

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 572/2017

Date of Institution ... 02.06.2017

Date of Decision ... 12.04.2018

Fazal Wahab son of Rahim Ullah Primary School Teacher, R/O Rashang, Tehsil Allai District Battagram. ... (Appellant)

VERSUS

1. The District Education Officer, Elementary & Secondary Education Department, Peshawar and two others. ... (Respondents)

MR. KHUSHDIL KHAN, ... For appellant
Advocate

MR. ZIAULLAH, ... For respondents.
Deputy District Attorney,

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was appointed as PST on 06.07.2008. He thereafter served the department for almost 7 years. During this period, he was also upgraded on two different occasions. Then he was transferred to a new school on 02.7.2015. Thereafter, he was served with show cause notice on 09.08.2016 under the disciplinary rules. Finally his appointment order was declared as fake and bogus and null & void. Against this order, the appellant filed departmental appeal on

21.12.2016 which was rejected on 05.04.2017 and communicated to him on 23.5.2017. Thereafter, he filed the present service appeal on 02.06.2017.

ARGUMENTS.

3. The learned counsel for the appellant argued that the appellant after appointment had been working in the department for almost 7 years. That his service book was prepared and he was allowed upgradation on two occasions. That his attendance was also marked in attendance register. That he was issued show cause notice under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 but neither formal enquiry was conducted nor the same was dispensed with and finally the authority relied upon a so-called report of enquiry committee. That instead of awarding penalty, the authority declared the appointment letter as bogus. That when an enquiry committee was constituted it was incumbent upon the authority to have had issued the charge sheet to the appellant and appellant should have been afforded full opportunity of cross-examination of witnesses and also to defend himself in the light of the charge sheet. That the enquiry was also not dispensed with.

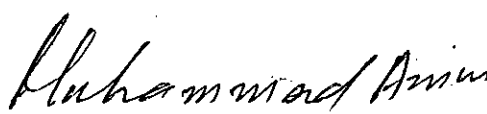
4. On the other hand, the learned Deputy District Attorney argued that the appellant was not a civil servant. That his appointment letter was bogus and fake and he could not be termed as civil servant. That it was proved by the enquiry committee that the appointment letter was bogus as it was issued on Sunday. That the attendance of the appellant in the attendance register was also bogus.

CONCLUSION.

5. Whatever has been argued by the learned Deputy District Attorney is based on the findings of the enquiry report and similarly the authority has based his findings on the basis of enquiry report which is itself a proof of the fact that the issue involved appreciation of factual controversy which could not be decided

without holding of formal enquiry. But the Authority neither opted for holding regular enquiry nor dispensed with the formal enquiry. The authority further initiated the proceedings under the disciplinary rules by issuing show cause and then culminated the proceedings by not awarded the penalty under the disciplinary rules but declared the appointment letter as bogus. Such proceedings in the eyes of law cannot be sustained. The Authority should have been clear regarding the proceedings to be conducted under the disciplinary rules or should have withdrawn the appointment order in exercise of the powers on the basis of *locus-poenitentiae*. In case the authority was to exercise his powers under the latter option then this Tribunal could decide the issue on the basis of the stage at which the same power was exercised. However in any event it was incumbent upon the authority to have given full opportunity to the appellant to participate in the enquiry proceedings by giving all rights of due process which has not been done.

6. As a sequel to the above discussion, the present appeal is accepted. The appellant is reinstated in service. However, the department is directed to hold denovo proceedings within a period of ninety days from the date of receipt of this judgment. The issue of back benefits etc. shall be subject to the final outcome of denovo proceedings and rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
12.04.2018


572/2017

12.04.2018

Counsel for the appellant and Mr. Usman Ghani District Attorney alongwith Waliur Rahman, ADO for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.


MEMBER


CHAIRMAN

ANNOUNCED
12.04.2018

29.11.2017

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for further arguments on 08.01.2018 before D.B.


Member


Chairman

10.01.2018

Appellant in person present. Learned Asst: AG for respondents present. Appellant requested for adjournment as his counsel is not available. Adjourned. To come up for arguments on 15.02.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M. Hamid Mughal)
Member (J)

15.02.2018

Counsel for the appellant present. Mr. Zia Ullah, DDA for the respondent present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 27.2.2018 before D.B.


Member


Chairman

27.02.2018

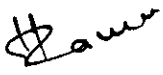
Appellant in person and Addl. AG for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. To come up for arguments on 12.04.2018 before the D.B.


Member


Chairman

04. 17.07.2017


Counsel for the appellant present and seeks adjournment.
Adjourned. To come up for preliminary hearing on 20-7-17 before S.B.


(Muhammad Hamid Mughal)
Member

05. 20.07.2017

Learned counsel for the appellant present. In the present appeal the appellant has made impugned, order dated 9.12.2016 whereby the competent authority held that the appointment order of the appellant against the post of P.S.T as fake/bogus /fabricated/not issued by the lawful authority, thus having no legal sanctity was declared as "NULL AND VOID". Since the appellant has lost his service as a result of the impugned order, as such in the interest of justice the present appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security fee within (10) days and notices be issued to the respondents for written reply/ comments on 29.08.2017 before S.B.

Appellant Deposited
Security & Process Fee


(Muhammad Hamid Mughal)
Member

24/8/2017


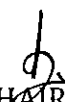

Clerk of counsel for the appellant and Mr. Kabirullah, Khattak, AAG alongwith Haq Nawaz, ADO for the respondents present. Representative of the respondents submitted written reply which is placed on file. To come up for rejoinder and arguments on 29/11/2017 before DB.


(GUL ZEB KHAN)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 572/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/06/2017	<p style="text-align: center;">The appeal of Mr. Fazal Wahab presented today by Mr. Khushdil Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 2/6/17</p>
2-	6-6-2017	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20-06-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	20.06.2017	<p style="text-align: center;">Appellant in person present and requested for adjournment. Adjourned. To come up for preliminary hearing on 17.07.2017 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 572 /2017

Fazal Wahab S/o Rahim Ullah,
Primary School Teacher,
R/o Rashang, Tehsil Allai,
District Battagram Appellant

Versus

The District Education Officer,
Elementary & Secondary Education Department,
District Battagram & others..... Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-5
2.	Copies of Educational Testimonials.		A	6-8
3.	Copy of appointment letter.	06-07-2008	B	0-9
4.	Copies of extracts of service book.		C	10-13
5.	Copies of extracts of attendance register.		D	14-18
6.	Copy of notification whereby various PSHTs and PSTs were transferred including appellant.	02-07-2015	E	0-19
7.	Copy of show cause notice.	09-08-2016	F	0-20
8.	Copy of reply to show cause notice.		G	21-23
9.	Copy of impugned order whereby appointment order of appellant was declared null and void.	09-12-2016	H	24-25
10.	Copy of departmental appeal.	21-12-2016	I	26-27
11.	copy of notification whereby departmental appeal of appellant was rejected but the	05-04-2017 23-05-2017	J	0-28

S.No.	Description of Documents	Date	Annexure	Pages
	copy of same was provided on 23-05-2017.			
12.	Copy application for the provision of rejection order.	10-05-2017	K	0-29
13.	Wakalat Nama			

Through



Appellant



Khush Dil Khan

Advocate,

Supreme Court of Pakistan

9-B, Haroon Mansion,

Khyber Bazar, Peshawar.

Cell # 091-2213445

Dated: 31/05/2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 572 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 626

Dated 02-6-2017

Fazal Wahab S/o Rahim Ullah,
Primary School Teacher,
R/o Rashang, Tehsil Allai,
District Battagram.....

Appellant

Versus

1. The District Education Officer,
Elementary & Secondary Education Department,
District Battagram.
 2. The Director,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.
 3. The Secretary,
Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department,
Civil Secretariat, Peshawar.....
- Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 09-12-2016 THEREBY THE
APPOINTMENT ORDER OF APPELLANT WAS DECLARED
NULL AND VOID BY RESPONDENT NO.1 AGAINST WHICH
HE FILED DEPARTMENTAL APPEAL ON 21-12-2016
BEFORE THE RESPONDENT NO.2 WHICH WAS REJECTED
ON 05-04-2017 BUT SINCE THE NAME AND ADDRESS WAS
DIFFERENT DUE TO WHICH IT COULD NOT RECEIVE TO
APPELLANT AND LATER ON, ON THE APPLICATION OF
APPELLANT THE SAME WAS PROVIDED TO HIM ON**

Filed to-day

Registrar

2/6/17

23-05-2017 UNDER THE SIGNATURE OF DEPUTY
DIRECTOR ESTABLISHMENT AFTER MAKING
CORRECTION IN THE NAME AND ADDRESS OF
APPELLANT.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant having the prescribed qualifications **(Annexed-A)** for the post of Primary School Teacher (PST) so he applied for the said post and on the recommendation of District Selection Board, he was appointed as Primary School Teacher (PST) by an office order dated 06-07-2008 **(Annexed-B)** issued by Mr. Mukhtiar Ahmad Swati, the then Executive District Officer, Schools and Literacy Battagram.
2. That appellant assumed the charge of the post at Govt. Primary School **Nehrai** after observing codal formalities including Medical Fitness Certificate and since then he was performing his duties efficiently and regularly without any complaint and accordingly he was receiving monthly salaries. The office concerned has also maintained his service book therein necessary entries have been made from time to time. Copies of the extracts of service book and attendance Register are attached as **(Annexed-C & D)**.
3. That on 02-07-2015 **(Annexed-E)** a notification was issued by Respondent No.1 thereby a number of PSHTs and PSTs were transferred including appellant while his name was at serial No.13 and transferred him from GPS Nehrai/Chohan to GPS Faqiro.

4. That on 09-08-2016 (**Annexed-F**), a show cause notice was issued to appellant therein he was blamed for the charges that his appointment order was fake and bogus thereto he submitted a detail reply (**Annexed-G**) which was totally ignored by the authority concerned.
5. That on 09-12-2016 (**Annexed-H**) an office order was issued by the Respondent No.1 and the appointment of appellant was declared null and void against which he filed departmental appeal before Respondent No.2 on 21-12-2016 (**Annexed-I**) which was rejected on 05-04-2017 (**Annexed-J**) but since the name and address of appellant were not recorded correctly by the office concerned therefore the letter was not received to appellant and when he came to know about the rejection of his departmental appeal so he submitted an application dated 10-05-2017 (**Annexed-K**) for getting its copy which was provided to him on 23-05-2017 under the signature of Deputy Director Establishment after due correction in name and address.

