20.04.2017 Appellant alongwith his counsel present. Mr. Muhammad Amin, Superintendent and Basharat Ali, Assistant alongwith Mr. Usman Ghani, Senior Government Pleader for the respondents also present. Arguments heard. To come up for order on 10.05.2017. Till further orders recovery shall not be made from the appellant.

(Ahmad Hassan)
Member

(Muhammad Amin Khan Kundi)
Member

10.05.2017 Appellant with counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Amin, Supdt and Basharat Ali, Assistant for respondents present.

Vide our detailed judgment of to-day in the connected service appeal No. 230/2016 titled "Imtiaz Muhammad -vs- Govt: of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar and others", this appeal is also decided as per detailed judgment referred above. File be consigned to the record room.

ANNOUNCED
10.05.2017

(AHMAD HASSAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)

MEMBER

214/2016

20.01.2017 Appellant in counsel, Mr. Muhammad Yasin, Superintendent & Basharat Khan, Assistant alongwith Mr. Ziaullah, GP for respondents present. Appellant requested for adjournment on the ground that his counsel is out of station. Request is accepted. To come up for arguments on 22.02.2017 before D.B. Till further orders recovery shall not be made from the appellant.

(AHMAD HASSAN)
MEMBER

(ASHFAQUE TAJ)
MEMBER

22.02.2017 Clerk to counsel for the appellant and Mr. Wahid Gul Junior Clerk alongwith Addl: AG for respondents present. Argument could not be heard due to general strike of the bar. To come up for arguments on 17.03.2017 before D.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER

(AHMAD HASSAN)
MEMBER

17.03.2017 Appellant in person and Addl: AG alongwith Mr. Muhammad Yaseen, Supdt and Mr. Basharat, Assistant for respondents present. Appellant requested for adjournment. Adjourned. To come up for arguments on 20.04.2017. Till further orders recovery shall not be made from the appellant.

(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

03.10.2016 Since 3rd October, 2016 has been declared as public holiday on account of 1st Muharram therefore, case is adjourned for the same on 15-11-16.

Reader

15.11.2016 Appellant in person, M/S Muhammad Yasin, Superintendent and Gohar Ali, Senior Clerk alongwith Additional AG for respondents present. Rejoinder submitted, copy whereof also handed over to learned Additional AG. To come up for arguments on 27-12-16 before D.B. Till further orders recovery shall not be made from the appellant.

(ABDUL LATIF)
MEMBER

(PIR BAKHSH SHAH)
MEMBER

27.12.2016 appellant in person present, Muhammad Yasin, Superintendent alongwith Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 20.01.2017 for argument before D.B.

Chairman

23.06.2016 Appellant in person, M/S Muhammad Yaseen, Superintendent and Muhammad Ali, Superintendent alongwith Additional AG for respondents present. Written reply not submitted and requested for further time. Last chance given for submission of written reply. File to come up for written reply/comments on 02.08.2016 before S.B alongwith connected appeals. Till further orders recovery shall not be made from the appellant.

MEMBER

02.08.2016 Mr. Zulfiqar Ahmed, Advocate on behalf of counsel for the appellant, and Mr. Muhammad Yasin, Superintendent alongwith Additional AG for respondents present. Written reply not submitted despite last opportunity. Requested for further time. Another last opportunity granted. To come up for written reply/comments on 25.08.2016 before S.B alongwith connected appeals. Till further orders recovery shall not be made from the appellant.

MEMBER

25.08.2016 Clerk to counsel for the appellant M/S Muhammad Ali, Supdt and Yasin Khan, Supdt alongwith Addl. AG for respondents present. Written reply on behalf of respondents No. 2, 3 and 4 submitted. The learned Addl. AG relies on the written reply/comments submitted by the respondents No. 2, 3 and 4 on behalf of respondents No. 1 and 5. The appeal is assigned to D.B for rejoinder and final hearing on 3.10.2016. Till further orders recovery shall not be made from the appellant.

Chairman

24.03.2016 Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Executive Engineer in Public Health Engineering Department at District Nowshera in the year 1989 when subject to inquiry on the allegations of involvement in corrupt practices and causing huge monetary loss to public exchequer and removed from service vide impugned order dated 11.11.2015 where-against he preferred departmental appeal on 26.11.2015 which was not responded and hence the instant service appeal on 3.3.2016.

Appellant Deposited Security & Process Fee

That the impugned order is against the findings of the inquiry committee wherein minor penalty in the shape of recovery was proposed. That the allegations were not properly looked into by the said committee and as such the same were not substantiated through any cogent evidence and, furthermore, the appellant was afforded no opportunity of personal hearing despite his claim.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 11.5.2016 before S.B. Notice of stay application be also issued for the date fixed. Till further orders recovery shall not be made from the appellant.

11.05.2016 Appellant with counsel, M/S Muhammad Yasin, Supdt. and Muhammad Arshed, Supdt. alongwith Addl. AG for respondents present. Representatives of respondent-department informed that written reply is under process and will be submitted on the next date. The respondents are directed to submit written reply positively on the next date. Counsel for the appellant submitted that two similar cases have been fixed for reply on 23.06.2016 and requested that this appeal may also be clubbed with those appeals. To come up for written reply/comments on 23.06.2016 before S.B alongwith connected appeals. Till further orders recovery shall not be made from the appellant.

Chairman

Member

Form- A

FORM OF ORDER SHEET

Court of_____

Case No. 214 /2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09.03.2016	The appeal of Mr. Nasir Latif Baloch resubmitted today by Mr. Sardar Ali Raza Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2		This case is entrusted to S. Bench for preliminary hearing to be put up thereon 24-3-16 CHAIRMAN

The appeal of Mr. Nasir Latif Baloch Executive Engineer PHE Department Peshawar received to-day i.e. on 03.03.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Annexure-F of the appeal is incomplete which may be completed.

No. 368 /S.T,

Dt. 03 / 3 /2016

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sardar Ali Raza Adv. Pesh.

Sir
Re-submitted after complition.

Sardar Ali Raza
09/03/2016

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Service Appeal No 814 2016

Nasir Latif Baloch

VERSUS

Govt of KPK through Chief Minister and others

INDEX

Appellant

Through: Sardar Ali Raza

(SARDAR ALI RAZA)

&

Ahmad

(ZULFIQAR AHMAD)
Advocate,
High Court, Peshawar
Office 17-A The Mall
Peshawar Cantt
Cell # 0300-5923990

Dated: -01-03-2016

(1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Service Appeal No 214 / 2016

Nasir Latif Balouch S/O Abdul Latif, Executive Engineer Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Minister Khyber Pakhtunkhwa

2. Government of Khyber Pakhtunkhwa through Chief Secretary

3. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa

4. Chief Engineer (South) Public Health Engineering Department, Khyber Pakhtunkhwa

5. District Police Officer, District Nowshera.....(Respondents)

Appeal under Section 4 of the NWFP Service Tribunal Act, 1974 r/w Section 19 of Government Servant (Efficiency) Rule 2011 against the impugned notification No Secy: PHED Notification No SO (ESTT) PHED/8-26/2014 dated 11th November, 2015 of the Respondent No 3, whereby the departmental appeal/review petition against the order of removal from service and recovery of Rs 1,583,999/- of the Appellant was dismissed in a cursory manner

PRAYER IN APPEAL:-

On acceptance of the instant Appeal, the impugned impugned notification No Secy: PHED Notification No SO (ESTT) PHED/8-26/2014 dated 11th November, 2015 of the Respondent No 3 may kindly be set aside and consequently the Appellant may be reinstated in service with all back benefits.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

1) That Appellant was appointed as Sub-Engineer (BPS-11) in Public Health Engineering Department NWFP (now Khyber Pakhtunkhwa) on 28-08-1989. (Copy of the appointment letter is attached as Annex 'A').

2) That the Appellant after rendering meritorious service for about 26 years, the Appellant was promoted lastly as Executive Engineer (BPS-18) in Public Health Engineering Department NWFP (now Khyber Pakhtunkhwa). (Copy of the notification is attached as Annex 'B'). B/1.

3) That the Appellant was transferred as Sub Divisional Officer in the month of March, 2008 at Nowshera; where the scheme i.e. Water Supply Scheme Sado Khel, Asha Khel, which was the part of Ambraalla scheme namely (Construction of 10 Tube Wells) for Nowshera. The Adminrative approval and technical sanction was granted on 25-09-2009 and 24-10-2009.

4) That the Appellant was posted as Executive Engineer PHED, Nowshera and remained on dual charge of Executive Engineer as well as Sub Divisional Officer and regularly took the charge as Executive Engineer on 01-04-2010. The Appellant remained there till 21-02-2013.

5) That the Appellant completed the above mentioned scheme on 30-06-2010 in accordance with approved plan and standard specification of PHED. On fortunately scheme could not be activated due to non-availability of electricity connection, despite the full payment to WAPDA.

6) That the inquiry was initiated against the Appellant by the competent authority by issuing a charge sheet and statement of allegations dated 27-12-2013. (Copy of the charge sheet and statement of allegations is attached as Annex 'C').

7) That thereafter the inquiry committee was constituted comprising (1) Mr. Manzoor Ahmad Director Transport KP (2) Engineer Nasir Ghafoor SE Irrigation Department. The Appellant submitted reply of charge sheet and statement of allegations. (Copy of the reply is attached as Annex 'D').

8) That the inquiry report was submitted by the above mentioned two persons to the competent authority without observing the coddle formalities in conducting the inquiry and almost draw the conclusion, while sitting in the office. The copy of which was never provided to the Appellant with mala-fide intention. Keeping in view the discrepancies in the inquiry, the Respondent No 3 Secretary Public Health

vide letter dated 16-06-2014 again directed the members of the inquiry committee for review of their earlier report, the inquiry committee in compliance of the directions vide letter dated 09-09-2014 again after review submitted the report without observing the coddle formalities and the law. (is attached as Annex 'E').

9) That it is pertinent to mention here that the previous inquiry report almost exonerated the Appellant and imposed a minor penalty of recovery as per his job description and tenure, since other three other persons were also given the same charge sheet and statement of allegations. (Copy of the earlier inquiry report is attached as Annex 'F').

10) That consequent upon the review of the inquiry committee, the competent authority issued a show cause notice to the Appellant on 20-10-2014 and the Appellant submitted the reply of show cause notice. (Copy of the show cause notice, copy of the letter dated 27-10-2014 and reply to show cause notice is attached as Annex 'G' 'H' & 'I').

11) That the competent authority vide notification dated 11th November, 2015, the Appellant was removed from his service as well as imposed recovery of pecuniary losses of Rs 1,583,999/- (Copy of the notification dated 11-11-2015 is attached as Annex 'J').

12) That the Appellant was seriously aggrieved from the above mentioned notification dated 11-11-2015, filed a departmental appeal/review petition before the worthy Chief Minister competent authority (Respondent No 1) on 26-11-2015. (Copy of the departmental appeal is attached as Annex 'K').

13) That since 26-11-2015, there is no reply of the competent authority and the fate of Appellant is in lurch, hence this Appeal for setting aside the impugned notification dated 11th November, 2015 on the following grounds inter-alia:-

GROUNDS:-

A) That the impugned notification dated 11th November, 2015 is illegal, unlawful and based upon surmises and conjectures and not tenable in the eyes of law at all.

B) That the entire proceedings were carried out in the office of the Officers of inquiry committee, which is illegal and unlawful since many questions of facts, which requires the recording of evidence and very minuet nature of

measurement is required to come to the conclusion of such nature. The letter dated 03-07-2014 to the Executive Engineer PHED Nowshera, which shows that the task of measuring losses in shape of missing rising man, non-installation of distribution system, and burying of pipes and other tasks were assigned to the Executive Engineer by the inquiry committee. (Copy of the letter dated 03-07-2014 is attached as Annex 'L').

