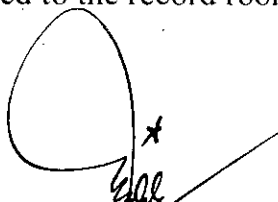



S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	22.06.2020	<p><u>Present.</u></p> <p>Mr. Zia-ur-Rehman Tajik, Advocate .. For appellant</p> <p>Mr. Riaz Paindakhel , Assistant Advocate General, ... For respondents</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> <p> (Mian Muhammad) Member (E)</p> <p> (Hamid Farooq Durrani) Chairman</p> <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


1105/2019

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.


Chairman




17/11/2019

17/11/2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1105/2019


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. Zahid Alam 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 29/8/19</p>
2-	02/09/19. 15.10.2019	<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> <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>Adjourned to 12.11.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Zahid Alam son of Muhammad Alam r/o Khawari District Mansehra 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. 1464 /S.T,

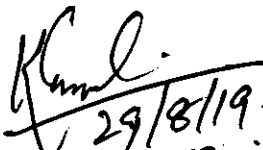
Dt. 23/8 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kamran Qaiser Adv. Peshawar.

Sir,

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


29/8/19.
Bar. Kamran Qaiser

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

S.A.No. 105 /2019

Zahid Alam.....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 04.05.2012, medical Certificate, and Arrival report	A	8-11
4.	Copies of seniority lists and of pay roll	B	12-20
5.	Copy of charge sheet dated 09.05.2014	C	21-22
6.	Copy of reply charge sheet dated 09.05.2014	D	23
7.	Copy of office order dated 09.05.2014	E	24-25
8.	Copy of inquiry report	F	26-29
9.	Copy of charge sheet and statement of allegations alongwith reply	G	30-34
10.	Copy of letter dated 22.01.2019	H	35
11.	Copy of inquiry report	I	36-40
12.	Copy of letter and show cause notice dated 13.03.2019	J	41-42
13.	Copy of the reply to the show cause notice	K	43-44
14.	Copy of impugned office order dated 29.04.2019	L	45
15.	Copy of departmental appeal alongwith its dismissal order dated 01.08.2019	M	46-51
16.	Copy of promotion orders	N	52-53
17.	Wakalatnama		54

Dated: 28.08.2019


Appellant

Through


Barrister Kamran Qaisar
Advocate High Court

1

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

S.A.No. 1105 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1189

Dated. 23/8/2019

Zahid Alam S/o Muhammad Alam
R/o Khawari District Mansehra

..... 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, Abbottabad Hazara Division

..... 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 04.05.2012. It may be mentioned here that the Assistant's post was later on upgraded to BPS-16. (Copies of educational documents, appointment order dated 04.05.2012, 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:-

GROUNDS:


- 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 "N5")

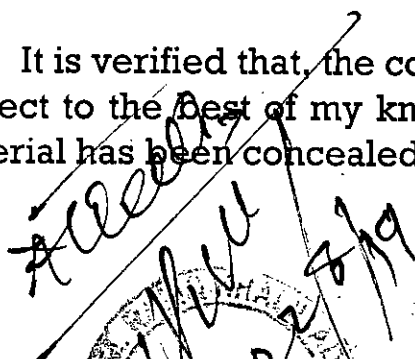

It is, therefore, prayed by accepting the instant appeal, the impugned termination order of removal from service dated 29.04.2019 and the appellate order dated 01.08.2019 may please be set-aside and the appellant may please be reinstated in to service with all back benefits.

Dated: 21-8-2019

Zahir
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.

Zahir
Deponent

7

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

S.A.No. _____/2019

Zahid Alam.....Appellant

VERSUS

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

ADDRESSES OF PARTIES

APPELLANT

Zahid Alam S/o Muhammad Alam
R/o Khawari District Mansehra

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, Abbottabad Hazara Division

Zahid
Appellant

Through

KQ
Barrister Kamran Qaisar
Advocate High Court

8 Annex (A)

SNo: 20672



HAZARA UNIVERSITY

MANSEHRA, PAKISTAN

DETAILED MARKS CERTIFICATE

BA ANNUAL EXAMINATION 2015

Roll No: 72446

Reg No: 13-PM-1199

Name: Zahid Alam

F/ Name: Muhammad Alam

Institution/ MANSEHRA

Part: Second

District

COURSE TITLE:	Max: Marks		Marks Obt:				Total	Marks in Words	Remarks	
	TH	PR	TH A	TH B	TH	PR				
Part-I Marks----->	285						155	ONE HUNDRED FIFTY-FIVE		
ENGLISH	75		25		25		25	TWENTY-FIVE	Pass	
URDU	75		29		29		29	TWENTY-NINE	Pass	
PAKISTAN STUDIES	40		14		14		14	FOURTEEN	Pass	
ISLAMIC STUDIES	75		39		39		39	THIRTY-NINE	Pass	
Total:			550					262	TWO HUNDRED SIXTY-TWO	

Percentage: 47.64

Division: SECOND

Print Date: 04-09-2015

Checked By: M. Shak

Errors and omissions are subject to subsequent rectification.
Note: Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this Certificate.

Controller Examinations
Hazara University, Mansehra
September 04, 2015

ATTESTED

KQ

9

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

O-R-D-E-R

Consequent upon the recommendations of the Departmental Promotion/Selection Committee in its meeting held on 27/12/2011, Mr. Zahid Alam S/O Muhammad Alam R/O Khawari District Mansehra is hereby appointed against the vacant post of Junior Clerk (BPS-07) on the following terms and conditions:-

1. He is directed to produce age, health and character certificate from the respective authorities.
2. His services are purely temporary and can be terminated at any time without assigning any notice.
3. His services will be governed by such rules and regulations as issued by the government and being issued by the government from time to time.
4. In case he wishes to resign one month notice will be necessary or in lieu thereof pay of one month will be forfeited to government.
5. His pay will start from the date of joining duty which should be within a week of the issue of this order. In case he does not join his duty within one week, this order shall stand cancelled.