Hence the present appeal is submitted on the following amongst other grounds:-

Grounds:

- A. That the appointment of appellant was made by competent authority after observing the codal formalities and served the department for more than seven years continuously with excellent service record so at this belated stage the plea of fake appointment order has no legal justification and without lawful authority and tainted with mala fide intention which is not sustainable and liable to be set aside.


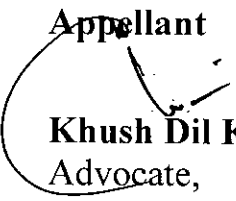
- B. That appellant was fully qualified for the job which has been done by him continuously with the entire satisfaction of the officers so vested right accrued in his favour which cannot be taken away under the principle of locus poenitentiae.
- C. That the impugned order is based on facts finding inquiry which was conducted at the back of appellant thus the impugned order has no legal sanctity, of no legal effect and inoperative against the rights of appellant and liable to be set aside.
- D. That Respondent No.1 has not followed the procedures as laid down in the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Disciplinary) Rules, 2011. Neither a charge sheet with statement of allegations was framed nor a proper opportunity of defence was provided to him and he was condemned unheard and the impugned order is unlawful being violative of the principle of natural justice.
- E. That the charges as leveled in the show cause notice are pertaining to factual controversies which could only be resolved through cogent evidence which is only possible in the regular inquiry which has not done in this case. Thus the Respondent No.1 acted in arbitrary manner and unlawfully declared the appointment order as fake and bogus.
- F. That appellant was not treated in accordance with law and rules on subject. In the impugned order, only his appointment order was declared null and void without imposing any penalty as laid down in the rules.
- G. That in this case neither the authority (Mr. Mukhtiar Ahmad Swati, then EDO Battagram) who made and issued appellant's appointment order was examined nor the other

officials/officers were examined who made and verified the entries in his service book or recorded the statement of Head Teacher of the Govt. Primary School Nehrai/Chohan. Thus in such circumstances the impugned order is illegal, unfair, unjust and liable to be set aside.

H. That Respondent No.2 has acted in arbitrary manner and without trashing out the case of appellant in view of grounds as taken in the departmental appeal dismissed the same which is not tenable and liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned orders dated 09-12-2016 and 05-04-2017 may graciously be declared illegal, without lawful authority, mala fide, unfair and violative of principle of natural justice and be set aside and the services of appellant may kindly be restored with all back benefits

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.


Appellant
Through

Khush Dil Khan,
Advocate,
Supreme Court of Pakistan

Dated: 31/05/2017

Annex - A.


(15) P-6

ADA 017644

Roll No. 17096

ANNEXURE

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Abbottabad N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION ANNUAL 1996

THIS IS TO CERTIFY THAT FAZAL WAHAB.

Son/Daughter of RAHM ULLAH.

and a student of GOVT: HIGHER SECONDARY SCHOOL BATTAL.

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in April 1996


as a *Regular/Private candidate*. He/She obtained 458 Marks out of 850 and has been placed in Grade C Representing GOOD

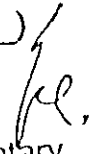
The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|------------|--------------|
| 1. English | 3. Islamiyat | 5. PHYSICS | 7. CHEMISTRY |
| 2. Urdu | 4. Pakistan Studies | 6. BIOLOGY | 8. MATHS, E |

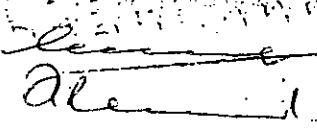
He/She has been awarded Grade B on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is FIRST JANUARY,
one thousand nine hundred and SEVENTY NINE (01-01-1979)


Asst. Secretary


Secretary

This certificate is issued without alteration or erasure.


ATTESTED

ADS 053059

Roll No. 8809

P-7

14

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Abbottabad N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION
HUMANITIES Group

SESSION SUPPLEMENTARY 1999

THIS IS TO CERTIFY THAT FAZAL WAHAB

Son/Daughter of RAHEEM ULLAH

and a Candidate of BATTAGRAM

Registered No. _____ has passed the **Intermediate Examination** of the Board of Intermediate and Secondary Education, Abbottabad held in November 1999.

as a *Private candidate*. He/She obtained 463 Marks out of 1100 and has been placed in Grade D Representing FAIR

The Examination was taken as a whole/in parts and the candidate passed the following subjects:

- | | | |
|------------|---|---------------|
| 1. English | 3. Islamic Education - Pakistan Studies | 5. PASHTO |
| 2. Urdu | 4. ECONOMICS | 6. STATISTICS |

Asst. Secretary

Secretary

This certificate is issued without alteration or erasure.

ATTESTED

S.No. 137

دب رڈی ع

P-8
Roll No. 1554

13

GOVT COLLEGE OF EDUCATION FOR ELEMENTARY TEACHERS (MALE)
MANSEHRA
PROVISIONAL CERTIFICATE.

UNRECORDED

This is to certify that Mr. Fazl urrah
S/O Rahimullah
passed the "P.T.C. (M)" Examination 1999 under
Roll No. 1554 in II Division, obtained 669
marks out of 1200 according to the result gazette notification issued
by the Registrar Departmental Examination Education Department N.W.F.P.
Peshawar.

B

Sis date of Birth according to college record is (in figures) 1-31-10-79
(in words) 1st January 1979
Admission No. 1507 The result was declared on 9.6.2003
Sis conduct during his stay at this college was Good

ATTESTED
to be true copy

ATTESTED

Prepared by: Amal

Checked by: B...

PRINCIPAL
GOVT. COLLEGE OF EDUCATION
FOR ELEMENTARY TEACHERS (M)
MANSEHRA.

Better Copy

Annex B

09

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS AND
LITERACY BATTAGRAM)

APPOINTMENT.

Consequent upon the approval of the District Selection Board Battagram, Mr. Fazal Wahab S/o Rahim Ullah R/o Village Rashang Tehsil Allai District Battagram is hereby appointed against PST post at Govt. Primary School Nehrai against vacant post in B-7 plus usual allowances admissible to him under the rules 25% open merit in the interest of public service with effect from this date of taking over charge on the following terms and conditions:-

TERMS AND CONDITIONS.

1. Charge report should be submitted to all concerned.
2. He is entitled to get all benefits as admissible under the rules in Civil servant Act except pension. He should however be entitled to receive such amount contributed by him towards the contributory Provident Fund a/with contribution made by the Provincial Govt. to his account in the said funds in prescribe manner.
3. His service will be liable to termination on one month notice from either side, in case of resignation without notice his one month pay shall be forfeited to the Govt. treasury.
4. The candidate requires to produce Age & Health certificate from DHQ Battagram.
5. The appointee will get salaries against mentioned post in the budget.
6. He will paid salaries after verification of his documents from the concerned university/board/institution on his own experience by DDO concerned. Personally on by hand verification will not be acceptable.

Sd/-

(Mukhtar Ahmad Swati)
EXECUTIVE DISTRICT OFFICER
(SCHOOLS AND LITERACY BATTAGRAM)

Endst. No. 3192-96/EB/AE-II/F-Apptt:2007

Dated 06-07-2008

Copy forwarded for information and necessary action to the:

1. District Coordination Officer Battagram.
2. Deputy District Education Officer (Male) S&L Battagram.
3. District Accounts Officer Battagram.
4. Candidate concerned.

ATTESTED

Sd/-

DISTRICT OFFICER (MALE)
(SCHOOLS AND LITERACY BATTAGRAM)

APPOINTMENT.

ANNEXURE

Consequent upon the approval of the District Selection Board Battagram, Mr: Faisal Wahab S/O Rahim Ullah R/O Village Rashang Tehsil Allai District Battagram is hereby appointed against PST post at Govt: Primary School Nohrai against vacant post in B-7 plus usual allowances admissible to him under the rules @ 25% open Merit in the interest of public service with effect from his date of taking over charge on the following terms and conditions:-

TERMS AND CONDITIONS.

1. Charge report should be submitted to all concerned.
2. He is entitled to get all benefits as admissible under the rules in Civil servant Act except pension. He should however be entitled to receive such amount contributed by him towards the contributory Provident Fund & with contribution made by the Provincial Govt: to his account in the said funds in prescribed manner.
3. His service will be liable to termination on one month notice from either sides, in case of resignation without notice his one month pay shall be forfeited to the Govt: treasury.
4. The candidate required to produce Age & Health certificate from DHO Battagram.
5. The candidate should join his post within seven days of the issue of this order, otherwise appointed order will be cancelled.
6. The appointee will get salaries against sanctioned post in the budget.
7. He will paid salaries after verification of his documents from the concerned university/board/Institution on his own expenses by DDO concerned. Personally or by hand verification will not be acceptable.

sd
(MUKHTAR AHMAD SWATI)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY BATTAGRAM.

Order No 3192-96 /BB/AE-II/F-Adppt:2007 Dated 16-07-2008

Copy forwarded for information and necessary action to the:

1. District Coordination Officer Battagram.
2. Deputy District Education Officer (Male) S&L Battagram.
3. District Accounts Officer Battagram.
4. Candidate concerned.

[Signature]
DISTRICT OFFICER (MALE)
(SCHOOLS & LITERACY BATTAGRAM)

ATTESTED

[Signature]

Passed the SSC Exam from BISE Abad Abad.
 Roll No. 17096. Session 1996 mark. 458/850.

Annex - C

ANNEXURE

Deputy District Officer
 (Male) Primary Battagram

10

Passed the F.A Examination from BISE Abad Abad under

Verification Roll No. 8809. Session 1999. mark. 463/1100

Deputy District Officer
 (Male) Primary Battagram

Passed the PFC Examination from BISE Peshawar
 under roll No. 1554. Session 1998 - mark. 659/1200

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. or B.A.	
Urdu		Pleadership examination	
Man-drawing		Training School Final examination	
Finger Print		Other qualifications—	
Will Instructing			
Court Duties			
Police Duties			

ATTESTED

[Handwritten signature]

N.B. - Line to be drawn under the qualification possessed.