C) That prior to the subject inquiry, the same matter was raised in DDWP meeting held on 06-09-2013, wherein it was categorically decided that the pipe washed away due to the flood or stolen by the people of locality should be deducted from the available pipes on the spots and new funds were allocated for the same scheme. (Copy of the letter dated 11-09-2013 and minute of the DDWP meeting dated 06-09-2013 is attached as Annex 'M & N').

D) That it is pertinent to mention here that the stealing of pipes was reported by the department to the local police, whereupon the local police recorded the statement of the local persons and submitted a report, which was altogether ignored by members of the inquiry committee as well as by the competent authority. (Copy of the report and statement is attached as Annex 'O & P').

E) That the Appellant in all his replies, submitted to the inquiry committee and competent authority, categorically sort a personal hearing but very conveniently ignored by both the forums, which tantamount to condemning the Appellant unheard.

F) That neither the statements of private witnesses were recorded nor any statement of departmental representatives were recorded by the inquiry committee and this fact was also ignored by the competent authority. Hence, fells into serious illegality.

G) That the charge sheet is defective in nature and clearly ignores the concept apportionment of the responsibility of Appellant and other officials charge sheeted with Appellant without apportionment the inquiry committee and competent authority cannot impose this harsh and unjustified penalty upon the Appellant.

H) That the entire proceedings of efficiency and discipline rules are quasi judicial in nature, since the inquiry committee has to decide the fate of a civil servant. It is incumbent upon the inquiry committee as well as the competent authority to decide the matter before the in

accordance with law and by granting full opportunity to the accused in his defence.

I) That the other grounds not here specifically may also graciously be allowed to be raised at the time of arguments.

It is, therefore, most respectfully prayed that on acceptance of this Appeal, the impugned impugned notification No Secy: PHED Notification No SO (ESTT) PHED/8-26/2014 dated 11th November, 2015 of the Respondent No 3 may kindly be set aside and consequently the Appellant may be reinstated in service with all back benefits.

Appellant

Through: Sardar Ali Raza/.
(SARDAR ALI RAZA)
&
Zulfiqar Ahmad/.
(ZULFIQAR AHMAD)
Advocates,
High Court Peshawar

Dated: -01-03-2016

NOTE:-

No such appeal for the same Appellant has earlier been filed by me before this Honourable Tribunal prior to instant one.

Zulfiqar Ahmad/.
Advocate

(6)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Nasir Latif Baloch

VERSUS

Govt of KPK through Chief Minister and others

Application for the suspension of notification dated 11-11-2015 till the final disposal of the instant Appeal

Respectfully Sheweth: -

1) That the captioned appeal, alongwith the instant application is being filed in this Honourable Tribunal, wherein no date of hearing has yet been fixed.

2) That the Appellant requests for the grant of interim relief on the following:-

GROUNDS: -

A) That due to the grounds set out in the main Appeal, Appellant has got good prima facie case in his favour and is hopeful of its success.

B) That the grounds of appeal may kindly be considered as part and parcel of the instant application.

C) That, if the operation of impugned notification dated 11th November, 2015 is not suspended; the Appellant would suffer irreparable loss.

D) That due to the peculiar circumstances of case in hand, balance of convenience also lies in favour of allowing this application.

It is, therefore, respectfully prayed that on acceptance of this Application, the interim relief as prayed for in the heading of application may be passed in favour Appellant against the Respondent.

Appellant/Applicant

Through: Sardar Ali Raza

(SARDAR ALI RAZA)

&

Zulfiqar Ahmad

(ZULFIQAR AHMAD)

Advocates,

High Court, Peshawar

Dated: -01-03-2016

(7)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Nasir Latif Baloch

VERSUS

Govt of KPK through Chief Minister and others

AFFIDAVIT

I, Nasir Latif Balouch S/O Abdul Latif, Executive Engineer Public Health Engineering Department, Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare on Oath the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

DEPONENT

Identified by:-

(ZULFIQAR AHMAD)
Advocate
High Court, Peshawar

(8)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Nasir Latif Baloch

VERSUS

Govt of KPK through Chief Minister and others

MEMO OF ADDRESSES

APPELLANT

Nasir Latif Balouch S/O Abdul Latif, Executive Engineer PHED, Khyber Pakhtunkhwa, Peshawar

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Chief Minister Khyber Pakhtunkhwa
2. Government of Khyber Pakhtunkhwa through Chief Secretary
3. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa
4. Chief Engineer (South) Public Health Engineering Department, Khyber Pakhtunkhwa
5. District Police Officer, District Nowshera

Appellant

Through: Sardar Ali Raza

(SARDAR ALI RAZA)

&

Ahmad

(ZULFIQAR AHMAD)

Advocates,

High Court, Peshawar

Dated: -01-03-2016

PUBLIC HEALTH ENGINEERING DEPARTMENT N.W.F.PROVINCE.

No.131015/ /Dated Peshawar the 29/8/89.

To,

The Executive Engineer,
PHE:Sanitation Project Divn:,
Peshawar.

SUBJECT:- REGULARIZATION OF SERVICES OF PROJECT SUB ENGINEERS OF PHE:SANITATION DIVN:.

It is intimated that the services of the following project Sub Engineers (B-11) attached to your Division have been regularized by the PHE:Departmental Selection Committee in the meeting held on 5.8.1989.

1) Mr.Hazrat Muhammad,Sub Engineer.
2) Mr.Nasir Latif,Sub Engineer.

2) The terms and conditions of the regularization of the service are as under:-

1) They will be allowed pay in the same BPS-11 at the initial stage of Rs.910/-p.m.plus allowances as admissible under the rules.

2) They will be on purely temporary basis.

3) They will be probation for a period of 2 years extendable upto 3 years. In case of unsatisfactory work and conduct during the probationery period, their services shall be dispensed with without any notice and assigning reason therefor.

4) They shall be on deputation basis to your Division without deputation allowance.

D.A.
29/8

DA/Nil.

Chief Engineer,
Public Health Engg:Department
NWFP,Peshawar.

ATTESTED

(10) (B)

GOVERNMENT OF N.W.F.P.
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the March 31, 2010

NOTIFICATION

No.SO(Estt)/PHED/1-17/2010 Consequent upon the recommendations of the Provincial Selection Board (PSB), in its meeting held on 09-03-2010, the competent authority has been pleased to promote the following Assistant Engineers/Sub Divisional Officers (BS-17) of the Public Health Engineering Department to the rank of Executive Engineer (BS-18) on regular basis, with immediate effect.

1. Mr. Niamatullah Banochi
2. Mr. Abdul Bashir
3. Mr. Rehmat Ali
4. Mr. Abdus Sami
5. Mr. Abdul Latif
6. Mr. Khan Zeb
7. Mr. Ishrat Ali
8. Mr. Baharullah
9. Mr. Amjad Ali
10. Mr. Muhammad Sadiq Khattak
11. Mr. Irfan Rasheed
12. Mr. Nasir Latif

ATTESTED

2. They will be on probation for a period of one year or till retirement which ever is earlier. However, their promotion will be subject to the final order of NWFP Services Tribunal and Supreme Court of Pakistan on the main petition.

3. Consequent upon their promotion, the competent authority is further pleased to order the posting/transfer of the following officers of PHE Department, with immediate effect, in the public interest:-

S. No	Name of Officer	From	To
1.	Niamatullah Banochi	Executive Engineer (OPS) PHE Division Mansehra	Executive Engineer PHE Division Mansehra
2.	Abdul Bashir	Assistant Design Engineer o/o the C.E (South) PHED	Design Engineer o/o the C.E (South) PHED.
3	Rehmat Ali	Executive Engineer (OPS) PHE Division Karak.	Executive Engineer PHE Division Karak.
4.	Abdus Sami	Section Officer (Tech) PHE Department.	Design Engineer o/o the C.E (North) PHED
5.	Abdul Latif	Executive Engineer (OPS) PHE Division Abbottabad.	Executive Engineer PHE Division Abbottabad.
6.	Khan Zeb	Deputy Secretary (Technical) (OPS) PHE Department.	Design Engineer o/o C.E (North) PHE Department for actualization of promotion and re-posted as DS (Tech) PHED.
7.	Ishrat Ali	Executive Engineer (OPS) PHE Division Swat.	Executive Engineer PHE Division Swat..
8.	Baharullah	Executive Engineer (OPS) PHE Division Swabi..	Executive Engineer PHE Division Swabi.
9.	Amjad Ali	Executive Engineer (OPS PHE Division Mardan.	Executive Engineer PHE Division Mardan..
10.	Muhammad Sadiq Khattak	Executive Engineer (OPS) PHE Division Battagram.	Executive Engineer PHE Division Battagram.

(11)

11.	Irfan Rasheed	Assistant Design Engineer (Waiting for posting).	Technical Officer o/o Chief Engineer (N) PHED.
12.	Nasir Latif	Executive Engineer (OPS) PHE Division Nowshera..	Executive Engineer PHE Division Nowshera. .
13.	Mehboob ur Rehman	Design Engineer (OPS) o/o the C.E (North) PHED	Assistant Design Engineer o/o the C.E (North) PHED.

(ENGR. AHMAD JAN)
SECRETARY PHED

Endst: No.SO(Estt)/PHED/1-17/2010 **Dated Peshawar, the March 31, 2010**

Copy forwarded for information and necessary action to the:-

1. Additional Chief Secretary NWFP Peshawar.
2. Additional Chief Secretary (FATA) Warsak Road Peshawar.
3. Principal Secretary to Chief Minister NWFP Peshawar.
4. Political Secretary to Chief Minister NWFP Peshawar.
5. Secretary to Governor NWFP Peshawar.
6. Accountant General NWFP Peshawar.
7. Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar.
8. DG-cum-Secretary PDMA/PaRRSA NWFP, Peshawar
9. DG-cum-Secretary PERRA NWFP, Abbottabad
10. PS to Chief Secretary NWFP, Peshawar.
11. Chief Engineer (North) PHE Department NWFP, Peshawar.
12. Chief Engineer (South) PHE Department, NWFP, Peshawar.
13. Registrar NWFP Services Tribunal Peshawar.
14. All Superintending Engineers in PHE Department.
15. All Executive Engineers in PHE Department.
16. District/Agency Accounts Officer concerned.
17. Manager Government Printing Press Peshawar for publication in the next issue of Govt Gazette.
18. Incharge Computer Cell PHE Department.
19. PS to Secretary PHE Department.
20. Office Order/Personal Files

(SHABBIR AHMED AWAN)
SECTION OFFICER (ESTT)

ATTESTED

(11-A) (B/1)

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the February 19, 2013

NOTIFICATION

No.SO(E)PHE/1-45/2013. The competent authority has been pleased to order the transfers / postings of following Executive Engineers of the Public Health Engineering Department with immediate effect:-

SNo	Name	From	To	Remarks
i.	Mr.Nasir Latif (BPS-18)	Executive Engineer PHE Division Nowshera.	Executive Engineer PHE Division Torghar.	Vice No.ii
ii.	Mr.Shahzada Behram (B-18)	Executive Engineer (Acting Charge) PHE Division Torghar.	Executive Engineer (Acting Charge) PHE Division Nowshera	Vice No.i

SECRETARY

No.SO(E)PHE/1-45/2013 Dated Peshawar, February 19, 2013

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Special Assistant to Chief Minister Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (North) PHE Peshawar.
4. Chief Engineer (South) PHE Peshawar.
5. Superintending Engineer PHE Circle Abbottabad / Peshawar.
6. Executive Engineer PHE Division Nowshera / Torghar.
7. District Accounts Officer Nowshera / Torghar.
8. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
9. Officers concerned.
10. O/O File / Personal Files.

