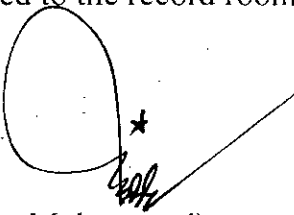
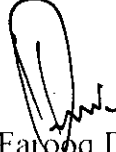


S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	22.06.2020	<p><u>Present.</u></p> <p>Mr. Zia-ur-Rehman Tajik, Advocate .. For appellant</p> <p>Mr. Riaz Paindakhel, Assistant Advocate General, ... For respondents</p> <p>Vide our detailed/ common judgment of today, in Service Appeal No. 1102/2019, we allow this appeal as prayed for.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  (Mian Muhammad) Member (E) </div> <div style="text-align: center;">  (Hamid Farooq Durrani) Chairman </div> </div> <p><u>ANNOUNCED</u> 22.06.2020</p>

30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 22.06.2020 before D.B.



Reader

12.02.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 05.03.2020 for written reply/comments before S.B.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Post Script

12.02.2020

Later on Mr. Muhammad Arif Wazir, Assistant Director on behalf of respondents appeared and put attendance.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

05.03.2020

Clerk of counsel for the appellant and Addl. AG alongwith Muhammad Haseeb, Assistant for the respondents present.

Representative of the respondents submitted written reply which is placed on record. To come up for rejoinder, if any, and arguments on 30.03.2020 before the D.B.



Member


1103/2019

27.11.2019

Counsel for the appellant present.

Learned counsel referred to judgments reported as 1996-SCMR-413 and 2006-SCMR-678 and contended that the appellant was fully qualified at the time of his appointment. After the appointment he had served the respondent department for considerable time while the impugned order of removal from service was passed on the basis of irregularity committed in the procedure for appointment. It is the argument of learned counsel that the appellant is not to be punished due to the act of respondents/appointing authority if, at all, some irregularity/ illegality took place during the process.

In view of arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 01.01.2020 before S.B.


Appellant Deposited
Security & Process Fee
3/12

Chairman 

01.01.2020

Appellant in person and District Attorney alongwith Arif Wazir, Assistant Director (Legal) for the respondents present.

Representative of respondents seeks further time to furnish reply/comments. Adjourned to 12.02.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman 

12.11.2019


Appellant present in person.

Fresh Wakalatnama in favour of Mr. Ziaur Rahman Tajik, Advocate alongwith an application for interim relief has been submitted which is placed on record. The appellant requests for adjournment as his learned counsel is engaged before the Apex Court today.

Adjourned to 17.11.2019 before S.B.

27.11.2019

~~Counsel for the appellant present.~~


Chairman

~~Learned counsel requests for time to further prepare the brief regarding the jurisdiction of this Tribunal in the instant matter when his grievance is against the Public Service Commission regarding allocation of marks for additional qualification.~~



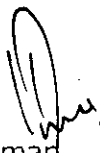
~~Adjourned to 01.01.2020 before S.B.~~

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____


Case No.- 1103/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/08/2019	<p>The appeal of Mr. Adnan Naz resubmitted today by Mr. Kamran Qaiser Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	02/09/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/10/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	15.10.2019	<p>Counsel for the appellant present.</p> <p>Learned counsel requests for time to further document the appeal by placing on record the advertisement in pursuance to which the appellant applied for his initial appointment. Other relevant documents are also sought to be placed on record. May do so on or before next date of hearing.</p> <p style="text-align: center;">Adjourned to 12.11.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

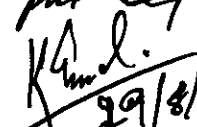
The appeal of Mr. Adnan Naz r/o CIA Chowki Tehsil and District Kohat received today i.e. on 23.08.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial as mentioned in the memo of appeal.

No. 1965 /S.T,
Dt. 23/8 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kamran Qaiser Adv. Peshawar.

Sir,
The objections have been removed
and rectified please put before court.

29/8/2019
Bar. Kamran Qaiser

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

S.A.No. 1103 /2019

Adnan Naz.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary
Transport & Mass Transit Department & others..Respondents

INDEX

S#	Description of documents.	Annexure	Pages
1.	Memo of appeal		1-6
2.	Addresses of parties		7
3.	Copies of educational documents, appointment order dated 11.11.2013, medical Certificate, and Arrival report	A	8-12
4.	Copies of seniority lists and of pay roll	B	13-19
5.	Copy of charge sheet dated 09.05.2014	C	20-21
6.	Copy of reply charge sheet dated 09.05.2014	D	22-25
7.	Copy of office order dated 09.05.2014	E	26-27
8.	Copy of inquiry report	F	28-31
9.	Copy of charge sheet and statement of allegations alongwith reply	G	32-36
10.	Copy of letter dated 22.01.2019	H	37
11.	Copy of inquiry report	I	38-41
12.	Copy of letter and show cause notice dated 13.03.2019	J	42-43
13.	Copy of the reply to the show cause notice	K	44-46
14.	Copy of impugned office order dated 29.04.2019	L	47
15.	Copy of departmental appeal alongwith its dismissal order dated 01.08.2019	M	48-53
16.	Copy of promotion orders	N	54-55
17.	Wakalatnama		56

Dated: 28.08.2019

Adnan
Appellant
Through

K Q
Barrister Kamran Qaisar
Advocate High Court

1

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

S.A.No. 1103 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1191

Dated 23/8/2019

Adnan Naz S/o Qaiser Naz
R/o CIA Chowki, Tehsil & District Kohat.

..... Appellant

Versus

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Transport & Mass Transit Department, Civil Secretariat, Peshawar.
- 2) Director Transport & Mass Transit Department, Benevolent Fund Building Peshawar Cantt.
- 3) Secretary Regional Transport Authority, Kohat Division, Kohat.

..... Respondents

Appeal u/s 4 of the KP Service Tribunal Act, 1974 against the termination order of removal from service dated 29.04.2019 and appellate order dated 01.08.2019 upon departmental appeal, wherein departmental appeal has been dismissed be declared as illegal, against the law and facts.

Filed to-day

Registrar

23/8/19

PRAYER

On acceptance of this appeal the impugned termination order of removal from service dated 29.04.2019 and appellate order

Re-submitted to-day
and filed.

Registrar

29/8/19

dated 01.08.2019 may please be set-aside and the appellant may please be reinstated in to the service with all back benefits.

RESPECTFULLY SHEWETH;

Appellant humbly submits as under:

- 1) That the appellant being eligible and highly qualified applied for the post of Assistant (BPS-14) and after fulfilling all the cordial formalities i.e. Test and Interview was appointed as Assistant (BPS-14) vide appointment order dated 11.11.2013. It may be mentioned here that the Assistant's post was later on upgraded to BPS-16. (Copies of educational documents, appointment order dated 11.11.2013, medical Certificate, and Arrival report are Annex "A")
- 2) That the appellant is a permanent Civil Servant as the department is keeping/ maintaining the seniority list of the appellant and his other colleagues. (Copies of seniority lists and of pay roll are Annex "B")
- 3) That in the year 2014, the respondent department issued charge sheet not only to the appellant, but other seven colleagues, wherein the allegations were that he was appointed by the department illegally and without fulfilling the appointment criteria. (Copy of charge sheet dated 09.05.2014 is Annex "C")

- 4) That the appellant duly replied to the above mentioned charge sheet dated 09.05.2014 vide reply dated 19.05.2014, which is hereby annexed as Annex "D".
- 5) That the department vide order dated 09.05.2014 appointed one Mr. Sami Ullah Section Officer (Dev) Transport & Mass Transit Department, Govt. of KPK as Inquiry Officer. (Copy of office order dated 09.05.2014 is Annex "E")
- 6) That the appellant and others participated in the Inquiry proceedings and later on he alongwith other colleagues were informed by respondents verbally that the allegations against them were dropped and the case was filed.

It may be mentioned here that time and again the appellant requested the respondents to provide him the copies of proceedings conducted against him in 2014, but till date the respondents are turning deaf ear to the requests of appellant.

- 7) That the respondents conducted inquiry against the appellant again in 2018, the report of which is Annexed herewith as Annex "F".
- 8) That the respondents started disciplinary proceedings by issuing charge sheet and statement of allegations to the appellant vide letter dated 21.01.2019, which was duly replied by the appellant. (Copy of charge sheet and statement of allegations alongwith reply are Annex "G")
- 9) That the respondents vide letter dated 22.01.2019 nominated inquiry penal to conduct an inquiry

about the allegations. (Copy of letter dated 22.01.2019 is Annex "H")

- 10) That the appellant appeared before the Inquiry Committee and thus after the inquiry proceedings the report was submitted wherein, imposition of major penalty was recommended. (Copy of inquiry report is Annex "I")
- 11) That astonishingly the appellant was again served with show cause notice dated 13.03.2019 on the same allegation, which were leveled against him in the year 2014, but this time only to 4 persons. (Copy of letter and show cause notice dated 13.03.2019 are Annex "J")
- 12) That the appellant submitted reply to the show cause notice dated 13.03.2019. (Copy of the reply to the show cause notice is Annex "K")
- 13) That vide impugned office order dated 29.04.2019 the competent authority imposed major penalty of removal from service on the appellant illegally and without lawful authority. (Copy of impugned office order dated 29.04.2019 is Annex "L")
- 14) That the appellant prefer departmental appeal against the above mentioned impugned office order of removed from service, which was dismissed vide order dated 01.08.2019. (Copy of departmental appeal alongwith its dismissal order dated 01.08.2019 are Annex "M")
- 15) That the appellant is aggrieved of the impugned termination order of removal from service and dismissal of departmental appeal and thus prefer this appeal for the following amongst other grounds:-

GROUND:


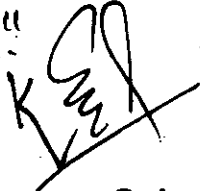
- a. That the appellant was duly appointed by respondents department after due process and thus the impugned dismissal order is against the law and facts.
- b. That since the appointment the appellant was receiving his salaries for more than six years and being permanent employees valuable rights accrued to him and thus the dismissal order is against the natural justice.
- c. That the superior Courts also held time and again that once an employee has been appointed after due process he cannot be removed from service rather actions must be initiated against the appointing authority and thus on this principle too the appellant is entitled to be reinstated into service with all back benefits.
- d. That the respondents in 2014 already conducted inquiry on the same allegations and the appellant was cleared from all the charges, but now again they conducted inquiry on the same allegations, which is against the law and thus the appellant deserve to be reinstated into service.
- e. That the appellant was never associated or given chance to properly participated in the inquiry proceedings and thus he has been condemned unheard, which needs to be declared against the law by this Hon'ble Tribunal.
- f. That in 2014 the respondents conducted inquiry against eight persons, which culminated into filing

the inquiry, but now the respondents singled out four persons including the appellant and removed them from service, which shows the malafide of respondents to condemned the appellant for no fault on his part and thus all the proceedings including inquiry process needs to be declared null and void.

- g. That the malafide of the respondents can be seen from the fact that in 2014 inquiry was initiated against eight persons, but the recent proceedings were initiated against four persons and the rest of four persons were given promotion being blue eyed persons of respondents. (Copy of promotion orders are Annex "N")

It is, therefore, prayed by accepting the instant appeal, the impugned termination order of removal from service dated 29.04.2019 and the appellate order dated 01.08.2019 may please be set-aside and the appellant may please be reinstated in to service with all back benefits.

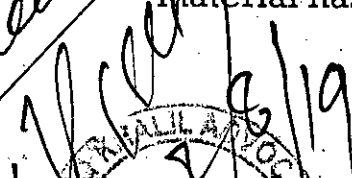
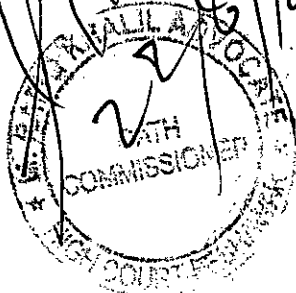
Dated: 21-8-2019


 Appellant
 Through 
Barrister Kamran Qaisar
 Advocate High Court,

VERIFICATION

It is verified that, the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.


 Deponent

Accepted



7

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

S.A.No. _____/2019

Adnan Naz.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary
Transport & Mass Transit Department & others..Respondents

ADDRESSES OF PARTIES

APPELLANT

Adnan Naz S/o Qaiser Naz
R/o CIA Chowki, Tehsil & District Kohat.

RESPONDENTS

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Transport & Mass Transit Department, Civil Secretariat, Peshawar.
- 2) Director Transport & Mass Transit Department, Benevolent Fund Building Peshawar Cantt.
- 3) Secretary Regional Transport Authority, Kohat Division, Kohat.


Appellant

Through


Barrister Kamran Qaisar
Advocate High Court

Book No. 144Serial No. 014375

AL-KHAIR UNIVERSITY (AJK)



Annex (A)

DETAILED MARKS CERTIFICATE

This is to certify that Adnan Naz
 Son/Daughter of Qaisar Naz
 Registration No. AUSWT(BA) 2479-2011 Roll No. 0809
 has passed Bachelor of Arts Annual/Supplementary Examination
 held in June 2013 in 1st Division and obtained 566 marks.

The Marks obtained in each subject are given below:-

Papers	SUBJECTS	Marks Obtained	Maximum Marks
I	English Compulsory	133	200
II	Islamiyat, Pak, Kashmir Studies Compulsory	74	100
III	Political Science Elective	147	200
IV	Urdu Elective	133	200
V	Mass Communication Optional	79	100
TOTAL :		566	800

Note: This DMC is issued, errors and omissions excepted, as a NOTICE only. An entry appearing in it does not in itself confer any right or privilege independently to the grant of a proper Certificate / Degree which will be issued under the Regulations in due course.