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
PST G.P.S.							
Captn Nehrao							
Nehrao		G. 3530-190-9230-7.					
do			3530/-			7 2 2008	[Signature]
			3720/-			13 1 08	[Signature]
			3910/-			12 1 09	[Signature]
			4100/-			12 10	[Signature]
Captn		G: 5800-320-15400-7					
Nehrao			6760/-			7 2011	[Signature]
			7080/-			12 2011	[Signature]
		G: 7000-500-22000-12					
			7500/-			7 2012	[Signature]
			8000/-			12 2012	[Signature]
		G: 8000-610-26300-12					
do			8610/-	810/- Per		3 13	[Signature]
P.F. Behan							
			9220/-			3 13	[Signature]
do			9830/-			12 13	[Signature]
do			10440/-			12 14	[Signature]

ATTESTED [Signature]

22

138

Fazal Wahab

House of 201 Mada Khair

Alon Baharoon

Father's name and residence:

Rahimullah

Date of birth by Christian era as early as can be ascertained:

(1-1-1979)

1st of January A.H. 1399 Seventy Nine

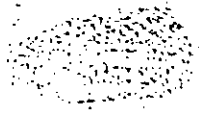
Height by measurement:

5-5

Facial marks for identification:

Hand thumb and Finger impression (Non-Gazetted) officer:

Index Finger:

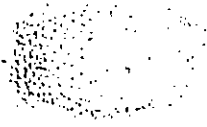


Ring Finger:

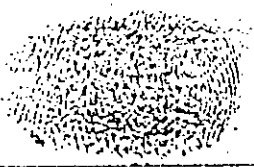


Received

Middle Finger:



Fore Finger:



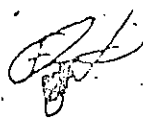
Name of Government Servant:

[Signature]

Signature and designation of the officer of the office, or other Attesting

Deputy District Officer
(Police) Primary Battaram


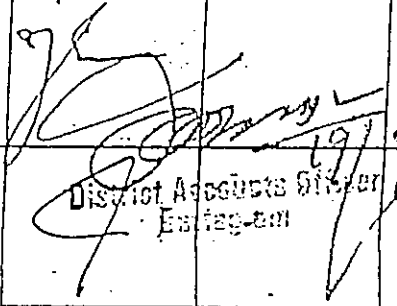

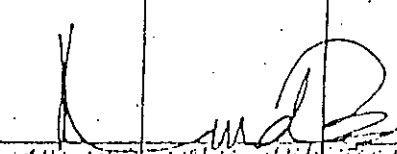
[Signature]

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature Government
DST			8000-610-	26320			
GPI Faqiro			10640/5			03 07 2015	

General Record

A
ATTESTED

No. of servant	Name and Designation of the officer attesting officer (stations 1 to 5)	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
						Period	Government to Which debitable		
	Dy. D.O. ESSE (M) Battagram	30/11/08	ant	Dy. D.O. ESSE (M) Battagram				ORPDR	
	Dy. D.O. ESSE (M) Battagram	30/11/09	ant	Dy. D.O. ESSE (M) Battagram				Appointed as APTC. at Nehra PS. Battagram. 15.12.08 against v. past vote. 15.12.08 (ESSE) Battagram. 15.12.08	
	Dy. D.O. ESSE (M) Battagram	30/11/10	ant	Dy. D.O. ESSE (M) Battagram				110-3192-96 Oct. 6-7-2008.	
	Dy. D.O. ESSE (M) Battagram	30/11/2011	Retiree	Dy. D.O. ESSE (M) Battagram				Deputy District Officer (Male) Primary Battagram	
	Dy. D.O. ESSE (M) Battagram	30/11/2011	ant	Dy. D.O. ESSE (M) Battagram				Copies Verified w.e.f. 7-7-08	
	Dy. D.O. ESSE (M) Battagram	30/11/2012	ant	Dy. D.O. ESSE (M) Battagram				Copies Verified w.e.f. 30-11-08 from the attendance roll & other records kept in this office	
	Dy. D.O. ESSE (M) Battagram	30/11/2012	ant	Dy. D.O. ESSE (M) Battagram				Copies Verified w.e.f. 30-11-08 from the attendance roll & other records kept in this office	
	Dy. D.O. ESSE (M) Battagram	30/11/2013	ant	Dy. D.O. ESSE (M) Battagram				Copies Verified w.e.f. 30-11-08 from the attendance roll & other records kept in this office	
	Dy. D.O. ESSE (M) Battagram	30/11/2013	ant	Dy. D.O. ESSE (M) Battagram				Copies Verified w.e.f. 30-11-08 from the attendance roll & other records kept in this office	
	SDEO. ESSE (M) Battagram	30/11/13	ant	SDEO. ESSE (M) Battagram				Copies Verified w.e.f. 30-11-08 from the attendance roll & other records kept in this office	
	SDEO. ESSE (M) Battagram	30/11/14	ant	SDEO. ESSE (M) Battagram				Copies Verified w.e.f. 30-11-08 from the attendance roll & other records kept in this office	
	SDEO. ESSE (M) Battagram	07/2015	Transfer to MPF Eng. 20					Copies Verified w.e.f. 1-12-10 from the attendance roll & other records kept in this office	

9	10	11	12	13		14	15
Name and Designation of the head of the office or attesting officer (attestation of columns 1 to 8)	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to Which debitable		
				Allowed BPS No 12 vide no of notification No SO (FR) FP/10-22-(ESSE) 2010 dated 16/7/2012			
				✓ Applied A 2500 due to up gradation 11.07.12 to 31-5-2016		 Deputy District Officer (Male) Elementary & Secondary Education Battagram	
				 District Accounts Officer Battagram			
				Service Verified on 1-12-2011 30-11-12 from the Government roll & other records kept in this office			
		Allowed Allowed		Allowed (BPS. No. 14 vide notification No SO (FR) 1-18 (ESSE) 2010 dated 11/7/2012 w.e.f 1-3-2013.			
			ATTESTED 	 District Officer (Male) Battagram			
				upgraded to BPS 14. w.e.f 13.12.			



رجسٹر حاضری بدارسین

C

بابت ماہ العزیز 2015														
نام	Fazal Wahab			Shaukat Allah			Adnan Khan			نمبر				
نمبر	P-S-T			S-P-S-T			P-S-H-T							
تاریخ	روز	وقت	آدم	وقت	روز	آدم	وقت	روز	آدم	وقت	روز	آدم	وقت	روز
1	P			12:30		7:30				7:30			12:35	
2	Sunday													
3	P			12:30		7:30	Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
4	P			12:35		7:30	Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
5	P			12:35		7:30	Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
6	P			12:35		7:30	Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
7	P			11:00		7:30	Shaukat	11:00	Shaukat	7:30	Adnan	11:00	Adnan	7:30
8	P			12:35		7:30	Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
9		SUNDAY												
10	P			Leave			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
11	P			12:35		7:30	Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
12	P			12:35		7:30	Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
13	P			12:35		7:30	Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
14														
15														
16		SUNDAY												
17	P			Leave			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
18	P			Transfer			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
19	P			Transfer			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
20	P			Transfer			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
21	P			Leave							Adnan	12:35	Adnan	7:30
22	P			Leave			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
23		SUNDAY												
24	P			Leave			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
25	P			Leave							Adnan	12:35	Adnan	7:30
26	P			Leave			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
27	P			Leave			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
28	P			Leave			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
29	P			Leave			Shaukat	12:35	Shaukat	7:30	Adnan	12:35	Adnan	7:30
30				Sunday										
31	P			Leave			Shaukat	12:35	Shaukat	7:30				

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

ATTACHED

(1)

(17)

رجسٹر حاضری مدرسین

بابت ماہ 7 نومبر 2015 November

نام		خان		مکاتیب		تاریخ	
نام		خان		مکاتیب		تاریخ	
Tanvir Rahman		Fazal Wahab		S-P-S-T		P-S-H-T	
Tanvir Rahman		Fazal Wahab		S-P-S-T		P-S-H-T	
تاریخ	آمد	روائی	دستک	آمد	روائی	دستک	تاریخ
1							1
2	9:30	Oldam	1:35	Tues	3/30	Oldam	2
3	8:30	Oldam	1:35	Tues	3/30	Oldam	3
4	8:30	Oldam	1:35	Tues	3/30	Oldam	4
5	8:30	Oldam	1:35	Tues	3/30	Oldam	5
6	8:30	Oldam	1:35	Tues	3/30	Oldam	6
7	8:30	Oldam	1:35	Tues	3/30	Oldam	7
8	8:30	Oldam	1:35	Tues	3/30	Oldam	8
9							9
10	8:30	Oldam	1:35	Tues	3/30	Oldam	10
11	8:30	Oldam	1:35	Tues	3/30	Oldam	11
12	8:30	Oldam	1:35	Tues	3/30	Oldam	12
13	8:30	Oldam	1:35	Tues	3/30	Oldam	13
14	8:30	Oldam	1:35	Tues	3/30	Oldam	14
15	8:30	Oldam	1:35	Tues	3/30	Oldam	15
16	8:30	Oldam	1:35	Tues	3/30	Oldam	16
17	8:30	Oldam	1:35	Tues	3/30	Oldam	17
18	8:30	Oldam	1:35	Tues	3/30	Oldam	18
19	8:30	Oldam	1:35	Tues	3/30	Oldam	19
20	8:30	Oldam	1:35	Tues	3/30	Oldam	20
21	8:30	Oldam	1:35	Tues	3/30	Oldam	21
22	8:30	Oldam	1:35	Tues	3/30	Oldam	22
23	8:30	Oldam	1:35	Tues	3/30	Oldam	23
24	8:30	Oldam	1:35	Tues	3/30	Oldam	24
25	8:30	Oldam	1:35	Tues	3/30	Oldam	25
26	8:30	Oldam	1:35	Tues	3/30	Oldam	26
27	8:30	Oldam	1:35	Tues	3/30	Oldam	27
28	8:30	Oldam	1:35	Tues	3/30	Oldam	28
29	8:30	Oldam	1:35	Tues	3/30	Oldam	29
30	8:30	Oldam	1:35	Tues	3/30	Oldam	30
31	8:30	Oldam	1:35	Tues	3/30	Oldam	31

55-90-96
 24/11/2015
 GHS KANAI
 HEAD MASTER
 Govt. High School
 Kanai (Battagram)

تقسیم رخصت	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان
انتظامی									
بیماری									
انتظامی									
بیماری									