19/2/13

(MUHAMMAD YUNAS)
SECTION OFFICER (ESTT:)

A.O

CE(S)

A.O

Attested

Charge Sheet

(12)

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, hereby charge you, Mr.Nasir Latif, Executive Engineer (BPS-18) PHE Division Nowshera, as follows:-

2. That you while posted as Executive Engineer PHE Division Nowshera, committed the following irregularities:-

i) In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.

ii) The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.

iii) Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the public exchequer.

iv) The work was not carried out as per standard specification of PHED.

3. By reason of the above, you appear to be guilty of inefficiency & misconduct and corruption under section-3 (a) (b) & (c) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in section-4 of the rules ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

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

6. A statement of allegations is enclosed.

ATTESTED

Pervez Khattak

(PERVEZ KHATTAK)
CHIEF MINISTER
KHYBER PAKHTUNKHWA
27-12-2013

STATEMENT OF ALLEGATIONS

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as competent authority, am of the opinion that Mr.Nasir Latif (BPS-18), Executive Engineer PHE Division Nowshera, has rendered himself liable to be proceeded against as he committed the following acts / omission within the meaning of section-3 (a) (b) & (c) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011:-

2. That he while posted as Executive Engineer PHE Division Nowshera, committed the following irregularities:-

i) In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.

ii) The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.

iii) Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the public exchequer.

iv) The work was not carried out as per standard specification of PHED.

3. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer / Committee consisting of the following is constituted under section-10 of the E&D Rules 2011.

i) Mr. Manzoor Ahmad, Director Transport, KP.
ii) Engr. Nasir Ghafoor SE, Irrigation Dept.
iii) ----------

4. The Enquiry Officer / Committee shall, in accordance with the provisions of the E&D Rules 2011, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

5. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

ATTESTED

Pervez Khattak

(PERVEZ KHATTAK)
CHIEF MINISTER
KHYBER PAKHTUNKHWA

14

To,

Mr. Manzoor Ahmad,
Director Transport, Khyber Pakhtunkhwa.

D

Engr. Nasir Ghafoor Khan,
Project Director,
Bazai Irrigation Project, Mardan.

Subject: **I N Q U I R Y : (WSS Sadu Khel/ Asha Khel)**

Respected Sirs,

The undersigned has been directed to furnish ***annotated replies*** to the charges contained in the Charge sheet. In fact these are not four charges but a single charge has been split into four clauses and clause (i) to (iv) collectively constitute/ make one and the same charge to which I have replied. The reading of a single clause in isolation of each other will not make any sense. Any how an attempt is made to comply with your kind orders as below:

S.No	Contents of Charge	Reply of the Accused
i)	In the Village Sadu Khel the Rising Main and distribution system of the **Water Supply and Sanitation** Scheme was found missing.	Clause (i), if read in isolation of remaining clauses, does not convey any accusation against me nor does it state any independent charge against any one. This clause alone does not state/ disclose any particular accusation **as to whether**: (a) Fake payments were made without laying the pipes? (b) The pipes were washed away by flood? (c) The pipes were stolen after they were laid? And hence a highly defective charge being vague and dumb. If we presume it a separate charge then (with due respect) it does not contain any allegation against me or any one else and hence not require any separate reply. But if it is part and parcel of the same and single charge, then my earlier detailed reply coupled with subsequent explanation sufficiently repel things, wherein I have categorically denied/ disproved the false charge/ accusation as in para 9 to 16 of my reply I have belied the possibility of washing away of pipes by flood while in para 17 to 27 I have proved the fact of stealing pipes by the locals. No steps seem to have been taken for collecting the stolen pipes still lying in the custody of various individuals. While on the other hand, efforts are being made to save the skin of the culprits and justify the false charge by making accused an escape goat. ***I reserve the right of a judicial review.***

ATTESTED

ii)	The Pipe Line (Rising Main) was laid in Nullah **longitudinally** on the surface without burying the pipeline in depth.	As stated in para 2 of my earlier xplanatory memo, it has incorrectly been alleged that the pipe line (Rising Main) was laid in the Nullah longitudinally on the surface without burying the pipeline in depth. In fact there is no Nullah but a dry-khwar in the shape of barren land where agricultural lands; residential and government buildings and tube-well are there while the pipe was laid in accordance with site requirements and was properly covered under the earth upto allowable depth. With due respect, where the pipe is missing and not available on site (being stolen or washed away), how can one say/ allege that it was laid in the Nullah longitudinally on the surface without burying it in depth? The department has not been able to produce any oral or documentary evidence in support of this allegation. I have submitted a separate application for providing opportunity of cross examination on such witness, if any. While in absence of such evidence, it will be unlawful to believe the charge. With due respect, the very purpose of laying G.I. Pipe is that it has the strength to face all weathers and even can be laid on the surface in hilly and hard areas, where excavation is not possible. The department has approved certain manufacturing G.I. Pipes after making required tests and in this case the pipe used was that of the approved firm.
iii)	Pipes of **various sizes** measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the public exchequer.	Under the law an accused cannot be required to prove his innocence until prosecution brings oral and/ or documentary evidence on record in support of the charge/ accusation thereby shifting burden to the accused to prove his innocence and belie the prosecution evidence. It was for the department to prove its allegations against the accused. But till date they have neither brought any oral or documentary evidence on record nor have been able to shift burden to the accused for proving their innocence. I reserve my right of cross examination on such witnesses (if any). With due respect, the department has not been able to specify quantity and cost with reference to Rising Main and Distribution, nor has it been able to state the quantity of various sizes with cost thereof, which prima facie suggest that the charge has been framed in the air for ulterior motives.
iv)	The work was not carried out as per standard specification of PHED.	Beyond all doubts the pipeline of ***Sadu Khel*** was laid as per approved plan according to the standard specification of PHED. In this regard, the work on ***Asha Khel*** section is a speaking proof of executing work in accordance with the standard specification of PHED, as the same is satisfactorily working and no defect could have been noticed therein, which sufficiently belie the false charge/ accusation.

ATTESTED

		This clause of the charge is dumb and vague as it does not identify/ specify any particular rule(s)/ standard specification deviated from. In absence of such identification, the baseless charge/. accusation fall to the ground being without substance. Is there any competent person in the department to identify the particular provision/ specification which the undersigned/ accused has violated or deviated from? I request the Hon'ble Inquiry Committee to pin-point/ identify the particular rule/ provision/ specification if they know. Under the law, a charge must be clear in itself with necessary details. It is for the department to pin-point the particular standard specification, which the undersigned has violated/ deviated from. Copy of T. S. Estimate has already been provided to Mr. Nasir Ghafoor, Project Director, Bazai Irrigation Project, Mardan during hearing of the case.

I have already provided sufficient "***documentary evidence***" of theft of pipes by the locals. In this regard reference is invited to para 18, 20 and 21 of my reply and **Annexure-IV, V** and **VI**, whereby the department itself has reported to the local police and the police has confirmed that the whole pipe is lying with the locals, who claim it to have kept it at their homes as a "National Trust".. Under the law documentary evidence exclude oral evidence.

It is painful to see that instead of dealing with the culprits with iron hand, all concerned seem to have joined hands with them to save their skin; otherwise the police was required to book them under the relevant sections of law and recover the pipes from them.

I have moved separate application for requiring the department to produce their witnesses for cross examination being it a right given by law to the accused for safe administration of justice.

With due respect the department seems to have issued the instant charge sheets while in great hurry to justify approval of fresh scheme under the garb of revised PC-I against the dictates of DDWP and in disregard of the directive of the Honorable Chief Minister KPK, which will constitute a heinous offence.

Though I have lost my hopes of having justice, but still I believe in Almighty Allah who will never allow his creature to suffer for nothing. At least I deserve to be treated in accordance with the law of the land.

(**Engr. Nasir Latif**)
Executive Engineer
23/4/11

ATTESTED

OFFICE OF THE GENERAL MANAGER (OPERATIONS),
WATER & SANITATION SERVICES PESHAWAR,
LOCAL GOVERNMENT COMPLEX, KHYBER PAKHTUNKHWA.
Plot # 33, Street No. 13, Sector E-8, Phase-VII, Hayatabad,
E mail: - wsspeshawar@gmail.com , Phone No# 091-9217863

No. 1126 /GM (Ops) /1-E

Dated: - 09-09-2014

The Secretary,
Public Health Engg: Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - **INQUIRY REGARDING IRREGULARITITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA.**

Reference: - Your office letter No. SO (Estt) / PHED/ 8-26/2014 dated 16th June 2014.

Kindly refer to your letter under reference and it is submitted that the inquiry report has been reviewed as per the directions of the competent authority and the following conclusions are derived in light of the findings / recommendations made by the inquiry committee in our earlier report :-

i) The status of the charges reflected in the charge sheet and statement of allegation against Engineer Nasir Latif, (BPS-18), Executive Engineer are as under:-

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	Engineer Nasir Latif, (BPS-18), Executive Engineer.	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Proven
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public	Proven

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		exchequer.	
4.		The work was not carried out as per standard specification of PHED.	Partially Proven

The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 15,83,999/- (Fifteen lacs eighty three thousand nine hundred and ninety nine only) against **Engineer Nasir Latif, (BPS-18), Executive Engineer.**

ii) The status of the charges reflected in the charge sheet and statement of allegation against **Mr. Yousaf Jan (BPS-11), Sub Divisional Officer (OPS), PHE Division Nowshera, now working as Sub Engineer, PHE FATA Sub Division Kohat** are as under:-

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	**Mr. Yousaf Jan (BPS-11) the than Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE FATA Sub Division Kohat.**	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Proven
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public exchequer.	Proven
4.		The work was not carried out as per standard specification of PHED.	Partially Proven

The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 15,83,999/- (Fifteen lacs eighty three thousand nine hundred and ninety nine only) against **Mr. Yousaf Jan (BPS-11), Sub Divisional Officer**

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nizable under these rules;

(OPS), PHE Division Nowshera, now working as Sub Engineer, PHE FATA Sub Division Kohat.

iii) The status of the charges reflected in the charge sheet and statement of allegation against **Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera** is as under:-

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	**Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera.**	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Proven
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public exchequer.	Proven
4.		The work was not carried out as per standard specification of PHED.	Partially Proven

The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 7, 91, 999/- (Seven lacs ninety one thousand nine hundred and ninety nine only) against **Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera.**

iv) The status of the charges reflected in the charge sheet and statement of allegation against **Mr. Umar Hayat (BPS-11) the then Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.**

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	**Mr. Umar Hayat (BPS-11) the than Sub**	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation	Proven

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	Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.	Scheme was found missing.	
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public exchequer.	Proven
4.		The work was not carried out as per standard specification of PHED.	Partially Proven

The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 7, 91, 999/- (Seven lacs ninety one thousand nine hundred and ninety nine only) against **Mr. Umar Hayat (BPS-11) the then Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.**

The inquiry has been finalized on the provided available record by the inquiry committee as desired and submitted for further necessary action please.

Engr. Nasir Ghafoor Khan
Superintending Engineer,
Irrigation Department.
(Inquiry Officer).

Mr. Manzoor Ahmed
Director Transport,
Khyber Pakhtunkhwa.
(Inquiry Officer).

ATTESTED

sed upon him;

21

GOVERNMENT OF KHYBER PAKHTUNKHWA

F

ENQUIRY REPORT UNDER KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011 REGARDING

IRREGULARITIES COMMITTED IN WATER SUPPLYSCHEME ASHA KHEL SADU KHEL NOWSHERA.

Conducted by

Engr. NasirGhafoor Khan
Superintending Engineer,
Irrigation Department.

Mr. Manzoor Ahmed
Director Transport,
Khyber Pakhtunkhwa.

Attested

April 2014

ENQUIRY REPORT UNDER KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011 REGARDING IRREGULARITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA.