Bhimber, the 30th September, 2013.

Prepared by: [Signature]

Checked by: [Signature]

[Signature]
 Reader to
 Additional Commissioner
 Kohat Division Kohat

[Signature]
 DY. CONTROLLER OF EXAMINATIONS
 for
 CONTROLLER OF EXAMINATIONS

ATTESTED

140

9
ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD



Serial No 62662 Roll No. BA579498
Registration No. 14NKT02729
Name ADNAN NAZ Final Semester SPR-2016

Father's Name QAISAR NAZ
Address SECRETARY TRANSPORT AUTHORITY RTA OFFICE
GATE NO 2 KDA COMPLEX
Tehsil KOHAT
District KOHAT



has successfully completed MASTER OF SCIENCE
(PAKISTAN STUDIES)

The detail of passed courses is as under

Semester	Course Code	Title of Courses	Marks	
			Maximum	Obtained
AUT- 14	4655	GEOGRAPHY OF PAKISTAN-I	100	66
AUT- 14	4656	GEOGRAPHY OF PAKISTAN-II	100	54
AUT- 14	4657	PAKISTANI LANGUAGES & LITERATURE-I	100	56
AUT- 14	4658	PAKISTANI LANGUAGES & LITERATURE-II	100	56
SPR- 15	0537	IDEOLOGICAL FOUNDATIONS OF PAKISTAN	100	61
SPR- 15	4660	ECONOMIC DEVELOPMENT IN PAKISTAN-II	100	74
SPR- 15	4661	FOREIGN POLICY OF PAKISTAN-I	100	77
SPR- 15	4662	FOREIGN POLICY OF PAKISTAN-II	100	72
AUT- 15	0538	GENESIS OF PAKISTAN MOVEMENT	100	63
AUT- 15	0541	SOCIAL CHANGE	100	53
AUT- 15	4663	PAKISTANI SOCIETY & CULTURE-I	100	69
AUT- 15	4664	PAKISTANI SOCIETY & CULTURE-II	100	54
AUT- 15	4665	RESEARCH METHODS-I	100	55
AUT- 15	4666	RESEARCH METHODS-II	100	58
SPR- 16	4659	ECONOMIC DEVELOPMENT IN PAKISTAN-I	100	62
SPR- 16	0545	POLITICAL PARTIES & PRESSURE GROUPS IN	100	60
SPR- 16	4667	POLITICAL AND CONSTITUTIONAL	100	71
SPR- 16	4668	POLITICAL AND CONSTITUTIONAL	100	55
SPR- 16	4669	SOCIAL THEORY-I	100	70
SPR- 16	4670	SOCIAL THEORY-II	100	56

Attested
Reader to
Additional Commissioner
Kohat Division Kohat

Credit Hours 60 Total Marks/Obtained 2000 / 1242
Result Declared on MARCH 17, 2017 Percentage/Grade 62 / B
Date of Issue APRIL 11, 2017

ATTESTED
KQ

Maw
Controller of Examinations

Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

**INSTRUCTIONS FOR ISSUANCE OF
ORIGINAL CERTIFICATE/DIPLOMA/DEGREE**

- (i) After completion of programme successfully, a student will have to apply with complete requisite documents to the Controller of Examination for issuance of Certificate/Diploma/Degree.
- (ii) Original Certificate/Diploma/Degree will be issued on his/her turn within a period of two years after submission of proper application and fulfillment of requirements.
- (iii) Original Certificate/Diploma/Degree will be processed after clearing all the dues Outstanding against the students.
- (iv) Admission was granted provisionally on the basis of result cards of Boards/Universities. Therefore, AIOU Certificate/Diploma/Degree will be issued after confirmation of the authenticity of the original Certificate/Diploma/Degree issued from the respective Board/University.
- (v) Certificate/Diploma/Degree will be dispatched to the candidate by registered post at his/her given address available in the University record.
- (vi) If at any stage from admission to issuance of Certificate/Diploma/Degree, the information given by the candidate in the admission form is found wrong or false/fake/tempered Certificate/Diploma/Degree attached at the time of first Admission in the programme, the University has a right to cancel his/her admission, and Certificate/Diploma/Degree as per regulations/rules of the University.

Grading Scheme of AIOU

80% and above	A+ Grade
70% to 79%	A Grade
60% to 69%	B Grade
50% to 59%	C Grade
40% to 49%	D Grade
Below 40%	Fail

نوٹ:

اصل سرٹیفکیٹ اڈپلومہ اڈگری کے حصول کے لئے درخواست بمعہ مکمل کوائف جمع کروانے لازمی ہیں اور باری آنے پر ہی جاری کیا جائے گا۔
پرویزنل رزلٹ کارڈ میں پائی جانے والی غلطی کی تصحیح کے لیے 45 دن جبکہ تاریخ پیدائش کی تصحیح کے لیے معہ ثبوت کے 90 دن کے اندر رابطہ کیا جاسکتا ہے۔

ATTESTED

KQ



10
**OFFICE OF THE
PROVINCIAL TRANSPORT AUTHORITY
KHYBER PAKHTUNKHWA
PESHAWAR**

Hall No. 310, Benevolent Fund Building, Peshawar Cantt.
Phone No. 091-9211913 Fax No. 091-9213447

Dated Peshawar the, 11-11-2013

ORDER

No. SO(TPT)10(7)2010 - Under the rule 10 sub rule-2 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with amendment made vide notification No. SOR-VI(E&AD)1-13/2005 dated 10-08-2005, Mr. Adnan Naz S/O Qaisar Naz R/O Near CIA Chowki Kohat, is hereby appointed as Assistant (BS-14) (8000-610-26300), against an existing vacancy falling under 5% disabled & minorities quota, in Regional Transport Authority Kohat with immediate effect on the following terms & conditions:-

- i. He will get pay at the minimum of BS-14 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
 - ii. He shall be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rule made there-under.
 - iii. In case, he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
 - iv. He shall produce a Medical Certificate of fitness from Medical Superintendent, District Headquarter Hospital Kohat, before joining duties in Regional Transport Authority Kohat, as required under the rules.
 - v. He has to join duties at his own expenses.
 - vi. He shall be on probation for a period of two (02) years under Rule 15(1) of NWFP Civil Servant (Appointment Promotion & Transfer) Rules 1989.
2. If he accepts the post on these conditions, he should report for duties to the undersigned within 14 days of the receipt of this order.


**SECRETARY TRANSPORT/CHAIRMAN
PROVINCIAL TRANSPORT AUTHORITY**

// //

Endst: No & Date Even:

Copy is forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Medical Superintendent, District Headquarter Hospital Kohat.
3. Secretary Regional Transport Authority Kohat.
4. District Account Officer, Kohat.
5. Mr. Adnan Naz S/O Qaisar Naz R/O Near CIA Chowki Kohat,

ATTESTED

KQ


**SECRETARY TRANSPORT/CHAIRMAN
PROVINCIAL TRANSPORT AUTHORITY**

// //

MEDICAL CERTIFICATE

Name of official Adnan Naz

Caste or race _____

Father's name Qasim Naz

Residence CIA Chowki Sheikhan Tehsil and District Kohat -

Date of birth 02-03-1989 (14301-3381337-5)

Exact height by measurement 5 7

Personal mark of identification _____

Signature of the official _____

Signature of head of office _____

Seal of office _____

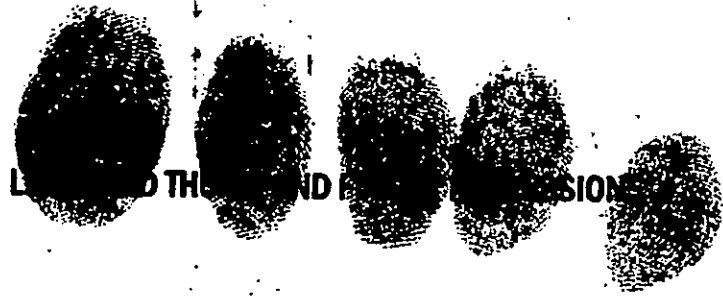
I do hereby certify that I have examined Mr. Adnan Naz a candidate for employment in the Office of the Provincial Transport Authority KPK Peshawar and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the Provincial Transport Authority KPK Peshawar. His age according to his own statement 24 years year and by appearance about Twenty four years

ATTESTED
KQ

D. Habib Jan
13/11/13
MEDICAL SUPERINTENDENT,
CIVIL HOSPITAL
MEDICAL SUPERINTENDENT
D.H.Q HOSPITAL
KOHAT

13/11/2013




LEFT THUMB AND INDEX FINGER

12

ARRIVAL / CHARGE ASSUMPTION REPORT

In compliance with the Secretary, Regional Transport Authority Kohat Region, Kohat. Order No. SO(TPT)10(7)2010 dated: 11-11-2013, I Mr. Adnan Naz S/O Qaisar Naz R/O Near CIA Chowki Kohat, hereby submit my arrival report and assumed the charge of the post of Assistant (BPS-14) today the 12-11-2013 (F.N).


Mr. Adnan Naz S/O Qaisar Naz
Assistant (BPS-14)
Secretary, Regional Transport Authority
Kohat Region, Kohat.

ATTESTED

KQ

13

**DIRECTORATE OF TRANSPORT
GOVERNMENT OF PAKISTAN**

Annex (B)



NOTIFICATION:

O.DIR/TPT/1-16/2014/SLPTA&RTAs-2014: In pursuance of Section-8 (1) of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final list of 7 candidates who stood on 31.7.2014 is notified/Circulated:-

**SENIORITY LIST OF ASSISTANT (BS-16) OF PR
REGIONAL TRANSPORT AUTHORITY**

S #	Authority	Name of Official	Academic Qualification	Date of Birth	Domicile	Date & Designation of 1 st entry in service on regular basis
1	2	3	4	5	6	7
1	RTA Malakand	Fazal Wahid	BA	15-02-1956	Swat	22-05-1974 as (BS-5)
2	RTA DI Khan	Siraj Ahmad Niazi	B.A	05.04.1957	DIKhan	01.12.1980 as (BS-7)
3	RTA Peshawar	Fazal ur Rehman	MA Islamiyat	1-3-1968	Peshawar	18-11-1989 (BS-11)
4	RTA Hazara	Abdul Qayyum	Metric	15-06-1958	Abotabad	01-10-1977 (BS-5)
5	RTA Kohat	Shoukat Zaman	Matric	01-05-1968	Kohat	18-03-1987 (BS-5)
6	PTA Peshawar	Mr. Abdul Qayyum	BA	24/4/1960	Mardan	Junior Clerk (BS-5)
7	RTA Bannu	Javed Khan	FA	19-09-1970	Bannu	12-02-1999 (BS-5)

ATTESTED

KQ

ATTESTED

14

Authority	Name of Official	Academic Qualification	Date of Birth	Domicile	Date & Designation / of 1 st entry into Govt service on regular basis
PTA Peshawar	Mr. Haji Shah Zaman	BA	15/9/1960	Peshawar	Junior Clerk 27/6/1982 (BS-5)
RTA Hazara	Zahid Alam	BA	12-06-1984	mansehra	31-12-2011 as J/C (BS-7)
RTA Mardan	Hayat Wali Shah	MA	22-02-1986	Chitral	09-07-2013 Assistant (14)
RTA Mardan	Bilal	BA	01-05-1989	Charsadda	18-07-2013 Assistant (14)
RTA Kohat	Adnan Naz	BA	02-03-1989	Kohat	11-11-2013 as Assistant (BS-14)

it. No. & Date Even 9872-93

Is forwarded to the:-

- Secretary Provincial Transport Authority, Peshawar.
- All Secretaries Regional Transport Authorities in Khyber Pakhtunkhwa. **Kohat**
- PS to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
- Officials concerned.
- Master file.

ATTESTED
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ATTESTED



15

Directorate of Transport & Mass Transit Khyber Pakhtunkhwa

Ground Floor, Benevolent Fund Building, Peshawar Cantt
Tel: 091-9214185/9212061


Dir/TPT/Seniority List/2-6/561-1-1-1
Dated: 20.07.2017

To,

- 1) Mr. Shoukat Zaman (Assistant Regional Transport Authority Bannu)
- 2) Mr. Abdul Qayyum (Assistant Provincial Transport Authority Peshawar)
- 3) Mr. Javed Khan (Assistant Regional Transport Authority Kohat)
- 4) Mr. Shah Zaman (Assistant Provincial Transport Authority Peshawar)
- 5) Mr. Shakir Ullah (Assistant Regional Transport Authority Peshawar)
- 6) Mr. Arab Khan (Assistant Regional Transport Authority Peshawar)
- 7) Mr. Hayat Muhammad (Assistant Regional Transport Authority Swat)
- 8) Mr. Hamd Ullah (Assistant Regional Transport Authority Swat)
- 9) Mr. Javed Akhter (Assistant Regional Transport Authority Peshawar)
- 10) Mr. Zahid Alam (Assistant Regional Transport Authority Abbotabad)
- 11) Mr. Hayat Wali Shah (Assistant Regional Transport Authority Abbotabad)
- 12) Mr. Bilal (Assistant Regional Transport Authority Mardan)
- 13) Mr. Adnan Naz (Assistant Regional Transport Authority Kohat)
- 14) Miss. Khush Bakht (Assistant Regional Transport Authority Abbotabad)
- 15) Mr. Aftikhar Ahmad (Assistant Directorate of Transport & Mass Transit)
- 16) Mr. Zubair Hussain (Assistant Regional Transport Authority D.I Khan)
- 17) Mr. Amir Baz (Assistant Regional Transport Authority Mardan)
- 18) Mr. Muhammad Ibrahim (Assistant Regional Transport Authority Swat)

Subject: - SENIORITY LIST

I am directed to refer to the subject noted above and to enclose herewith a copy of seniority list of Assistants of Provincial Transport Authority and Regional Transport Authorities in Khyber Pakhtunkhwa for information and Perusal. Objection (if any) shall be reached to this office within three days positively, otherwise the same shall be considered as final and shall be notified accordingly.


