: No & Date Even:

Copy is forwarded to PS to Secretary Minerals Development Department, Khyber Pakhtunkhwa.


Section Officer (Estt.)



4-1

153

Directorate general Mines and Minerals
Khyber Pakhtunkhwa
 Attached Departments Complex, Khyber Road Peshawar

No. _____/2/1221/DGMM/Admin: Dated. _____/07/2018

OFFICE ORDER

The Competent Authority is pleased to impose Ban as punishment on Mr. Mazhar Nazeer Abbasi, Royalty Inspector (BPS-12), on field duty for the period of Two years with immediate effect.

-Sd/-

Director General Mines and Minerals
 Khyber Pakhtunkhwa

Endst: No. 13130-34/2/1221/DGMM/Admin: P-152/c

Dated. 13 /7/2018

Copy forwarded to:-

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. The SO (E) for information w.r.t his letter No. SO(E)/MDD/4-1/6-8/Swabi/2018/5728-29 dated 19-06-2018.
3. The Director Licensing, I and II.
4. The Deputy Director Mineral I, II, III & IV.
5. All Regional Offices

Syad / Asst:
 Pl. place in the relevant file.

Assistant Director (Administration)
 For Director General

16/07

[Signature]
 13/7

[Signature]
 16/07/2018

de

GOVERNMENT OF KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT

Inquiry Report

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Proceedings

The inquiry started and all concerned i.e. Mazhar Abbasi and Jahangir were called and directed for submission of replies/statements. Accordingly, both the officials concerned have submitted their replies which are available at flag F/C & F/D. They have also provided an opportunity of personal hearing to explain their position before the inquiry officer on 24.05.2018.

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as ordered by the Royalty inspector; because, he is new comer and hardly completed 15-days in service.

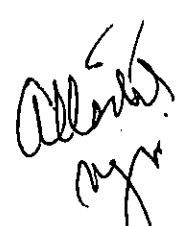
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Recommendations:

- 1) In view of the above, it is recommended that Mr. Mazhar Abbasi, (Royalty Inspector) may immediately be transferred from District Sawabi to Headquarter office Peshawar; and his field posting for a considerable time period (1-3) years may be banned as a punishment to him. Furthermore, a warning to refrain from such un-desirable practice, in future, may also be issued to him.
- 2) Mineral Guard (Mr. Jahangir) he may also be issued warning to be careful in such like illegal activities in future.
- 3) Instruction, through a circular, for smooth functioning of the official business may be issued by the Directorate to all the Royalty Inspector as well as monitoring officers to the effect that they may perform their duties with spirit and zeal.

Dated: _____


(Altaf Hussain)
Deputy Secretary (Admin)
(Inquiry Officer)

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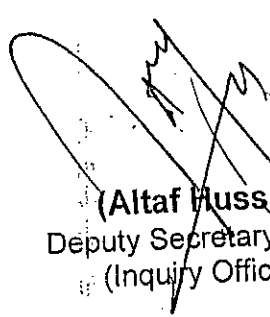
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Dated: _____


(Altaf Hussain)
Deputy Secretary (Admin)
(Inquiry Officer)



Government of
Khyber Pakhtunkhwa
Minerals Development Department

No. SO (E)/MDD/4-1/6-8/Swabi/2018/
Dated Peshawar, June 19, 2018

5728-29

To

The Directorate General,
Mines & Minerals,
Khyber Pakhtunkhwa

SUBJECT: ENQUIRY REPORT

I am directed to refer to the subject cited above and to enclose herewith a copy of Enquiry Report conducted against Mr. Mazhar Abbasi, Royalty Inspector and Mr. Jehangir, Mineral Guard, with the direction that recommendations may be implemented accordingly, under intimation to this department.


Section Officer (Estt.)

Encls: as Above:
Endst: No & Date Even:

Copy is forwarded to PS to Secretary Minerals Development Department, Khyber Pakhtunkhwa.


Section Officer (Estt.)



4-1
153
Directorate general Mines and Minerals

Khyber Pakhtunkhwa

Attached Departments Complex, Khyber Road Peshawar

No. _____/2/1221/DGMM/Admin:

Dated. ____/07/2018

OFFICE ORDER

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-Sd/-

Director General Mines and Minerals

Khyber Pakhtunkhwa

Endst: No. 13130-34 /2/1221/DGMM/Admin: P-152/K

Dated. 13 /7/2018

Copy forwarded to:

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. The SO (E) for information w.r.t his letter No. SO(E)/MDD/4-1/6-8/Swabi/2018/5728-29 dated 19-06-2018.
3. The Director Licensing, I and II.
4. The Deputy Director Mineral I, II, III & IV.
5. All Regional Offices

Syad / A/S/O:
PL place in the relevant file.

Assistant Director (Administration)
For Director General

16/07

16/07/2018

etc

~~Almond~~

Shahed Ullah

vs.

M. & M.

P.46. Dependant appeal — NO reply so

Came to Tribunal.

R. 10.11.13.14.15 violated in this case.
2011

allegation are that he took money from
lease holder. Video was made but
no forensic of video.

آفسر کے بارے میں شک ہے کہ وہ
بے دستوری ہو گیا۔

special order کی تکلیف
duty کے دوران
in continuation of his
first order.

Complaint of Qadir Shah
against present appellant
is not available.