1. ORDER OF ENQUIRY: The competent authority (Chief Minister, Khyber Pakhtunkhwa) has been pleased to order the inquiry against the under noted officers, vide Section Officer Establishment, Government of Khyber Pakhtunkhwa Public Health Engineering Department letter no. SO (Estt)/PHED/8-36/2014 dated January 3, 2014 (Annexure-A).

   I. Engineer, Nasir Latif (BPS-18) the than Executive Engineer, PHE Division Nowshera, now working as Design Engineer (South), PHE Peshawar.

   II. Mr. Yousaf Jan (BPS-11) the than Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE FATA Sub Division Kohat.

   III. Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera.

   IV. Mr. Umar Hayat (BPS-11) the than Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.

2. TERMS OF REFERENCE / ALLEGATION AGAINST THE OFFICERS / OFFICIALS

1. Engineer Nasir Latif, (BPS-18), Executive Engineer.
2. Mr. Yousaf Jan, (BPS-11), Sub Divisional Officer (OPS).
3. Mr. Imtaiz, (BPS-11), Sub Engineer.
4. Mr. Umer Hayat, (BPS-11), Sub Engineer.

The following are the allegations against the above named officers/officials:-

- In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.
- The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.
- Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public exchequer.
- The work was not carried out as per standard specification of PHED.

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3. ENQUIRY PROCEEDINGS

I. On receipt of enquiry letter no. SO (Estt)/PHED/8-36/2014 dated January 3, 2014 from the Section Officer Establishment, Government of Khyber Pakhtunkhwa Public Health Engineering Department, Peshawar, copies of charge sheet and statement of allegations duly signed by the competent authority were served upon the accused officers/officials vide Project Director, Bazai Irrigation Project, Mardan letter No. 996/PD/Bazai/14/6-E dated 13-1-2014 through courier services (Annexure-B).

II. The Executive Engineer, Public Health Engineering Division, Nowshera was requested vide Project Director, Bazai Irrigation Project, Mardan letter No. 997/PD/Bazai/14/6-E dated 13-1-2014 (Annexure-C) through courier service to provide copies of the relevant documents concerning to the enquiry / charges on urgent basis. Reminder letter was issued to the Executive Engineer, Public Health Engineering Division, Nowshera vide Project Director, Bazai Irrigation Project, Mardan letter No. 1014/PD/Bazai/14/6-E dated 22-1-2014 (Annexure-D).

III. The Executive Engineer, Public Health Engineering Division Nowshera provided records vide his letter no. Enqr-1/02 dated 4-2-2014 (Annexure-E).

IV. The record was accordingly examined, it was noticed that few pages of the record was supplied by the Executive Engineer, Public Health Engineering Division, Nowshera, which was not even readable and was again requested vide Project Director, Bazai Irrigation Project, Mardan letter No. 1353/PD/Bazai/14/6-E dated 10-3-2014 (Annexure-F).

V. The Executive Engineer, Public Health Engineering Division, Nowshera vide letter No. 07/Enquiry-1, dated 13-3-2014 (Annexure-G) supplied the questioned record.

VI. The Section Officer Establishment, Office of Secretary to Government of Khyber Pakhtunkhwa Public Health Engineering Department was requested vide Project Director, Bazai Irrigation Project Mardan letter No. 1025/PD/Bazai/14/6-E dated 23-1-2014 (Annexure-H) informing him that the copy of the charge sheet and statement of allegations were sent to Mr. Yousaf Jan, Sub Engineer PHE FATA Sub Division, Kohat through courier services but the same was returned by the courier company with the remarks as un-delivered. The Section Officer, Establishment, Public Health

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Engineering Department was requested to deliver the charge sheet and statement of allegations to the accused official through his own sources.

VII. The accused officer Engineer. Nasir Latif Executive Engineer, Umar Hayat Sub Engineer and Imtiaz Sub Engineer requested for extension of stipulated time by a week on 17-1-2014, which was reported to Secretary to Government of Khyber Pakhtunkhwa, Public Health Engineering Department, Peshawar vide Director Transport letter No. Dir/Tpt/257-59 dated January 22, 2014 (Annexure-I) for extension of two weeks time to the accused officers/officials, enabling them to examine the relevant record.

VIII. The SHO Police Station, Nowshera was approached vide Project Director, Bazai Irrigation Project, Mardan letter No. 1352/PD/Bazai/14/6-E dated 10-3-2014 (Annexure-J) to check his office record and intimate the legal action taken by his office with regard to theft of water supply pipe lines. Subsequent reminder was issued to the SHO Police Station, Nowshera vide Project Director, Bazai Irrigation Project, Mardan letter No. 1440/PD/Bazai/14/6-E dated 8-4-2014 (Annexure-K) but no response has been received from the concerned police station till filling of the inquiry report.

IX. The accused officers/officials submitted their written replies within the requested extended time. February 10th, 2014 was fixed for personal hearing of the accused officers/officials. During the course of personal hearing various quarries were carried out by the inquiry committee. The accused officers/officials requested that the response shall be submitted in shape of written statements in addition to their previous statements to the charge sheet which they did on 13-2-2014. The earlier replies of the accused officers/ officials were not framed in an annotated form as per the leveled charges/allegations against them therefore they were directed to submit the same which they did on 22-04-2014 (Annexure-L).

X. The site was visit on March 3rd, 2014, jointly by the enquiry committee and concerned Engineering Staff of Public Health Engineering Division, Nowshera. Before proceeding to the site the members of the inquiry committee had a detail meeting with the incumbent Executive Engineer and his staff regarding the scheme. They were directed to provide all relevant documents of the scheme at the earliest.

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It was pointed out that the already supplied documents are insufficient and have information that is not legible. It was informed that due to the Flood 2010 most of the divisional record got destroyed or was damaged. Executive Engineer was directed to make efforts for obtaining the relevant record from other offices otherwise it shall be tried to be reproduced and submitted. Their after the scheme was visited in detail and observations/quarries were raised for clarification. Certain documents and information that has been asked for from the accused, local authorities and the incumbent staff i.e. Contract agreement, pictures of the scheme during the construction phase, F.I.R if any on the stolen pipes, test results etc. but the same have not been provided till the filling of the inquiry.

XI. A letter No 01/Inquiry-1 dated 17-04-2014 and 22-04-2014 from the Executive Engineer, PHED Nowshera has clarified that most of the record measurement were washed away by flood 2010 and have submitted some photocopied pages of the M.B of Sadu Khel portion. The Executive Engineer has further certified that the letters issued to the S.H.O, Police Station, Nowshera in May 2010 are not available on their office record. No photographs of the work carried out during the execution period are available on record and neither any test results of the work carried can be traced (Annexure-M).

4. CHARGES AND REPLIES OF THE ACCUSED PERSONS

i) The charges / allegations against Engr. Nasir Latif, XEN and his replies thereof are discussed in annotated form as under:-

S.No	Charge	Reply of the accused
1	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Clause (i), if read in isolation of remaining clauses, does not convey any accusation against me nor does it state any independent charge against any one. This clause alone does not state/ disclose any particular accusation as to whether: (a) Fake payments were made without laying the pipes?

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25/04/14

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		(b) The pipes were washed away by flood? (c) The pipes were stolen after they were laid? And hence a highly defective charge being vague and dumb. If we presume it a separate charge then (with due respect) it does not contain any allegation against me or any one else and hence not require any separate reply. But if it is part and parcel of the same and single charge, then my earlier detailed reply coupled with subsequent explanation sufficiently repel things, wherein I have categorically denied/ disproved the false charge/ accusation as in para 9 to 16 of my reply I have belied the possibility of washing away of pipes by flood while in para 17 to 27 I have proved the fact of stealing pipes by the locals. No steps seem to have been taken for collecting the stolen pipes still lying in the custody of various individuals. While on the other hand, efforts are being made to save the skin of the culprits and justify the false charge by making accused an escape goat. *I reserve the right of a judicial review.*

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2	The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	As stated in para 2 of my earlier explanatory memo, it has incorrectly been alleged that the pipe line (Rising Main) was laid in the Nullah longitudinally on the surface without burying the pipeline in depth. In fact there is no Nullah but a dry-khwar in the shape of barren land where agricultural lands; residential and government buildings and tube-well are there while the pipe was laid in accordance with site requirements and was properly covered under the earth up to allowable depth. With due respect, where the pipe is missing and not available on site (being stolen or washed away), how can one say/ allege that it was laid in the Nullah longitudinally on the surface without burying it in depth? The department has not been able to produce any oral or documentary evidence in support of this allegation. I have submitted a separate application for providing opportunity of cross examination on such witness, if any. While in absence of such evidence, it will be unlawful to believe the charge. With due respect, the very purpose of laying G.I. Pipe is that it has the strength to face all weathers and even can be laid on the surface in hilly and hard areas, where excavation is not possible. The department has approved certain manufacturing G.I. Pipes after making required tests and in this case the pipe used was that of the approved firm.

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3	Pipes of various sizes measuring 7061 Meter are missing causing a loss of Rs.4751996/- to the public exchequer.	Under the law an accused cannot be required to prove his innocence until prosecution brings oral and/ or documentary evidence on record in support of the charge/ accusation thereby shifting burden to the accused to prove his innocence and belie the prosecution evidence. It was for the department to prove its allegations against the accused. But till date they have neither brought any oral or documentary evidence on record nor have been able to shift burden to the accused for proving their innocence. I reserve my right of cross examination on such witnesses (if any). With due respect, the department has not been able to specify quantity and cost with reference to Rising Main and Distribution, nor has it been able to state the quantity of various sizes with cost thereof, which prima facie suggest that the charge has been framed in the air for ulterior motives.
4	The work was not carried out as per standard specification of PHED.	Beyond all doubts the pipeline of *Sadu Khel* was laid as per approved plan according to the standard specification of PHED. In this regard, the work on *Asha Khel* section is a speaking proof of executing work in accordance with the standard specification of PHED. as the same is satisfactorily working and no defect could have been noticed therein. which sufficiently belie the false charge/ accusation. This clause of the charge is dumb and vague as it does not identify/ specify any particular rule(s)/ standard specification deviated from. In absence of such identification, the baseless charge/ accusation fall to the ground being

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		without substance. Is there any competent person in the department to identify the particular provision/ specification which the undersigned/ accused has violated or deviated from? I request the Hon'ble Inquiry Committee to pin-point/ identify the particular rule/ provision/ specification if they know. Under the law, a charge must be clear in itself with necessary details. It is for the department to pin-point the particular standard specification, which the undersigned has violated/ deviated from. Copy of T. S. Estimate has already been provided to Mr. Nasir Ghafoor, Project Director, Bazai Irrigation Project, Mardan during hearing of the case.

ii) The charges / allegations against Mr. Yousaf Jan, (BPS-11), Sub Divisional Officer (OPS), and his replies thereof are discussed in annotated form as under:-

S.No	Charge	Reply of the accused
1	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Clause (i), if read in isolation of remaining clauses, does not convey any accusation against me nor does it state any independent charge against any one. This clause alone does not state/ disclose any particular accusation as to whether: (a) Fake payments were made without laying the pipes? (b) The pipes were washed away by flood? (c) The pipes were stolen after they were laid? And hence a highly defective charge being vague and dumb.

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5. EVIDENCE

All the accused personals were asked to produce evidence /witness in person or additional documentary material, if any, in their defense. They all replied that they had none/ nothing except their already submitted replies and explanations made by them on the day of personal hearings.

6. OBSERVATIONS

An umbrella scheme namely "Construction of 10 Nos. Tube Wells for Nowshera ADP No.301/31339 (2006-07)," costing Rs. 10.757 was approved on12-07-2005.The scheme under the inquiry was reflected at S.No. 4 "WSS Sadu Khel" having a modified cost of Rs. 1022000 Million. The PC-I has been revised three times and the cost of the 3rd revised P.C-I has been approved for Rs. 45.385 Million in 2009. The revision has an approved provision of Rs. 11.095 million for the said scheme.