ATTESTED

24/11/2015

رجسٹر حاضری مدرسین

2016		March		بابت ماہ		Faqar Wahab		Admission		نام	
Tariq Rahim						S.P.S.T		P.S.H.T		نمبر	
Chaukidar										تاریخ	

دست	رواگی	دست	آمد	دست	رواگی	دست	آمد	دست	رواگی	دست	آمد	تاریخ
P		P										1
P		P										2
P		P										3
P		P										4
Attend to A												5
Public Holiday												6
SUNDAY												7
P		P										8
P		P										9
P		P										10
P		P										11
P		P										12
P		P										13
P		P										14
P		P										15
SUNDAY												16
Public Holiday												17
14/03 to 17/03												18
P		P										19
P		P										20
SUNDAY												21
P		P										22
P		P										23
P		P										24
P		P										25
P		P										26
P		P										27
P		P										28
SUNDAY												29
P		P										30
P		P										31
P		P										

میزان	سابقہ	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال

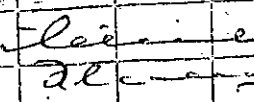
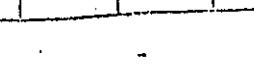
ATTACHED

James Malin
P.S.P.T. GPS Campus
Main District Bahawalpur

رجسٹر حاضری مدرسین

2016		المدرسه		بانتواہ	
Tasir, Rohim	Djaz Ahmad	Fozalwahab	Adam Khan	نام	تاریخ
Chowkidar	P.S.T	S.P.S.T	P.S.H.T	مدرسہ	

تاریخ	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط
1																
2																
3																
4																
5																
6																
7																
8																
9																
10																
11																
12																
13																
14																
15																
16																
17																
18																
19																
20																
21																
22																
23																
24																
25																
26																
27																
28																
29																
30																
31																

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال
ATTESTED																	
																	
																	

20

OFFICE OF THE DISTRICT ENGINEER
Email: emisbattagram@...

No

رجسٹر حاضری مدرسین

بابت ماہ												20/6	نام
Tajir Rabbani			Tajir Ahmad			Faraz Wahab			Adam Khan			نمبر	
Chowk			P.S.T			S.P.C.T			P.S.H.T				
روز	وقت	آر	روز	وقت	آر	روز	وقت	آر	روز	وقت	آر	تاریخ	
												1	
												2	
												3	
												4	
												5	
												6	
												7	
												8	
												9	
												10	
												11	
												12	
												13	
												14	
												15	
												16	
												17	
												18	
												19	
												20	
												21	
												22	
												23	
												24	
												25	
												26	
												27	
												28	
												29	
												30	
												31	

SUN
P
P
P
P
P
P
P
P
P

ATTESTED

قسم رخصتہ	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	میزان
اتفاقیہ								
انتحالی								
بیماری								
میزان								

funds
P
M
SDE
B TM
11/5/16

**OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM**

Phone # 0997311439 & 0997310870

Notification

Consequent upon the recommendation of placement committee in meeting held on 01/07/2015, the following PSHT BPS-15 & PST BPS-12 are hereby transferred to the school mentioned against each on their own pay & grade in the interest of public service with immediate effect.

S. No.	Name of Teacher	Desig:	Present School	Name where transferred	Remarks
1.	Muhammad Ayaz	PSHT	GPS Kucha Pashto	GPS Banara	Against V/post
2.	Dil Muhammad	PSHT	GPS Cham Mirani	GPS Mandri	Against V/Post
3.	Latif Khan	PSHT	GPS Battchoi	GPS Cham Mirani	Vice S. No.2
4.	Niaz Muhammad	PSHT	GPS Shahtoot	GPS Garana	Against V/Post
5.	Bakht Munir	PSHT	GPS Pashto	GPS Seri Paimal	Against V/Post
6.	Gul Rehman	PSHT	GPS Kandar (Chap)	GPS Kachal	Vice S.No.7
7.	Noorul Islam	PSHT	GPS Kachal	GPS Chinaw	Vice S. No.8
8.	Gul Muhammad	PSHT	GPS Chinaw	GPS Kendar Chappararam	Vice S.No. 6
9.	Muhammad Quresh	PST	GPS Mattai Gantar	GPS Gangwal	Vice S.NO: 10
10.	Shah gGhufran	PS	GPS Ganawal	GPS Mattai Gantar	Vice S.No.9
11.	Bakht Zada	PST	GPS Barsar	GPS Thako	Against V/Post
12.	Mirjuddin	PST	GPS Andar Wali	GPS Kachal Soorgai	Against V/Post
13.	Fazal Wahab	PST	GPS Chohan	GPS Faqiro	Against V/Post
14.	Sadiqur Rehman	PST	GPS Mattai Gantar	GPS Gangwal	Against V/Post

Note:- 1: Charge report should be submitted to all concerned

2: No TA/DA is allowed.

**MUHAMMAD SHAUKAT
DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM**

Endst. No. 3345-47 dated 02/07/2015

Copy to the:-

1. Director Education (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer Battagram
3. SDEO (M) Battagram/Allai
4. All Head Teachers concerned.
5. Office file

ATTACHED

**DY: DISTRICT EDUCATION OFFICER,
(MALE) BATTAGRAM.**

Annex-E

P-19

27



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM

Phone # 097311439 & 097310670

NOTIFICATION

Annex E

Consequent upon the recommendation of placement committee in meeting held on 01/07/2015. The following PSHT-BPS:15 & PST-BPS:12 are hereby transferred to the school mentioned against each on their own pay & grade in the interest of public service with immediate effect.

S.No	Name of teacher	Design	Present School	Name where transferred	Remarks
1	Muhammad Ayaz	PSHT	GPS:Kucha Pashto	GPS:Banara	Against V/Post
2	Dil Muhammad	PSHT	GPS:Cham Mirani	GPS:Mandri	Against V/Post
3	Lotif Khan	PSHT	GPS:Battanoi	K.Z. GPS:Cham Mirani	Vice S.No.2
4	Niez Muhammad	PSHT	GPS:Shantoot	GPS:Garana	Against V/Post
5	Bakht Munir	PSHT	GPS:Pashto	GPS:Seri Paina	Against V/Post
6	Gul Rahman	PSHT	GPS:Kandar(Chan)	GPS:Kachal	Vice S.No.7
7	Noorul Islam	PSHT	GPS:Kachal	GPS:Chinaw	Vice S.No.8
8	Gul Muhammad	PSHT	GPS:Chinaw	GPS:Kandar Chappararam	V.S.No.6
9	Muhammad Quresh	PST	GPS:Mattai Gantar	GPS:Ganqwal	Vice S.No.10
10	Shah Ghufaran	PST	GPS:Ganqwal	GPS:Mattai Gantar	Vice S.No.9
11	Bakht Zada	PST	GPS:Barsar	GPS:Thakot	Against V/Post
12	Mirjuddin	PST	GPS:Andar Wali	GPS:Kachal Soorgai	Against V/Post
13	Fazal Wahab	PST	GPS:Chohan	GPS:Faqiro	Against V/post
14	Sadiqur Rehman	PST	GPS:Mattai Gantar	GPS:Ganqwal	Against V/Post

NOTE: 1. Charge report should be submitted to all concerned.
2. NO TA/DA is allowed.

MUHAMMAD SHAUKAT
DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

No. 3345-43 Dated 02/07/2015
Copy to the:-
Director Edu (E&SE) Khyber Pakhtunkhwa Peshawar
District Accounts Officer-Battagram
SDEO(M) Battagram/Alai
All Headteachers concerned
Office File.

BY DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

ATTESTED



Annex - F
P-20

(U)
22

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM**

SHOW CAUSE NOTICE

I Muhammad Riaz Swati, District Education Officer (Male) Battagram as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) rules, 2011, do hereby serve you Mr. Fazal Wahab PST GPS Nehrai/Chohan presently working at GPS Faqero Tehsil Allai District Battagram as follows:

- a) As per findings of enquiry committee constituted vide this office order Endstt. NO. 4752-54 dated 19/04/2016 your appointment order is fake and bogus as
- i. Your appointment order NO. 3192-96 dated 06/07/2008 does not match with the office dispatch record.
 - ii. The two sanctioned posts were already occupied by Muhammad Saleem and Mukhtiar during the year 2008.
 - iii. The sole/single order is suspicious as single order is rarely found in advertised posts.
 - iv. No appointee of your name has been found in the staff attendance register.
 - v. The circle ASDEOs have given a written statement (both of Thakot & Kuza Banda) that neither you have performed duty nor your name is exist in the staff attendance register.
 - vi. Your name has not been found even in the log book of the school for annual inspection.
 - vii. Reports of ASDEOs have been verified by SDEO (M) Battagram vide his office Endstt. NO.200 dated 20/02/2016. He further stated that no entry has been found in the attendance register and no relevant record has been found and his office has not activated your pay, moreover your service book has not been properly maintained in his office.
- b) In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt: servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice regarding your fake and bogus appointment with the direction to submit your defence in writing within (07) Seven days of the issuance of this notice.
- c) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defence to offer and ex-parte decision will be taken against you.

COMPETENT AUTHORITY

Mr. Fazal Wahab PST GPS Nehrai
presently working at GPS Faqero
Tehsil Allai District Battagram

Endst: No. 8990-92 /

Dated Battagram, the 9 / 8 /2016

Copy of the above is forwarded to:

1. PA to Director E&SE KPK Peshawar.
2. SDEO (M) Allai with the direction to serve the show cause upon the concerned official.
3. Mr. Fazal Wahab PST GPS Nehrai presently working at GPS Faqero Tehsil Allai District Battagram.

ATTESTED


District Education Officer (M)
Battagram

Annex- G

Regd AD

P-21

REPLY SHOW CAUSE NOTICE

PRELIMINARY STATEMENT:

1. There exist an appointment letter in favor of under signed since 2008 and being an appointee till to date, as is even evident from the show cause notice itself, the under signed, is in no position personally either to declare the same as illegal or otherwise, however, the whole service record of the under signed is based on it which has duly been issued by an authority (may or may not be competent as the under signed can't declare him so in any capacity) acted upon which clearly has created vested rights in favor of the under signed thus at this juncture (without prejudice) the show cause notice under reply, a part from other legal defects, is directly in conflict with "Principle of Locus Poenitentiae" thus is liable to be withdrawn / cancelled./ revoked
2. There might be "Show Cause" notices to appointing authority along with all the then staff, Account Officers through out the period, high-ups of the department under superintendence of whom services are being rendered regularly and continuously by the under signed, however no reference of the same notices / inquiry is found in show cause notice under reply, had the reference been there the instant answer would have been more elaborate and more comprehensive, even inquiry, under the law would have been on these lines and dimensions and any deviation by inquiry committee from these core aspects / issues / dimensions make the very inquiry report incomplete, unwarranted, dubious, capricious, flimsy which in no eventuality can be made basis for any further action.
3. The department can better judge the value of Show Cause Notice after receiving notices from KP Service Tribunal Peshawar and Peshawar High Court Circuit Bench Abbottabad and matter pending with NAB authorities.