یہ انوائس آفسر کے پاس
ہو دوسرا۔

انٹرویو کی
گواہی
کے بارے میں
شک ہے۔

Just look at findings
of enquiry. Page: 41

صرف جوئی سے رقم لی گئی ہے
کی صورت میں ہی سزا دینا
زیادتی ہے۔

P. 33
Page: 18

Report
Page: 18

قادر کا خلاف
FIR

Video
کئی کئی
- Same
etc
کئی کئی

جان خود سے Boss
 اسکی ڈیڑھ سے انگاری
 جیسے ریگارد ڈی پروڈ
 اس علاقے میں
 ڈیڑھ - اس علاقے میں
 ڈیڑھ میں جیسوں کا الزام لگانا
 انگوار میں سے جان کہ
 ڈیڑھ کی تھی - قانون سے اگان
 نہ تھا - سکی کے لیے لے -

Page 30 میں حسن کو انگوار
 آئینہ تھرا گیا سے مدعوہ مری
 سے اے آئے کو گیا

Page 30
 absentia سے
 انگوار کا ذکر وہ بھی ہے
 لگا گیا

سے انگوار کے ایفون نے
 fact finding enquiry
 اور دوسری کو
 final کیا

قادر شاہ کی
 Complaint
 بھی نہیں فائل میں
 اور بیان بھی نہیں
 ڈیڑھ کی forensic
 نہیں -
 بہ ثابت نہیں نہ کہنے کو سلف -

video
 forensic میں اس میں
 - - - -

2006 SCMR 443.

سے
 Penalty should be
 proportionate to guilt.

AG

حسن کی انگوار کی
 No hard & fast rule
 for preliminary or facts
 finding enquiry

... ..

... ..
by etc.

... ..

Complaint -

Complaint -

... ..

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... ..

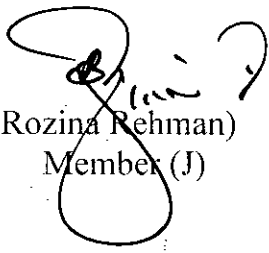

Major penalty imposed but

not Property -

... ..

... ..

944/2019

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	17.06.2020	<p><u>Present.</u></p> <p>Mr. Nazir Ahmed .. For appellant Advocate</p> <p>Mr. Muhammad Jan, Deputy District Attorney. ... For respondents</p> <p>Vide our detailed judgment of today, we allow the appeal as prayed for.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p style="text-align: center;">  (Rozina Rehman) Member (J) </p> <p style="text-align: center;">  (Hamid Farooq Durrani) Chairman </p> <p><u>ANNOUNCED</u> 17.06.2020</p>

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

Service Appeal No. 944/2019

Shaheed Ullah..... Appellant

Versus

Government of Khyber Pakhtunkhwa etc..... Respondents

Affidavit

I Muhammad Iqbal Superintendent (Admin), Directorate General Mines & Mineral do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from Honorable Court.


DEPONENT

Identified by

17301-1571390-3

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

Service Appeal No. 944/2019

Shahceed Ullah..... Appellant

Versus

Government of Khyber Pakhtunkhwa etc..... Respondents

Respectively Sheweth

Parawise comments on behalf of respondent No. 1 to 5

Preliminary Objections

1. That the appellant has not come to this tribunal with clean hands nor the appeal is based upon legal footings and is therefore liable to be dismissed.
2. That the appellant has no cause of action or locus standi to file the instant appeal, hence this appeal is not maintainable in its present form.
3. That the appellant is not entitled to any relief and this appeal is filed just to waste the precious time of this court.
4. That the appellant has no case in his support.

Reply on facts

1. Para No. 1 of the service appeal is correct.
2. Para No.2 of the service appeal is correct to the extent that appellant has performed duties at various stations but was not punctual as he is showing. The appellant vide order dated: 20.07.2011 was transferred to the office of Assistant Director Mineral Abbottabad (**Annex-A**) and submitted his arrival report in the office of Assistant Director Mineral Abbottabad on 15.08.2011. Appellant was deputed to perform his duty with Royalty Inspector and other Mineral Guards at Qalandarabad (Abbottabad) phosphate bearing area for the control of illegal/unauthorized mining, but he left the station after stay of one night without any intimation/permission to the Assistant Director Mineral Abbottabad. Self-explained copy of letter of then Assistant Director Mineral Abbottabad is attached (**Annex-B**). In compliance to the letter Annex "B" appellant was served a notice to attend /resume his duty (**Annex-C**). Further it is mentioned here that the appellant remained absent from duty despite issuance of several explanations copies attached (**Annex-D**).
3. Para No.3 of the service appeal is correct to the extent that the appellant has sufficient knowledge of computer but he always preferred to remain in field duty in such stations which were near to his hometown (**Annex-E**).
4. Para No.4 of the service appeal is incorrect as already explained in Para No.2.

5. Para No.5 of the service appeal is incorrect to the extent that the appellant was posted/ transferred vide order dated: 05-12-2018 from H/Q office Peshawar to office of the Assistant Director Mineral Mardan on temporary basis (**Annex-F**). The appellant was deputed to perform his duties in major/ minor mineral bearing areas i.e. Shomozai, Babuzai, Jamal Ghari and Itbar Khan Banda and surrounding areas in District Mardan and to establish check post at Jamal Ghari/ Farash and take action against illegal mining / transportation of mineral as per Act-2017 with the advice that no one will leave station without prior permission of the Assistant Director Mineral Mardan and to submit weekly report positively.
6. Para No.6 of the service appeal is incorrect to the extent that the complainant Mr. Qadir Shah S/O Arab Shah R/O Jani Khwar Peshawar submitted complaint against the applicant on 13-11-2018 showing himself as lease holder of minor mineral area near Jani Khwar Peshawar. It is pertinent to mention here that no action has been taken by the applicant during his duty in Peshawar on the complainant. Moreover, the appellant was provided proper opportunities, by issuing charge sheet along with statement of allegation and after conducting proper inquiry a show cause notice and thereafter, the appellant was personally heard by the Competent Authority but he failed to prove himself innocent and failed to satisfy the Competent Authority. It is also worth mentioning here that the complainant has also provided video evidence in which the appellant is taking money from some persons (copy of Show Cause Notice, Charge Sheet, Statement of Allegation and Inquiry Report are **Annex-G, H, I and J**).
7. Para No.7 of the service appeal is correct to the extent that an inquiry is conducted against the appellant on the basis of complaint submitted by Mr. Qadir Shah S/O Arab Shah R/O Jani Khwar Peshawar as mentioned in para No. 06. It is pertinent to mention here that the appellant was heard personally by the Competent Authority on 18-03-2019 in light of his written request but he failed to prove himself innocent and failed to satisfy the Competent Authority. Therefore, the major penalty of compulsory retirement from service with pension benefit has been imposed under Rules 4 (1) (b) (ii) of E&D.Rules-2011 against the appellant.
8. Para No.8 of the service appeal is incorrect. The appellant was provided the inquiry report and after issuing show cause notice the appellant was provide opportunity of personal hearing.