Sd/xxx


Commissioner Hazara Division
Abbottabad

Endst: No.1/2/CHD/Estab:/ 11726-30

Dated Abbottabad the 30/12/2011

Copy to the:

1. District Comptroller of Accounts, Abbottabad.
2. PS to Commissioner Hazara Division Abbottabad.
3. Assistant Budget & Accounts Branch Commissioner's Office Abbottabad.
4. The official concerned.
5. PS to Commissioner Hazara Division Abbottabad.
6. A.O Commissioner Hazara Division Abbottabad.


Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

ATTESTED
KQ



9-A

7.12

OFFICE OF THE
COMMISSIONER / CHAIRMAN RTA
HAZARA DIVISION ABBOTTABAD

O-R-D-E-R

Consequent upon the recommendation of the Departmental Promotion/Selection Committee in its meeting held on 20/04/2012, Mr. Zahid Alam presently posted as Junior Clerk in the office of Commissioner Hazara Division, is hereby appointed against the vacant post of Assistant (BPS-14) in the office of the Secretary Regional Transport Authority Hazara Division Abbottabad, with immediate effect.

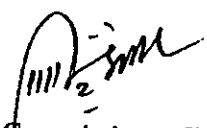
Chairman
Regional Transport Authority/
Commissioner Hazara Division
Abbottabad

Endst: No.12/CHD/Estab:/ 3856-62

Dated Abbottabad the 04/05/2012

Copy to the:

1. Secretary Provincial Transport Authority Government of Khyber Pakhtunkhwa, Peshawar.
2. Secretary Regional Transport Authority, Hazara Division Abbottabad.
3. District Comptroller of Accounts, Abbottabad.
4. PS to Commissioner Hazara Division Abbottabad.
5. Accounts Officer Commissioner Office Abbottabad.
6. Assistant Budget & Account CHD Office.
7. The official concerned.


Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

ATTESTED

KQ

MEDICAL CERTIFICATE

10

Name of official Zaid Khan 13503-8929011-8

Caste & Race

Father's Name Muhammad Alam

Residence Khawan Masrur

Date of Birth 12-6-1984 DC Masrur

Exact height by measurement 5-6

Personal marks of identification Hand - Left dark

Signature of the official

Signature of head of office

Seal of Office

I do hereby certify that I have examined Muhammad Alam

a candidate for employment in the office of the Commissioner of Police

and can not discover that had any disease commensurable or other constitutional

affliction or body infirmity except All

I do not consider this as disqualification for employment in the office of the Commissioner of Police age according to his own statement (27) years

and by appearance about Twenty Seven years.

ATTESTED

Ka

Left hand thumb and fingers impressions

31/2572

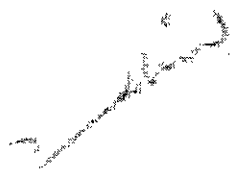
Pine phosphate link road - Abbottabad

MEDICAL SUPERINTENDENT
ABDUL ABOTTAJIB
Medical Officer
Abbottabad Hospital
Abbottabad

//

ARRIVAL REPORT.

In compliance with the order of the Commissioner Hazara Division Abbottabad bearing Endst.No.1/2/CHD/Estab//11726-30 dated 30-12-2011, I, Mr. Zahid Alam S/O Muhammad Alam, hereby submit my arrival report in the office of the Commissioner Hazara Division today on 31.12.2011 (A. N.)


(Mr. Zahid Alam)
(Junior Clerk)

ATTESTED

ke

DIRECTORATE OF TRANSPORT AND MASS TRANSIT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

Dated Peshawar the, 15.8.14

**NOTIFICATION:**

NO.DIR/TPT/1-16/2014/SLPTA&RTAs-2014: In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules, 1989, final seniority list of Assistants (BPS-16) in the Directorate of Transport and Mass Transit, Government of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, as stood on 31.7.2014 is notified/Circulated:-

SENIORITY LIST OF ASSISTANT (BS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND REGIONAL TRANSPORT AUTHORITIES (RTAs) AS STOOD ON 31-7-2014.

S #	Authority	Name of Official	Academic Qualification	Date of Birth	Domicile	Date & 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-14)	Method of recruitment	Presently the pay
1	2	3	4	5	6	7	8	9	10	11
1	RTA Malakand	Fazal Wahid	BA	15-02-1956	Swat	22-05-1974 as J/C (BS-5)	RTA Malakand	01-07-1987	By promotion	RTA Malakand
2	RTA DI Khan	Siraj Ahmad Niazi	B.A	05.04.1957	DIKhan	01.12.1980 as Senior Clerk (BS-7)	RTA DI Khan	01.10.1988	By promotion	RTA DI Khan
3	RTA Peshawar	Fazal ur Rehman	MA Islamiat	1-3-1968	Peshawar	18-11-1989 as assistant (BS-11)	RTA Peshawar	18-11-1989	Initial	RTA Peshawar
4	RTA Hazara	Abdul Qayyum	Metric	15-06-1958	Abotabad	01-10-1977 as J/C (BS-5)	Commissioner office Kohat	21-04-1996	By promotion	RTA Hazara
5	RTA Kohat	Shoukat Zaman	Matric	01-05-1968	Kohat	18-03-1987 (J/C) (BS-5)	Commissioner office Kohat	2002	By promotion	RTA Kohat
6	PTA Peshawar	Mr. Abdul Qayyum	BA	24/4/1960	Mardan	Junior Clerk 26/6/1982 (BS-5)	PTA Peshawar	30/4/2005	By promotion	PTA Peshawar
7	RTA Bannu	Javed Khan	FA	19-09-1970	Bannu	12-02-1992 (BS-5)	RTA Bannu	31-05-2008	By promotion	RTA Bannu

ATTESTED
KQ



No. SO(G)16-8/2012/VOL-II/S393-94

Promotion to ent rank	Basic Pay	Method of recruitment
--------------------------	--------------	--------------------------