TESTED

PARAWISE STATEMENT;

Show cause notice is sent to Mr. Fazal Wahab SPST GPS Faqirio which ipso facto makes rest of the paras as redundant, ineffective and un-implement-able;

a. Action of inquiry committee has been dealt / answered in para-2 of *preliminary statement* supra and para (a) is vehemently denied.

i. The undersigned has got nothing to do with the appointment letter, inquiry might have been conducted against all the concerned officials who issued and acted the same, the undersigned simply is in regular service the order match with the record or otherwise is an act which can in no eventuality can be even remotely linked by the undersigned.


ii. The undersigned has got no concern with the para ii, this is an internal arrangement of the department to which the under signed can not be a party or privy, rather it is an internal fact which has got no relevancy with the undersigned, the undersigned has been appointed and that appointment is intact and cannot be undone at this stage, it is pertinent to mention here that (without prejudice) action may be taken against the wrong doers but the vested rights of the undersigned cannot be even disturbed at this stage.

ATTESTED

- iii. That undersigned has got no concern with the para iii, detail answer is already in the preceding paras.
 - iv. This para is even against the contents of show cause notice under reply, moreover detail answer is already in the preceding paras.
 - v. The undersigned is neither custodian nor manager of the record, he is simply a teacher even performing his duty till to date, para v is not related to the undersigned.
 - vi. Detail answer is already in the preceding paras.
 - vii. Detail answer is already in the preceding paras
- b. The appointment of undersigned at the stage on account of discrepancies (if any) by others cannot be questioned, it is submitted to please withdraw / cancel / revoke the show cause notice accordingly.



FAZAL WAHAB
SPST Teacher
Govt. Primary School Faqiro
Allai, District Battagram

Copy retained 

Annex A
P-24
②
③

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM**

OFFICE ORDER

WHEREAS you Mr. Fazal Wahab S/O Rahimullah R/O Rashang Tehsil Allai District Battagram transferred against the post of PST at GPS Faqero Allai were proceeded for having inducted yourself in this (E&SE) department through fabricated/fake and bogus appointment order not issued by the lawful authority and having no legal sanctity.

AND WHEREAS in result of your transfer order from GPS Chohan Battagram to GPS Faqero Allai issued vide this office Endstt. NO. 3345-49 dated 02/07/2015 obtained by you through fraud.

AND WHEREAS SDEO(M) Allai submitted your Service Book to this office with the request to verify your service documents i.e Appointment Order/Merit List from official record vide his office NO. 1675/verification dated 01/02/2016.

AND WHEREAS SDEO(M) Battagram was directed vide this office letter NO. 1573 dated 08/02/2016 to confirm your Service Book/Charge Report/Medical Certificate/Performance of Duty and drawl of Salaries.

AND WHEREAS SDEO(M) Battagram submitted his detail report/ reply vide his office NO. 200 dated 20/02/2016 along with reports of ASDEOs Circle Kuza Banda and Thakot wherein he submitted that;

- i. You have not taken over charge in the schools (GPS Nehrai Circle Thakot and GPS Chohan Circle Kuza Banda).
- ii. your documents have not been verified/attested by ASDEOs Circle or Dealing Assistant.
- iii. No entry has been found in school attendance registers.
- iv. No relevant record has been found in his office.
- v. Your salary has not been activated by his office.
- vi. Your Service Book has not been maintained by his office.

AND WHEREAS an Enquiry was initiated against you vide this office order Endstt. NO. 4752-54 dated 19/04/2016 constituting a committee comprising of two principals of Grade-18.

AND WHEREAS Enquiry Committee submitted its report/findings along with supporting documents vide Principal GHS Chapargram Office NO. 314 dated 03/06/2016 as;

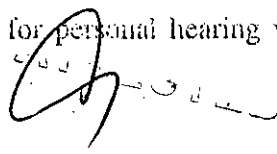
- i. You belong to village Rashang Tehsil Allai and your appointment order's NO. 3192-96 dated 06/07/2008 does not match with office dispatch NO.
- ii. The two sanctioned posts of PSTs at GPS Nehrai were already occupied by Muhammad Saleem and Mukhtiar.
- iii. No appointee of your name has been found in the staff attendance register.
- iv. ASDEOs of both circle (Thakot and Kuza Banda) have given written statement that neither you have performed duty nor your name is exist in staff attendance registers.
- v. your name has not been found even in Log Book for annual inspection.
- vi. Reports of ASDEOs have been verified by SDEO vide his office NO. 200 dated 20/02/2016.

The enquiry committee concluded that your appointment order is bogus and fake and recommended that your pay may be stopped and legal proceeding under service rules may be initiated against you.

AND WHEREAS in the light of enquiry report a Show Cause Notice was served upon you vide this office Endstt. NO. 8990-92 dated 09/08/2016

AND WHEREAS reply to the Show Cause Notice was received from you vide this office diary NO. 2691 dated 09/09/2016.

AND WHEREAS you were called for personal hearing vide this office NO. 12001 dated 14/10/2016.



P-257

AND WHEREAS you appeared on the fixed date but could not justify your appointment order. Whereas your case is under enquiry along with other ghost/fake employees before NAB.

NOW THEREFORE, in the light of findings of enquiry committee, reports submitted by SDEOs/ASEOs and proceeding initiated against you as well as supporting documentary evidence the undersigned being Competent Authority is of the opinion that your appointment order is fake/bogus/fabricated/not issued by the lawful authority, thus having no legal sanctity is declared as "NULL AND VOID".

—Sd—
DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

Endst. No. 18899-18967 / Est(P)

Dated Battagram, the 9 / 12 / 2016

Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with the request to initiate departmental proceeding against the officials/officers involved in such like mal practices.
2. Director Anticorruption KPK Peshawar with the request to initiate proceeding against all those officials/officers who are involved in such like mal practices and a cause of huge financial loss to the provincial exchequer.
3. Deputy Commissioner Battagram.
4. District Account Officer Battagram.
5. District Monitoring Officer Battagram.
6. Sub Divisional Education Officer (Male) Battagram with the directions to calculate the total amount unlawfully released to the concerned person as salaries and approach to Anticorruption department to lodge FIR under relevant section of law.
7. Sub Divisional Education Officer (Male) Allai.
8. Circle Officer Anticorruption Battagram.
9. Fazal Wahab S/O Rahimullah R/O Rashang Tehsile Allai District Battagram.

DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

Received

[Signature]
17-12-2016

ATTESTED

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Anwar-1
P-26

**Subject: DEPARTMENTAL APPEAL UNDER RULE-3 OF THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS
(~~APPEAL~~) RULES, 1986 AGAINST THE IMPUGNED
ORDER DATED 09-12-2016 THEREBY APPOINTMENT
ORDER OF APPELLANT WAS DECLARED ILLEGAL
BY THE DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM.**

Respected Sir,

1. That I appellant was initially appointed as PST on 06-07-2008 being qualified and eligible in the terms of rules on subject and since then I was performing my duties regularly, efficiently and without any complaint and monthly salaries was also regularly paid to me. On 02-07-2015 by joint notification I was transferred as PST from Govt. Primary School Chohan to GPS Faqiro Allai against vacant post and accordingly I assumed the charge of my duty there.
2. That all of sudden, a show cause notice was issued to me on 09-08-2016 therein intimated me that his appointment order was fake to which I submitted detail reply and denied the allegation as baseless.
3. That on 09-12-2016, the impugned order was issued to me by the District Education Officer (Male) Battagram thereby my appointment order as PST was declared fake and bogus.

ATTESTED

Hence the Present departmental appeal is submitted
on the following grounds:-

- A. That my appointment was made by competent authority after observing the codal formalities and served the department for more than seven years continuously with excellent service record so at this belated stage the plea of fake appointment order has no legal justification and without lawful authority and tainted with mala fide intention which is not sustainable and liable to be set aside.
- B. That the impugned order was passed in arbitrary manner and in violation of rules on subject as neither charge sheet was framed and served on me nor proper inquiry was conducted in case or provided any fair opportunity to me to defend my position. Thus the impugned order is illegal and without lawful authority being violative of the principle of natural justice.
- C. That I served the department for more than seven years continuously which created vested rights in my favour which could not be taken away in harsh manner under the principle of locus poenitentiae.

It is, therefore, humbly requested that on acceptance of this departmental appeal, the impugned order may graciously be declared illegal, without lawful authority, mala fide, unfair and violative of principle of natural justice and my services may kindly be restored with all back benefits.

Yours faithfully



Fazal Wahab, PST

S/o

Rahim Ullah,

R/o

Rashang, Tehsil Allai,

District Battagram.

Dated: 21/12/2016



ATTESTED



Annex - J
P-28

162

DIRECTORATE OF ELEMENTARY AND SECONDARY
KHYBER PAKHTUNKHWA.

NOTIFICATION.

1. WHEREAS, Mr. Fazal Wahab PST was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011, for the charges of Fake Appointment dated 06.07.2008.
2. AND WHEREAS. The above named teacher neither took over charge as PST at GPS Nehrai or GPS Choochan nor performed duty there even for a signal day before obtaining transfer order from Choochan to GPS Faqiro through fraud.
3. AND WHEREAS, the DEO(M) Battagram being competent authority conducted enquiry through two Principals wherein his appointment order dated 06.07.2008 was declared fake and bogus and as per calendar July-2008 it was Sunday i.e holiday on same day. No order/letter was issued on the same day and despatch No. of the said order also does not match with office record.
4. AND WHEREAS, the teacher concerned was served upon show cause notices and was called for personal hearing, after fulfilling all codal formalities the DEO(M) Battagram being competent authority declared his appointment order sanctity as "NUL AND VOID" vide office order Endst:NO.18899-18907 dated 09.12.2016.
5. AND WHEREAS, the aggrieved Teacher has filed appeal to the Director E&SE Khyber Pakhtunkhwa (appellate authority) against the aforesaid Notification issued by the DEO (M) Battagram.
6. AND WHEREAS, DEO(M) concerned submitted Para-wise comments in light of the appeal of the teacher concerned vide letter No.04.03.2017.
7. AND WHEREAS, the competent authority Director (Elementary and Secondary Education) Khyber Pakhtunkhwa after having considered the charges and evidence on record, is of the view that charges against accused teacher have been proved.
8. NOW, THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Mr. Fazal Wahab PST on the above ground.