SALMAN NISAR
DEPUTY DIRECTOR

Ends: No. & Date Even:

A copy is forwarded for information to the: -

1. P.S to Secretary Transport and Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. P.A to Director Transport & Mass Transit, Khyber Pakhtunkhwa.

ATTESTED

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DEPUTY DIRECTOR

16.

DIRECTORATE OF TRANSPORT AND MASS TRANSIT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

Notification

No. DIR/Tpf/1-16/2014/SLFTA&RTAS-2014. In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1980, Tentative Seniority list of Assistants (BPS-16) in the Directorate of Transport & Mass Transit Khyber Pakhtunkhwa is notified as stood on 14/06/2017.

TENTATIVE SENIORITY LIST OF ASSISTANTS (BPS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND REGIONAL TRANSPORT AUTHORITIES (RTAs).

S. No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of Designation/BPS of 1 st entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
1	RTA Kohat	Shoukat Zaman	Matric	01/5/1968	Kohat	18/03/1987 (J/C) (BS-05)	Commissioner Office Kohat	26.07.2002	By Promotion	RTA Kohat	
2	PTA Peshawar	Mr. Abdul Qayyum	BA	24/04/1960	Mardan	Junior Clerk 26/6/1982 (Bs-05)	PTA Peshawar	30.4.2005	By Promotion	RTA Peshawar	
3	RTA Bannu	Mr. Javed Khan	FA	19/09/1970	Bannu	12/02/1992 J/C (BS-05)	RTA Bannu	31.05.2008	By Promotion	RTA Bannu	
4	PTA Peshawar	Mr. Shah Zaman	BA	15/9/1960	Peshawar	27/6/1982 Junior Clerk (BS-05)	PTA Peshawar	25.6.2011	By Promotion	PTA Peshawar	
5	RTA Peshawar	Mr. Shakirullah	Matric	12/12/1957	Peshawar	01/06/1979 as Peon (BS-01)	RTA Peshawar	09.09.2014	By Promotion	RTA Peshawar	
6	RTA Peshawar	Mr. Arab Khan	FA	20.05.1959	Peshawar	28-08-1981 as J/C (BS-05)	RTA Peshawar	06.08.2015	By Promotion	RTA Swat	
7	PTA KP	Mr. Hayat Muhammad	Matric	12.06.1963	Peshawar	5.08.1984 as N/Q (BS-01)	PTA Peshawar	06.08.2015	By Promotion	RTA Swat	

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1	2	3	4	5	6	7	8	9	10	11	12
No.	Authority	Name of official	Academic Qualification	Date of Birth	Domicile	Date of Designation/BPS of 1 st entry into Govt. service on regular basis	Recruited against the sanctioned post of PTA or RTA or otherwise	Date of regular promotion/appointment as Assistant (BS-16)	Method of Recruitment	Presently on the payroll of	Remarks
8	PTA KP Peshawar	Mr. Hamdullah	BSC.LLB	1/1/1965	M Agency	23/10/1990 As J/C (BS-05)	PTA Peshawar	06.08.2015	By Promotion	RTA Hazara	
9	RTA Peshawar	Javed Akhtar	BA	10.02.1968	Peshawar	01.10.1988 as J/C	RTA Peshawar	06.08.2015	By Promotion	RTA Peshawar	
10	RTA Hazara	Zahid Alam	BA	12/6/1984	Mansehra	31/12/2011 As JC (BS-07)	Commissioner Office	04:05.2012	Initial	RTA Hazara	
11	RTA Mardan	Hayat Wali Shah	MA	22/02/1986	Chitral	09/07/2013 as Assistant (BS-14)	RTA Mardan	09.07.2013	Initial	RTA Mardan	
12	RTA Mardan	Mr. Bilal	BA	01/05/1989	Charsadda	18/7/2013 as Assistant (BS-14)	RTA Mardan	18.07.2013	Initial	RTA Mardan	
13	RTA Kohat	Mr. Adnan Naz	BA	02/03/1989	Kohat	11/11/2013 as Assistant (BS-14)	RTA Kohat	11.11.2013	Initial	RTA Kohat	
14	RTA Peshawar	Khush Bakht			Peshawar		RTA Peshawar	20.06.2016		RTA Hazara	
15	PTA KP Peshawar	Mr. Iftikhar Ahmad	FA	22.01.1969	Peshawar	23.10.1990 as J/C As S/C 28/08/2014	PTA Peshawar	20.06.2016	By Promotion	RTA D.I.Khan	
16	RTA Peshawar	Zubair Hussain	FA	11.01.1970	Peshawar	20.11.1990 as J/C as S/C 09/09/2014	RTA Peshawar	20.06.2016	By Promotion	RTA D.I.Khan	
17	RTA Malakan	Amir Baz	MA	06.09.1968	Mardan	25.07.1993 as J/C as S/C 09.09.2014	RTA Mardan	20.06.2016	By Promotion	RTA Hazara	
18	PTA KP	Mohammad Ibrahim	Matric	03.03.1963	Swat	14.01.1986 as J/C (BS-05) as S/C 09.09.2016	RTA Malakand	20.06.2016	Initial	RTA Swat	

ATTESTED

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-SD-
DIRECTOR TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

Dist No. & Date of Even :-

Copy is forwarded to the:-

1. PS to Secretary Transport & Mass Transit, Department Government of Khyber Pakhtunkhwa.
2. Secretary Provincial Transport Authority, Peshawar.
3. All the Secretaries Regional Transport Authorities in Khyber Pakhtunkhwa.
4. Officials Concerned
5. Master File.

DEPUTY DIRECTOR TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

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Kohat

S#: 1

P Sec:001 Month:April 2019
KT4403 -Transport Department Kohat
TRANSPORT DEPARTMENT KOHA

Pers #: 00709051 Buckle:
Name: ADNAN NAZ
ASSISTANT
CNIC No.1430133813375
GPF Interest Applied
16 Active Temporary

NTN:
GPF #: MISKT
Old #:

KT4403 -

PAYS AND ALLOWANCES:

0001-Basic Pay	26.510,00
1000-House Rent Allowance	2.727,00
1210-Convey Allowance 2005	5.000,00
1974-Medical Allowance 2011	1.250,00
2148-15% Adhoc Relief All-2013	540,00
2199-Adhoc Relief Allow @10%	374,00
2211-Adhoc Relief All 2016 10%	1.972,00
2224-Adhoc Relief All 2017 10%	2.651,00
2247-Adhoc Relief All 2018 10%	2.651,00
Gross Pay and Allowances	43.675,00

DEDUCTIONS:

IT Payable 165,30 Deducted	835,00	TAX:(3609)	248,00
GPF Balance 117.922,00		Subrc:	3.340,00
6505-GPF Loan Principal Instal Bal:	71.300,00		500,00
4200-Professional Tax			200,00
3501-Benevolent Fund			800,00
4004-R. Benefits & Death Comp:			1.089,00

Total Deductions 6.177,00

37.498,00

D.O.B LFP Quota: 4
02.03.1989 HABIB BANK LIMITED HANGU ROAD, KOHAT.
05 Years 05 Months 020 Days 7900864303

ATTESTED
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Annex (C)

GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

CHARGE SHEET

I, Muhammad Humayun, Secretary to Govt. of Khyber Pakhtunkhwa, Transport & Mass Transit Department, as competent authority, with reference to your appointment Order No. SO(TPT)10(7)2010 dated 11-11-2013, hereby charge you, Mr. Adnan Naz Assistant (BS-14) of Regional Transport Authority, Kohat, as follows:-

- (a) That you have ^{been} appointed without advertisement of posts in the newspapers.
- (b) The Departmental Selection Committee (DSC) meeting has not been convened for your appointment.
- (c) Merit lists were not maintained.
- (d) Appointment against initial quota comes in the purview of the Khyber Pakhtunkhwa Public Service Commission. Your appointment against the initial quota is totally contrary to the framed rules.

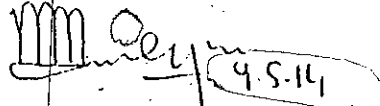
2. By reasons of the above, you appear to be guilty of "misconduct" under Rule 1 (I)(vi) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the inquiry officer, as the case may be.

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

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

6. A statement of allegations is enclosed.


4.5.14

(Muhammad Humayun)
Secretary to Govt. of Khyber Pakhtunkhwa
Transport & Mass Transit Deptt

Mr. Adnan Naz
Assistant (BS-14),
Regional Transport Authority, Mardan

No. SO(G)10-15/3253

ATTESTED

KQ

Dated: 07-05-2014



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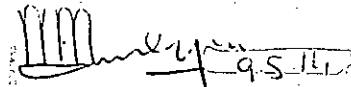
**GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT**

DISCIPLINARY ACTION

I, Muhammad Humayun, Secretary to Govt. of Khyber Pakhtunkhwa, Transport & Mass Transit Department, as competent authority, am of the opinion that Mr. Adnan Naz Assistant (BS-14) of Regional Transport Authority Kohat, 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 & Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

- (a) That you have ^{been} appointed without advertisement of posts in the newspapers.
- (b) The Departmental Selection Committee (DSC) meeting has not been convened for your appointment.
- (c) Merit lists were not maintained.
- (d) Appointment against initial quota comes in the purview of the Khyber Pakhtunkhwa Public Service Commission. Your appointment against the initial quota is totally contrary to the framed rules.
2. For the purpose of enquiry against the said accused with reference to the above allegation(s) Mr. Sami Ullah Section Officer (Dev) Transport & Mass Transit Department is appointed as Enquiry Officer under Rule 10(1)(a) of the ibid Rules.
3. The Enquiry Officer shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and Section Officer (Lit/PTA & RTAs), Transport & Mass Transit Department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.



(Muhammad Humayun)

Secretary to Govt. of Khyber Pakhtunkhwa
Transport & Mass Transit Deptt
(Competent authority)

Mr. Adnan Naz
Assistant (BS-14),
Regional Transport Authority, Kohat.

No.SO(G)10-15/3254.

ATTESTED
KQ

Dated: 07-05-2014

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Annex (15)

To

The Secretary,
Transport & Mass Transit Department,
Govt. of Khyber Pakhtunkhwa.

Sarmad
19/5/14

Subject:- **REPLY TO THE CHARGE SHEET DATED 09-05-2014.**

Respected Sir,

In reply to the Charge Sheet dated 09-05-2014, received by the undersigned on 14-05-2014, I very humbly submit my reply as under:

1. That I at the very outset deny the allegations leveled against me in the subject charge sheet as unfounded and baseless, for the reason all the charges against me that the undersigned has no role to play.
2. That certain posts of including the post of Assistant were lying vacant in you esteemed department, I applied for the post of Assistant against 5% quota of minorities, and after passing through the recruitment process, I after being found fit and eligible was allowed appointment against the post of Assistant vide order dated 11-11-2013 by the competent authority, against the 5% reserved quota of minorities. I was holding the prescribed qualification for the post, I was also medically examined and when found fit was handed over charge of my post. Even since my appointment, I am performing my duties as assigned with zeal, devotion and without given any chance of complaint whatsoever to my superiors.
3. That the charges leveled in the subject charge sheet is misconceived, the undersigned having the prescribed qualifications and fulfill the criteria applied for the post and was thereafter appointed, as all the three charges are with regard to the process of appointment and relates to the department alone, the undersigned has no say in process of appointment. Thus any irregularity even if committed during the recruitment process, I cannot be held liable for the same.
4. That the august Supreme Court of Pakistan has in a number reported judgment held that "any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment".

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Annex

Similarly the august Supreme Court of Pakistan in reported Judgment 2007 PLC Civil Service 179 held as under:-

"For the irregularities committed by department itself regarding appointment of candidate, the appointees could not be condemned subsequently with the change of heads in department or on the upper level--- Government being institution in perpetuity, its orders could not be reversed simply because the heads had changed-- such act of departmental authorities was unjustified when the candidate was otherwise fully qualified to hold the job"

5. That I was appointed by the competent authority after observing all codal formalities. I have taken over charge of my post and performing my duties for the last ten months, moreover I have also received salaries thus the order of my appointment have been acted upon and valuable rights have been accrued in my favor now, and the principle of locus poenitentiae is applicable, because decisive steps have been taken and the undersigned has taken over the charge and performed duties.

That the allegation to the effect that the post fall within the ambit of Khyber Pakhtunkhwa Public Service Commission, is misconceived. The post of Assistant in the Office of the Secretary Transport and Mass Transit Department has not been mentioned or within the purview of Khyber Pakhtunkhwa Public Service Commission. These posts can be validly filled by the Secretary/Chairman of the Transport and Mass Transit Department. The post of Assistant has not been mentioned in the Khyber Pakhtunkhwa Public Service Commission Ordinance 1978 or the Khyber Pakhtunkhwa Public Service Commission Function (Rules 1983), which provides that

"Functions of Commission:- (1) The functions of the Commission shall be to conduct tests and examinations for recruitment of persons to:

- (i) The civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent and
- (ii) Posts in basic pay scales 11 to 15 or equivalent specified in following Departments (except the District Cadre Posts)-
 1. Civil Secretariat (through Establishment Department).
 2. Board of Revenue;
 3. Police Department;
 4. Prison Department;
 5. Services and Works Department;

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Admission

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6. Irrigation Department;
 7. Industries, labour & Manpower Department;
 8. Health Department;
 9. Education Department;
 10. Local Government and Rural Development Department;
 11. Excise and Taxation Department;
 12. Food Department;
 13. Physical Planning & Environment Department including Urban Development Board; and
 14. Organization, except autonomous bodies, under the Health and Education Departments;
- Since the Transport and Mass Transit Department does not find mention in the above list therefore, the post of Assistant BPS-14 is outside the preview of the Commission and its authority.