9. Para No.9 of the service appeal is correct to the extent but the Competent Authority is not satisfied with show-cause reply submitted by the appellant.
10. Para No.10 of the service appeal is correct to the extent that appellant failed to prove himself innocent. therefore, the major penalty of compulsory retirement from service with pension benefit has been imposed under Rules 4 (1) (b) (ii) of E&D Rules-2011 against the appellant.
11. Para No.11 of the service appeal is incorrect. The appeal has been filed by the Competent Authority/Secretary Minerals, Khyber Pakhtunkhwa.

GROUND:

- A. Para-A of the Grounds is incorrect, the appellant was provided proper opportunities, by issuing show cause notice and thereafter, the appellant was personally heard by the Competent Authority but he failed to prove himself innocent and failed to satisfy the Competent Authority.
- B. Para-B of the Grounds is incorrect, the action taken against the appellant was in accordance with the Efficiency and Discipline Rules-2011.
- C. Para-C of the Grounds is incorrect.
- D. Para-D of the Grounds is incorrect, the honest Guards are given rewards such as promotion/upgradation and in this department a Mineral Guard (BPS-03) can be promoted to the post of Dy. Director Minerals (BS-18) under the rules.
- E. Para-E of the Grounds is incorrect.
- F. Para-F of the Grounds is incorrect. Such like punishment is necessary for those employees who involved in corruption/malpractices and cause of bad reputation for the department.
- G. In reply to the para-G of the Grounds, it is submitted that the complainant submitted complaint along with video against the appellant.

In view of the above narrated facts, the appeal of the appellant is baseless, having no solid grounds, therefore, it is requested that the appeal of the appellant may please be dismissed.



Hayat Ur Rehman
Deputy Director (Admin)
(On behalf of Respondents
No. 01 to 05)



DIRECTORATE GENERAL OF MINES & MINERALS
KHYBER PAKHTUNKHWA
 Attached Departments Complex Khyber Road

No. DGMM/Admn/3/312/_____

Dated Peshawar, the _____

OFFICE ORDER

The Competent Authority is pleased to order that the following Mineral Guards should perform their duties on temporary basis in the office of Assistant Director Mineral Abbottabad with immediate effect till further order to control the illegal mining activities in Abbottabad:

- ✓ 1- Mr. Shaheedullah, Mineral Guard, H/Q Office Peshawar.
- 2- Mr. Muhammad Shehzad, Mineral Guard H/Q Office Peshawar.

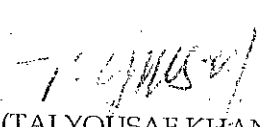
Sd/-
 Director General
 Mines & Mineral Khyber Pakhtunkhwa

Endst: No. DGMM/Admn:/3/312/ 9132-36

Dated 20 /07/2011

A copy of the above is forwarded to:

- 1. PA to Director General Mines and Minerals Khyber Pakhtunkhwa Peshawar.
- 2. The Assistant Director Mineral Development, Abbottabad.
- 3. Officials concerned for compliance.
- ✓ 4. Personal files of the official concerned.
- 5. File No. 1/33-Admn:


 (TAJ YOUSAF KHAN)
 Assistant Director (Administration)
 For/ Director General.

Registered

30

No. 3374 /MDW/AD/Misc,(1)/2009.
Office of the Assistant Director (Technical), Minerals
Development Ashraf Plaza Supply Abbottabad.

To,

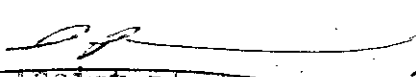
A/Abad, dated the 17/8/2011.

The Director General Mines and
Minerals Peshawar.

Subject; ARRIVAL REPORT.

Kindly refer to the subject noted above and to state that Mr; Shaheed-u-llah Mineral Guard submitted his arrival report for duty in this office on 15.8.2011. He was deputed with the Royalty Inspector and other Mineral Guards with the advise to perform duty at Gulistanabad for the purpose to control illegal mining/transportation of phosphate in the vicinity. After stay of one night between 15 & 16/8/2011, Mr; Shaheed-u-llah has left the station/office without any information or intimation to the undersigned as well as Royalty Inspector. Therefore this office is not in picture of where about of the said official. At such this state of affair on the part of the official is not only against the official decorum, but is clear violation of the Rules in vogue.

In view of the above it is requested that the matter may be looked into and necessary action against the said official may be taken in accordance with the Rules please.


Assistant Director (Technical)
Minerals Development A/Abad.

6532

18/8/11

Put up immediately

EATII

19/8/11



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 798 /3/451/DGMM/Admn:

Dated: 27 /1/2013

To:

Mr. Shaheedullah
Mineral Guard, HQ Office
Peshawar

Subject: ATTENDANCE OF DUTY.

I am directed to advise you to resume your duty in the office of Assistant Director Mineral Development Buner within a period of three (03) days from the date of issue of this letter, failing which disciplinary action under Government Servants (B&D) Rules, 2011 will be initiated against you without any other notice to you.

(MUHAMMAD ARSHAD)
Administrative Officer
For Director General

Endst. No. 799 /3/451/DGMM/Admn:

Dated: 07 /01/2013

A copy is forwarded to the Assistant Director Mineral Dev: Buner with the advice to stop the pay of the official if he failed to resume his duty within the stipulated period.

(MUHAMMAD ARSHAD)
Administrative Officer
For Director General

07/13



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 5618 /3/451/DGMM/Admn:

Dated. 5 /4/2013

To:


Mr. Shaheedullah
Mineral Guard, o/o Assistant Director Mineral
Bunair

Subject: ABSENT FROM DUTY.