The selection of the site seemed to be based on political expediency and has no technical merit. To benefit a few dozen families a scheme of water supply was conceived without giving consideration to the inherent topographical difficulties like taking. laying a pipeline in a virtually vertical direction. During the course it has transpired that non of the higher office above the executing agency has bothered to monitor the scheme.

During the site visit it was observed that the source of both the schemes for providing drinking water supplies to the villages has been constructed in the vicinity/bed of a khwar. The pumping machinery installed was found to be manufactured by M/S Grundfos . The room in which the pumping equipment was initially installed was no more having a functional tube well infrastructure. As informed by the staff as per approved PC-I both the villages i.e. Asha Khel village and Sadu Khel village was to have a single source supply but the initial bore got dried up and a new one has been bored outside the pumping room in open which is currently providing water to Asha Khel village only. Due to non availability of operational infrastructure the same is not supplying water to Sadu Khel village from this common envisaged source. There were traces of partial lengths of rising main buried underground near the bore which was checked by the visiting team. The alignment of the rising main was observed to be laid parallel to the bed of the local khwar and flow. Few pipe lengths were observed to be laid on the ground surface rather then being buried

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underground. It was informed that the same might have been exposed due to subsequent erosion and few lengths have gotten buried due to subsequent floods in the khwar. A house built in the khwar was made to visit by the field staff and it was surprising to observe that the roof was constructed by length of G.I pipes having the same brand and diameter and it was categorically told that these pipe lengths are the ones which were used during the lying of the rising main. The staff informed that no actions for recovery of the Government property have been initiated. During the inspection it was also brought to the notice that some of the locals were in pocession of the various diameters of the supplied/ installed pipes of the scheme. The reservoir site was inspected and the rising main was found unconnected to the reservoir. Few lengths of the old laid rising main pipe were lying unutilized on the slopes of the mountains. The clamping of most of the pipe lengths along the slope of the mountains was not properly provided. The reservoir was intact but the intake and off take was not connected. A local took the team to his hujra and showed the G.I pipes stacked their which were currently lying their unutilized. It was informed by the Executive Engineer that a new scheme has been approved having a new source and work was in progress.

7. PHOTOGRAPHS of the site visit carried out on March 4th 2014 (Annexure-N).

8. FINDINGS

1. After going through the available record, evidences, personal hearings and site visit it has been concluded that the drinking water supply scheme Sadu Khel, District Nowshera has not been completed in all respect and payment has been made to the contractor in June 2010 which is contrary to the laid down codal formalities.
2. The pipes supplied by the contractor for the scheme has not been laid fully. Few lengths of the pipes of various diameters are available in the custody of the local community which indicates that they have not been buried / laid during June 2010 resultantly the scheme has been left in complete but payment for the incomplete work was made.
3. During the site visit it was observed that the pipes has been supplied and installed for the rising main portion but currently the exact length of the supplied/installed pipe cannot be determined as few were found buried, laid on the ground surface, laid on the slopes of the mountains and some of it has either been extracted/stacked by the locals indicates

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that execution of work would have taken place on this component of the scheme during or before June 2010.

4. The traces of the rising main pipes indicate that the pipe was laid in the khwar and parallel to the flow of water. No approved layout plan could be provided. In the vicinity of the scheme another scheme was also observed in which the pipes has also been laid in the khwar as most of the houses and urbanization has taken place in the bed or adjacent to the khwars.
5. According to the PHED specifications pipes have to be laid at various depths depending upon the available strata or clamped on to the mountain slopes. It has been observed that specifications have not been followed. The available pipes at site bear a brand name of M/S Bashir Pipe Industry (Pvt) Ltd BSS 1387 marking. The accompanied incumbent Executive Engineer stated that this brand is an approved pipe manufacturer/supplier of the PHED.
6. Proper effort for safe guarding the Governmental interest has not been adopted by the accused officers/officials and lack of responsibility has been conducted by all the concerned accused officers/officials.
7. The energizing of the scheme has been delayed by the WAPDA authorities resulting in deprivation of water commodity to the public.
8. The defect liability period cannot be ascertained as in the absence of the contract agreement the same cannot be determined but as mostly being three months from the date of final payment to the contractor the same has gotten expired without benefitting the same in the interest of the Government.
9. The provided documents reveals that the contractor has given a written undertaking to the department that certain pipe lengths are in his procession and is ready to install the same when directed needs to be materialized.
10. As per approved P.C 1 the scheme was supposed to be handed over to the community for its operation and maintenance but no efforts were made by the accused to do so in light of the provided record which qualifies for their negligence and apathy in the execution towards their governmental duties.
11. The accused officers/officials along with the present field staff should make utmost efforts to recover the stacked/collected pipes from the locals and the same may be

Attested

utilized in the newly approved scheme. In case of the stolen pipes the same should be recovered by adopting the legal course of action.

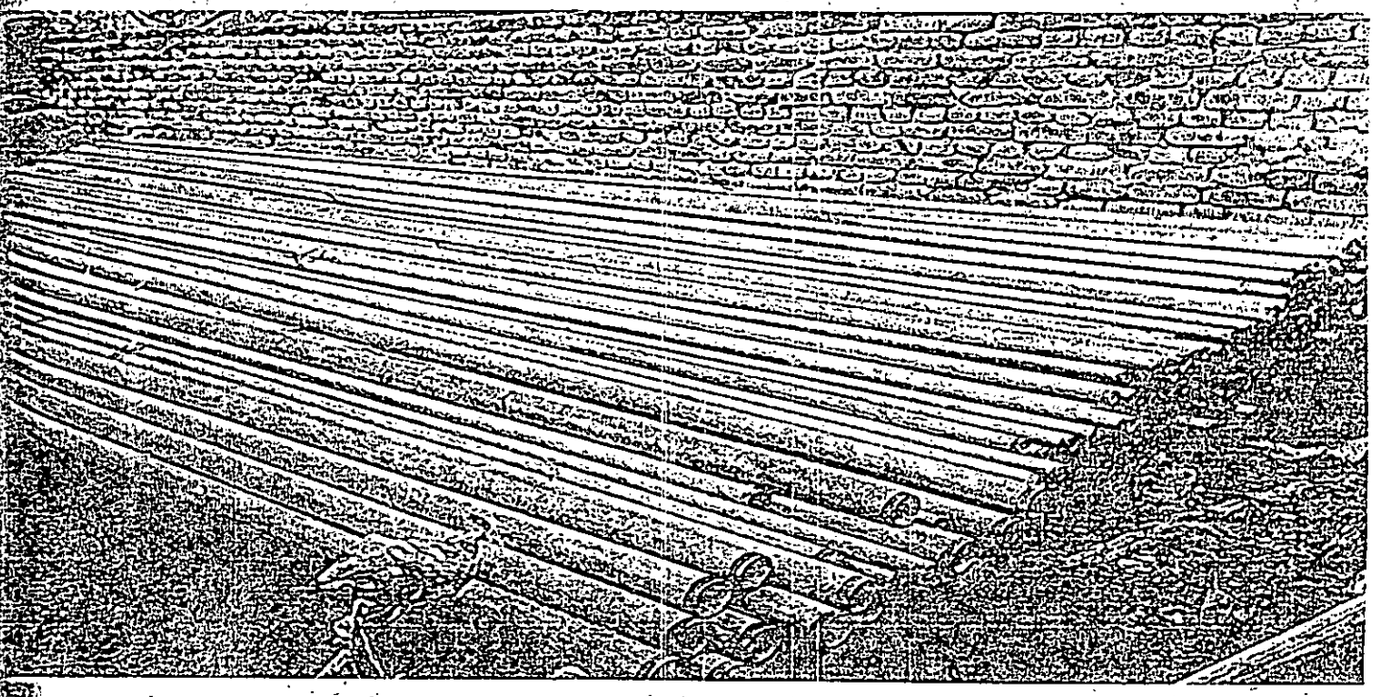
9. RECOMMENDATIONS

1. It has been established that the PHED standard specifications has not been fully followed during the burying of pipes and in case of laying on ground/rocky surface no proper clamping arrangement were observed. Due to non installation of the distribution system of the scheme the issue of burying the pipes does not even arise therefore the payment made is advance payment without execution of work at site.
2. The contractor should be directed to complete the remaining work failing which the work shall be executed at his risk and cost and the contractor shall be blacklisted as well.
3. Minor penalty of recovery as per Para 4 sub clause (a) iii of E&D rules, 2011 for the cost of the pipes that has not been supplied, laid or stolen needs to be recovered from all the accused as per their entitlement, tenure, payments made and responsibilities. the quantity which are available should be deducted from the loss made to the Government and should be utilized in the on going scheme.
4. A departmental committee of senior level Engineers may be constituted for determining the exact loss to the government which shall be recovered from the accused officers/officials according to their role of responsibility as per government rules and codes.

Nasir Ghafoor Khan 25/04/14
Superintending Engineer,
Irrigation Department.
(Inquiry Officer).

Mr. Manzoor Ahmed
Director Transport,
Khyber Pakhtunkhwa.
(Inquiry Officer).