7. That I have never any act or omission which can be Termed as misconduct, I cannot be punished for the irregularity if any occur in the recruitment process.
Can be seen on my Payslip, attached.
8. That I also desire to be heard in person.

It is, therefore, humbly requested that on acceptance of this reply, the subject charge sheet may please be dropped and I may be exonerated of the charges.

ADNAN NAZ
Yours obediently,
Assistant *Adnan Naz*

DATED: 15/05/2014.

ATTESTED
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To

Mr. Sami Ullah,
Inquiry Officer/ Section Officer (Dev.),
Transport & Mass Transit Deptt.,
Govt: of Khyber Pakhtunkhwa, Peshawar.

SUBJECT: REPLY OF CHARGE SHEET.

Respected Sir,

Preliminary Objectives:

1. I have been appointed by the competent authority under the 05% minority quota, in accordance with law as very much clear from my appointment order vide No. SO(TPT)10(7)2010 dated: 11-11-2013.
2. I have been proceeded under the Efficiency & Disciplinary Rules – 3 of 2011, and the allegations mentioned in the charge sheet are not come under the ambit of Rule – 3, hence not tenable, because I have been performed my duty well and satisfactory and there is no inefficiency etc against me.

Para-wise Reply:

- a. That advertisement was made previously but the minority seat/ post was still vacant, so my appointment is the result of previous advertisement.
- b. That there was only one vacant post available for minorities and no one applied except me for the said post, so I have been appointed by the competent authority under the law.
- c. That, as I earlier stated that no one applied for the said vacant post and being qualified I have been selected and appointed for the vacant post.
- d. That the said appointments now come under the control of District Administration, with the approval of competent authority and I have been appointed by competent authority. So I have been appointed by the competent authority in accordance with law and nothing inefficient etc are against me.

ATTESTED

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Yours Obediently

(Signature)

(ADNAN NAZ)
S/o Qaisar Naz,
Assistant (BPS-14),
Secretary, RTA Office,
Kohat.



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

ANNEXURE (E)

No. SO(G)10-15/14/3265-69/

[Dated Peshawar the, 09-05-2014

ORDER

No.SO(G)10-15: The Competent Authority has been pleased to nominate Mr. Sami Ullah Section Officer (Dev) Transport & Mass Transit Department Govt. of Khyber Pakhtunkhwa to conduct inquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, against the fake appointment of the following officials in various RTAs:-

S.No	Name	Designation	Authority
1	Hayat Wali Shah	Assistant	RTA Mardan
2	Bilal	Assistant	RTA Mardan
3	Adnan Naz	Assistant	RTA Kohat
4	Zahid Alam	Assistant	RTA Hazara
5	Tofail Shaukat	Junior Clerk	RTA Mardan
6	Muhammad Kamran	Junior Clerk	RTA Kohat
7	Tasneem Ullah	Junior Clerk	RTA Kohat
8	Adnan	Junior Clerk	RTA Malakand

The inquiry officer shall complete the inquiry within thirty (30) days after issuance of this order and submit the report to Competent Authority.

Sd/-

Secretary

Transport & Mass Transit Deptt

Endst. No. & Date Even/

Copy is forwarded to the:-

1. Mr. Sami Ullah Section Officer (Dev), Transport & Mass Transit Department.
2. Director Transport & Mass Transit/Chairman RTAs Khyber Pakhtunkhwa.
3. Secretaries Regional Transport Authorities, Mardan, Malakand, Hazara and Kohat.
4. (i) Mr. Hayat Wali Shah (Assistant), Mr. Bilal (Assistant), Mr. Tofail Shaukat (Junior Clerk) RTA Mardan, (ii) Mr. Adnan Naz (Assistant), Muhammad Kamran (Junior Clerk) and Tasneem Ullah (Junior Clerk) RTA Kohat (iii) Mr. Adnan (Junior Clerk) RTA Malakand (iv) Zahid Alam (Assistant) RTA Hazara, along with copies of Charge Sheet and Statement of Allegations with the directions to submit written reply to the Enquiry Officer within seven (07) days and attend the proceedings as and when directed by the Enquiry Officer.
5. Master file.

Section Officer (Admn)
Transport & Mass Transit Deptt

ATTESTED

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CONFIDENTIAL



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

No. SO(G)10-15/3231-46
Dated Peshawar the, 09-05-2014

To

Mr. Sami Ullah,
Section Officer (Dev),
Transport & Mass Transit Department.

Subject: - INQUIRY AGAINST APPOINTMENTS IN VARIOUS REGIONAL TRANSPORT AUTHORITIES (RTAs).

I am directed to refer to the subject noted above and to inform that the competent authority has been pleased to appoint you as Inquiry Officer to conduct enquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, against the following officials appointed in various RTAs:-

S.No	Name	Designation	Authority
1	Hayat Wali Shah	Assistant	RTA Mardan
2	Bilal	Assistant	RTA Mardan
3	Adnan Naz	Assistant	RTA Kohat
4	Zahid Alam	Assistant	RTA Hazara
5	Tofail Shaukat	Junior Clerk	RTA Mardan
6	Muhammad Kamran	Junior Clerk	RTA Kohat
7	Tasneem Ullah	Junior Clerk	RTA Kohat
8	Adnan	Junior Clerk	RTA Malakand

2. Copies of the charge sheet and Statement of Allegation against the accused officials duly signed by the competent authority are enclosed herewith for further necessary action.
3. It is, therefore, requested to conduct the enquiry and submit report within thirty (30) days to this department.

Section Officer (Admn)
Transport & Mass Transit Deptt

Endst. No. & Date Even/

Copy is forwarded to the:-

1. Director Transport & Mass Transit/Chairman RTAs Khyber Pakhtunkhwa.
2. Secretaries Regional Transport Authorities Peshawar, Mardan, Malakand, Kohat and DI Khan.
3. (i) Mr. Hayat Wali Shah (Assistant), Mr. Bilal (Assistant), Mr. Tofail Shaukat (Junior Clerk) RTA Mardan, (ii) Mr. Adnan Naz (Assistant), Muhammad Kamran (Junior Clerk) and Tasneem Ullah (Junior Clerk) RTA Kohat (iii) Mr. Adnan (Junior Clerk) RTA Malakand (iv) Zahid Alam (Assistant) RTA Hazara, along with copies of Charge Sheet and Statement of Allegations with the directions to submit written reply to the Enquiry Officer within seven (07) days and attend the proceedings as and when directed by the Enquiry Officer.
4. Master file.

ATTESTED

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Section Officer (Admn)
Transport & Mass Transit Deptt

Most Immediate
Out Today



28
Annex (F)

GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

Mian Rashid Hussain Shaheed Memorial Block, Civil Secretariat Khyber Pakhtunkhwa Peshawar

Ph: 091-9223546

No. SO (G)/TD/16-10/Promotion/6613-23

Fax: 091-9212556

Dated: 01/11/2018

To

1. The Secretary Regional Transport Authority, Mardan.
2. The Secretary Regional Transport Authority, Bannu.
3. The Secretary Regional Transport Authority, Malakand.
4. The Secretary Regional Transport Authority, Hazara.
5. The Secretary Regional Transport Authority, Kohat.
6. Mr. Zahid Alam, Assistant (BS-16), RTA, Hazara.
7. Mr. Hayat Wali Shah, Assistant (BS-16), RTA, Malakand.
8. Mr. Bilal, Assistant (BS-16), RTA, Mardan.
9. Mr. Adnan Naz, Assistant (BS-16), RTA, Kohat.

Subject: - ENQUIRY IN ILLEGAL APPOINTMENTS OF ASSISTANTS (BS-16) OF RTA MARDAN, HAZARA, KOHAT AND MALAKAND

Referance to the this Department Notification No.SO(G)/TD/16-10/Promtion dated 03.10.2018, the undersigned has been appointed as Enquiry Officer to conduct enquiry into illegal appointments of Assistants in RTA Mardan, Hazara, Bannu, Malakand and RTA Kohat.

You are therefore directed to attend the office of undersigned on 02.11.2018 at 11:00 AM alongwith all recruitment record, service record, personal files etc (in original) for the inquiry. Moreover, the aforesaid Assistants will also attend the O/O undersigned on the same date, time & venue.

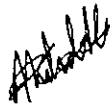

(KALIMULLAH KHAN BALOCH)
Addl. Secretary/ Enquiry Officer

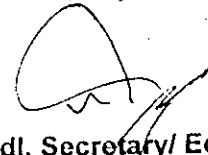
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1. Mr. Javed Khan, (the then SO (Admn), Transport Department) now Deputy Secretary (Litigation) Finance Department, Khyber Pakhtunkhwa, with the request to attend the O/O udersinged on the same, date, time and venue.
2. Mr. Salman Nisar, Deuty Director, Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa, with the request to attend the O/O udersinged on the same, date, time and venue with all relevant record in his office.
3. PS to Secretary Transport & Mass Transit Department, Khyber Pakhtunkhwa.

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Addl. Secretary/ Enquiry Officer

29

INQUIRY REPORT

BACKGROUND: This is a fact finding inquiry on the subject "Illegal appointments in RTA" wherein the undersigned has been appointed as inquiry officer vide letter No.SQ(G)/TD/16-10/Promotion dated 03.10.2018, issued by Transport Department (**Annex-I**).

The brief background of this case is that during a DPC meeting held on 13.09.2018, under the chairmanship of Secretary Transport Department, this issue cropped up and it transpired that following 04 employees of RTAs were appointed in violation of prescribed procedure. The names of these Office Assistants are as follows:-

1. Mr. Zahid Alam, Assistant (BS-16), RTA, Hazara, (appointed on 04.05.2012).
2. Mr. Hayat Wali Shah, Assistant (BS-16), RTA, Malakand, (appointed on 09.07.2013).
3. Mr. Bilal, Assistant (BS-16), RTA, Mardan, (appointed on 18.07.2013).
4. Mr. Adnan Naz, Assistant (BS-16), RTA, Kohat, (appointed on 11.11.2013).

The Terms of Reference (TORs) of this inquiry were as follows:

- i. Procedure / method adopted in the recruitment of above mentioned Assistants against the given procedure of recruitment.
- ii. To find out the names of officers who recruited the above Assistants.
- iii. Fate of illegal appointments of the Assistants.
- iv. Any other recommendations deems appropriate.

Hence, this inquiry.

PROCEEDINGS

First of all, the legal procedure to fill the posts of Assistants (BS-14) in PTA/RTAs was perused. According to Recruitment Policy of the Provincial Government, the posts of Assistants (BPS-14 at that time) were required to be filled on the recommendations of the Khyber Pakhtunkhwa Public Service Commission (**Annex-II**). While other terms and conditions i.e qualification, age and method of recruitment are given in the notified Service Rules of PTA/RTAs (**Annex-III**).

The Office record in the custody of Admn Section of Transport & Mass Transit Department was checked by SO Admn. He perused office files which number was used in the appointment orders of above mentioned employees. But no record was found.

The statement of Section Officer (Admn) Mr. Safdar Azam Qureshi is at (**Annex-IV**). Similarly, it was felt necessary to call the following officers/officials to know as to how they were appointed and whether they have any record of these recruitments or otherwise.

1. The Secretary Regional Transport Authority, Mardan.
2. The Secretary Regional Transport Authority, Malakand.
3. The Secretary Regional Transport Authority, Hazara.
4. The Secretary Regional Transport Authority, Kohat.
5. The Secretary Regional Transport Authority, Bannu.
6. Mr. Zahid Alam, Assistant (BS-16), RTA, Hazara.
7. Mr. Hayat Wali Shah, Assistant (BS-16), RTA, Malakand.
8. Mr. Bilal, Assistant (BS-16), RTA, Mardan.
9. Mr. Adnan Naz, Assistant (BS-16), RTA, Kohat.

To the effect, a letter was issued to all concerned (**Annex-V**). All of them appeared on the fixed date. Mr. Salman Nisar DD, represented the Department. Their statements were recorded.

Their cross examination was also recorded. The statement of Deputy Director Mr. Salman Nisar

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is at (Annex-VI). The statements of Secretary RTA Bannu, Malakand, Kohat and Hazara are placed at (Annex-VII, VIII, IX, X) respectively while the statement of current SO (Admn) Transport Department is at (Annex-XI). The statements of Assistant Mr. Adnan Naz RTA Kohat, Assistant Mr. Zahid Alam RTA Abbottabad, Assistant Mr. Bilal RTA Mardan, Assistant Mr. Hayat Wali RTA Malakand along with relevant documents are placed at (Annex-XII, XIII, XIV & XV) respectively. The statement of Mr. Javed Khan the then SO (General), Transport Department now Deputy Secretary, Finance Department is available at (Annex-XVI).