You have been advised to perform duty in Minor Minerals Section, H/Q Office Peshawar instead of in the office of Assistant Director Mineral Development Bunair.

You have been performed duty in the Minor Minerals Section on 28.3.2013 & 29.3.2013 but after that you have been remained absent from duty without any application / prior permission of the Competent Authority, which is quite against the office decorum.

You are therefore, called upon to explain the reasons of your willful absence from the official duty. Your reply should reach the undersigned within three (03) days positively and if no reply is received within the stipulated time, it will presume that you have nothing in your defence and stern disciplinary action will be taken against you under Government Servants (E&D) Rules, 2011.



(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General

Endst. No. 5619-20 /3/451/DGMM/Admn:

Dated 5 /04/2013

A copy is forwarded to:-

- 1- PA to Director General, Mines and Minerals, Khyber Pakhtunkhwa.
- 2- The Deputy Director (Technical-IV), Headquarter Office Peshawar with the request to intimate whether the Mineral Guard has assumed the duty or otherwise. In case, he assumed the duty then comments may be furnished to Admn: Wing to proceed further in the matter.


(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General

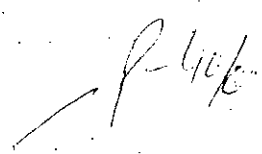
5/4/13

41

To

The Assistant Director,
Administration Mines and Mineral,
Department Khyber Pakhtunkhwa,
Peshawar.

Subject:- ABSENCE FROM DUTY.



Reference your letter No: 5618/3/451/DGMM/Admn: dated 05-04-2013
on the subject noted above.

In this connection it is for kind information that on Monday 01-04-2013 I
went to Bunair to take/bring my remaining luggage/blankets etc. I reached on above
dated I gave telephonically message through a public call office from Bunair to Assistant
of Minor Mineral Section Mr. Asghar Rasool. In Bunair I told to concerned Assistant
Director Mineral Development that I will have to go back but he stated I am being a new
appointee and there is some computer pendency. It is quite revenge from concerned
Assistant that he cannot wrote a telephonically message to ask Administration that
official contact on from me and he become under pressure with officers but he forgotten
my telephonically message in written/application for me. If he refused from
telephonically talk the God is upon my head that I contact him.

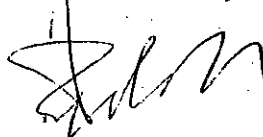
Besides this at the end of March the concerned Assistant contact me to
please come there are a lot of pendency for computer work and official work is badly
suffer.

It is therefore requested that refer note is baseless and un-true and I will
not be repeat such in action. Kindly withdraw my explainaiton from my personal file.

I shall be thankful to you for this act of kindness.

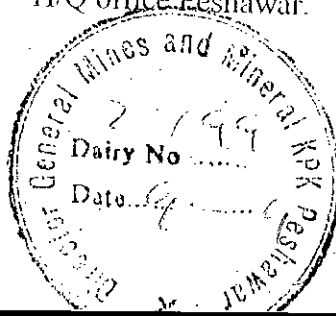
Dated:- 09-04-2013

Your obediently



Shaheed Ullah
H/Q office Peshawar.

*not not
mention
Duty station.*





Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. _____/3/451/DGMM/Admn:

Dated. _____/4/2013

To:

Mr. Shaheedullah
Mineral Guard, o/o Assistant Director Mineral
Bunair

Subject: **ABSENT FROM DUTY.**

You have been advised to perform duty in Minor Minerals Section, H/Q Office Peshawar instead of in the office of Assistant Director Mineral Development Bunair.

You have been performed duty in the Minor Minerals Section on 28.3.2013 & 29.3.2013 but after that you have been remained absent from duty without any application / prior permission of the Competent Authority, which is quite against the office decorum.

You are therefore, called upon to explain the reasons of your willful absence from the official duty. Your reply should reach the undersigned within three (03) days positively and if no reply is received within the stipulated time, it will presume that you have nothing in your defence and stern disciplinary action will be taken against you under Government Servants (E&D) Rules, 2011.

(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General

Endst. No. 57619-20 /3/451/DGMM/Admn:

Dated 5/04/2013

A copy is forwarded to:-

- 1- PA to Director General, Mines and Minerals, Khyber Pakhtunkhwa.
- 2- The Deputy Director (Technical-IV), Headquarter Office Peshawar with the request to intimate whether the Mineral Guard has assumed the duty or otherwise. In case, he assumed the duty then comments may be furnished to Admn: Wing to proceed further in the matter.

(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 7905/3/451/DGMM/Admn:

Dated. 6/5/2013

To:


Mr. Shaheedullah
Mineral Guard, Minor Minerals Section
Headquarter Office Peshawar

Subject:

WARNING.

Reference your reply No. 2799 dated 9.4.2013 on the subject noted above.

It is to inform you that your reply has been considered by the Competent Authority and found unsatisfactory. However, taking a lenient view, it has been decided by the Competent Authority to warn you at this stage with the advise to be careful in future and not repeat such practice again, otherwise drastic action will be taken against you under E&D Rules, 2011.


(TAJ YOUSAF KHAN)
Assistant Director (Administration)
For Director General



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA

Attached Departments Complex Khyber Road Peshawar.

No. _____/1/33/DGMM/Admn: Dated _____/05/2013

OFFICE ORDER

The Competent Authority has been pleased to make the following posting/transfer against the vacant posts of the Class-IV employees of this Directorate with immediate effect in the public interest:

Sl/#	Name of official	From	To
1	Muhammad Bashir, Naib Qasid	H/Q Office Peshawar	Mines Rescue Safety and Training Centre, Jalozai Distt: Nowshera
2	Shaheedullah Mineral Guard	O/o the Assistant Director (Technical), Bunair	H/Q Office Peshawar.