DIRECTOR

Endst: No. 833-34 /F No.162/Vol:IV/Appeal of PST (M) Gen: Dated Peshawar the 5/4/2017.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Battagram w/r to his No. 2029 dated 04.03.2017.
2. Gul Faraz PST GPS Nari Keri Abbottabad. *2. Mr. Fazal Wahab PST Battagram.*
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

calling original

[Signature]
Deputy Director (Estab.)
Elementary & Secy Education
Khyber Pakhtunkhwa Peshawar
23/7/17

[Signature]
ATTESTED *ye*
3/4/2017

Deputy Director (Estab.)
Elementary & Secondary Education
Khyber Pakhtunkhwa.

خدمتِ صفا - ڈائریٹنگ چارج ایڈمنسٹریٹو ایسٹبلشمنٹ - ایجوکیشن - غیر دستخط خواہ - شاہ

Annex - K
29

صفا عالی

خود زبانہ گزارش ہے۔ کہ مسائل

کو معلوم ہوا ہے کہ اس کا حکمانہ اسل فارغ ہو چکا ہے۔

تین الٹی نام اس کی کاپی تھی، تین ولدے۔ ایک بار سے معلوم ہوا

کہ مہرا نام اور عین ایڈریس غلط لکھا گیا ہے۔ مہرا نام کے بجائے

گل فرزا اور ضلع بٹلر کے بجائے ایبٹ آباد لکھا گیا ہے۔

مہرا نامی کے تھے اس کی کاپی درست نام اور پتے کے ساتھ

عطا فرماویں۔

عین لوڈز میں ہونے۔

ایک ضلع

عین وصال - ولد - اسم اللہ
سر امری سکول - بٹلر

پتہ - رشید، تحصیل (لاہور)، ضلع بٹلر

المترقب
10/05/2017

ATTESTED

WAKALAT NAMA

IN THE COURT OF J.P. Senia Tribunal, Bhera

Fazal Wahab P S T

Bathgram Appellant(s)/Petitioner(s)

VERSUS

District Education Officer, M.

District Bathgram Respondent(s)

I/We Fazal Wahab P S T do hereby appoint **Mr. Khush Dil Khan, Advocate Supreme Court of Pakistan** in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by



Khush Dil Khan,
Advocate,
Supreme Court of Pakistan
9-B, Haroon Mansion
Off: Tel: 091-2213445


Signature of Executants

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

Service Appeal NO. 572 of 2017


Fazal Wahab.....Appellant

VERSUS

District Education Officer (Male) Battagram and others
.....Respondents

Index

S. No	Description /Documents	Annexure	Pages
1	Comments		1 to 8
2	Affidavit		9
3	Dispatch Register	A-1 & A-2	10 & 11
4	Calendar July-2008	B	12
5	Statement of ASDEO Circle Thakot & Head Teacher GPS Nehrai	C	13
6	Statement of Ex ASDEO Circle Thakot	D	14
7	Statement of SDEO	E	15
8	Statement of Head Teacher GPS Chohan	F	16
9	Statement of ASDEO Circle Kuza Banda	G	17
10	Statement of Ex ASDEO Circle Kuza Banda	H	18
11	Enquiry Report	I-1 & I-2	19 & 20
12	Oreder dated 09-12-2016	J-1&J-2	21&22
12	Notification of E&SE department regarding enquiry	K	23


Respondent

(1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal NO. 572 of 2017

Fazal WahabAppellant

VERSUS

District Education Officer (Male) Battagram and others
.....Respondents

**Para-wise Comments /Reply on behalf of
Respondents NO. 1 to 3**

Respectfully Sheweth:

Preliminary Objections

1. That the appellant has no cause of action/locus standi to file the instant appeal.
2. That the appellant has concealed the material facts from this Honorable Tribunal.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has filed the instant appeal on malafide grounds.
5. That the appellant's appeal is against the prevailing law and rules.
6. That the appellant is estopped by his own conduct to file instant appeal.
7. That the claim of the appellant is unlawful.; hence the instant appeal is liable to be dismissed.

- 2
8. THAT THE APPOINTMENT ORDER ATTACHED BY THE APPELLANT IS FAKE, FABRICATED AND PREPARED IN BOGUS MANNER, NOT ISSUED BY LAWFUL/COMPETENT AUTHORITY WHICH HAS BEEN DECLARED AS "NULL AND VOID". THE APPELLANT HAS NOT BEEN APPOINTED AS PST BY THE COMPETENT AUTHORITY AND HE NEVER REMAINED AS A CIVIL SERVANT IN THIS DEPARTMENT; HENCE THE INSTANT APPEAL IS LIABLE TO BE DISMISSED WITHOUT ANY FURTHER PROCEEDING.

FACTS

1. Para NO. 1 of the appeal is incorrect. The appellant was not appointed as Primary School Teacher (PST) by the competent authority. THE APPOINTMENT ORDER HAVING ENDSTT: NO. 3192-96 DATED 06-07-2008 ANNEXED BY THE APPELLANT IS FAKE, BOGUS, FABRICATED AND NOT ISSUED BY THE LAWFUL AUTHORITY. Endstt; NO. and date of the order are not matching with office dispatch record. Moreover no order/letter was issued on 06-07-2008 from this office as it was SUNDAY i.e HOLIDAY

on 06-07-2008 as per calendar July 2008. His claim regarding his applying for the said post and recommendation of District Selection Board is incorrect/concoction.

(Copies of Dispatch Register and Calendar July 2008 are attached as Annex: "A-1, A-2 & B").

2. Para NO. 2 of the appeal is incorrect. The appellant has neither been appointed by the competent authority as PST nor he assumed charge at Govt: Primary School Nehrai. As per statement of Head Teacher GPS Nehrai and ASDEOs Circle the appellant never remained/performed duty at that station. The salaries have been received by the appellant through fraud. The appellant is legally bound to refund the amount into Govt; treasury received by him unlawfully as salaries. Neither his pay has been activated nor his Service Book has been maintained by concerned SDEO/DDO office. Copies of attendance register attached by the appellant with appeal are not of GPS Nehrai.

(Copies of statements of Head Teacher GPS Nehrai, Present and Ex ASDEOs Circle Thakot and SDEO are attached as Annex: "C, D & E")

3. Transfer order dated 02-07-2015 from GPS Chohan to GPS Faqiro was obtained by the appellant through fraud as he neither remained as PST at GPS Nehrai nor at GPS Chohan, further his appointment is bogus so the transfer order cannot legalize his appointment order nor can create rights.

(Copies of statements of Head Teacher GPS Chohan and Present as well as Ex ASDEOs Circle Kuzā Banda are attached as **Annex: "F, G & H"**)

In result of his transfer it was pointed out that he has inducted himself in the department as PST through bogus appointment order and proceeding was initiated against him. In this connection an enquiry was conducted through two Principals of Grade-18 whereby his appointment order was declared fake/bogus.

(Copy of enquiry report is attached as **Annex: "I-1 & I-2"**)

4. Para NO. 4 of the appeal is incorrect. The appellant was not blamed in Show Cause Notice but facts regarding his fake/bogus appointment order were mentioned in it. However the appellant failed to satisfy the competent authority about his fake order.
5. Appointment order of the appellant was rightly declared as null and void though office order dated 09-12-2016 and subsequently his appeal was also rightly rejected on 05-04-2017 as he was neither employee of this department nor was ever appointed as PST by lawful authority. Moreover the appellant has also filed a Writ Petition NO. 704-A/2016 in Hon; Peshawar High Court Abbottabad Bench and another Service Appeal NO. 133/2016 in Hon; Khyber

5

Pakhtunkhwa Service Tribunal Camp Court
Abbootabad in connection to release of pay.

The appellant has no cause of action.

GROUNDS:

- A. Ground (A) of the appeal is incorrect. As earlier stated, the appellant was neither appointed by lawful/competent authority nor he performed duty even for a single day before obtaining transfer order fraudulently. He is legally bound to refund the amount into Govt; treasury received by him unlawfully as salaries.
- B. Ground (B) of the appeal is incorrect. The appellant has never performed duty before obtaining his transfer order through fraud.
- C. Ground (C) of the appeal is incorrect. Order dated 09-12-2016 was rightly passed in accordance with rules and law and in the light of documentary evidences/proofs whereby fake/bogus appointment order of the appellant having no legal sanctity was declared as "NULL AND VOID".
- D. Ground (D) of the appeal is incorrect. The appellant was not a civil servant. Proper enquiry against him was conducted through

two Principals. In the light of that, Show Cause Notice was served upon him and was also heard in person. After fulfilling all the codal formalities, his fake/bogus appointment order having no legal sanctity was declared null and void.

E. Ground (E) of the appeal is incorrect. Show Cause Notice was served upon the appellant in the light of enquiry report of two Principals supported by statements of SDEO, ASDEOs and Head Teachers of concerned schools as well as cogent/documentary evidences.

F. Ground (F) of the appeal is incorrect. The appellant was treated in accordance with rules and law. His bogus appointment order was declared null and void. SDEO concerned was directed through the same order to approach Anti Corruption department to lodge FIR against the appellant under relevant section of law and Director Anticorruption K.P was requested to initiate proceeding against all those officials/officers who are involved in such like mal practices and a cause of huge financial loss to the provincial exchequer.

(Copy of order dated 09-12-2016 is attached as Annex; "J")

7

G. Ground (G) of the appeal is incorrect. Order dated 09-12-2016 was legal, justified and was passed in the light of enquiry report of two Principals, statements of concerned officers/officials, Head Teachers of GPS Nehrai and GPS Chohan as well as documentary evidences. The appellant is also facing NAB enquiry along with other such type ghost/fake employees who have received salaries without having the status of civil servants. E&SE Department has also initiated departmental enquiry against ghost/fake employees who have drawn salaries against various cost centers in District Battagram.