GIST OF STATEMENTS

All the four current Secretary RTAs stated that they were posted after 2012-13 and they don't have any knowledge about the process of recruitments of above mentioned four Assistants. Furthermore they have presented all record now available in their offices i.e appointment orders, Medical certificate, arrival reports etc.

Similarly, all the above Assistants in their examination in Chief and cross examination have admitted that no advertisement was given in the Newspapers. They never ever appeared before the Public Service Commission for test or interview. They were called for interview by phone from Secretary Transport office, and their interview was taken by a panel Chaired by the then Secretary Transport Department, Mr. Khalid Khan Umerzai (now Retd).

Mr. Javed Khan the then SO (G) Transport Department now Deputy Secretary Finance Department stated that he was posted as SO (G) at the time of appointment of three Assistants namely Hayat Wali Shah, Bilal, and Adnan Naz. He stated that during his posting, he had neither written any letter to Public Service Commission nor he was directed to do so by the competent authority. The appointment orders, in question, bears the genuine signatures of the then Secretary Mr. Khalid Khan Umerzai. Furthermore he had neither written for publishing an advertisement in the Newspapers, nor any record was entrusted to him in this regard.

The current SO (G) Mr. Safer Azam stated that he has checked all files and there is no record available related to these appointments.

FINDINGS

1. As per law Assistant (BS-14 at that time) were required to be recruited / appointed on the recommendation of Public Service Commission, KP.
2. The appointment orders of the four Assistants Mr. Adnan Naz RTA Kohat, Assistant Mr. Zahid Alam RTA Abbottabad, Assistant Mr. Bilal RTA Mardan, Assistant Mr. Hayat Wali RTA Malakand are not found in the office record of SO Admn Transport Department.
3. Similarly, recruitment processing record/documents i.e Advertisement, Scrutiny merit list, call letters to the candidates for interview etc or requisition to the Public Service Commission and recommendations by the PSC are not available in the Section Officer (Admn), Section, Transport Department.
4. At this stage, no one can be held responsible except the person who had signed these appointment orders in violation of prescribed procedure.
5. The appointment order of Zahid Alam was signed by Mr. Khalid Khan Umerzai in the capacity of Chairman RTA/ Commissioner Hazara Division. While the appointment orders of Adnan Naz, Bilal and Hayat Wali Shah were signed by Mr. Khalid Khan Umerzai in the capacity of Secretary Transport / Chairman Provincial Transport Authority.
6. All the four Assistants were appointed in violation of prescribed procedure.

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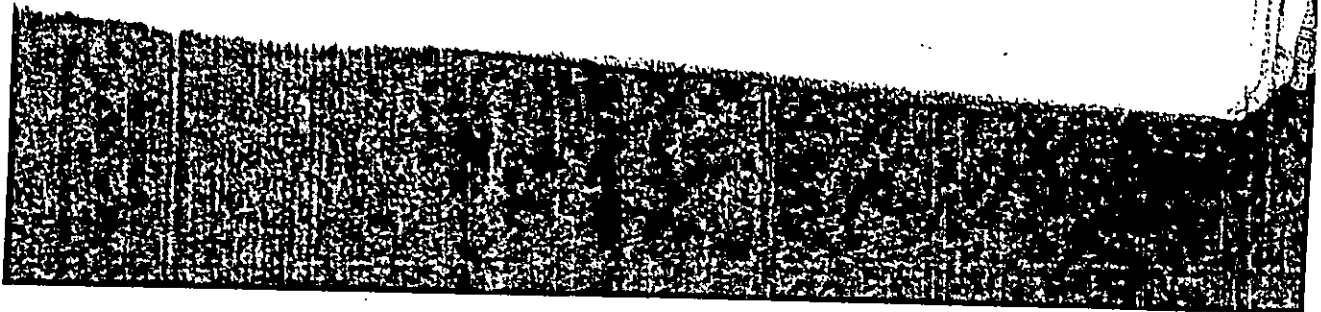
RECOMMENDATIONS

1. Further formal proceedings may be initiated against the four above mentioned Assistants under Efficiency and Discipline Rules.
2. Establishment Department may be approached for further legal action, if any, against Mr. Khalid Khan Umerzai (now Retd).

Dated: 05-11-2018


KALEEMULLAH KHAN
Additional Secretary
Transport Department.

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32
DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212661/9214185/9213556

No. DIR/TPT/1-46/inquiry/

Dated: 21-01-2019

Annex (9)

To,

Mr. Adnan Naz,
Office Assistant (BPS-16),
Regional Transport Authority Kohat.

Subject: NOTICE OF CHARGE SHEET AND DISCIPLINARY ACTION.

I am directed to refer to the subject noted above and to forward herewith a Charge Sheet and Disciplinary Action containing imposition of major penalty of removal from service against you.

I am further directed to convey that your reply to the enclosed Charge Sheet and Disciplinary action should reach this office within seven (07) positively. Also intimate whether you desire to be heard in person or otherwise.

Assistant Director (Admn)
Transport & Mass Transit

4956-58

Endst: No & Date Even:

A copy is forwarded to

1. P.S. to Secretary, Transport and Mass Transit, Govt: of Khyber Pakhtunkhwa.
2. P.A to Director Transport and Mass Transit, Khyber Pakhtunkhwa, Peshawar.

Assistant Director (Admn)
Transport & Mass Transit

Recd / Study on
23/01/19.
Admn
20/01/19.

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33

**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185/9213555

CHARGE SHEET

I, Sharif Hussain, Director Transport & Mass Transit Khyber Pakhtunkhwa Khyber Pakhtunkhwa as competent Authority, hereby charge you, Mr. Adnan Naz Assistant BS-16 RTA Kohat as follows.

- a. As per law Assistant (BS-14 at that time) were required to be recruited/ appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but you were appointed without recommendation of the Public Service Commission.
 - b. Recruitment record/documents i.e Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.
 - c. Since no prescribed procedure was followed, therefore your appointment as Assistant (BS-16) in RTA Kohat is illegal/fake and void abinitio.
2. By reason of the above, you appear to be guilty of inefficiency and misconduct under rule 3 (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the ibid rules.
3. Your written defense, if any, should reach the Inquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and, in that case, an ex-parte action shall be taken against you.
4. Intimate whether you desire to be heard to be heard in person.
5. A statement of allegations is enclosed.

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COMPETENT AUTHORITY



34

DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA
Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185/9213555

DISCIPLINARY ACTION

I, Sharif Hussain, Director Transport & Mass Transit Khyber Pakhtunkhwa as competent Authority, am of the opinion that Mr. Adnan Naz Office Assistant (BPS-16) has rendered himself liable to be proceeded against, as he has committed the following acts/omissions, within the meaning of rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

- a. As per law Assistant (BS-14 at that time) were required to be recruited/ appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but Mr. Adnan Naz Assistant BPS-16 RTA Kohat was appointed without recommendation of the Public Service Commission.
 - b. Recruitment record/documents i.e Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.
 - c. Since no prescribed procedure was followed, therefore his appointment as Assistant (BS-16) in RTA Kohat is illegal/fake and void abinitio.
2. For the purpose of inquiry against the said accused, with reference to the above allegations, as inquiry Officer/Committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules.
1. Mr. Naseem Akhtar, Secretary RTA Peshawar.
 2. Mr. Ahmad Kamal, Secretary PTA.
3. The Inquiry Officer/Committee shall, in accordance with the provisions of the rules, ibid provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of 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/Committee.

ATTESTED

[Signature]

[Signature]

To

The Inquiry Officers,

- 1- Mr. Nadeem Akhtar, Secretary RTA, Peshawar.
- 2- Mr. Ahmad Kamal, Secretary, PTA.

Subject:

WRITTEN REPLY TO CHARGE SHEET DATED 21.01.2019 RECEIVED ON 23.01.2019.

Worthy Sirs,

In response to the charge sheet received vide AD (Admn) T&MT , Khyber Pakhtunkhwa No. DIR/TPT/1-46/Inquiry/ 4956-58 dated 21.01.2019, I very humbly submit my reply as under:-

- 1- That I at the very onset, deny all the allegations leveled against me in the subject charge sheet as speculative and baseless because I have no role to play.
- 2- That I have been appointed by the competent authority under 05 % minority quota, in accordance with law as very much clear from my appointment order vide No. SO (TPT)10(7)2010 dated 11.11.2013 (copy annexed at Flag-A).
- 3- That I have been proceeded against Efficiency and Disciplinary Rules 2011 sub rule 3 (d) and penalties as specified in rule 4 of the ibid rules, and the allegations mentioned in charge sheet do not come under the ambit of rule 3, hence not tenable, because I have been performing my duties efficiently since my appointment in 2013.
- 4- That certain posts including post of Assistant was lying in Transport Department for which I applied against 5 % quota of minorities, and after passing through the recruitment process, I after being found fit and eligible was allowed appointed against the said post vide order No. SO(TPT)10(7)2010 dated 11.11.2013 by the competent authority, against the 5 % minority quota. I was holding the prescribed qualification for the post, I was also medically examined and when found fit was handed over charge of my post. Ever since my appointment, I am performing my duties assigned with full zeal, dedication and commitment, without given any chance of complaint.
- 5- That the charges leveled in the subject charge sheet is misconceived, the undersigned having the prescribed qualification and fulfill the criteria applied for the post and was thereafter appointed, as all the charges are with regard to the process of appointment and relates to the department alone, the undersigned has no say in process of appointment. Thus any irregularity even if committed during the recruitment process, I cannot be held liable for the same.

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That the august Supreme Court of Pakistan has in a number reported judgment held that "any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment".

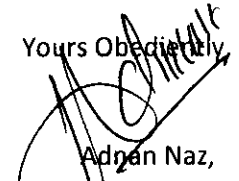
Similarly the august Supreme Court of Pakistan in reported judgment 2007 PLC Civil Service 179 held as under:-

"for the irregularities committed by department itself regarding appointment of candidate, the appointees could not be condemned subsequently with the change of heads in department or on the upper level--- Govt being institution is perpetuity, its orders could not be reversed simply because the heads had changed --- such act of departmental authorities was unjustified when the candidate was otherwise fully qualified to hold the job".

- 7- That I was appointed by the competent authority after observing all the codal formalities. I have taken over the charge of my post and performing my duties since 2013, moreover I have also received salaries thus the order of my appointed have been acted upon and valuable rights have been accrued in my favour now, and the principle of locus poenitentiae is applicable, because decisive steps have been taken and the undersigned has taken over the charge and performed duties.
- 8- It is also worth mentioning that an inquiry in the same matter was previously conducted in 2014 and was allegedly filed, hence this new inquiry is sheer waste of time and resources of public exchequer on one hand and immense source of pain and anguish to the undersigned and my family on the other.
- 9- That I have never done any act or omission which can be termed as misconduct, I cannot be punished for irregularity if any occur in the recruitment process (My pay slip is annexed at Flag-B).
- 10- That I also desire to be heard in person.

It is, therefore, humbly requested that on acceptance of this reply, the subject charge sheet may please be dropped and I may be exonerated of the charges.

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Yours Obediently

Adnan Naz,
Assistant BS-16, o/o RTA, Kohat



37 OFFICE OF THE CHAIRMAN,
PROVINCIAL TRANSPORT AUTHORITY,
KHYBER PAKHTUNKHWA, PESHAWAR
Hall No: 310, Benevolent Fund Building, Peshawar cantt.
Phone No: 091-9211913 Fax # 091-9213447

Annex (H)

No. 270-74/PTA

Dated Peshawar the 22/01/2019

To

Mr. Adan Naz,
Office Assistant (BPS-16),
Regional Transport Authority,
Kohat Division Kohat.

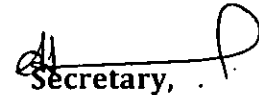
Subject:

**ENQUIRY IN ILLEGAL APPOINTMENT OF ASSISTANT (BPS-16) OF
REGIONAL TRANSPORT AUTHORITY MARDAN, HAZARA, KOHAT
& MALAKAND.**

Memo:

In compliance of the constitution of enquiry committee letter No. DIR/TP/1/1-46/inquiry/4945-48, dated 21/01/2019 on the captioned subject.


You are hereby directed to appear before the enquiry committee on 25th of January-2019 at 11:00 AM in the office of Secretary Provincial Transport Authority Khyber Pakhtunkhwa located at 2nd floor Hall # 310 (Benevolent Fund Building Saddar Road Peshawar Cantt).


Secretary,

Provincial Transport Authority,
Khyber Pakhtunkhwa,
Peshawar

Carbon Copy to the:-

- 1) Secretary Regional Transport Authority Kohat Division Kohat.
- 2) Assistant Director (Admn) Directorate of Transport & Mass Transit Khyber Pakhtunkhwa with the request that a well conversant representative of the Directorate of Transport & Mass Transit Khyber Pakhtunkhwa shall join the proceedings on the date, time & venue mentioned above.
- 3) PS to Chairman PTA Khyber Pakhtunkhwa.
- 4) PA to Director Transport & Mass Transit Khyber Pakhtunkhwa.


Secretary,
Provincial Transport Authority,
Khyber Pakhtunkhwa,
Peshawar

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CONFIDENTIAL

INQUIRY REPORT

DISCIPLINARY PROCEEDING AGAINST MR. ADNAN NAZ, ASSISTANT BPS-16
RTA KOHAT UNDER E&D RULES-2011.

The undersigned's have been appointed as inquiry officers by Directorate of Transport & Mass Transit Khyber Pakhtunkhwa vide letter No. DIR/TPT/1-46/inquiry/4945-48 dated 21/01/2019 (Annex-"A") to conduct inquiry into the allegations leveled against Mr. Adnan Naz, Assistant BPS-16 RTA Kohat.