RISING MAIN PIPES USED IN CONSTRUCTION OF ROOF BY A LOCAL



PIPES STAKED OF VARIOUS DIAMETER IN HUJRA OF LOCALS

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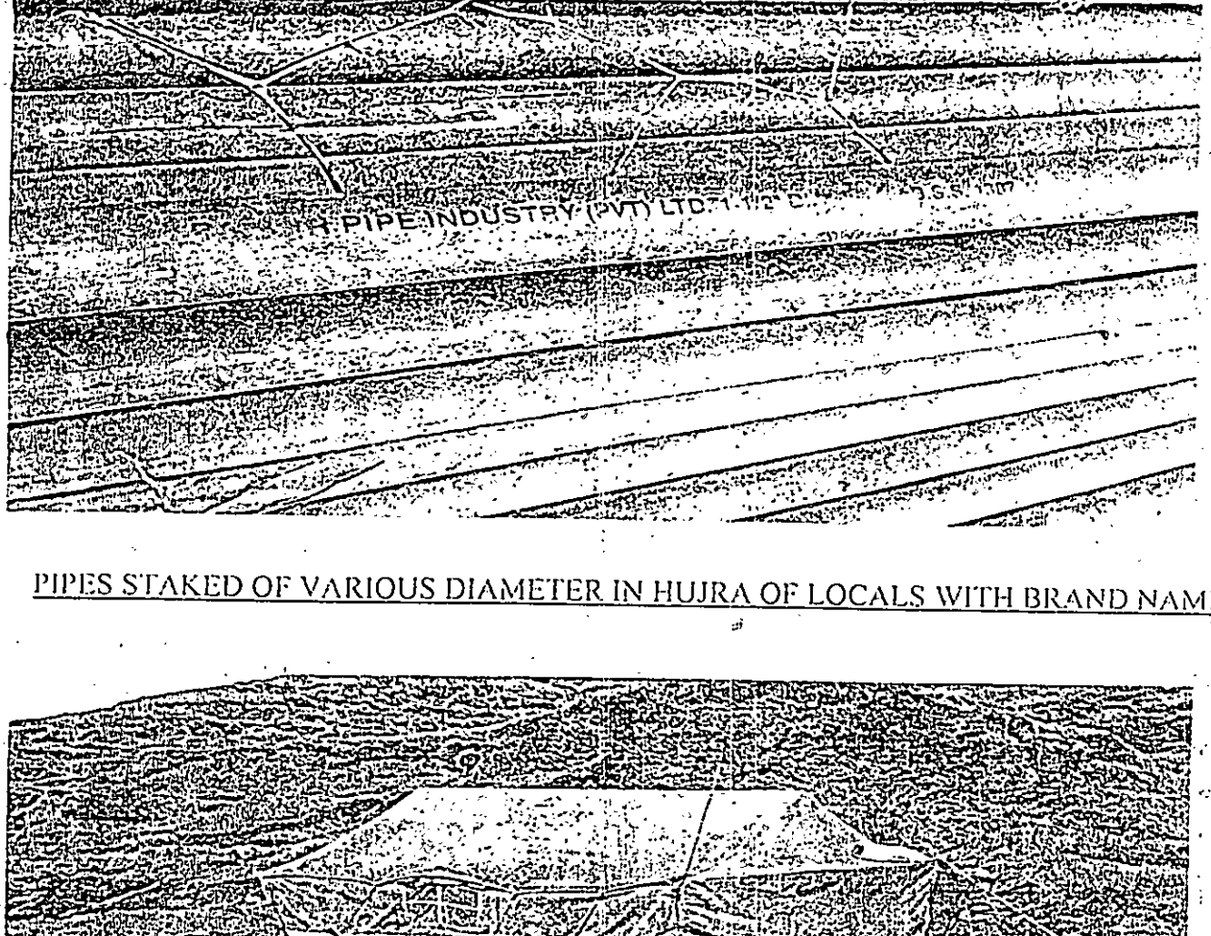
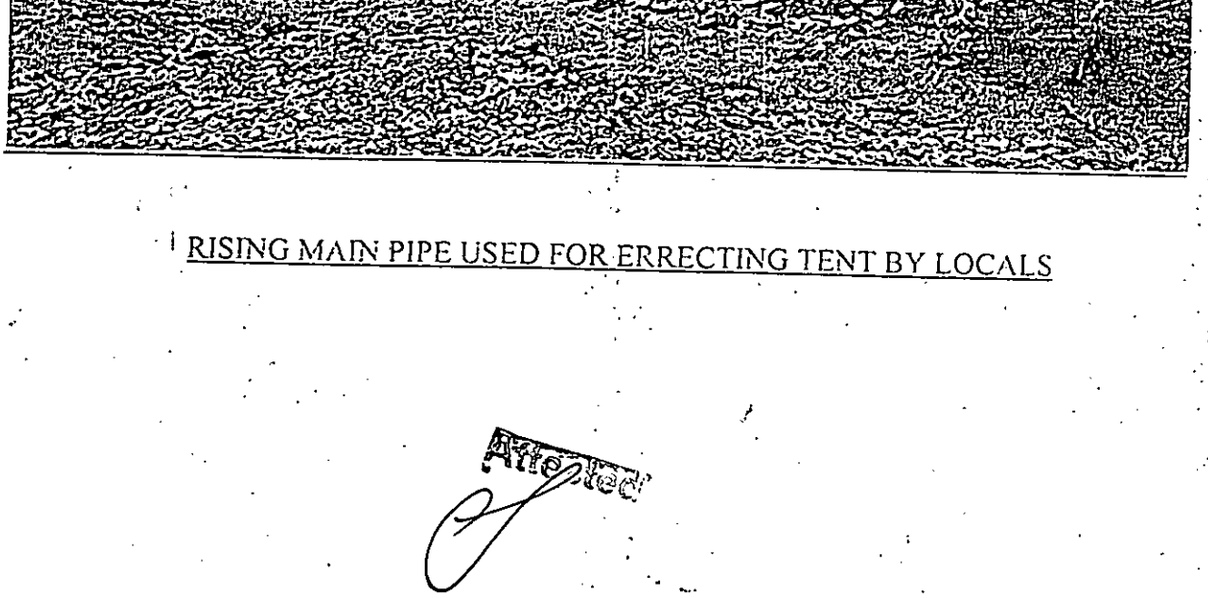


PIPES STAKED OF VARIOUS DIAMETER IN HUJRA OF LOCALS WITH BRAND NAME



RISING MAIN PIPE USED FOR ERRECTING TENT BY LOCALS

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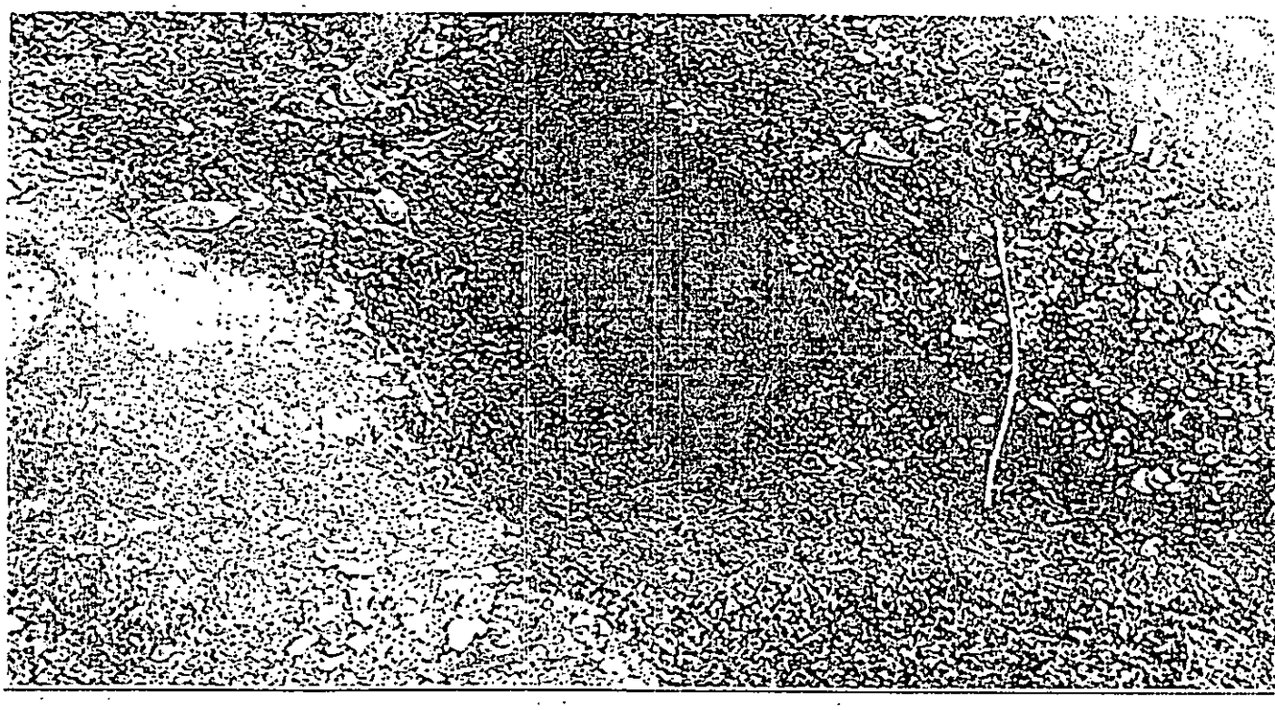
TRACES OF BURRIED RISING MAIN



TRACES OF BURRIED RISING MAIN

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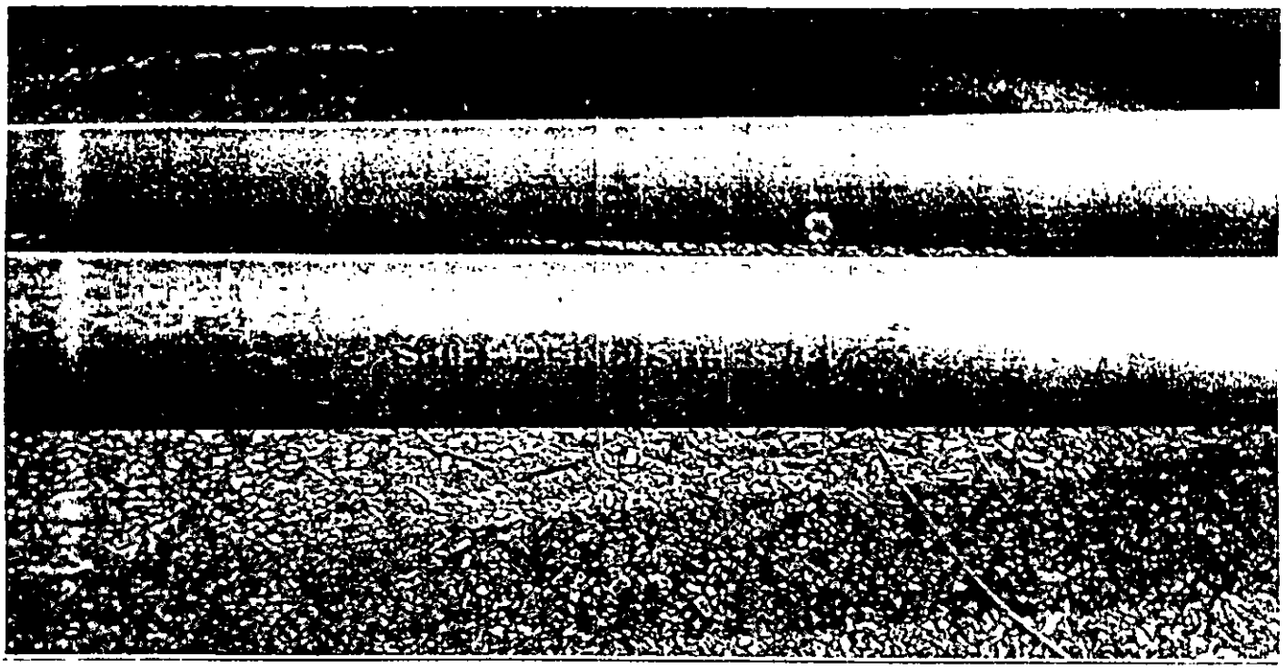
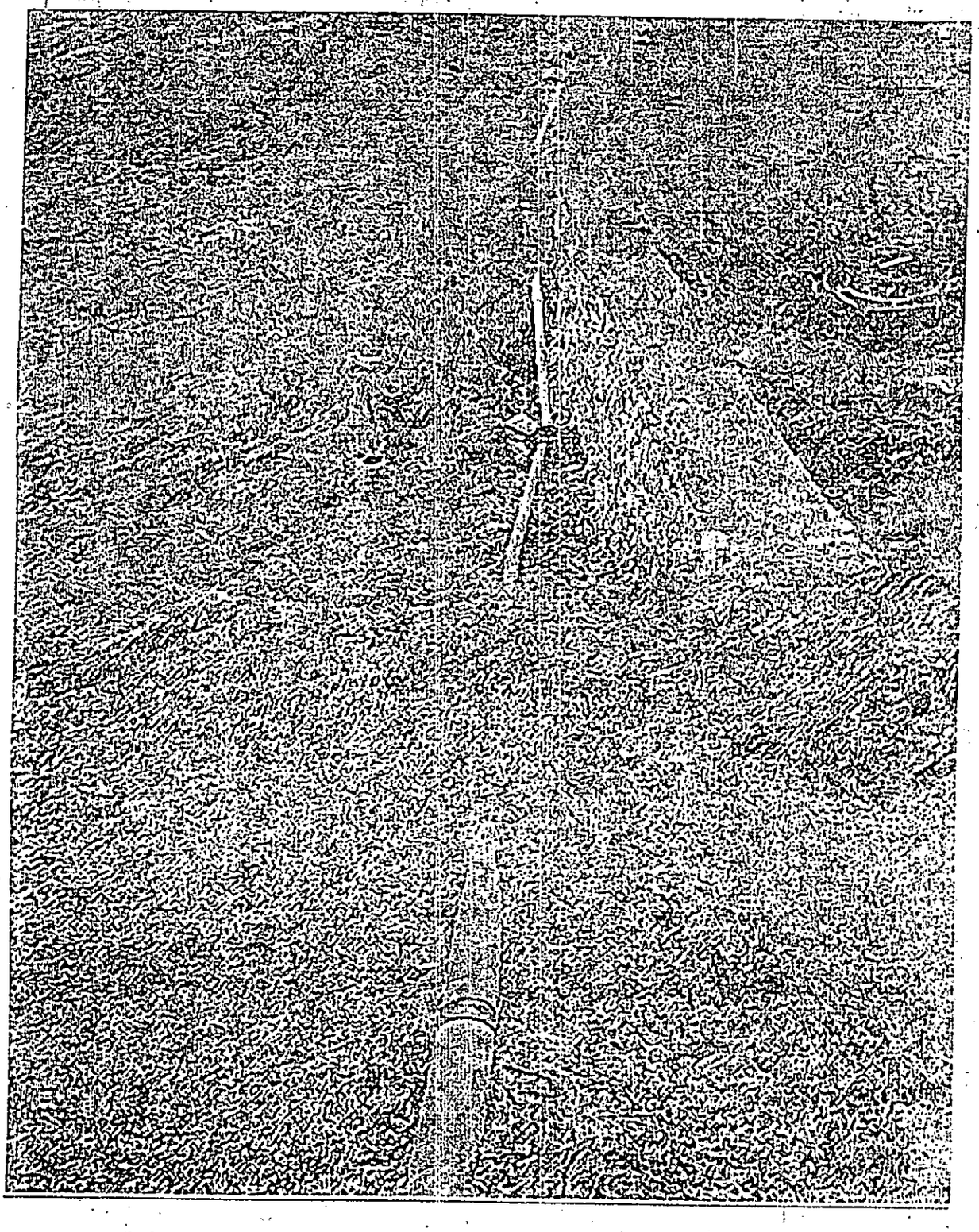