#	Authority	Name of Official	Academic Qualification	Date of Birth	Domicile	Date & 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-14)	Method of recruitment	Presently on the payroll of	Remarks
3	PTA Peshawar	Mr. Haji Shah Zaman	BA	15/9/1960	Peshawar	Junior Clerk 27/6/1982 (BS-5)	PTA Peshawar	25/6/2011	By promotion	PTA Peshawar	
9	RTA Hazara	Zahid Alam	BA	12-06-1984	mansehra	31-12-2011 as J/C (BS-7)	Commissioner office	04-05-2012	By promotion	RTA Hazara	
10	RTA Mardan	Hayat Wali Shah	MA	22-02-1986	Chitral	09-07-2013 Assistant (BS-14)	RTA Mardan	09-07-2013	Initial	RTA Mardan	
11	RTA Mardan	Bilal	BA	01-05-1989	Charsadda	18-07-2013 Assistant (BS-14)	RTA Mardan	18-07-2013	Initial	RTA Mardan	
12	RTA Kohat	Adnan Naz	BA	02-03-1989	Kohat	11-11-2013 as Assistant (BS-14)	RTA Kohat	11-11-2013	Initial	RTA Kohat	

Indst. No. & Date Even/ 3872-93

Copy is forwarded to the:-

1. Secretary Provincial Transport Authority, Peshawar.
2. All Secretaries Regional Transport Authorities In Khyber Pakhtunkhwa.
3. PS to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
4. Officials concerned.
5. Master file.

TESTED

KQ

DIRECTOR

DIRECTORATE OF TRANSPORT & MASS TRANSIT



14 (B)
DIRECTORATE OF TRANSPORT AND MASS TRANSIT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

ANNEXURE ()

Notification

No. DIR/Tpt/1-16/2014/SLPTA&RTAS-2014: In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1923 read with Rules 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1980, Final Seniority list of Assistants (BPS-16) in the Directorate of Transport & Mass Transit as Stood on 30/07/2015 is notified/Circulated:-

**SENIORITY LIST OF ASSISTANT (BPS-16) OF PROVINCIAL TRANSPORT AUTHORITY (PTA) AND
REGIONAL TRANSPORT AUTHORITIES (RTAs) AS STOOD ON 30/07/2015.**

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 Malakand	Fazal Wahid	BA	15/02/1956	Swat	22/5/1974 As J/C (BS-05)	RTA Malakand	01/07/1987	By Promotion	RTA Malakand	
2	RTA DIKhan	Siraj Ahmad Niazi	BA	05/04/1957	D.I.Khan	01/12/1980 as Senior Clerk (BS-07)	RTA D.I.Khan	01.10.1988	By Promotion	RTA DIKhan	
3	RTA Peshawar	Fazal Ur Rehman	MA Islamite	1/3/1968	Peshawar	18/11/1989 as Assistant (BS-11)	RTA Peshawar	18.11.1989	Initial	RTA Peshawar	
4	RTA Hazara	Abdul Qayyum	Matric	15/6/1958	Abbottabad	01/10/1977 as J/C (BS-05)	Commissioner office Kohat	21.04.1996	By Promotion	RTA Hazara	
5	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	
6	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	
7	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	

NOT TESTED
140

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
8	PTA Peshawar	Haji Shah Zaman	BA	15/9/1960	Peshawar	27/6/1982 Junior Clerk (BS-05)	PTA Peshawar	26.6.2011	By Promotion	PTA Peshawar	
9	RTA Hazara	Zahid Alam	BA	12/6/1984	Mansehra	31/12/2011 As JC (BS-07)	Commissioner Office	04.05.2012	Initial	RTA Hazara	
10	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	
11	RTA Mardan	Mr. Bilal	BA	01/05/1989	Charsadda	18/7/2013 as Assistant (BS-14)	RTA Mardan	18.07.2013	Initial	RTA Mardan	
12	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	
13	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	

Sd/-
DIRECTOR TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

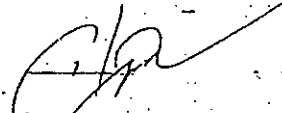
Endst No. & Date of Even :-

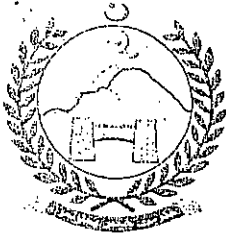
Copy is forwarded to the:-

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.

ATTESTED

KQ


DEPUTY DIRECTOR
Directorate of Transport & Mass Transit
Khyber Pakhtunkhwa



Directorate of Transport & Mass Transit Khyber Pakhtunkhwa

Ground Floor, Benevolent Fund Building, Peshawar Cantt.
Tel: 921-9214185/9212051

Dir/TPT/Seniority List
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 Authority 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 noted accordingly.


SALMAN NIS
DEPUTY DIRECTOR

Endst: 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

KCC

DEPUTY DIRECTOR

17

DIRECTORATE OF TRANSPORT AND MASS TRANSIT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

ANNEXURE (

Notification

No. DIR/Tpt/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	

ATTESTED

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Sl. 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
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 Bez	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
KQ

-SD-
DIRECTOR TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

19

Abbotabad

S#:1

P Sec:002 Month:February 2012
AD4333 -Commissioner Hazara Divisi
Administration & Estate

Fers #: 00653974 Buckle:

Name: ZAHID ALAM

NFN:

JUNIOR CLERK

CPF #:

CNIC No.1350389790119

Old #:

CPF Interest Applied

07 Regular / Contract

AD4333 -

PAYS AND ALLOWANCES:

0001-Basic Pay	5,800.00
1000-House Rent Allowance	1,059.00
1210-Convey Allowance 2005	1,150.00
1300-Medical Allowance	1,000.00
1971-Adhoc Allowance 2011@ 15%	529.00
1973-Adhoc Allowance 2010@ 50%	1,765.00

Gross Pay and Allowances

11,303.00

DEDUCTIONS:

CPF Balance 1,860.00	Subrc:	465.00
3501-Benevolent Fund		180.00
3511-Adml Group Insurance		7.00
3604-Group Insurance		.67.00

Total Deductions

719.00

10,584.00

D.O.B

LFP Quota:

12.06.1984

Payment through DDO.