BACKGROUND OF ENQUIRY

As per statement of allegation and charge sheet, the charges have been leveled against the accused official as per following:-

- a) As per law Assistant (BS-14 at that time) were required to be recruited/appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but you were appointed without recommendation of the Public Service Commission.
- b) Recruitment record/documents i.e Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.
- c) Since no prescribed procedure was followed, therefore his appointment as Assistant (BS-16) in RTA Kohat is illegal/fake and void abinitio.

PROCEEDINGS.

In order to probe into the aforesaid allegation Mr. Adnan Naz was summoned to appear before the inquiry committee on 25/01/2019 (Annex-"B").

He appeared on the said date and requested some time to properly giving his written reply against the allegations leveled against him. He was given time for 31/01/2019, meanwhile Director Transport & Mass Transit Khyber Pakhtunkhwa was requested to depute his representative for the said date. Mr. Adnan Naz appeared before the inquiry committee on 31/01/2019, Mr. OsafUllah (Assistant Director) Directorate of Transport & Mass Transit Khyber Pakhtunkhwa also joined the proceedings of inquiry. Mr. Adnan Naz submitted the written statement before the inquiry committee (Anx: C).

A comparison of charges leveled against the accused official and his statement/reply is reproduced as under:-

S. No	Charge	Reply
a	As per law Assistant (BS-14 at that time) were required to be recruited/appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but you were appointed without recommendation of the Public Service Commission.	That I at the very outset deny the allegation leveled against me in the subject charge sheet as unfounded and baseless because I have no role to play. I have been appointed by the competent authority under 05% minority quota, in accordance with law as very much clear from my appointment order vide No. SO(TPT)10(7)2010, dated 11-11-2013. Certain posts including post of Assistant was lying vacant in Transport Department for which I applied against 5 % quota of minorities, and after passing through the recruitment process, I

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		after being found fit and eligible was allowed appointed against the said post by competent authority against the 5% minority quota.
b	Recruitment record/documents i.e Advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC are not available in the Department.	That I was appointed by the competent authority after observing all the codal formalities. I have taken over the charge of my post and performing my duties since 2013, moreover I have also received salaries thus the order of my appointment have been acted upon and valuable rights have been accrued in my favor now, and the principle of locus poenitentiae is applicable, because decisive steps have been taken and the undersigned has taken over the charge and performed duties. I have never done any act or omission which can be termed as misconduct; I cannot be punished for irregularity if any occur in the recruitment process.
c	Since no prescribed procedure was followed, therefore his appointment as Assistant (BS-16) in RTA Kohat is illegal/fake and void abinitio.	The charges leveled in the subject charge sheet is misconceived, the undersigned having the prescribed qualifications and fulfill the criteria applied for the post and was thereafter appointed, as all the charges are with regard to the process of appointment and relates to the department alone, the undersigned has no say in process of appointment. Thus any irregularity even if committed during the recruitment process, I cannot be held liable for the same. He further added that:- The August Supreme court of Pakistan has in number reported judgment held that <i>“any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment”</i> . <i>Similarly the august supreme court of Pakistan in reported judgment 2007 PLC Civil Service 179 held as under:-</i> <i>“For the irregularities committed by department itself regarding appointment of candidate, <u>the appointees could not be condemned subsequently with the change of heads in department or in the upper level-- Government being institution in perpetuity, its orders could not be reversed simply because the heads had changed-- such act of departmental authorities was unjustified when the candidate was otherwise fully qualified to hold the job”</u></i>

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FINDINGS:-

Charge No. (a):-

In defense to charge No “a” the accused official has stated that he at the very outset deny the allegation leveled against him in the subject charge sheet as unfounded and baseless because he has no role to play. He has been appointed by the competent authority under 05% minority quota, in accordance with law as very much clear from appointment order vide No. SO(TPT)10(7)2010, dated 11-11-2013.

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Certain posts including post of Assistant was lying vacant in Transport Department for which he applied against 5 % quota of minorities, and after passing through the recruitment process, he after being found fit and eligible was allowed appointed against the said post by competent authority against the 5% minority quota. Transport Department was established in 2007 while directorate of transport was established in 2002. Before the establishment of Transport Department in 2007, Directorate of Transport was attached department of Environment Department and as per rule of business, administration of PTA/RTAs was mandate of Environment Department and the mandate of appointment in BS 11-15 in PTA/RTA was mandate of Public Service Commission.

Hence, charge No. "a" is proved.

Charge No (b):-

In defense to charge No "b", the accused official stated that he was appointed by the competent authority after observing all the codal formalities. He has taken over the charge of post and performing duties since 2013, moreover he has also received salaries thus the order of appointment have been acted upon and valuable rights have been accrued in his favor now, and the principle of locus poenitentiae is applicable, because decisive steps have been taken and he has taken over the charge and performed duties. I have never done any act or omission which can be termed as misconduct; I cannot be punished for irregularity if any occur in the recruitment process. The representative of the Transport Department was summoned, upon which he appeared before the committee. His statement was recorded (Anx: D), wherein he stated that there is no such record available with the department regarding appointment of the accused official.

As it is the responsibility of accused official to provide necessary evidence showing his recruitment in a fair and just manner. Neither the official nor the department could show any documents / evidence regarding the recruitment in issue. Which clearly reflects that there is nothing on record to show that recruitment process was carried out in a fair and transparent manner, Hence Charge "b" is proved.

Charge No "c".

In defense to charge No "c" the accused official has stated that the charges leveled in the subject charge sheet is misconceived, he having the prescribed qualifications and fulfill the criteria applied for the post and was thereafter appointed on the said post He further added that, The August Supreme court of Pakistan has in number reported judgment held that ***"any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment"***. Similarly the august supreme court of Pakistan in reported judgment 2007 PLC Civil Service 179 held as under:- **"For the irregularities committed by department itself regarding appointment of candidate, the appointees could not be condemned subsequently with the change of heads in department or in the upper level--- Government being institution in perpetuity, its orders could not be reversed simply because the heads had changed--- such act of departmental authorities was unjustified when the candidate was otherwise fully qualified to hold the job"**. The accused was asked that at the time of appointment, does he fully qualify for the requirements for appointment as Assistant. He replied that at the time of his appointment he possessed the required qualification and age limit. As per service rule for appointment of Assistant in PTA/RTA vide notification dated 16-10-1980 (Anx: E) the age limit for the post of Assistant for initial recruitment is 21-25 years and Bachelor's Degree in terms of qualification.

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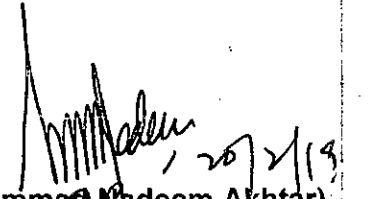
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As no prescribed procedure was followed, the appointing authority was not competent to appoint the accused official, which clearly reflects that the recruitment of the accused official was void abinitio, hence does not confer any right therefore, charge No. "c" is proved. The accused is proved to be guilty under definition of "misconduct" as defined under rule 2 (l)(v)(vi) of E&D Rules 2011.

Based on the above facts and explanations the Inquiry report is submitted for further necessary action please.


(Ahmad Kamal)
Secretary

Provincial Transport Authority
Khyber Pakhtunkhwa


(Muhammad Nadeem Akhtar)
Secretary
Regional Transport Authority
Peshawar

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Annex (13)

**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185/9213555

No. DIR/TPT/1-46/inquiry/5870-72.

Dated: 13-03-2019

To,

Mr. Adnan Naz,
Office Assistant (BPS-16),
Regional Transport Authority, Kohat Division.

Subject: SHOWCASE NOTICE.

I am directed to refer to the subject noted above and to forward herewith a showcase containing imposition of major penalty of removal from service against you.

I am further directed to convey that your reply to the enclosed showcase should reach this office within seven (07) ^{days} positively. Also intimate whether you desire to be heard in person or otherwise.


**Assistant Director (Estt)
Transport & Mass Transit**

Endst: No & Date Even:

A copy is forwarded to

1. P.S. to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. P.A to Director Transport and Mass Transit, Khyber Pakhtunkhwa, Peshawar.


**Assistant Director (Estt)
Transport & Mass Transit**

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43
**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt. Tel: 091-9214185/9212061

No. DIR/TPT/1-46/Inquiry/

Dated: 13-03-2019

SHOW CAUSE NOTICE

I, Mr. Sharif Hussain, Director Transport & Mass Transit Khyber Pakhtunkhwa Khyber Pakhtunkhwa as competent Authority, of the opinion that you Mr. Adnan Naz Office Assistant (BPS-16), has rendered yourself liable to be proceeded against, as you have committed the following acts/omissions, within the meaning of rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

2. And where as Mr. Ahmad Kamal Secretary Provincial Transport Authority and Mr. Nadeem Akhtar Secretary Regional Transport Authority Peshawar were appointed to conduct inquiry against you.

3. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication No. DIR/TPT/1-46/inquiry/4949-51 dated: 21-01-2019.

4. On going through the findings of the enquiry officer, the material on record and other connected papers including your defense before the inquiry officer, all the charges, conveyed to you through charge sheet and statement of allegation, have been proved.

- a. As per law, Assistants (BS-14 at that time) were required to be recruited/ appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission, but you were appointed without recommendation of the Public Service Commission.
- b. No record of recruitment was maintained and advertisement, short listing procedure, call letters to the candidate for interview, interview papers, merit lists, requisition to the Public Service Commission and recommendation by the PSC is not available on record.
- c. Since no prescribed procedure was followed, therefore your appointment as Assistant (BS-16) in RTA Kohat is illegal/fake and void abinitio.

5. As a result thereof, I, as a competent authority, have tentatively decided to impose upon you the penalty of *Removal From Service* under rules 4 of the said rules.

6. 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.

7. If no reply is received to this notice within 07 days or not more than 15 days on its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be initiated against you.

ATTESTED

KQ


DIRECTOR

**Transport & Mass Transit
Khyber Pakhtunkhwa**

44

Annex (K)

To,

Director,
Transport & Mass Transit,
Khyber Pakhtunkhwa, Peshawar.

REPLY TO SHOW CAUSE NOTICE DATED 13-03-2019

Adnan Naz, Assistant (BPS-16), the petitioner, submits most respectfully the following para wise reply to the show cause notice dated 13-03-2019, for your kind consideration and favour of acceptance.

1. Not controverted. However the petitioner has already submitted his detailed reply to the charge sheet before the worthy Inquiry Officer, fully discussing the legal and factual position on record.
2. Pertains to record.
3. That the Inquiry Proceedings were not conducted in accordance with the law. Neither any documentary or oral evidence was produced in the petitioner's presence, nor was he allowed the opportunity to cross examine any witness or confront any documentary evidence.

It is worth mentioning that in spite of petitioner's repeated requests, the final Inquiry Report was not provided to the petitioner.

4. That since the Inquiry Report was not provided to the petitioner, he is completely unaware about the contents and findings of such report.
 - a) That certain posts including the post of Assistant BPS-14, were lying vacant in the department, wherein the petitioner applied for the post of Assistant against the 5% quota reserved for minorities.

After going through the test and interview required for recruitment process, the petitioner was found eligible and fit for appointment to the said post. Resultantly vide order No. SO (TPT)10(7) 2010 dated 11-11-2013, the petitioner was appointed as Assistant BPS-14 against the minority quota by the competent authority.

- b) That the department is custodian of the record pertaining to the recruitment, which included short listing, call letter, test, interview etc.

ATTESTED

KQ

If in case such record is missing, that may be the work of some vested interests and cannot be blamed upon the petitioner and made a ground for such a harsh penalty.

- 45
- c) That due process in vogue at the relevant time was adopted and the appointment was made by the competent authority.

It is worth mentioning that no action has been taken against the appointing authority, which speaks volume about the fair selection of the petitioner on merit.

It is further added that two categories consisting of Assistants BPS-14 and Junior Clerks BPS-07, were selected and appointed at the relevant time through similar process vide same notification dated 09-05-2014. That only post of Assistant is being specifically targeted, whereas 04 Junior Clerks appointed through similar notification No. SO(G) 10-15/3231-6 dated 09-05-2014 were ignored, which is not only arbitrary, but also discriminatory.

5. That the competent authority has opted to impose a harsh penalty of removal from service, while arbitrarily targeting the post of Assistant only and ignoring the posts 04 of Junior Clerks, who were appointed vide similar notification No. SO(G) 10-15/3231-6 dated 09-05-2014.

That the worthy Supreme Court of Pakistan in case law reported **2011 PLC (CS) 1296** has laid down the dictum, that irregular appointments, which did not show any lapse on the part of the employee or commission of any fraud by him, then penalty imposed upon such employees is not sustainable and is liable to be set aside.

- 6&7. That under the given circumstances, the show cause notice is merely based on assumptions, presumptions, conjunctures and surmises.

That any adverse action against the petitioner would be arbitrary, discriminatory, against the principles of equity, law, justice and propriety.


In view of the above, it is most humbly requested that by accepting this reply to the show cause notice may kindly be re-called and set aside by exonerated of the charges leveled against him, while allowing him to continue with his service as Assistant BPS-16, with all the benefits of service due.

It is further requested that the petitioner may be provided the opportunity to be heard in person along with the relevant records.

ATTESTED

KQ

Dated: 15-03-2019


Adnan Naz,
Assistant (BPS-16),
0333-9632996



46

**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt. Tel: 091-9212061/9214185

No. Dir/TPT/1-46/Inquiry/6318-2


Dated: 08-04-2019

To,

1. Mr. Zahid Alam,
Office Assistant (BPS-16), RTA Abbottabad.
2. Mr. Hayat Wali Shah,
Office Assistant (BPS-16), RTA Swat.
3. Mr. Adnan Naz,
Office Assistant (BPS-16), RTA Kohat.
4. Mr. Bilal,
Office Assistant (BPS-16), RTA Mardan.