Sd/-
Director General Mines & Minerals
Khyber Pakhtunkhwa

Endst: No. 7963-69 /1/33/DGMM/Admn: Dated 6 /05/2013

A copy of the above is forwarded to:

- 1- The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 2- The District Accounts Officer, Nowshera and Bunair
- 3- The Rescue Superintendent, Mines Rescue Safety and Training Centre, Jalozai District Nowshera
- 4- The Assistant Director (Technical), Bunair.
- 5- The Assistant Director (Accounts), H/Q Office Peshawar.
- 6- Officials concerned for compliance.
- 7- Personal files of the officials concerned. (Mr. Shaheedullah Mineral Guard)

(MUHAMMAD ARSHAD)
Administrative Officer
For/ Director General.

45

**GOVERNEMENT OF KHYBER PUKHTUNKHWA
OFFICE OF THE ASSISTANT DIRECTOR MINERAL DEVELOPMENT
DEPARTMENT DAGGAR DISTRICT BUNAIR.**

No: 409 MDW/AD/BNR/MISC/

Dated:- ___/05/2013

To ✓

The Director General,
Mines and Minerals,
Khyber Pakhtunkhwa,
Peshawar.

Subject: **EXPLANATION**

Reference to this office letter No: 383-85 MDW/BNR/AD/MISC dated 26/04/2013 on the subject noted above.

Enclosed find herewith a copy of reply submitted by Mr. Shaheedullah (Mineral Guard) for verification and necessary advice in the matter please.

Encls: As stated above

Assistant Director (Tech)
Mineral Dev: Bunair

No: _____ MDW/AD/BNR/MISC

Dated: ___/05/2013

Copy Forwarded to:

1. The Assistant Director (Administration), Directorate General, Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.

BA II
27/5

Assistant Director (Tech)
Mineral Dev: Bunair



130
132
112

Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. DGMM/Admin / 3/451/ 6662

Dated. 14 /03/2018

OFFICE ORDER

The Competent Authority is pleased to order that the service of Mr. Shaheed Ullah, Mineral Guard (BPS-03), H/Q Office, Peshawar keep at the disposal of Assistant Director Mineral, Dev: Swat till further order please.


Sd/-
Director General Mines & Minerals
Khyber Pakhtunkhwa, Peshawar

Endst: No. DGMM/Admin / 3/451/ 6663-88

Dated. _____ /03/2018

Copy forwarded to:-

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. The Director Licensing-I & II, H/Q Office, Peshawar.
3. THE Assistant Director Mineral (Royalty), H/Q Office, Peshawar.
4. The Assistant Director Mineral, Dev: Swat.
5. Official concerned for compliant.
6. File No. 1/33/DGMM/Admin.


Assistant Director (Administration)
For Director General

o/c

بخدمت جناب ڈائریکٹر جنرل محکمہ معدنیات صوبہ خیبر پختون خواہ پشاور

عنوان: درخواست بمراد تبادلہ سوات سے پشاور

جناب عالی!

گزارش ہے کہ درخواست گزار کا عارضی تبادلہ دفتر اسٹنٹ ڈائریکٹر منرل محکمہ معدنیات سوات آرڈر نمبر Endst: 68 - 6664 - 16513 / Admn / D G M M / مورخہ 14-03-2018 ہو گیا ہے۔ میں نے مذکورہ بالا آرڈر کی تعمیل میں ADM سوات دفتر میں اپنی آمد کی رپورٹ مورخہ 21-03-2018 کیا ہے۔ آپ سے درخواست ہے کہ بندہ کا گھر انہ بالکل اکیلا ہو گیا ہے۔ میری والدہ فوت ہو گئی ہے اور چھوٹے چھوٹے بہن بھائی ہیں، اور والد صاحب کمزور اور بیمار ہے۔ میرے گھر میں میرے علاوہ کوئی نگرانی والا نہیں ہے مزید برآں سائلر کے مختلف سیشنوں میں ڈیوٹی سرانجام دی ہے اور چونکہ میرا بانی ضلع چارسدہ ہے جو کہ ضلع پشاور کے قریب ہے لہذا میرے مشکلات کو مد نظر رکھتے ہوئے میرا تبادلہ سوات سے پشاور کیا جائے۔

میں اور میرے گھر والے تمام عمر دعا گو رہیں گے۔

عین نوازش ہوگی۔

آپ کا تخلص شہید اللہ منرل گارڈ 8/2406-09

دفتر اسٹنٹ ڈائریکٹر منرل محکمہ معدنیات سوات

تاریخ 09-04-2018

DC, (Mineral)

May please be
considered as desired
by the HMF in the public
interest

9/4/18

Minister for Public
Works Peshawar

2309
10/4/18

ADA

09-4-18

1/9/18

بخدمت جناب ڈائریکٹر جنرل محکمہ معدنیات صوبہ خیبر پختونخواہ پشاور

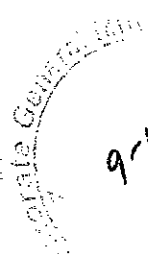
عنوان: درخواست بمراد تبادلہ سوات سے پشاور

جناب عالی!

22-68
S-03)
diate

گزارش ہے کہ درخواست گزار کا عارضی تبادلہ دفتر اسٹنٹ ڈائریکٹر جنرل محکمہ معدنیات سوات آرڈر نمبر Endst: DGM/Admn/3/4516664-68 مورخہ 14-03-2018 ہو گیا ہے۔ میں نے مذکورہ بالا آرڈر کی تعمیل میں ADM سوات دفتر میں اپنی آمد کی رپورٹ پیش کی ہے۔ آپ سے درخواست ہے کہ بندہ کا گھرانہ بالکل اکیلا ہو گیا ہے۔ میری والدہ فوت ہو گئی ہے۔ بہن بھائی ہیں، اور والد صاحب کمزور اور بیمار ہے۔ میرے گھر میں میرے علاوہ کوئی نگرانی والا نہیں ہے مزید برآں مسائل مختلف شیشیوں میں ڈیوٹی سرانجام دی ہے اور چونکہ میرا بانی ضلع چارسدہ ہے جو کہ ضلع پشاور کے قریب ہے لہذا میرے مشکلات کو مدنظر رکھتے ہوئے میرا تبادلہ سوات سے پشاور کیا جائے۔