00 Years 02 Months 002 Days

Government Contribution To CPF: 465.00

ATTESTED

KQ

20



Abbotabad
 S#:1
 Pers #: 00653974 Buckle:
 Name: ZAHID ALAM
 ASSISTANT
 CNIC No.1350389790119
 CPF Interest Applied
 14 Regular / Contract

P Sec:002 Month:June 2012
 AD4401 -Transport Department Abbot
 Administration & Estate
 NTN:
 CPF #:
 Old #:

Abbotabad
 S#:2
 Pers #: 00653974 Buckle:
 Name: ZAHID ALAM
 ASSISTANT
 CNIC No.1350389790119
 CPF Interest Applied
 14 Regular / Contract

P Sec:002 Month:June 2012
 AD4401 -Transport Department Abbot
 Administration & Estate
 NTN:
 CPF #:
 Old #:

PAYS AND ALLOWANCES:

0001-Basic Pay	8,000.00
1000-House Rent Allowance	1,476.00
1210-Convey Allowance 2005	1,700.00
1300-Medical Allowance	1,000.00
1971-Adhoc Allowance 2011@ 15%	738.00
5002-Adjustment House Rent	1,333.00
5011-Adj Conveyance Allowance	1,535.00
5012-Adjustment Medical All	903.00
5898-Adj. Adhoc Allowance 50%	1,594.00
Gross Pay and Allowances	25,983.00

DEDUCTIONS:

CPF Balance 5,258.00	Subrc: 769.00
3501-Benevolent Fund	180.00
3511-Addtl Group Insurance	13.00
3604-Group Insurance	115.00

Total Deductions 1,077.00
 24,906.00

D.O.B 12.06.1984 LFP Quota: Payment through DDO.
 00 Years 06 Months 002 Days
 Government Contribution To CPF : 769.00

PAYS AND ALLOWANCES:

5911-Adj. Adhoc Relief 2011	478.00
5801-Adj Basic Pay	7,226.00
Gross Pay and Allowances	25,983.00

DEDUCTIONS:

CPF Balance 5,258.00	Subrc: 769.00
----------------------	---------------

Total Deductions 1,077.00
 24,906.00

D.O.B 12.06.1984 LFP Quota: Payment through DDO.
 00 Years 06 Months 002 Days
 Government Contribution To CPF : 769.00

ATTESTED
 KQ

21

Annex (C)

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

CHARGE SHEET

1. Muhammad Humayun, Secretary to Govt. of Khyber Pakhtunkhwa, Transport & Mass Transit Department, as competent authority, hereby charge you, Mr. Zahid Alam Assistant (BS-14) of Regional Transport Authority, Hazara, as follows:-

- (a) That you were appointed as Junior Clerk on 31-12-2011 in RTA Hazara and on 04-05-2012 you were promoted/appointed as Assistant against the vacant post in RTA Hazara.
- (b) 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.
- (c) Your promotion from Junior Clerk (BS-07) to Assistant (BS-14) during your probation period and less than five (05) months from your appointment is sheer defiance of 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.


(Muhammad Humayun)

Secretary to Govt. of Khyber Pakhtunkhwa
Transport & Mass Transit Deptt

Mr. Zahid Alam
Assistant (BS-14),
Regional Transport Authority, Hazara.

No.S0(G)10-15/

Dated. 14-05-2014

ATTESTED
KQ



22

DISCIPLINARY ACTION

1. Muhammad Humayun, Secretary to Govt of Khyber Pakhtunkhwa, Transport & Mass Transit Department, as competent authority, am of the opinion that Mr. Zahid Alam Assistant (BS-14) of Regional Transport Authority Hazara, 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 were appointed as Junior Clerk on 31-12-2011 in RTA Hazara and on 04-05-2012 you were promoted/appointed as Assistant against the vacant post in RTA Hazara.
- (b) 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.
- (c) Your promotion from Junior Clerk (BS-07) to Assistant (BS-14) during your probation period and less than five (05) months from your appointment is sheer defiance of 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 (LIUPTA & 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. Zahid Alam
Assistant (BS-14),
Regional Transport Authority, Hazara.

No.SQ(G)10-15/

ATTESTED
KQ

Dated: 14-05-2014

To

23 Annex (D)

The Secretary
Transport & Mass Transit Department,
Peshawar.

Subject: REPLY TO THE CHARGE SHEET DATED 09.05.2014.

R/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 allegation leveled against me in the subject charge sheet as unfounded and baseless for the reasons all the charges against me that the undersigned has no role to play.
2. That the post of assistant was lying vacant in your esteemed department and I was appointed against the said post after completing all the codal formalities by the then competent authority.
3. That the charges leveled in the subject charge sheet is misconceived all the three charges are with regard to the process off appointment and relates to department alone, thus any irregularity even if committed during the recruitment process, I cannot be held liable for the same.
4. That the allegation to the affect that the post fall within the ambit of Khyber Pakhtunkhawa Public service commission, is misconceived. The post of Assistant in the office of Secretary RTA has not been mentioned or within the purview of Khyber Pakhtunkhawa Public Service Commission, these post can be validly filled by the Secretary/Chairman. The post of Assistant has not been mentioned in Khyber Pakhtunkhawa Public Service Commission Ordinance 1978 or the Khyber Pakhtunkhawa Public Service Commission Function (Rules 1986), which provides that:

FUNCTION OF COMMISSION:- (1) The functions of the Commission shall be to conduct t test and Examinations for recruitment for recruitment of person 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 Scale 11 to 15 or equivalent specified in following departments (except the District Cadre posts)-
- III. Civil Secretariat (through Establishment Deptt:)
- IV. Board of Revenue.
- V. Police Department.
- VI. Prison Department.
- VII. Services & Works Department.
- VIII. Irrigation Department.
- IX. Industries, Labour & Manpower Department.
- X. Health Department.
- XI. Education Department.
- XII. Local Govt & Rural Development Department.
- XIII. Exercise & Taxation Department.
- XIV. Food Department.
- XV. Physical Planning & environment department including urban Development board and
- XVI. Organization, except autonomous bodies under the health & Education Department.