**Subject: INQUIRY IN ILLEGAL APPOINTMENT OF ASSISTANTS (BS-16) OF
RTA MARDAN, ABBOTTABAD, KOHAT AND SWAT.**


I am directed to refer to your show cause notice replies dated: 22nd, 25th, March and 4th April-2019 on the subject noted above and to state that you are hereby directed to appear before the worthy Director Transport & Mass Transit along with relevant record on 11-04-2019, at 11:00 am for personal hearing as per your request.


Assistant Director (Estt)
Transport & Mass Transit

Endst: No. & Date Even:

A copy is forwarded for information to the: -

1. Section Officer (Admn), Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa with reference to his letter No. SO(G)/TD/16-10/Promotion/7014-16 dated:19-11-2018.
2. P.A to Director Transport and Mass Transit, Khyber Pakhtunkhwa.
3. Regional Transport Authority Abbottabad, Mardan, Kohat & Swat for information.


Assistant Director (Estt)
Transport & Mass Transit

ATTESTED

KQ



47
Annex (L)

Directorate of Transport & Mass Transit
Khyber Pakhtunkhwa

Ground Floor, Benevolent Fund Building, Peshawar Cantt Tel: 091-9214185/9212061

OFFICE ORDER:-

Dated: 29th April, 2019

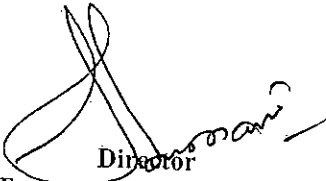
No.Dir/TPT/1-46/inquiry/6760-66 . WHEREAS, Mr. Adnan Naz serving as Office Assistant (BPS-16) in Regional Transport Authority Kohat was proceeded against under the Khyber Pakhtunkhwa Government Civil Servant (Efficiency & Discipline) Rules, 2011, for the charges as mentioned in the Charge Sheet and Statement of Allegations, served upon him on 21-01-2019;

2. AND WHEREAS, the Enquiry Committee comprising of Mr. Ahmad Kamal Secretary Provincial Transport Authority and Mr. Nadeem Akhtar Secretary Regional Transport Authority Peshawar were constituted to conduct inquiry under Civil Servant (Efficiency Disciplinary Rules 2011) against the said accused official with reference to the allegations levelled against him in the Charge Sheets and Statement of Allegations;

3. AND WHEREAS, the Enquiry Committee, after having examined the charges, evidence on record and explanation of the accused official, submitted its report, wherein the charges against the official have been proved;

4. AND WHEREAS, a Show Cause Notice was served on him on 13-03-2019, conveying him the major penalty of removal from service and asking to Show Cause as to why the aforementioned penalty be imposed upon him. He submitted a written reply to the Show Cause Notice and he was also given the opportunity of personal hearing on 11-04-2019. He failed to produce anything new in his defense. Rather in his reply he mentioned the facts already mentioned in reply to the statement of allegations and charge sheet.

5. NOW, THEREFORE, The competent Authority, after having considered the charges, evidence on record, finding of the Enquiry committee, hearing of the accused official and exercising powers conferred upon him under Rule-4 of Khyber Pakhtunkhwa Government Civil Servant (Efficiency & Discipline) Rules, 2011, is pleased to impose a major penalty of "Removal from service" on Mr. Adnan Naz, Office Assistant (BPS-16) with immediate effect.


Director
Transport & Mass Transit
Khyber Pakhtunkhwa

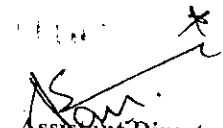
Endst: No. So (Estt) FE & WD / II-2/2k15

A copy is forwarded to the:

1. Chairman RTA/Commissioner Kohat.
2. District Account Office Kohat.
3. Secretary Provincial Transport Authority Peshawar.
4. Secretary Regional Transport Authority Kohat.
5. PS to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
6. Master file.
7. Officer concerned.

ATTESTED

KQ


Assistant Director (Estt)
Transport & Mass Transit

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To

The Honorable Secretary/ Chairman,
Provincial Transport Authority,
Khyber Pakhtunkhwa, Peshawar.

Annex (M)

Subject:

DEPARTMENTAL APPEAL, AGAINST THE
ORDER DATED 29.04.2019, WHEREBY THE
APPLICANT HAS BEEN AWARDED THE MAJOR
PENALTY OF REMOVAL FROM SERVICE.

Re: departmental appeal:

ON ACCEPTANCE OF THIS APPEAL THE ORDER
DATED 29.04.2019, MAY PLEASE BE SET ASIDE
AND THE UNDERSIGNED MAY KINDLY BE
REINSTATED INTO SERVICE WITH ALL BACK
BENEFITS.

Respected Sir,

The undersigned very humbly submits the following few lines
for your kind and sympathetic consideration:

1. That the undersigned was initially appointed as Assistant (BS14) in the Transport Department, and ever since his appointment the undersigned performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.
2. That during service the undersigned being fit and eligible was upgraded to the post Assistant (BS16) according to the seniority list duly prepared and maintained by the respondent department.
3. That the respondent department earlier initiated departmental proceedings / inquiry against the appointment of Undersigned vide letter dated 22.05.2014, in which charge sheet dated 09.05.2014 was issued and was duly replied vide reply dated 19.05.2014 by rebutting all the baseless allegation and denied all the allegation leveled against the undersigned.

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ATTESTED

[Signature]

ATTESTED
KQ

9. That the penalty so imposed upon the undersign is illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds:

8. That without following the legal process and formalities, proper inquiry and opportunity of personal hearing through office order dated 29.04.2019 major penalty of "Removal from Service" was imposed.

7. That the respondent department being not satisfied with the detailed reply of the undersigned issued Show Cause Notice dated 13.03.2019 which was again duly replied by the undersigned vide reply dated 25.03.2019.

6. That the respondent department initiated so called inquiry proceeding against the undersigned, which was duly replied according to the allegations and denied the same, while during proceedings on the findings of the inquiry committee only suggestion were made that the department has to provide the appointment evidence which so they failed and the responsibility was placed / dropped on the shoulder of undersigned and resultantly show cause notice was issued against the undersigned.

5. That the respondents have again initiated departmental proceedings against the undersigned on same baseless allegations in the charge sheet, of illegal appoint and not following the rules for appointment by the department, which was duly replied vide reply dated 31.01.2019 and may kindly be considered as integral part of the departmental appeal.

4. That the inquiry / departmental proceeding which was initiated against the undersigned and upon the rebuttal of the same and also clearing the position before the departmental authority / competent authority, upon the conclusion the competent authority withdraw their proceeding and the charges leveled against the undersigned and also allow him to continue his duties according to the appointment contract issued by the authority.

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GROUNDS OF DEPARTMENTAL APPEAL

- A. That the undersigned has not been treated in accordance with law hence the rights secured and guaranteed under the law and constitution is badly violated.
- B. That no proper procedure has been followed before awarding me the penalty of Removal from service, the whole proceedings are thus nullity in the eyes of law.
- C. That the undersigned was appointed by the competent authority under 5% minority quota, in accordance with law as the same is very much clear from the appointment order dated 11.11.2013, against the vacant post of Assistant in the respondent Department.
- D. That the undersigned was appointed by the competent authority by fulfilling all the eligibility criteria, taken over the charged and performed his duties since 2013, more over I was received the salaries for the work done since 2013, thus the order of appointment have been acted upon and valuable rights have been accrued in my favour according to the principal of locus Poenitentiae.
- E. That I have not done any act or omission which can be turned as mis conduct, thus I cannot be punished for the irregularities if any occurred in the recruitment process made by the department.
- F. That I have not been given proper opportunity of personal hearing before awarding me the penalty, hence I have been condemned unheard.
- G. That the charges were denied by the undersigned had never admitted, nor there was sufficient evidence available to held the undersigned guilty of the charges.
- H. That the superior courts have in a number of reported judgments held that in case of awarding major penalty of dismissal from service regular procedure of holding inquiry cannot be dispensed with that too when the charges are denied by the employee.

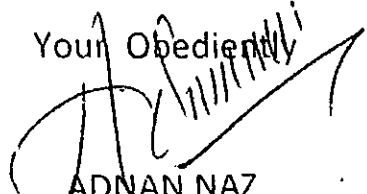
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ATTESTED

KQ

- I. That the supreme court of Pakistan held in its recent judgments' that any irregularity committed by department in the appointment process the employee cannot be held but the same action be taken against the appointing authority (1996 SCMR 413. 2002 SCMR 1034 . 2006 SCMR 678 . 2011 PLC. CS 1296).
- J. That I have never committed any act or omission which could be termed as misconduct the leveled against me are false and baseless besides the same are neither probed nor proved albeit I have illegally been removed from service.
- K. That I have my credit a long unblemished and spotless service career, the penalty imposed upon me is too harsh and is liable to be set aside.
- L. Previously an inquiry was conducted in 2014 which was filed declaring us innocent .now the inquiry was conducted which is mere illegal biased and based on personal animosity and ultimately sheer waste of time.
- M. That I jobless since my dismissal from service.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 29.04.2019. May please be set aside and the undersigned may kindly be reinstated into service with all back Benefits.

Your Obediently

ADNAN NAZ
Ex Assistant (BS 16)
RTA KOHAT.

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ATTESTED





**GOVERNMENT OF KHYBER
PAKHTUNKHWA
TRANSPORT & MASS TRANSIT
DEPARTMENT**

Ph: 091-9223615
Fax: 091-9212556

No. SO (G)/10-15/2019/Inquiry RTA

[Dated: 01-08-2019] **6323-25**

To

The Director,
Transport & Mass Transit,
Khyber Pakhtunkhwa.

Diary No. **338**
Date **02-08-19**
Directorate of Transport
And Mass Transit, KPK

Subject: -

**ENQUIRY IN ILLEGAL APPOINTMENT OF ASSISTANTS (BS-16) OF RTA
MARDAN, HAZARA, KOHAT AND MALAKAND.**

I am directed to refer to your letter No.DIR/TPT/1-46/Inquiry/8293-95 dated 12-07-2019 and this Department letter of Even No. dated 23-07-2019 on the subject noted above and to state that the following four applicants during personal hearing on 26-07-2019 at 10:00 hrs in the office of Secretary Transport & Mass Transit has neither produced any relevant documents/record nor cogent reason to justify these appointments which were made in violation of Government rules and policy:-

- (1) Mr. Zahid Alam, Assitant (BS-16), RTA, Hazara
- (2) Mr. Hayat Wali Shah, Assistant (BS-16), RTA, Malakand
- (3) Mr. Bilal, Assistant (BS-16), RTA, Mardan
- (4) Mr. Adnan Naz, Assistant (BS-16), RTA, Kohat

In view of the above, I am further directed to inform that the recommendations of the Enquiry Committee with regard to removal from service are maintained please.

plz convey it to them

[Signature]
2/8

[Signature]

SECTION OFFICER (ADMN)

Endst: No. & Date Even

Copy forwarded to the:

1. The Assistant Director (Estt.). Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa w/r to his letter No. as cited above for information and necessary action
2. PS to Secretary Transport & Mass Transit Department, Khyber Pakhtunkhwa.
3. Master File.

AD (B)

*my to
2/8
suph-
Putup on file: pl*

ATTESTED
KQ

SECTION OFFICER (ADMN)



DIRECTORATE OF TRANSPORT & MASS TRANSIT

KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185

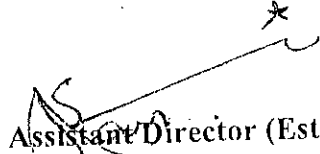
DIR/TPT/I-46/inquiry 11258-64
Dated: 05-08-2019

To,

1. Mr. Zahid Alam, Assistant Regional Transport Authority Hazara.
2. Mr. Hayat Wali Shah, Assistant Regional Transport Authority Swat.
3. Mr. Adnan Naz, Assistant Regional Transport Authority Kohat.
4. Mr. Bilal, Assistant Regional Transport Authority Mardan.

Subject: - INQUIRY IN ILLEGAL APPOINTMENT OF ASSISTANTS (BPS-16) OF REGIONAL TRANSPORT AUTHORITY MARDAN, HAZARA, KOHAT & MALAKAND.

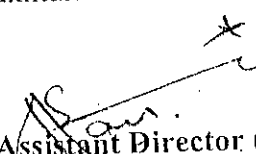
I am directed to refer to the subject noted above and to inform you that the Competent Authority has regretted your appeal regarding removal from service vide Letter No.SO(G)/10-15/2019/inquiry RTA/6323-25 dated 01-08-2019 (copy enclosed).


Assistant Director (Estt)
Transport & Mass Transit.

Endst: No. & Date Even:

A copy is forwarded for information to the: -

1. P.S to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
2. The Section Officer (Admn) Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa w/r to his letter referred as above.
3. P.A to Director, Transport & Mass Transit, Khyber Pakhtunkhwa.