BRAND NAME MARKED ON THE SUPPLIED PIPES

EXTRACTED PIPES IN THE CUSTODY OF THE LOCALS



RISING MAIN PIPE LAID ON SURFACE OF THE MOUNTAIN SLOPE

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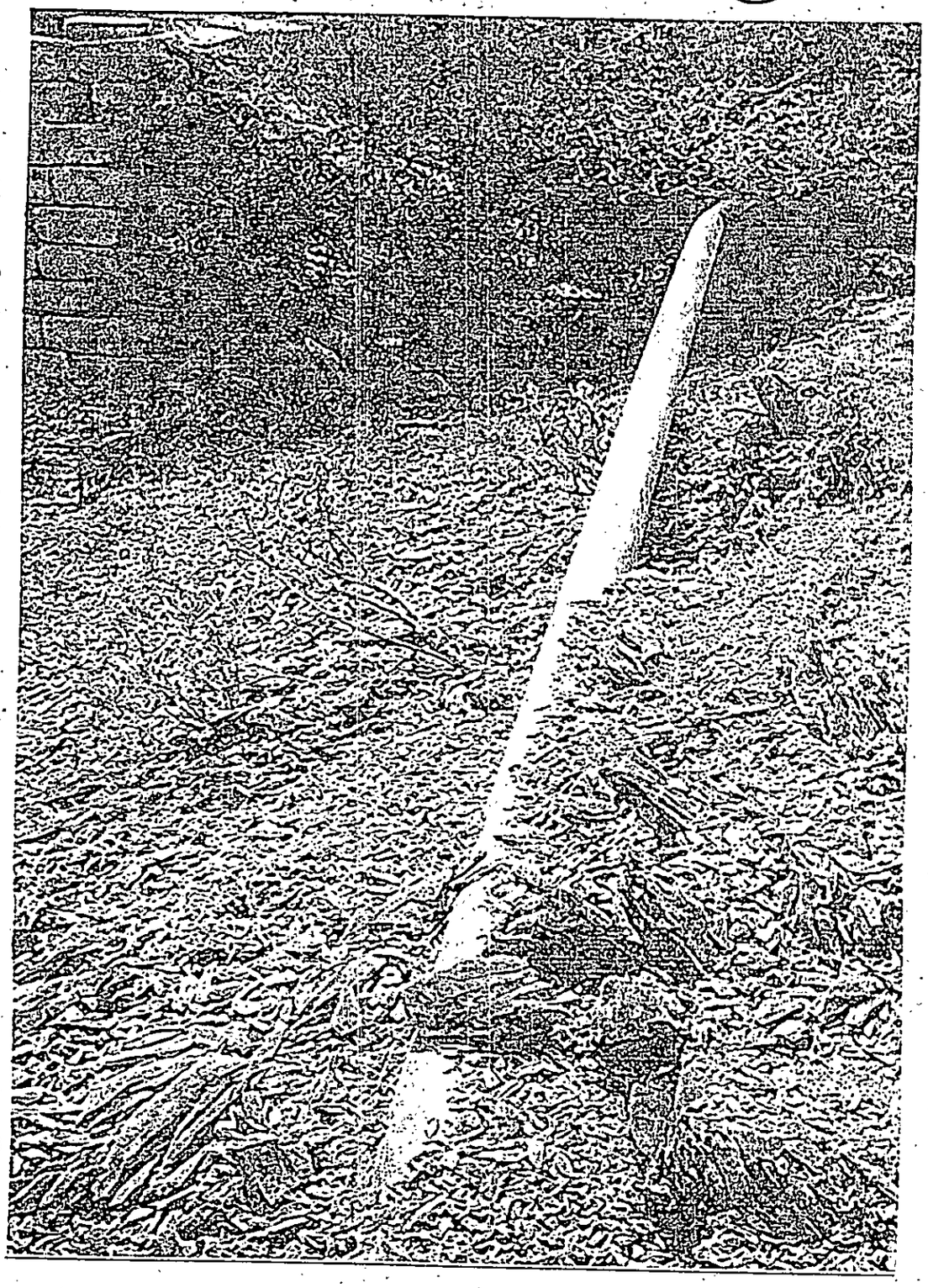
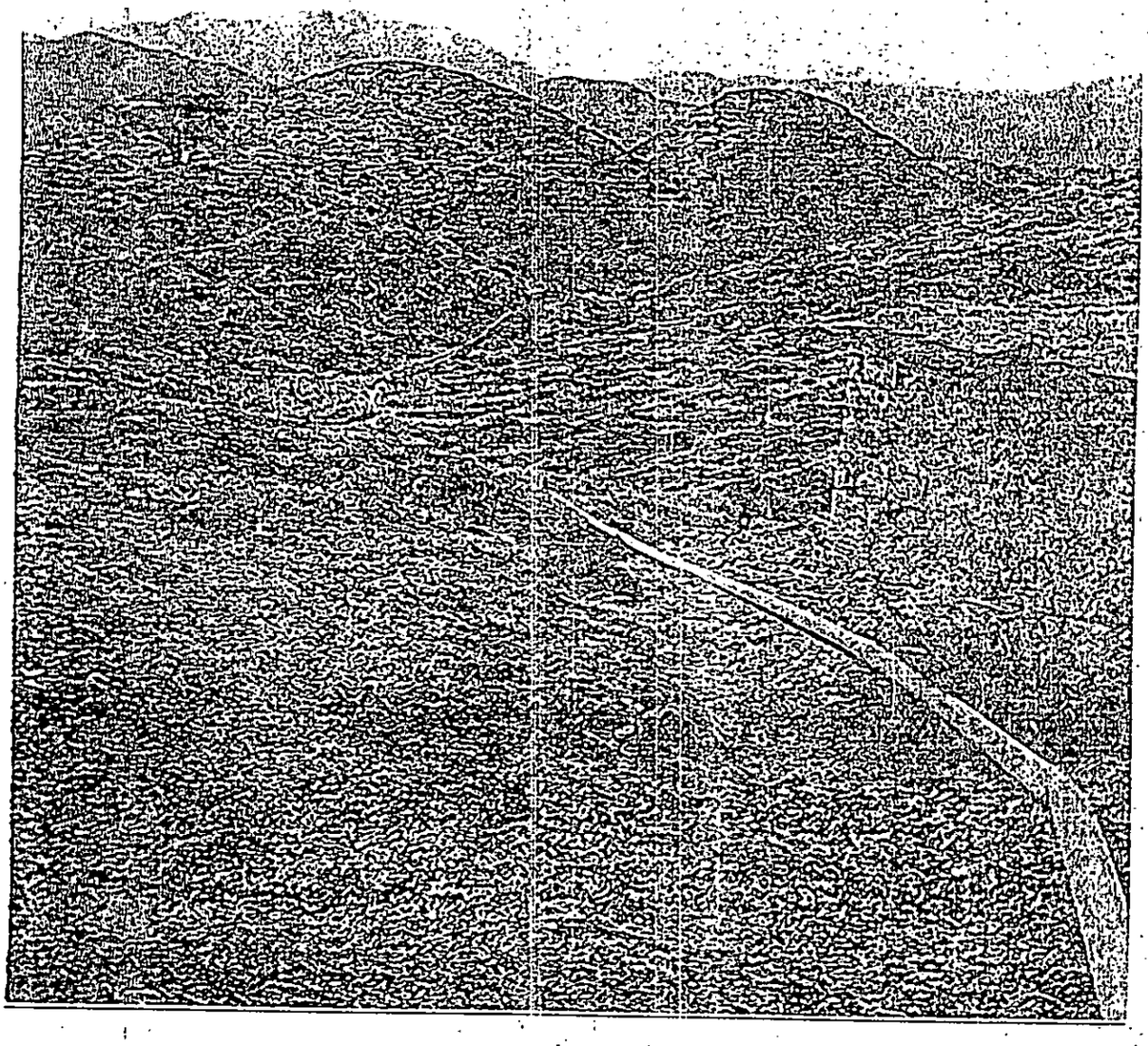