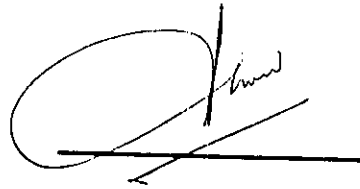
(Copy of Notification regarding enquiry is attached as **Annex: "K"**)

H. Ground (H) of the appeal is incorrect. Departmental appeal of the appellant was rightly rejected. The appellant has no cause of action.

It is therefore humbly prayed that on acceptance of above Para-wise comments, the appeal of the appellant may graciously be dismissed with cost and direction to appellant to refund the amount into Govt; treasury received by him unlawfully as salaries.

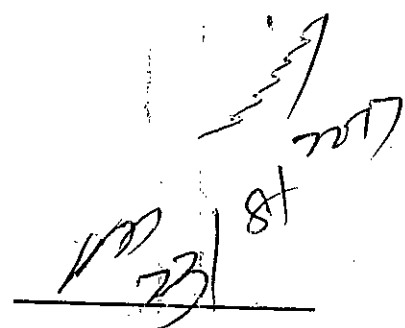
Respondent NO. 1

**District Education Officer (M)
Battagram**



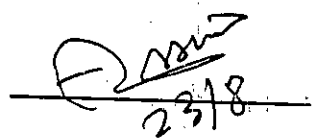
Respondent NO. 2

**Director E&SE K.P
Peshawar**



Respondent NO. 3

**Secretary E&SE K.P
Peshawar**



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

Service Appeal NO. 572 of 2017

Fazal Wahab.....Appellant

VERSUS

**District Education Officer (Male) Battagram and others
.....Respondents**

AFFIDAVIT

I Haq Nawaz Assistant District Education officer Battagram do hereby affirm and declare on oath that content of Para-wise comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

C/Signed

**ADEO(Lit)
O/O DEO (M)Battagram**

**District Education Officer (M)
Battagram**

Register of Letters Despatched



رجسٹر ڈاک روانگی

17
A-2

Serial NO.	Month & Date	Name and Address	Place	Subject	File NO.	Stamps Received		Stamps Used		Stamps Balanced		Remarks
						Rs.	Ps.	Rs.	Ps.	Rs.	Ps.	
نمبر شمار	مہینہ اور تاریخ	نام اور پتہ	مقام	مضمون	فائل نمبر	ٹکٹ آمد		ٹکٹ استعمال		بقایا ٹکٹ		کیفیت
2511-12	5/11/74	D.A.O. Bhatnagar		Provision of Vehicles from surplus Pool.								
		Capt. Nazim Bhatnagar										
2513	5/7/70	Director Elementary & secondary Education N.W.F.P. Peshawar		Pension papers in respect of Mr. Azizur Rahman Ex High School Teacher								
2514	5/7/23	All concerned.		Charge report of Stitgrade Kler D.O. (M)								
2524		Project Director ERDA		Application for the Dept of								
2525		D. Director, Inquiries		Advertisement in Press.								
2526		Director, ERSE NWFP		Inquiries PET/DM regarding								
2527	27/7/08	D.A.O. Bhatnagar		S.P. service center								
2528	8/7/68	D.A.O. Bhatnagar		Release of pay. C.T. P								

- D 11 Bhatnagar

July 2008

(15)
Amer. B

(12)
Amer.
B

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

بیاں اول مدرس امین الحق نورملٹ ڈرامری سکول نیری -

Annex (20)

(13)

بیاں من جانب اول مدرس امین الحق GPS نیری ٹھاوٹ بمطابق رجسٹر حاضر میسرین اور لاٹ بک سالانہ معائنہ جات!

میں اول مدرس امین الحق PSHT گورنمنٹ ڈرامری سکول نیری لصدیق کرتا ہوں کہ درج بالا رجسٹری کے مطابق سکول خزا میں جولائی 2008 سے لیکر 23-11-2016 تک درج ذیل ترتیب سے ذیل اساتذہ تعینات تھے -

(1) اول مدرس محمد سلیم سال 2007 سے جون 2010 تک

(2) اول مدرس مختار خان جون 2010 سے جولائی 2013 تک

(3) اول مدرس امین الحق جولائی 2013 سے 23-11-2016 تک (تھا حال)

جناب عالی مذکورہ دئے گئے عرصہ میں درج بالا رجسٹر کے مطابق

مجھے فضل وہاب نامی استاد کا کوئی مسلم نہیں اور نہ اس نے

کسی قسم کا خارج کیا ہے لصدیق باوثوق طریقے سے پیش خدمت ہے

اول مدرس امین الحق GPS نیری ٹھاوٹ

(Amin)

23/11/2016

Head Teacher
Govt Primary School
Nary (Battagram)

According to the above named registers there is no charge report and any type of Entries found about mr Fazal wahab pst at GPS Neerri Thakot.

ASDEO
ASDEO (M)
E&SE, Battagram

9/11

OFFICE OF THE SDEO (MALE) BATTAGRAM

Annexure
⑤
D
④

No 370 /

Dated: 16/05/2016

To,

The DEO (Male) Battagram

Through: SDEO (Male) Battagram

Subject: CLARIFICATION OF FAZAL WAHAB S/O RAHEEM ULLAH AS PST AT GPS NEHRAI CIRCLE THAKOT.

Respected Sir,

Regarding the above cited subject, It is submitted in your honor that the above named person has not remained as a PST at GPS Nehrai circle Thakot during the academic year 2008.

More over Mr. Muhammad Saleem head teacher & Mukhtiar v-teacher have performed duties there as per school record.

Forwarded to
DEO (M) Battagram
in original for
information and
further action please
Mir Samad Khan

Mir Samad Khan (ASDEO)
Circle Thakot

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (MALE) BATTAGRAM.

NO. 200
DATED, 20/2/2016

4/1/15
15
Annex:
E

To,

THE DISTRICT EDUCATION OFFICER
MALE, BATTAGRAM

Subject: DETAIL REPORT OF PTC APPOINTMENT

Memorandum:

Reference your letter No: 1573, Dated, 8/2/2016, on the subject

mentioned above, I am directed to furnish complete information in connection with documents/record of the following PTC teachers, In this regard this office has called the concerned ASDEO Circle Kuza Banda to submit his comments/report immediately,

As per report of Mr. Waliur Rehman, ASDEO, + Mr. Mir Samad ASDEO (copies enclosed) -

FAZAL WAHHAB S/O RAHIMULLAH PST GPS NERAI/CHOOHAN.

PERSONAL NUMBER 00660390

MEHRAJUDIN S.O SIRAJUDIN PST;GPS; ANDARWALI

PERSONAL NUMBER 00349221

ASDEO
Estab /
Supdt Estab /
Put up

That the above said person has not handed over the charge of the post at in the schools.

That the Documents has not been verified or attested from the circle Authority or dealing Assistant,

That No entry has found in the School attendance registers

That no relevant record has found in the local office.

That the salary has not activated by the local office

That the Service Books has not properly maintained by this office.

20/2/16

Hence the detail report is submitted alongwith the photo copy of ASDEO

Report/Comments for your goodself information and further necessary action please.

469
20/2/16

[Signature]
Sub Divisional Education
Officer (M) Battagram

16

Annexure
~~---~~
"F"

میں کسی اول میں APS جو جان

لفظ لوق (ناموں اور فرمیں کرنا ہوں۔ کہ میں حضور دراب نامی شخص
کو نہ دیکھا اور نہ ہی اس اسکول میں کوئی ڈیوٹی سر انجام دی ہے۔
اور اسکول ریکارڈ میں اس کا کوئی نام بھی نہیں ہے۔ فرمیں طور پر ہے۔

السلام

میر جیب سہاہ PSHT APS جو جان
علا بیان حضور کے متعلق
PUSHTAN

inv
2
stt: i
y for
Pi
Pr
Su
reg
Offi

Report in R/o Fazal Wahab

17

Annex:
"G"

As per statement of Head Teacher
GPS Chohan, Teacher Attendance Register
and Log Books from 2008 to 2015
no teacher namely Fazal Wahab
has taken over charge as PST or
attended/performed duty at GPS
Chohan. The said person has
never been seen at the said
school.

Jay
22/11/16
ASDEO (M)
E&SE, Battagram

Annexure
16/5/16
H
18

OFFICE OF THE SDEO (MALE) BATTAGRAM

371.1

Dated: 16/5/2016

The DEO (Male) Battagram

Through: SDEO (Male) Battagram

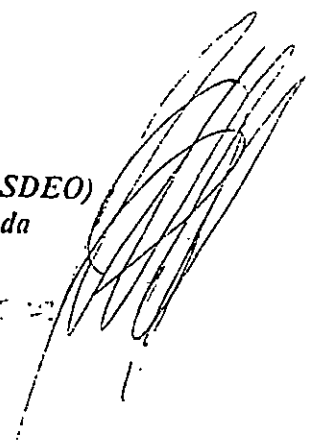
Subject: DUTY CLAIMED REPORT OF FAZAL WAHAB S/O RAHEEM ULLAH.

Respected Sir,

Regarding the above cited subject, It is submitted for your kind information that the above named person has not remained as a PST at GPS Chohan under my supervision during the years 2014-15.

Where as Mr. Pir Habib Shah head teacher, Rustam Khan v-teacher & Babo Khan Para teacher have been performing their duties at the said school since 2011 up to date.

Wali Ur Rehman (ASDEO)
Circle Kuza Banada



OFFICE OF THE PRINCIPAL GOVERNMENT HIGH SCHOOL CHAPPARGRAM(BATTAGRAM)

~~23~~ (19) Annexure
"I-1"

No 314
Dated 03/06/2016

To;
The District Education Officer (M)
Elementary & Secondary Battagram.

Subject; INQUIRY AGAINST THE BOGUS APPOINTMENTS OF PSTs

Reference your office letter bearing endorsement no 4752-dated 19-04-16 about the subject cited above, to do the inquiry against the following two Primary school teachers, The committee approached the SDEO office concerned and collected the documentary proofs and statements for further proceeding (against or in favor of the concerned).