- Since the Transport & Mass Transit Department does not find mentioned in the above list, therefore, the post of Assistant BPS-14 is outside the purview of the commission as being as authority.
- That I also desire to be heard in person.
It is therefore, humbly prayed that on acceptance of this reply the subject charge sheet may please be dropped and I may be exonerated of the charges.

Dated: 16.05.2014

yours obediently,

ATTESTED

KQ

Zahid Alam.

Assistant BPS-14
RTA Hazara

ANNEXURE (E)



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

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 (Admin)
Transport & Mass Transit Deptt

ATTESTED

KQ

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 P. 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

KQ

Section Officer (Admn)
Transport & Mass Transit Deptt

Most Immediate
Out Today



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

ANNEX
cc F 11

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.

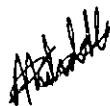

(KALIMULLAH KHAN BALOCH)
Addl. Secretary/ Equiry Officer

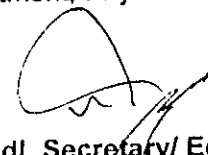
Endst: No. & Date Even

Copy forwarded to the:

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/ Equiry Officer

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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.SO(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 Pakhtunkhawa 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 this 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

OFFICIAL SECRETARY (ADMIN) Inquiry On RTA Inquiry Of Assistants RTA PA/RI

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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. Saifur 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

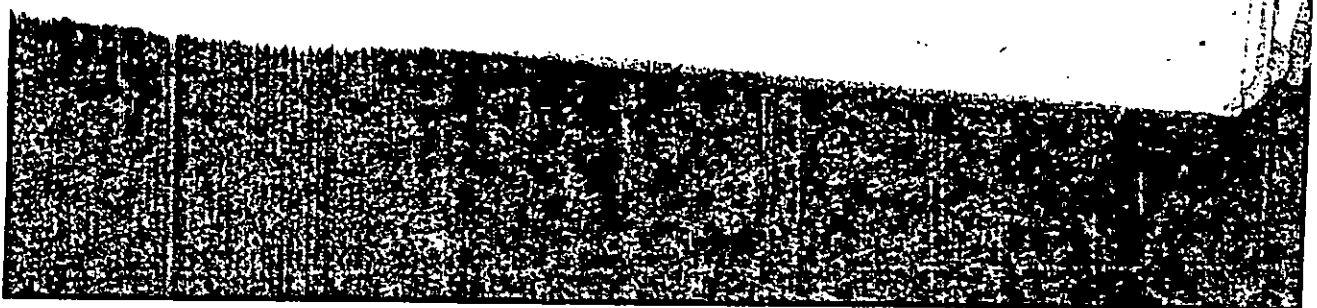
1. Further formal proceedings may be initiated against the four above mentioned Assistants under Efficiency and Discipline Rules.
2. Establishment Department may be approached for further legal action, if any, against Mr. Khalid Khan Umerzai (now Retd).

Dated: 05-11-2018

KALEEMULLAH KHAN
Additional Secretary
Transport Department.

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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/
Dated: 21-01-2019

To,

Mr. Zahid Alam,
Office Assistant (BPS-16),
Regional Transport Authority Abbottabad.

Annex cc GA

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

Endst: No & Date Even:

A copy is forwarded to

- 4959-61*
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

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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. Zahid Alam Assistant BS-16 RTA Abbottabad 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 Abbottabad 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

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To

The Director,
Transport and Mass Transit,
Khyber Pakhtunkhwa, Peshawar

Subject: - **[PARA WISE COMMENTS/ REPLY IN RESPONSE TO CHARGE SHEET DATED 21.01.2019 STATEMENT OF ALLEGATION.]**

Respected Sir,

In reply to the Charge sheet dated 21.01.2019, received by the undersigned on 24.01.2019, I very humbly my reply as under:

- a. That I at the very outset deny the allegation 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, this is the responsibility of the department to determine that whether the post fall within department jurisdiction or come in the purview of the Public Service Commission's jurisdiction but despite the above responsibility has been fixed on my shoulders which is unfair.
- b. The charges leveled in the subject charge sheet is misconceived, the undersigned have fulfill all the criteria applied for the post of assistant (BPS-14) and was thereafter appointed on the said post (minutes of the Departmental Selection committee is attached "A"). as all the charges are with regard to the process of appointment and relates to Department alone. Thus my irregularities even if committed during the recruitment process, I, can not be held liable for the same
It is pertinent to mention here that:-

- i. 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"

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ii. 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 7 years approximately, 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 principle of locus penitent is applicable, because decisive steps have been taken and the undersigned has taken over the charge and performed duties accordingly.

iii. The allegation to the effect that the post falls within the ambit of Khyber Pakhtunkhwa Public Service Commission is misconceived. That 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: -

1. The function of the Commission shall be to conduct tests and Examinations for recruitment of persons to:
2. 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
3. Posts in basic pay scales 11 to 15 or equivalent specified in following Department (except the District Cadre posts)-

- Civil Secretariat (through Establishment Department).
- Board of Revenue;
- Police Department;
- Prison Department;
- Services and Work Department;
- Irrigation Department;
- Industries, Labour & Manpower Department;
- Health Department;
- Education Department;
- Local Government & Rural Development Department;
- Excise & Taxation Department;
- Food Department;
- Physical Planning & Environment Department including Urban Development Board; and Organization, except autonomous bodies under the Health and Education Department;

iv. Since the Transport and Mass Transit Department does not find mentioned in the above list, therefore, the post of Assistant BPS-14 is outside the preview of the Commission as being an Authority.

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- v. 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.
- vi. I also desire to be heard in person.

Keeping in view the above facts, it is humbly requested that on acceptance of my reply the subject charge sheet may be withdraw and I may be exonerated of these charges please.

Yours obediently,

Zahid
(Zahid Alam)
Assistant

Regional transport Authority,
Hazara Division, Abbottabad.

DATED: 30.01.2019

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NO. 060-04.....

Dated Peshawar the 22/01/2019

To
Mr. Zahid Alam,
Office Assistant (BPS-16),
Regional Transport Authority,
Hazara Division at Abbottabad.

Amir H.

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/71-46/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).