میں اور میرے گھر والے تمام عمر دعا گو رہیں گے۔



9-4-2018

عین نوازش ہوگی۔
[Signature]

آپ کا مخلص شہید اللہ منزل گارڈ
دفتر اسٹنٹ ڈائریکٹر جنرل محکمہ معدنیات سوات
تاریخ 09-04-2018

[Signature]
17/4/18

ADA
DCs, (Muzaffar)

May please be
considered as desirable
by the HMF in the public
interest



Muzaffar Said
Advocate

Minister for Finance
Khyber Pakhtunkhwa

Tel: +92-91-9212614
+92-91-9210505
Cell: +92-346-8006500

E-mail: muzaffarsaid60@gmail.com

EA-11
[Signature]
17/4

[Signature]
17/4/18

[Signature]
17/4/18
Minister for Finance
Khyber Pakhtunkhwa



DIRECTORATE GENERAL MINES & MINERAL
KHYBER PAKHTUNKHWA, PESHAWAR.
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD, PESHAWAR
Ph: 09-9211136/9211154 Fax: 091-921023

NO. DGMM/Admin/3/451/

9178

Dated 3 /05/2018

OFFICE ORDER

The Competent Authority is pleased to withdraw the Office order Endst: No. 6622-68 dated 14-03-2018, the temporary positing/transfer of Mr. Shaheed Ullah, Mineral Guard (B.P.S-03) of this Directorate to the Office of the Assistant Director Mineral Development Swat with immediate effect in the best public interest.

Sd/-
Director General Miners & Mineral
Khyber Pakhtunkhwa, Peshawar

Endst: No. NO. DGMM/Admin/3/451/

9179-85

Date - 3-5-2018.

Copy forwarded to:-

- 1- PA to Director General Mines and Mineral, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Licensing I & II, H/Q Office, Peshawar.
- 3- The Assistant Director (Royalty, H/Q Office, Peshawar.
- 4- The Assistant Director Mineral Development Swat.
- 5- Official concerned for compliant.
- 6- File No. 1/33/DGMM/Admin:.

o/c
Assistant Director (Administration)
For Director General

Directorate General of Mines & Minerals

KHYBER PAKHTUNKHWA

Attached Departments Complex Khyber Road Peshawar

/3/361/DGMM/Admn:

Dated _____/12/2018

OFFICE ORDER

The Competent Authority is pleased to order posting/transfer of Royalty Sub Inspectors and Mineral Guards with immediate effect on temporary basis in the best public interest.

S/No.	Name and Designation	From	To
1	Mr. Sajid Khan Royalty Sub Inspector	Charsadda	H/Q office, Peshawar
2	Syed Shahab Ahmad Royalty Sub Inspector	-do-	-do-
3	Mr. Janat ul Haq Royalty Sub Inspector	H/Q office, Peshawar	Charsadda
4	Mr. Shadman Khan Royalty Sub Inspector	-do-	-do-
5	Mr. Waheed Khan Mineral Guard	Mardan	H/Q office, Peshawar
6	Mr. Munsif Khan Mineral Guard	-do-	-do-
7	Mr. Salman Iqbal Mineral Guard	-do-	-do-
8	Mr. Kashif Mineral Guard	-do-	-do-
9	Mr. Shahid Hussain Mineral Guard	-do-	-do-
10	Mr. Jehangir Said Mineral Guard	Swabi	H/Q office, Peshawar
11	Mr. Imran Ali Mineral Guard	Mardan	H/Q office, Peshawar
12	Mr. Sohail Ahmad Mineral Guard	-do-	-do-
13	Mr. Armaz Khan Mineral Guard	-do-	-do-
14	Mr. Hussain Ahmad Mineral Guard	Charsadda	-do-
15	Muhammad Ayaz Mineral Guard	Mardan	-do-
16	Mr. Hilal Ahmad Mineral Guard	Swabi	-do-
17	Mr. Ayaz Ali Mineral Guard	Mardan	-do-
18	Mr. Fayyaz Khan Mineral Guard	-do-	-do-
19	Mr. Afnan Khan Mineral Guard	-do-	-do-
20	Mr. Sardar Hussain Mineral Guard	H/Q office, Peshawar	Mardan
21	Mr. Noor Wali Shah Mineral Guard	-do-	-do-

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22	Mr. Shaheed ullah Mineral Guard	-do-	-do-
23	Mr. Naveed Khan Mineral Guard	-do-	-do-
24	Muhammad Sajid Ali Mineral Guard	-do-	-do-
25	Mr. Aurangzeb Mineral Guard	-do-	-do-
26	Muhammad Yousaf Khan Mineral Guard	-do-	-do-
27	Mr. Kiramat Shah Mineral Guard	-do-	-do-
28	Mr. Shahid Ali Mineral Guard	-do-	-do-
29	Mr. Waqas Mineral Guard	-do-	-do-
30	Mr. Inam ullah Mineral Guard	-do-	-do-
31	Mr. Anwar Ali Mineral Guard	-do-	-do-


Sd/-
Director General Mines & Mineral
Khyber Pakhtunkhwa

Endst. No. 20717-22 /3/361/DGMM/Admin:

Dated 05 /12/2018

A copy of the above is forwarded to:

1. P.A to Director General Mines & Mineral, Peshawar.
2. The Assistant Director Mineral, Mardan/ Charsadda/ Swabi.
3. The Assistant Director Mineral Peshawar.
4. Personal file of the official concerned.
5. Officials concerned for compliance.
6. File No.1/33/DGMM/Admin:


Assistant Director (Administration)
Fcr/ Director General



Directorate General of Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex Khyber Road Peshawar

No. 3240 DGMM/Admin / 3/451

Dated. 27/02/2019

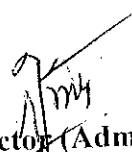
To

Mr. Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Kandi Baroo Khel
Tehsil & District Charsadda.