S.No	Name of teacher	Father name	School	P.NO	Appointment order	Transfer order no.
01	Fazal Wahab	Rahimullah	GPS Nerai/Chohan	00660390	3192-96 dated 6-7-2008	3345-49 dated 2-7-2015
02	Mehrajuddin	Sirajuddin	GPS Andawali	00349221	8473-78 dated 20-04-2013	3345-49 dated 2-7-2015

FINDINGS

- 1.Fazal Wahab belongs to Village Rashang Tehsil Allai .His appointment order no 3192-96 dated 06-07-2008 does not match with the office dispatch no.
- 2.The two sanctioned posts were already occupied by 1.Muhammad Saleem the Head teacher 2.Mukhtiar the vice teacher during the year 2008.
- 3.The sole/single order is suspicious as single order is rarely found in the advertised posts.
- 4.No appointee of the said name has been found in the staff attendance register.
- 5.The circle ASDEOS have given a written statements (both of Takot and KuzaBanda) that neither the said teacher has done duty nor their name exists in the staff attendance register.
- 6.The said name has not been found in even in the log book of the school for annual inspection.
- 7.The report of both the ASDEOs has been verified by the SDEO (M) Battagram vide his office endorsement no 200 dated 20-02-2016.He further states that no entry has been found in the attendance register and no relevant record has been found and the local office has not activated the pay of the concerned ,moreover the service book has not been properly maintained in his office.

SPT
Vide order no. FR-1-18
Date 2011-11-17
2012

F. D. (M)
M. B. (M)
M. B. (M)
11/6/16

20
"I-2"

CONCLUSIONS

After the thorough study of the relevant record and documentary proofs, this committee reaches on the following conclusions.

1. Single appointment looks suspicious, bogus and fake.
2. Some un-cleaned hands were involved in the office of the DEO in such type of mal practices.
3. The said teacher has been appointed through illegal channel.

2. MIRAJUDDIN

FINDINGS

1. He belongs to UC Pashto Tehsil Allai and he has been appointed at GPS AndarWali UC Bannian Tehsil Battagram.
2. The concerned teacher falls at S.no 21 in merit list while there were four vacant posts at UC Pashto and the top candidates except S.No 01 were accordingly appointed while SsNo 1 was appointed as DM.
3. The appointment order no 8473-76 dated 20-04-2013 does not match with the office dispatch record.
4. The attendance register shows that 02 sanctioned posts had already been occupied/filled by 1. Rafiullah the Head teacher 2. Muhammad Irshad the Vice teacher.
5. The SDEO(M) Battagram has given a clear cut statement vide his office no 200 dated 20-02-2016 that no teacher of such name has been found in the attendance register. He has further stated the salary has not been activated by his office, moreover he has stated that neither service book nor any other relevant record has been properly maintained by his office.

CONCLUSIONS

After thorough study of the relevant record /documentary proofs, the committee reaches on the following conclusions.

1. This sole/single appointment looks suspicious, bogus and fake.
2. The appointment is against the existing appointment policy based on union council.
3. Some un-cleaned hands /black sheep look involved in such type of mal practices.
4. The teacher has been appointed through illegal channel.

RECOMMENDATIONS

1. Since both these appointments are bogus /fake, so pays should be immediately stopped.
2. They should be immediately suspended from their posts.
3. Legal proceedings should be immediately initiated against them under the service rules.
4. Persons involved in such mal practices may be brought under the umbrella of justice.



AKMAL KHAN

Principal
GHS Chappargran
Distt: Battagram



MUHAMMAD SHOAIB KHAN

PRINCIPAL
GHS Bateela (Allai)
Battagram

Entered Year



OFFICE OF THE DISTRICT EDUCATION OFFICER Annex
(MALE) BATTAGRAM 21

OFFICE ORDER

WHEREAS you Mr. Fazal Wahab S/O Rahimullah R/O Rashang Tehsile Allai District Battagram transferred against the post of PST at GPS Faqero Allai were proceeded for having inducted yourself in this (E&SE) department through fabricated/fake and bogus appointment order not issued by the lawful authority and having no legal sanctity.

AND WHEREAS in result of your transfer order from GPS. Chohan Battagram to GPS Faqero Allai issued vide this office Endstt. NO. 3345-49 dated 02/07/2015 obtained by you through fraud.

AND WHEREAS SDEO(M) Allai submitted your Service Book to this office with the request to verify your service documents i.e Appointment Order/Merit List from official record vide his office NO. 1675/verification dated 01/02/2016.

AND WHEREAS SDEO(M) Battagram was directed vide this office letter NO. 1573 dated 08/02/2016 to confirm your Service Book/Charge Report/Medical Certificate/Performance of Duty and drawl of Salaries.

AND WHEREAS SDEO(M) Battagram submitted his detail report/ reply vide his office NO. 200 dated 20/02/2016 along with reports of ASDEOs Circles Kuza Banda and Thakot wherein he submitted that;

- i. You have not taken over charge in the schools (GPS Nehrai Circle Thakot and GPS Chohan Circle Kuza Banda).
- ii. your documents have not been verified/attested by ASDEOs Circle or Dealing Assistant.
- iii. No entry has been found in school attendance registers.
- iv. No relevant record has been found in his office.
- v. Your salary has not been activated by his office.
- vi. Your Service Book has not been maintained by his office.

AND WHEREAS an Enquiry was initiated against you vide this office order Endstt. NO. 4752-54 dated 19/04/2016 constituting a committee comprising of two principals of Grade-18.

AND WHEREAS Enquiry Committee submitted its report/findigs along with supporting documents vide Principal GHS Chapargram Office NO. 314 dated 03/06/2016 as;

- i. You belong to village Rashang Tehsile Allai and your appointment order's NO. 3192-96 dated 06/07/2008 does not match with office dispatch NO.
- ii. The two sanctioned posts of PSTs at GPS Nehrai were already occupied by Muhammad Saleem and Mukhtiar.
- iii. No appointee of your name has been found in the staff attendance register.
- iv. ASDEOs of both circle (Thakot and Kuza Banda) have given written statement that neither you have performed duty nor your name is exist in staff attendance registers.
- v. your name has not been found even in Log Book for annual inspection.
- vi. Reports of ASDEOs have been verified by SDEO vide his office NO. 200 dated 20/02/2016.

The enquiry committee concluded that your appointment order is bogus and fake and recommended that your pay may be stopped and legal proceeding under service rules may be initiated against you.

AND WHEREAS in the light of enquiry report a Show Cause Notice was served upon you vide this office Endstt. NO. 8990-92 dated 09/08/2016

AND WHEREAS reply to the Show Cause Notice was received from you vide this office diary NO. 2691 dated 09/09/2016.

AND WHEREAS you were called for personal hearing vide this office NO. 12001 dated 14/10/2016.

(22)
J
AND WHEREAS you appeared on the fixed date but could not justify your appointment order. Whereas your case is under enquiry along with other ghost/fake employees before NAB.

NOW THEREFORE, in the light of findings of enquiry committee, reports submitted by SDEOs/ASEOs and proceeding initiated against you as well as supporting documentary evidence the undersigned being Competent Authority is of the opinion that your appointment order is fake/bogus/fabricated/not issued by the lawful authority, thus having no legal sanctity is declared as "NULL AND VOID".

-sd-
DISTRICT EDUCATION OFFICER (M)
BATTAGRAM

Endst: No. 18899-18967 / Est(P)

Dated Battagram, the 09 / 12 / 2016

Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with the request to initiate departmental proceeding against the officials/officers involved in such like mal practices.
2. Director Anticorruption KPK Peshawar with the request to initiate proceeding against all those officials/officers who are involved in such like mal practices and a cause of huge financial loss to the provincial exchequer.
3. Deputy Commissioner Battagram.
4. District Account Officer Battagram.
5. District Monitoring Officer Battagram.
6. Sub Divisional Education Officer (Male) Battagram with the directions to calculate the total amount unlawfully released to the concerned person as salaries and approach to Anticorruption department to lodge FIR under relevant section of law.
7. Sub Divisional Education Officer (Male) Allai.
8. Circle Officer Anticorruption Battagram.
9. Fazal Wahab S/O Rahimullah R/O Rashang Tehsile Allai District Battagram.


DISTRICT EDUCATION OFFICER (M)
BATTAGRAM



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

23

Annex:

No. E&SED/1-18/2016-17
Date: 11.04.2017

NOTIFICATION.

NO. SO (B&A) E&SED/1-18/2016-17/Pay & Allowances:- The competent authority in E&SE Department is pleased to nominate the following Officers as Inquiry Committee to conduct fact finding enquiry regarding ghost/fake employees regularly drawn monthly salaries against various costs centres in District Battagram.

- i. Mr. Sharif Gul Principal GHSS No.2 Peshawar Cantonment.
- ii. Mr. Fazli Naeem Director Finance Elementary Education Foundation.

The Inquiry Committee shall submit their report within twenty (20) days to the competent authority.

SECRETARY
E&SE DEPARTMENT

Endst: of even No & date:-

Copy of the above is forwarded for information to the:-

1. Director E&SE Khyber Pakhtunkhwa.
2. Managing Director EEF, Shami Road, Peshawar, House No. 49-A, Street No. 2, Phone No. 091-9212395.
3. Section Officer (S/M/F) E&SE Department.
4. District Education Officer (M) Peshawar.
5. District Education Officer (M/F) Battagram with the request to provide all type of documents.
6. District Accounts Officer Battagram with the request to extend full co-operation during the inquiry.
7. Mr. Sharif Gul Principal GHSS No. 2 Peshawar Cantonment.
8. Mr. Fazli Naeem Director Finance EEF, Shami Road, Peshawar, House No. 49-A, Street No. 2, Phone No. 091-9212395.
9. PS to Secretary E&SE Deptt; Khyber Pakhtunkhwa.
10. PA to Additional Secretary (Establishment) E&SE Deptt; Khyber Pakhtunkhwa.
11. Master File.

(NOOR AHMED KHAN WAZIR)
DEPUTY SECRETARY/SO (BUDGET)

11/04/2017

PA

DBO
19/4/17

1608
19/4/2017

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 804 /ST

Dated 17 /04/2018


To

The District Education Officer E & S Education Department,
Government of Khyber Pakhtunkhwa,
Battagram.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 572/2017, MR. FAZAL WAHAB.**

I am directed to forward herewith a certified copy of Judgment/Order dated 12/04/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