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Secretary,
Provincial Transport Authority,
Khyber Pakhtunkhwa,
Peshawar

Carbon Copy to the:-

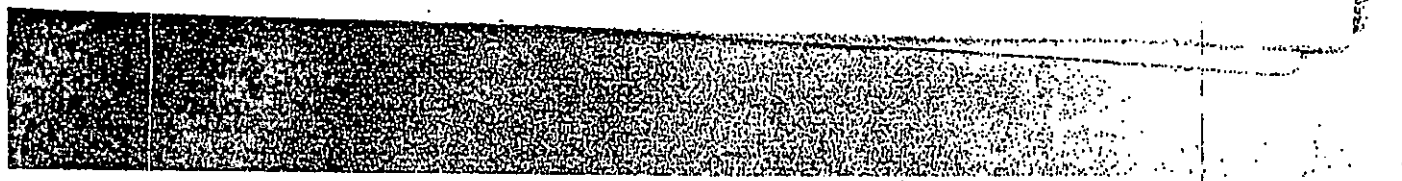
- 1) Secretary Regional Transport Authority Hazara Division at Abbottabad.
- 2) Assistant Director (Admn) Directorate of Transport & Mass Transit Khyber Pakhtunkhwa with the request that a well conversant representative of the Directorate of Transport & Mass Transit Khyber Pakhtunkhwa shall join the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

9/c

A
Secretary,
Provincial Transport Authority,
Khyber Pakhtunkhwa,
Peshawar

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Annex I
20/01/19

CONFIDENTIAL

INQUIRY REPORT

DISCIPLINARY PROCEEDING AGAINST MR. ZAHID ALAM, ASSISTANT BPS-16
RTA HAZARA 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. Zahid Alam, Assistant BPS-16 RTA Hazara.

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 Hazara is illegal/fake and void abinitio.

PROCEEDINGS.

In order to probe into the aforesaid allegation Mr. Zahid Alam 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. Zahid Alam appeared before the inquiry committee on 31/01/2019 Mr. Osaf Ullah (Assistant Director) Directorate of Transport & Mass Transit Khyber Pakhtunkhwa also joined the proceedings of inquiry. Mr. Zahid Alam 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	That I at the very outset deny the allegation 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, this is the responsibility of the department to determine that whether the post fall within department jurisdiction or come in the purview of the Public Service Commission's jurisdiction but despite the above responsibility has been fixed on my shoulders which is unfair.

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The allegation to the effect that the post falls within the ambit of Khyber Pakhtunkhwa Public Service Commission is misconceived. That 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: -

1. The function of the Commission shall be to conduct tests and Examinations for recruitment of persons to:
2. 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
3. Posts in basic pay scales 11 to 15 or equivalent specified in following Department (except the District Cadre posts)-

- Civil Secretariat (through Establishment Department).
- Board of Revenue;
- Police Department;
- Prison Department;
- Services and Work Department;
- Irrigation Department;
- Industries, Labour & Manpower Department;
- Health Department;
- Education Department;
- Local Government & Rural Development Department;
- Excise & Taxation Department;
- Food Department;
- Physical. Planning & Environment Department including Urban Development Board; and Organization, except autonomous bodies under the Health and Education Department;

Since the Transport and Mass Transit Department does not find mentioned in the above list, therefore, the post of Assistant BPS-14 is outside the preview of the Commission as being an Authority.

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<p>b</p>	<p>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.</p>	<p>The charges leveled in the subject charge sheet is misconceived, the undersigned have fulfill all the criteria applied for the post of assistant (BPS-14) and was thereafter appointed on the said post (minutes of the Departmental Selection committee is Attached "A"), as all the charges are with regard to the process of appointment and relates to Department alone. Thus any irregularities even if committed during the recruitment process, I cannot be held liable for the same. He further added that:- It is pertinent to mention here that:-</p> <p>1. 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>. Similarly the august supreme court of Pakistan in reported judgment 2007 PLC Civil Service 179 held as under:-</p> <p><u>"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"</u></p>
<p>c</p>	<p>Since no prescribed procedure was followed, therefore his appointment as Assistant (BS-16) in RTA Hazara is illegal/fake and void abinitio.</p>	<p>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 7 years, 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 principle of locus penitent is applicable, because decisive steps have been taken and the undersigned has taken over the charge and performed duties accordingly.</p>

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FINDINGS:-

Charge No. (a):-

In defense to charge No "a" the accused official has stated that the charge is baseless and Post of Assistant in Transport Department did not fell under the ambit of Public Service Commission and took the plea that Transport Department was not mentioned in the Public Service Commission Ordinance 1978 or Public Service Commission Function rules 1983. Transport Department was established in 2007 while

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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 The charges leveled in the subject charge sheet is misconceived, he has fulfill all the criteria applied for the post of assistant (BPS-14) and was thereafter appointed on the said post (minutes of the Departmental Selection committee is Attached), as all the charges are with regard to the process of appointment and relates to Department alone. Thus any irregularities even if committed during the recruitment process, he cannot be held liable for the same. He further added that, It is pertinent to mention here 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"

He further stated that it is the responsibility of the department to keep the office record, in such like case the undersigned cannot be legally made responsible to preserve the official record of department for several years, though the undersigned possess appointment order, medical certificate, charge assumption report, service book and copy of minutes of DSC. 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: D) the age limit for the post of Assistant for initial recruitment is 21-25 years and Bachelor's Degree in terms of qualification. At the time of appointment the age of Mr. ZahidAlam was 27 years and he was over age and did not fulfill the required age limit for the post nor he applied for any age relaxation from competent authority for the said post. The representative of the Transport Department was summoned, upon which he appeared before the committee. His statement was recorded (Anx: E). 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 he was appointed by the competent authority after observing all codal formalities. He has taken over

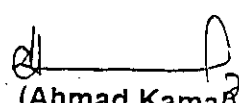
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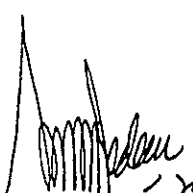
has also received salaries thus the order of his appointment have been acted upon and valuable rights have been accrued in his favor now, and principle of locus penitent is applicable, because decisive steps have been taken and he has taken over the charge and performed duties accordingly.