Subject **SHOW CAUSE NOTICE**

I am directed to refer to the subject noted above and to enclose herewith "Show Cause Notice" along-with inquiry report received from Mr. Hayat-ur-Rehman Deputy Director (Technical-III)/inquiry Officer H/Q Office Peshawar for acknowledgment.

Encl As above.

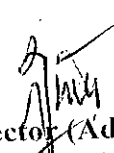

Assistant Director (Administration)
For Director General

Endst: No. 3241-43 DGMM/Admin / 3/451

Dated. 27/02/2019

Copy forwarded to:-

1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Director Mineral (Technical-III) H/Q Office Peshawar.
3. Master File/DGMM/Admin.


Assistant Director (Administration)
For Director General

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SHOW CAUSE NOTICE

(Muntazir Khan, Director General Mines & Mineral), as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Shaheed ullah, Mineral Guard, as follows:

(i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No.20553-55/DGMM/2-1134/Adm dated:03.12.2018

and

(ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defense before the inquiry officer/inquiry committee,

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

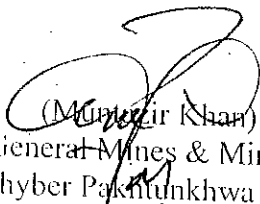
- (a) Guilty of misconduct
(b) Guilty of Corruption
(c)

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Compulsory retirement under rule 4 (1) (b) (ii) of the said rules.

3. You are, thereof, 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 seven days or not more than 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 inquiry officer/inquiry committee is enclosed.


(Muntazir Khan)
Director General Mines & Mineral
Khyber Pakhtunkhwa

Mr. Shaheed Ullah S/O Rizwan Ullah
Village Sardheri Kandi Baroo Khel
Tehsil & District Charsadda.

CHARGE SHEET

I, _____, as Competent Authority, hereby charge you, Mr. Shaheedullah, Mineral Guard, H/Q office, Peshawar, as follows:

That you, while posted as Mineral Guard at Jalla Bela Peshawar, committed the following irregularities:

- i. The enquiry officer has levelled allegations in his report that the Assistant Director Mineral Peshawar Division posted you at Jalla Bela District Peshawar vide officer order No.16221-23/DGMM/MM/PR/Misc/office order, dated 17.09.2018, with the advice to lodge FIR against the offenders involved in illegal mining/transportation of minerals and report accordingly. But, you were found performing duty at Jani Khwar Badaber without the permission of your in charge and found in malpractice and collection of illegal money from a Minor Mineral lease holder. A video recording to this extent is also available.
 - ii. One Mr. Qadir Shah lease holder of Minor Mineral of Jani Khwar has filed a complaint that you have received illegal money from him and you were also involved in corruption and malpractice. The enquiry officer has reported that the complaint is based on facts.
2. By reason of the above, you appear to be guilty of corruption under Rule 3 (c) of the Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the rules ibid.
 3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer/Inquiry Committee, as the case may be.
 4. Your written defense, if any, should reach the Inquiry Officer/Inquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.

(COMPETENT AUTHORITY)

Endst. No. 20553-55 / DGMM/2/1134-Admn:

Dated. 3 ¹² /03/2018

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A copy of th. . above is forwarded to:

- 1- PA to Director General, Mines and Minerals, Peshawar.
- 2- The Inquiry Officer for initiating proceedings against the accused under provision of the Khyber Pakhtunkhwa, Efficiency and Discipline Rules, 2011
- 3- Mr. Shaheed ullah, Mineral Guard, H/Q office, Peshawar with the direction to appear before the inquiry officer, on the date, time and place fixed by the inquiry officer for the purposes of the inquire proceedings.


(COMPETENT AUTHORITY)

5/11

DISCIPLINARY ACTION

I, Muntazir Khan, Director General Mines & Mineral Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Shaheedullah Mineral Guard, H/Q office, Peshawar, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGAION

- i. The enquiry officer has levelled allegations in his report that the Assistant Director Mineral Peshawar Division posted Mr. Shaheedullah at Jalla Bela District Peshawar vide officer order No.16221-23/DGMM/MM/PR/Misc/office order, dated 17.09.2018, with the advice to lodge FIR against the offenders involved in illegal mining/transportation of minerals and report accordingly. But, the mineral guard was found performing duty at Jani Khwar Badaber without the permission of his in charge and found in malpractice and collection of illegal money from a Minor Mineral lease holder. A video recording to this extent is also available.
 - ii. One Mr. Qadir Shah lease holder of Minor Mineral of Jani Khwar has filed a complaint that the mineral guard has received illegal money from him and he is involved in corruption and malpractice. The enquiry officer has reported that the complaint is based on facts.
2. For the purpose of inquiry, under Rule 10(1)(a) of the ibid rules, against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following, is constituted:

- i) Hayat ur Rehman DD
- ii) _____

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

4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.



DIRECTORATE GENERAL

MINES & MINERALS, KHYBER PAKHTUNKHWA
ATTACHED DEPARTMENT NEAR JUDICIAL COMPLEX, KHYBER ROAD,
PESHAWAR, CANTT.

Registered

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Phone: 091-9210275 - 9211140 Fax: 091 9210236

No. 21619 /DGMM/Admin/Enquiry

Dated 20 /12/2018

To

✓
The Director General
Mines and Minerals
Government of Khyber Pakhtunkhwa.

Subject: ENQUIRY

Enclosed please find herewith a copy of the enquiry report conducted against Mr. Shaheed Ullah Mineral Guard in light of charge sheet and statement of allegation issued by the competent Authority vide order No.20553-55/DGMM/2/1134-Admin dated 3-12-2018 for further necessary action please.