Assistant Director (Estt)
Transport & Mass Transit

ATTESTED

KQ



**DIRECTORATE OF TRANSPORT AND MASS TRANSIT
KHYBER PAKHTUNKHWA, PESHAWAR**

No. DMTPT/EMT/1-11/2016/PP
Dated Peshawar the 20-05-2016

ORDER:

On the recommendation of the Departmental Promotion Committee (DPC) meeting held on 14-06-2016, the following officials of the Provincial Transport Authority (PTA) and Regional Transport Authorities (RTAs) are hereby promoted against the vacant posts in PTA and RTAs, Khyber Pakhtunkhwa on regular basis with effect from 27.05.2016, as per following details:

Senior Clerks (BS-14):

S#	Name	Authority	Promoted From	Promoted To
1	KhushBakht	RTA Peshawar	Stenographer (BS-14)	Assistant (BS-16)
2	Ifikhar Ahmad	PTA Peshawar	Senior Clerk (BS-14)	Assistant (BS-16)
3	Zubair Hussain	RTA Peshawar	Senior Clerk (BS-14)	Assistant (BS-16)
4	Amir Baz	PTA Peshawar	Senior Clerk (BS-14)	Assistant (BS-16)
5	Muhammad Ibrahim	RTA Swat	Senior Clerk (BS-14)	Assistant (BS-16)

Junior Clerks (BS-11):

S#	Name	Authority	Promoted From	Promoted To
1	Abidullah	PTA Peshawar	Junior Clerk (BS-11)	Senior Clerk (BS-14)
2	Zakir Khan	PTA Peshawar	Junior Clerk (BS-11)	Senior Clerk (BS-14)
3	Zeeshan Ali Shah	RTA Hazara	Junior Clerk (BS-11)	Senior Clerk (BS-14)
4	Adnan	RTA Swat	Junior Clerk (BS-11)	Senior Clerk (BS-14)

2. The officers/officials on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 14(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 or till their retirement, whichever is earlier, as the case may be.

3. Consequent upon their promotions, the following postings/transfers have been ordered with immediate effect:
Assistants (BS-16):

S#	Name	From	To
1	KhushBakht	RTA Peshawar	RTA, D.I.Khan
2	Ifikhar Ahmad	PTA Peshawar	RTA, D.I.Khan
3	Zubair Hussain	RTA Peshawar	RTA, Hazara
4	Amir Baz	PTA Peshawar	RTA, Hazara
5	Muhammad Ibrahim ✓	RTA Swat	Retained in RTA, Swat
6	Hamdullah	RTA Hazara	RTA Swat

Senior Clerks (BS-14):

S#	Name	From	To
1	Abidullah	PTA Peshawar	PTA Peshawar
2	Zakir Khan	PTA Peshawar	PTA Peshawar
3	Zeeshan Ali Shah	RTA Hazara	RTA Peshawar
4	Adnan ✓	RTA Swat	Retain in RTA Swat

[Signature]
Director Transport & Mass Transit
Khyber Pakhtunkhwa

Endst.No. & Date Even:

Copy for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Accountant Officer, Malakand, Abbottabad & D.I Khan.
3. Secretary Provincial Transport Authority (PTA), Khyber Pakhtunkhwa.
4. Secretary Regional Transport Authority (RTA), Peshawar, Malakand, Abbottabad & D.I Khan.
5. PS to Secretary Transport & Mass Transit Deptt., Govt. of Khyber Pakhtunkhwa.
6. Officials concerned.

[Signature]
Deputy Director
Transport & Mass Transit

ATTESTED
[Signature]



SS

DIRECTORATE OF TRANSPORT & MASS TRANSIT KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building, Peshawar Cantt Tel: 091-9212061/9214185/9213555

OFFICE ORDER

Dated: 27-06-2019

No. Dir/TPT/1-85/Promotion/ 7857 - 76. On the recommendation of Departmental Promotion Committee (DPC) meeting held on 25th June, 2019 the following officials of Provincial Transport Authority and Regional Transport Authorities are hereby promoted to the post of Senior Clerk (BPS-14) on regular basis with immediate effect.

They will be on probation for a period of one year extendable for another one year in terms of Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989.

S.No	Name	Current Designation	Promoted to
1.	Mr. Tofail Shukat	Junior Clerk (BPS-11)	Senior Clerk (BPS-14)
2.	Mr. Muhammad Kamran	-do-	-do-
3.	Mr. Tasneem Ullah Noman	-do-	-do-
4.	Mr. Falak Naz	-do-	-do-
5.	Mr. Ameer Shah	-do-	-do-
6.	Mr. Darwaish Ahmad	-do-	-do-

Consequent upon their promotion, the following posting/transfer have been ordered with immediate effect.

S.No	Name	From	To
1.	Mr. Tofail Shukat	RTA Mardan	PTA
2.	Mr. Muhammad Kamran	PTA	Retained
3.	Mr. Tasneem Ullah Noman	RTA Kohat	PTA
4.	Mr. Falak Naz	PTA	RTA Peshawar
5.	Mr. Ameer Shah	RTA Swat	Retained
6.	Mr. Darwaish Ahmad	RTA Peshawar	PTA


Director
Transport & Mass Transit
Khyber Pakhtunkhwa


Endst: No. & Date Even:

A copy is forwarded for information to the: -

1. Accountant General Office Khyber Pakhtunkhwa.
2. P.S to Secretary Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
3. Secretary Provincial Transport Authority, Khyber Pakhtunkhwa, Peshawar.
4. Regional Transport Authority Peshawar, Swat, Kohat and Mardan.
5. Official Concerned.
6. Office Order file.

ATTESTED

KQ


Assistant Director (Estt)
Transport & Mass Transit

07/07/19

56

WAKALATNAMA

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Adnan Naz

Petitioner(s)

Versus

Govt. of KPK Through Secretary Transport and others

Respondent(s)

I, Petitioner / Appellant

in the above noted Service Appeal, do hereby appoint and constitute **BARRISTER KAMRAN QAISAR** Advocate to appear, plead, act, compromise, give affidavit, withdraw or refer to arbitration to me/ us as my/ our Counsels in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.



Dated: 21-8-2019

BARRISTER KAMRAN QAISAR

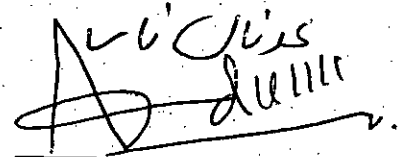
Advocate High Court

D-11, 4th Floor Haroon Mansion

Khyber Bazar, Peshawar

Cell: 0333-4555502/ 0310-9405959

Email: kamranqaisar@gmail.com



Signature/ Thumb
impress of the Client

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1103/2019

Adnan Naz

.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Transport & others

..... (Respondents)

INDEX

S.No.	Description of Documents	Annex	Pages
1	Parawise comments along with verification	-	01-03

Dated: 12/02/2020

[Handwritten Signature]
DEFENDENT
18/2/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1103 /2019

Adnan Naz

.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Transport & others(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01,02 & 03.

Respectfully Sheweth,

Preliminary Objections;

1. That the appellant has got no cause of action to file the present service appeal.
2. That the appellant is estopped by his own conduct to file the instant service appeal.
3. That the service appeal is bad in its present shape and is not maintainable in its present form.
4. That with utmost respect this Honorable Court has got no jurisdiction to entertain the service appeal.
5. That the service appeal is bad for mis-joinder and non-joinder of necessary parties.
6. That the appellant has got no locus standi to file the instant service appeal.

ON FACTS:

- banw*
- 1) Para 1 of the service appeal is correct to the extent that the respondent department issued appointment letter of the Office Assistant BPS-14 and later on the post of Office Assistant was upgraded to BPS-16 in favor of all the Office Assistant working in Khyber Pakhtunkhwa, rest of the para hence denied.
 - 2) In reply to para 2 of the service appeal, according to available record, it is stated that the appointment of the appellant stands wrong from very first day, as their appointment was made without fulfilling essential codal formalities, hence denied.
 - 3) In reply to para 3 of the service appeal, it is stated that the said inquiry conducted in 2014 was of the same allegations, now nothing has been contained in the aforesaid inquiry. The allegations leveled against the appellant are in their very much knowledge, but the appellant failed badly to prove their self-innocent in the said inquiry.
 - 4) Detail reply already been given in the above paras.
 - 5) In reply to para 5 of the service appeal, it is stated it is the clear domain of Government to nominate any officer for conducting an inquiry.
 - 6) Para 6 of the service appeal is incorrect, hence denied. Detail reply has already been given in the above para.

- 7) Par 7 of the service appeal is correct to the report of an inquiry conducted against the present appellant.
- 8) Para 8 of the service appeal is correct that full time opportunity has been provided to the appellant for their defense but nothing they can produce in their defense which may strengthen their stance.
- 9) Para 9 of the service appeal is correct. Reply has already been given in the above para.
- 10) Para 10 of the service appeal is correct to the extent that the present appellant appeared before the inquiry committee.
- 11) Para 11 of the service appeal is correct, it is stated that nothing has been happened in the means of astonishing, it is the pre-requisites of an proceeding/inquiries which are always owned by the inquiry committee in all types of such inquiries, but it is pertinent to mention here that the allegations leveled against the appellant have been proved by the inquiry committee.
- 12) Para 12 of the service appeal is correct to the extent of submission of reply to the charges leveled against them.
- 13) Para 13 of the service appeal is correct to the extent that of penalty. Detail reply already been given in the above paras, that the appellant has nothing to prove himself innocent.
- 14) The departmental appeal was dismissed through a valid order.
- 15) Para 15 of the service appeal is incorrect. The appellant along with other colleagues were duly noticed, opportunity of personal hearing has been given, submission of charge sheet reply and after fulfilling of all the codal formalities related to dismissal from service. Hence denied the remaining para.

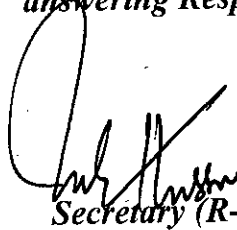
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GROUND:

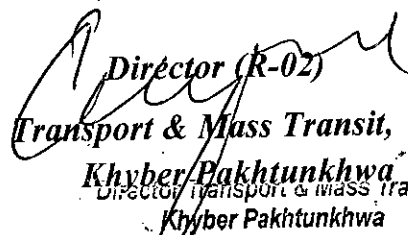
- a. In reply to ground a of the service appeal, it is stated that the appellant along with other colleagues was appointed illegally and that's why terminated from service after fulfilling of all the codal formalities, detail has already been given in the above para.
- b. In reply to ground b of the service appeal, it is stated that salary is the prime right of any serving employee and no one can deny from the very facts, rest of the para denied where they stated about the nature of their service and violation of any natural justice.
- c. Detail reply of the ground c of the service appeal is already been given in the above grounds.
- d. In reply to ground d of the service appeal, it is stated that the said inquiry conducted in 2014 was of the same allegations, now nothing new allegations has been added in the aforesaid inquiry. The allegations leveled against the appellant are in their very much knowledge, but the petitioners failed badly to prove their self-innocence in the above said inquiry.

- e. In reply to ground e of the service appeal, it is stated that the respondent department given them full time opportunity for proving their self-innocence, but they failed to defend against the allegations leveled.
- f. In reply to ground f of the service appeal, it is stated that the record of the inquiry of the year 2014 is missing; however, the department is trying to find out the said record.
- g. Detail reply has already been given in the above para.

It is, therefore, most humbly prayed that on acceptance of the instant reply, the instant service appeal may kindly be dismissed accordingly and any other remedy which the Hon'ble Court deemed fit may graciously be granted in favor of answering Respondents.


Secretary (R-01)

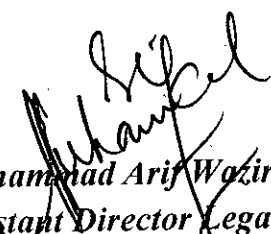
Transport & Mass Transit Department,
Govt. of Khyber Pakhtunkhwa


Director (R-02)
Transport & Mass Transit,
Khyber Pakhtunkhwa
Director, Transport & Mass Transit
Khyber Pakhtunkhwa


Secretary (R-03)
Regional Transport Authority,
Kohat Division

Verification:

It is hereby solemnly affirmed and declared on oath that the contents of the instant comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Service Tribunal.


Muhammad Arif Wazir 12/02/2020
Assistant Director Legal
Transport & Mass Transit, Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

S.A.No. 1103 /2019

ADNAN NA2.....y/s..... Govt. of KPK etc

APPLICATION FOR INTERIM RELIEF IN SHAPE OF
SUSPENSION OF REMOVAL ORDER DATED 29.04.2019.


Respectfully Sheweth;

- 1) That the above titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for today proceedings
- 2) That applicants have a prima facie case and balance of convenience is also lies in his favour and if removal order dated 29.04.2019 is not suspended then applicant/ appellant would be deprived from earning in livelihood which amounts to a clear cut irreparable loss.
- 3) That as per judgment of Supreme Court in Appellate court or tribunal can grant an interim relief even if amount to final relief even at initial stage till the final decision of appeal.
- 4) That the applicant is illegally removed from service, so is entitled to interim relief in the shape of suspension of impugned order dated 29.04.2019.

It is, therefore respectfully prayed that on acceptance of this application, the impugned order dated 29.04.2019 may kindly be suspended and the applicant/ appellant may kindly be reinstated in service.

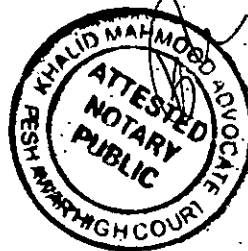
Dated: 12.11.2019


Applicant/ appellant

Though 
Zia-ur-Rahman Tajik
Advocate
Supreme Court of Pakistan

AFFIDAVIT

I, Zia-ur-Rehman Advocate (counsel for appellant/ applicant), do hereby affirm and declare as per information furnished by my clients that the contents of the accompanying **Application** are true and correct and nothing has been concealed from this Hon'ble Court.




Deponent