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 ab initio, 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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41
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/SB7373
Dated: 13-03-2019

To,

Mr. Zahid Alam,
Office Assistant (BPS-16),
Regional Transport Authority, Abbottabad Division.

Amir "J"

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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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. Zahid Alam 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.

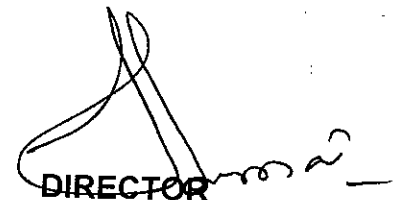
5. As a result thereof, I, as a competent authority, have tentatively decided to impose upon you the penalty of *Removal From Service* under rules 4 of the said rules.

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

To:

The Director,
Transport & Mass Transit,
Peshawar.

43
Annex "K"

Subject:
R/Sir,

REPLY TO SHOW CAUSE NOTICE.

Reference your Show Cause Notice dated 13.03.2019. I, very humbly submit my reply as under:

1. That since the inquiry report was not provided to petitioner he is completely unaware about the contents and finding of such report.

a. That certain post including the post of Assistant BPS-14 was lying vacant in the office of Secretary RTA Abbottabad. The petitioner was appointed as Assistant BPS-14 against the vacant post after completing all the recruitment procedure. Minutes of the Departmental Promotion & Selection Committee are enclosed as Annexure "A".

b. That due process in vogue at the relevant time was adopted and appointment was made by the competent authority. It is worth to mentioning that no action has been taken against the appointment Authority which speaks volume about the fair selection of the petitioner on merit. Further it is added that any adverse action against the undersigned is against the law, Rules and Superior court judgments, because there was no fault on the part of the undersigned because the undersigned appointed after completing all codal formalities.

Additional grounds which is necessary for conclusion submitted as under:-

2. That previously two time charge sheets and statement of allegations was served upon the appellant which was properly replied by the undersigned and inquiry was conducted and the undersigned was exonerated and filed. But despite that without any order for further inquiry third time charge sheets and show cause notice was issued which is nullity in the eye of law and void ab-initio.

3. That according to Supreme court judgment cited as 2011 PLC(CS) 1296 & 2007 PLC (CS) 179 any irregularity committed by department in appointment. The petty can not be held for the same but the action taken against the appointment authority and 1996 SCMR 413, 2002 SCMR 1034 and 2006 SCMR 678 stated that "Termination of service ---imposition of penalty by the appointing authority responsible for make illegal appointment--- validity--- appointment of an employee, if made illegally, could not be cancelled under Efficiency and Disciplinary Rules---instead of taken action against such employee, action must be taken against the appointment Authority for committing a misconduct by making illegal appointment as per his own admission". So show cause may be filled being void ab-initio.

4. That according to Supreme Court judgment cited as 2004 SCMR 1077 and 2014 PLC(CS) 479 "Wrong exercise of

ATTESTED

KQ

44

power—illegal appointments--- penalizing petty employee— validity—beneficiary of illegal appointment cannot be blamed wrongfully because primarily the authority who had, actually wrongfully exercised its powers, for the reasons known to it, was bound to be held responsible for the same --- instead of penalizing the petty employees like Cowkidar, Naib Qasid, junior Clerk etc, who had to earn livelihood to support their families and if after having served for a long period they were removed from service discriminately , such action would not promote the cause of action and it would give rise to a number of problems--- instead of removing the employees from service, action should have been taken against the authority who wrongly exercised its powers”.

5. That the allegation leveled against the appellant was on the basis of presumptive, conjectures and surmises which is not sustainable in the eyes of law and judgment reported as 2001 PLC(CS) 1185 “Civil Services—termination of service—services of all civil servant were terminated on allegation that letter of appointment of civil servant was bogus and his appointment was fictitious--- charge on the basis of which services of the civil servant was terminated, was a serious charge -allegation was that appointment of civil servant was against the policy and his appointment letter was bogus—authority did not produce record to support the allegation, in absence of any record such allegations could only be considered as presumptive --- order terminating services of civil servant was purported to have been issued under direction of government to de-notify illegal appointments—validity--- no directions could be issued to de-notify appointment were alleged to have been made in an illegal manner. The appeal was allowed and termination order was set aside.
6. That any adverse action against the undersigned is against the Law, Rule and Superior Court orders/Judgments, because there was no fault on the part of undersigned because the undersigned appointed after completing all codal formalities.

It is therefore most humbly requested that the undersigned may be exonerated from the charges mentioned in the show cause by considering above submission and the show cause notice dated 13.03.2019 may be filed.

Zahid Alam
Zahid Alam,
Assistant BPS-16.
RTA Abbottabad.

ATTESTED

KQ



45
Annexure
cc L 33

Directorate of Transport & Mass Transit Khyber Pakhtunkhwa

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

Dated: 29th April, 2019

OFFICE ORDER:-


No.Dir/TPT/1-46/inquiry/ 6739-45. WHEREAS, Mr. Zahid Alam serving as Office Assistant (BPS-16) in Regional Transport Authority Abbottabad 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 Akhar 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. Zahid Alam, Office Assistant (BPS-16) with immediate effect.


Director
Transport & Mass Transit
Khyber Pakhtunkhwa

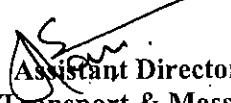
Endst: No.Sc(Estt)FE&WD/II-2/2k15

A copy is forwarded to the: -

1. Chairman RTA/Commissioner Abbottabad.
2. District Account Office Abbottabad.
3. Secretary Provincial Transport Authority Peshawar.
4. Secretary Regional Transport Authority Abbottabad.
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

46
Annex cc M₂₃
The Honourable Secretary, Chairman
Provincial Transport Authority
Khyber Pakhtunkhwa, Peshawar

Disc No 2265
Date 9-5-19
PS No
C. No
Transport
Khyber Pakhtunkhwa

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

Prayer in 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.