Deputy Director Mineral /Enquiry officer
H/Q office Peshawar

8980

21-12-18

use put up
in file

immediately

AD (Admin)

21/12/18 PP. put up copy of
E b D Rules

21/12/18

A-C

21/12/18

or personal hearing and also recorded his written statement

ENQUIRY

The Competent Authority issued charge sheet and statement of allegation vide order No. 20553-55/DGMM/2/1134-Admin dated 03-12-2018 and nominated the undersigned as enquiry officer under Rule 10 (1) (a) of the E&D 2011 rules to conduct enquiry into the charges leveled in the ibid charge sheet and statement of allegation against Mr. Shaheed Ullah, Mineral Guard of the Directorate General Mines and Minerals.

BACKGROUND:

The preliminary enquiry report submitted by the Assistant Director (Complaint Cell) Headquarter office Peshawar (**Annexed-I**) reveals that the complainant Mr. Qadar Shah S/o Haji Arab shah was granted one year mining lease for minor minerals through auction in lieu of Rs. 1260000/- for the area situated near Jani Khawar, Badaber, District Peshawar vide allotment letter dated 27/06/2018.

The complainant filed a complaint dated 13/11/2018 against Mr. Shaheed Ullah Mineral Guard duly addressed to the Director General Mines and Minerals Khyber Pakhtunkhwa and stated that Mr. Shaheed Ullah is involved in illegal mining / transportation near his leased area and is collecting his share from the workers, involved in illegal mining, on monthly basis. He further stated that, the accused also comes in his leased area and make hurdles in his lawful mining by demanding money, threatening him and his staff for cancellation of mining lease and registration of FIRs etc. The complainant also stated in the complaint that he has also a video evidence of the above mentioned allegations and requested for stoppage of losses to him and the Provincial Government.

The Assistant Director Mineral Development Peshawar deputed / posted all the available field staff through office order for the control of un-authorized mining, by specifying the area of jurisdiction of each official. He further reported/ mentioned in the letter that, the accused Mineral Guard Mr. Shaheed Ullah was posted at Jala Bela vide office order dated 17/09/2018 and was strictly advised to perform duty at Jala Bela as a special task for lodging FIR against the offenders involved in illegal mining / transportation of minerals. However, despite of his written order, the accused was found performing duty at Jani Khawar, Badaber, without the permission / intimation to him and resultantly he found in malpractice and collecting illegal money from the lease holder and someone also made video of his illegal practice.

PROCEEDINGS:

On receipt of the enquiry order, the undersigned called the accused on 10-12-2018 for personal hearing and also recorded his written statement. He was personally heard. He

submitted his written statement along-with supporting documents on 12-12-2018 (Annexed-II). In his written statement / affidavit, Mr. Shaheed Ullah Mineral Guard has stated that the office order dated 17-09-2018 is in continuation of office order dated 13-08-2018, therefore he considered that both the office order are intact for performing duties at Jala Bela and Jani Khawar. Therefore, the Mineral Guard was of the view that he was performing official duty at Jani Khwar and has not violated orders of his In-charge Assistant Director.

Mr. Shaheed Ullah Mineral Guard has stated in his statement / affidavit that he has never made a demand from any lease holder but it is evident from the record that he has submitted severals Marasillas / FIRs against the culprits. Regarding the complaint and video of Qadir Shah, the Mineral Guard stated that it is based on malafide intentions and is against the facts on record. He has also annexed marasillas / FIRs against Mr. Qadir Shah complainant in 2015, and also issued him warning. He further added that recording of video is based on malafide intention and repercussion of the said FIRs already lodged against the complainant. He stated in his statement that when he asked Waqif Shah, brother of Qadir Shah, and Munshi Qasim that their complaint about illegal mining is baseless, they excused for their fault of giving me wrong information and promised also to give money (fare) to the taxi as well. He further added in his statement that this was a conspiracy against him. He refused of any kind of involvement in corruption.

Mr. Shaheed Ullah Mineral Guard has requested that the department may lodge FIR against the lease holders due to submission of their illegal and baseless complaints. He has finally stated that the Mineral Guards may be provided protection to take action against Qadir Shah, so that the Mineral Guards are not disgraced /disappointed. He also stated in his statement that he can provide the driver as a witness to whom he paid the fare charges of the taxi to Jani Khawar

OBSERVATIONS AND FINDING:

From perusal of the preliminary enquiry conducted by Assistant Director Mineral (Complaint Cell) Head Quarter office Peshawar, and statement of accused as well as available records, the following observations were made:

1. The duty place of the accused was Jalla Bela, Peshawar, while the accused was performing duty at Jani Khawar, in violation of the order of his in-charge officer (Assistant Director Mineral Development Peshawar). However, the accused considered that he was performing duties at both the places under two separate office orders.

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2. The allegations leveled by the complainant are correct to the extent that the Money was received by the Mineral Guard but he admitted in his statement that the said money was actually fare charges of taxi.
 3. The accused was unaware of the law that, he cannot collect or demand money in shape of Taxi fare from the lease holder.
 4. The accused also registered FIR against the complainant on 21/09/2015 for involvement of the complainant Mr. Qadar Shah in illegal transportation of minerals.

RECOMMENDATIONS:

Since the prevailing law / rules does not allow anyone to collect fare taxi charges from the lease holder, therefore, the charge of collecting money from the lease holder in shape of fare taxi charges is proved against the accused. The following recommendations are made:

1. Major Penalty under rule (4) (b) (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) rules, 2011 may be imposed upon him.
2. In order to curb unauthorized mining / transportation of minerals, all the Mineral Guards may be provided with motorcycles and proper uniform for efficient performance of their official duties and their recognition as Government officials.
3. All the Mineral Guards may also be given field allowance to discourage malpractices.
4. The Assistant Director Administration may also be directed to take up the case with the Finance Department through administrative department for establishment of mineral check posts at suitable places of the province to discourage unauthorized mining / transportation and managed the same effectively in the best public interest.



(Engr. Hayat-ur-Rehman)
Deputy Director (Tech)/Enquiry Officer
H/Q office Peshawar

PKHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR.

No. 1375 /ST

Dated 06/07 2020

To


The Director General, Mines & Minerals Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 944/2019, MR. SHAHEED ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 17.06.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.