ATTESTED

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Received
9-5-19
@ 22/5/19

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.
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.
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 provided the appointment evidence which so they failed and the responsibility was placed / dropped on the shoulder of undersigned and resultanty show cause notice was issued against the undersigned.
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.
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.
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:

ATTESTED

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KO
ALLEGED

1. That the same party the person or persons named in the foregoing
in the foregoing process the said party or parties
in the foregoing process the said party or parties
in the foregoing process the said party or parties

persons are named by the said party

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PERSONS OF DEPARTMENTAL SERVICE

authority (1996 SCMR 413, 2002 SCMR 1034, 2006 SCMR 678, 2011 PLC CS 1296).

- I. That I have never committed any act or omission which could be termed as misconduct; the charges leveled against me are false and baseless besides the same are neither **probed** nor proved albeit I have illegally been removed from service.
- J. That I have at my credit a long unblemished and spotless service career, the penalty imposed upon me is too harsh and is liable to be set aside.
- K. That I am jobless since my dismissal from service.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 29.01.2019, may please be set aside and the undersigned may kindly be reinstated into service with all back benefits.

Yours Obediently,

Zahid
09/59/19.

Zahid Alam Ex Assistant (BS 100)
RFA Abbottabad Division.

ATTESTED
KQ



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.

phz convey it to them

2/8

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.

ADLE

my to

2/8

suph-

Put up on file pl

ATTESTED

KQ

SECTION OFFICER (ADMN)



DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building, Peshawar Cantt. Tel: 091-0212061/9214185


DIR/TPT/1-46/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.

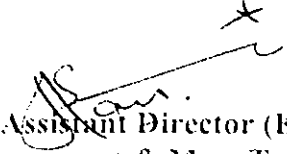
I am directed to refer to the subject noted above and to inform you that the Competent Authority has regretted your appeal regarding removal from service vide Letter No.SO(G)/10-15/2019/inquiry RTA/6323-25 dated 01-08-2019 (copy enclosed).


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 Dir/PT/Est/1-11/2016/19
Dated Peshawar the 20.06.2016

ORDER:

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Annex 2

On the recommendation of the Departmental Promotion Committee (DPC) meeting held on 11.06.2016, 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-11)	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-15(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]



53

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

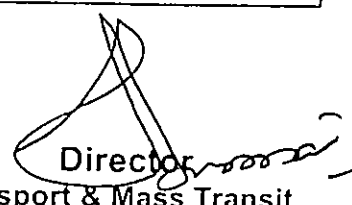
No. Dir/TPT/1-85/Promotion/ 755 / 76. On the recommendation of Departmental Promotion Committee (DPC) meeting held on 25th June, 2019 the following officials of Provincial Transport Authority and Regional Transport Authorities are hereby promoted to the post of Senior Clerk (BPS-14) on regular basis 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

WAKALATNAMA

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

Zahid Alam

Petitioner(s)

Versus

Govt. of KPK Through Secretary Transport and other
Respondent(s)

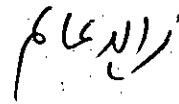
I, Petitioner / Appellant

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. 1105/2019

Zahid Alam

.....(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

Seif
Muhammad
DEFONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1105/2019

Zahid Alam

.....(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:

- 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.

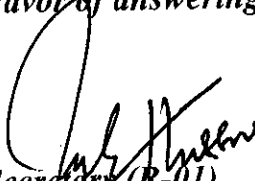
- 6) Para 6 of the service appeal is incorrect, hence denied. Detail reply has already been given in the above para.
- 7) Par 7 of the service appeal is correct to the report of an inquiry conducted against the present appellant.
- 8) Para 8 of the service appeal is correct that full time opportunity 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.

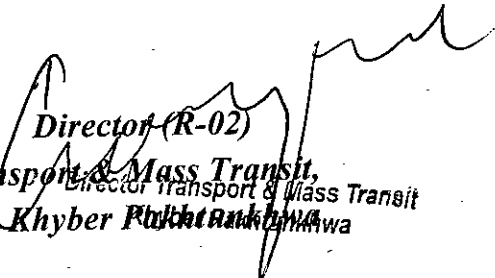
GROUNDS:


- 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.

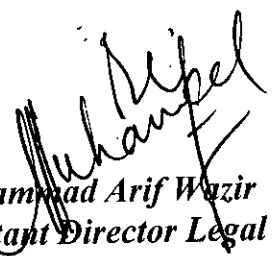

Secretary (R-01)
Transport & Mass Transit Department,
Govt. of Khyber Pakhtunkhwa


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


Secretary (R-03)
Regional Transport Authority,
Hazara 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
Assistant Director Legal
Transport & Mass Transit, Khyber Pakhtunkhwa
12/02/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

S.A.No. 1105 /2019

ZAHID ALAMv/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.

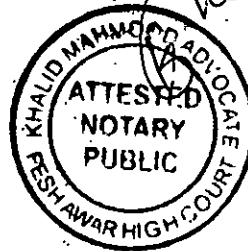
Dated: 12.11.2019

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.



WAKALAT NAMA

IN THE COURT OF Servies Tribunal Peshawar

Zahid Alam (Petitioner) (Plaintiff), (Appellant), (Complainant)

VERSUS

Gout of Khyber Peshawar (Respondent), (Defendant), (Accused)
etc

Case FIR No _____ Dated / / Police Station _____

Charge u/s _____

I/We, Zahid Alam

The above noted Appellant do hereby appoint and Authorize **Zia-ur-Rehman Tajik Advocate, Supreme Court of Pakistan** to compromise, withdraw or refer to arbitration for me/us as my/our counsel in the above noted matter, I/we also authorized the said Counsel to file appeal, revision, review application for restoration, compromise, withdraw, refer the matter for arbitration. And make any miscellancous application in the matter or arising out of matter and to withdraw and receive in my/our behalf all sums and amount deposited in my/our account in the above noted matter.

ACCEPTED

Zia-ur-Rehman

Zia-ur-Rehman
CLIENT

Zia-ur-Rehman Tajik

L.L.B, L.L.M, Diploma in Sharia Law
Advocate Supreme Court of Pakistan

Office: 26-A, Nasir Mansion

2-Railway Road, Peshawar.

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