RISING MAIN PIPE LAID ON SURFACE OF THE MOUNTAIN SLOPE

Attested



RISING MAIN PIPE LAID ON SURFACE OF THE MOUNTAIN SLOPE

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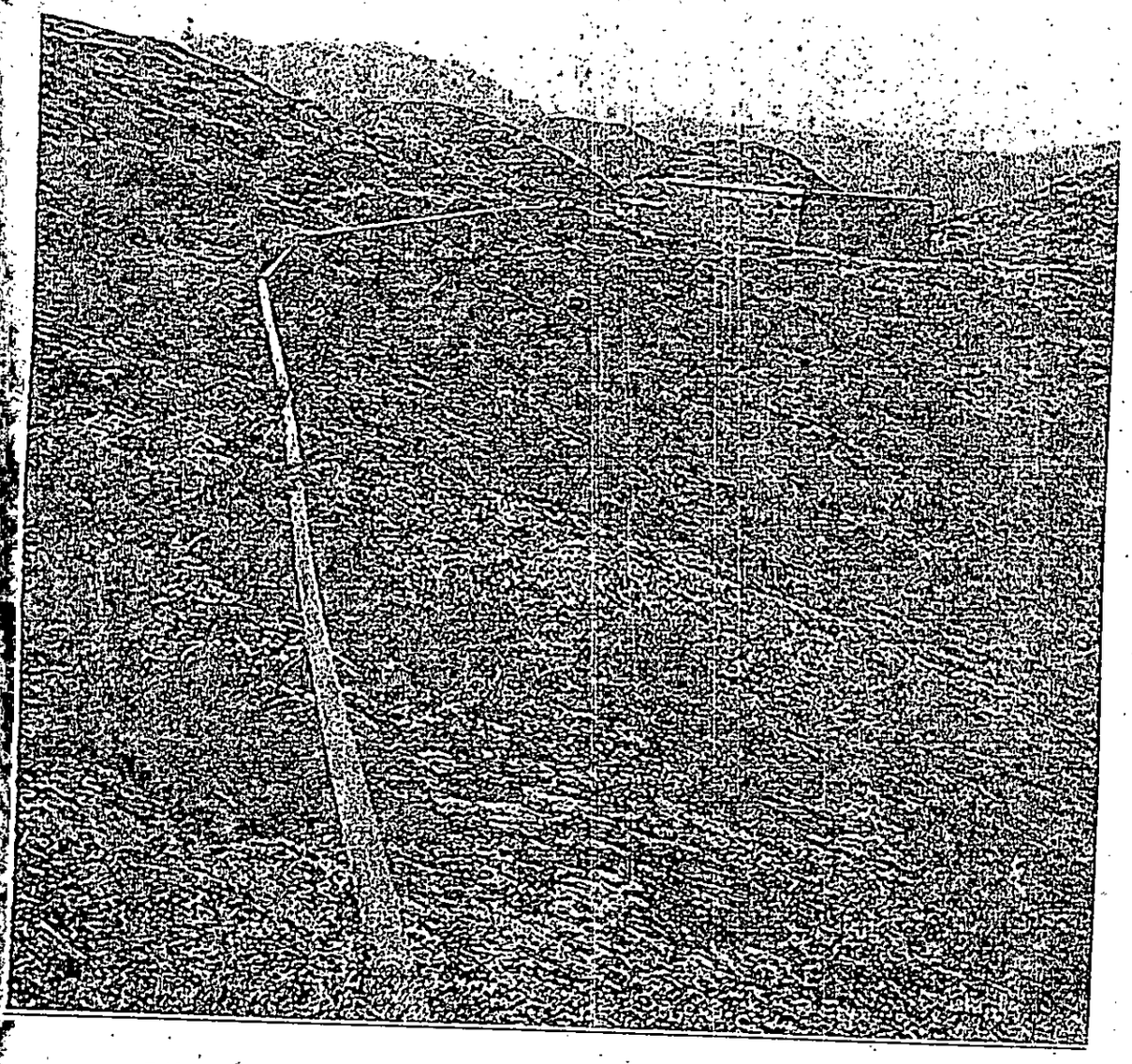

RISING MAIN PIPE LAID ON SURFACE OF THE MOUNTAIN SLOPE

RISING MAIN PIPE LAID ON SURFACE OF THE SLOPE OF MOUNTAIN TO BE CONNECTED WITH THE RESERVOIR

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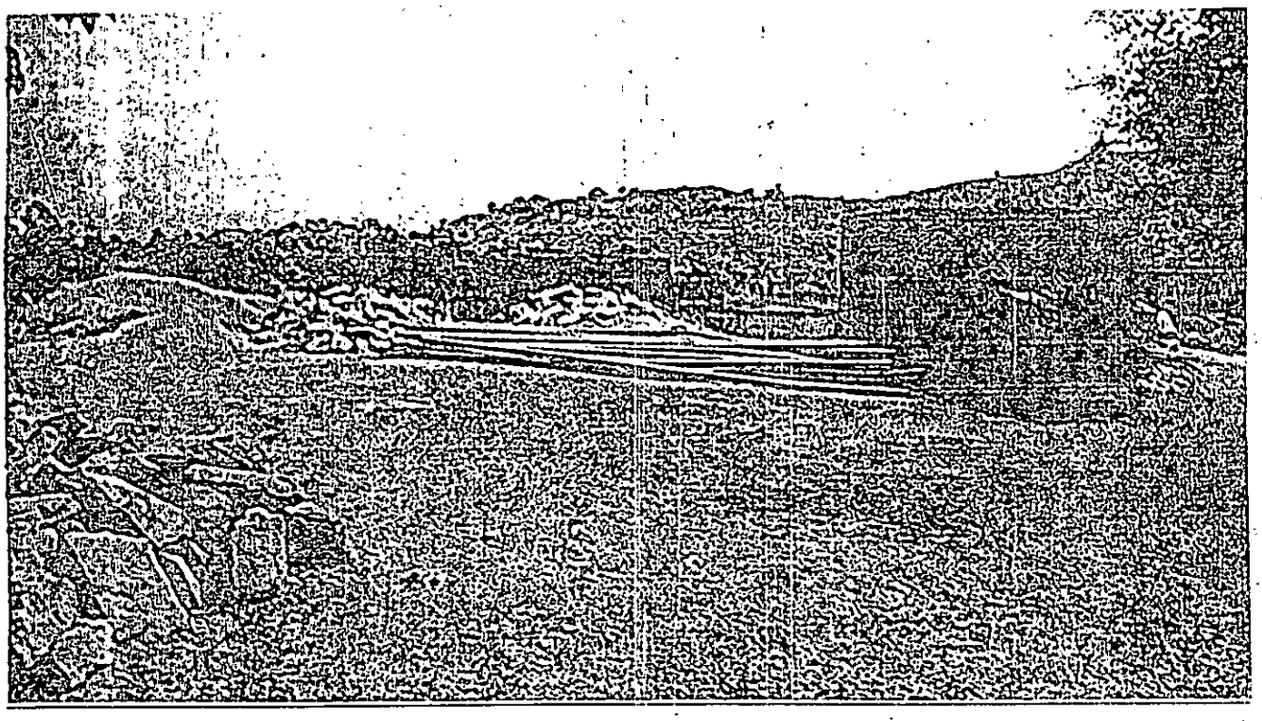
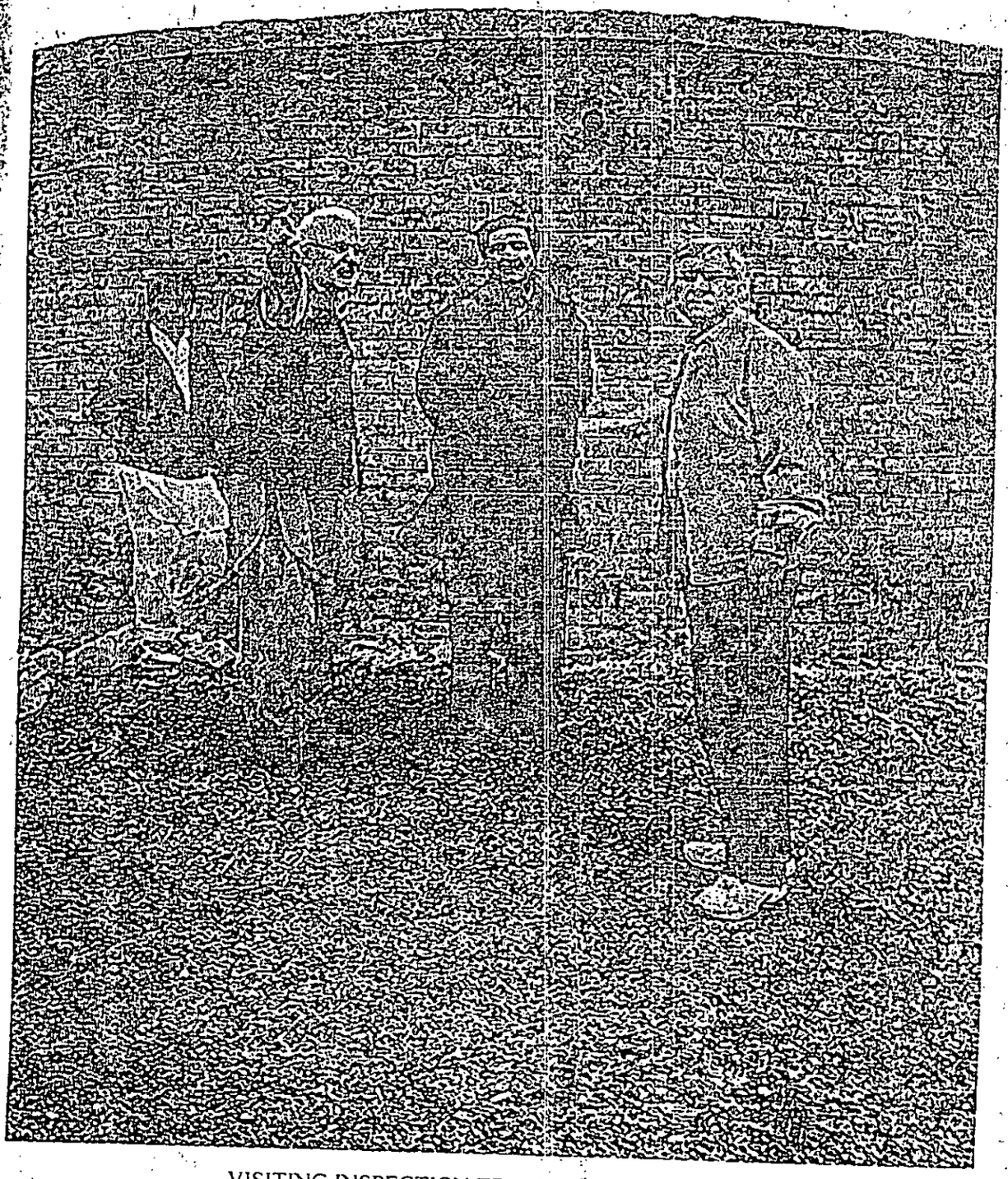


EXTRACTED PIPES IN THE POSSESSION OF LOCALS

INSPECTION BY INQUIRY COMMITTEE



VISITING INSPECTION TEAM NEAR THE RESERVOIR

Attested

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SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as competent authority, do hereby serve you Mr.Nasir Latif (BPS-18), Design Engineer Office of the Chief Engineer (South) PHED Peshawar, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, with this notice for the charges mentioned in the disciplinary action/statement of allegations already served upon you vide PHE Department's endorsement No.SO(Estt)/PHED/8-26/2014 dated January 03, 2014.

2. That on going through the inquiry report of the Inquiry Committee, material on record and other connected documents, I am satisfied that the following charges leveled against you have been proved:-

> "The PHED standard specifications have not been fully followed during the burying of pipes and in case of lying on ground/rocky surface no proper clamping arrangement were observed. Due to non installation of the distribution system of the scheme the issue of burying the pipes does not arise, therefore, the payment made is in advance without execution of work at site. Your negligence has caused financial loss of Rs.47,51,996/- to the government/public exchequer."

3. That as a result thereof, I, as the authority in the exercise of powers conferred on me under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, have tentatively decided to impose upon you the major/minor penalty(s) of " Removal from Service. and Recovery of Rs. 1583999/= only. ".

4. You are, therefore, required to show cause as to why the afore-said penalty/penalties should not be imposed upon you, and intimate whether you desire to be heard in person.

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

6. Copy of the inquiry report is enclosed.

Pervez Khattak

(PERVEZ KHATTAK)
CHIEF MINISTER
KHYBER PAKHTUNKHWA

20. 10. 2014

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/8-26/2014
Dated Peshawar, the October 27, 2014

To

1. Mr. Nasir Latif,
   Design Engineer (BPs-18),
   Office of the Chief Engineer (South),
   PHE Khyber Pakhtunkhwa Peshawar

2. Mr. Yousaf Jan,
   Sub Engineer, PHE Division D.I. Khan

3. Mr. Imtiaz,
   Sub Engineer, PHE Division Swabi

4. Mr. Umar Hayat,
   Sub Engineer, PHE Division Mardan

Subject: **ENQUIRY REGARDING IRREGULARITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA.**

I am directed to refer to the subject noted above and to enclose herewith two copies of the Show Cause Notices containing the following tentative major/minor penalties as noted against each, alongwith a copy of inquiry report conducted by Engr.Nasir Ghafoor Khan, Superintending Engineer Irrigation Department and Mr.Manzoor Ahmad, Director Transport Khyber Pakhtunkhwa Peshawar and to state that second copy of the Show Cause Notice may be returned to this department after having signed as a token of receipt immediately:-

S.No	Name & Designation	Tentative major/minor penalties
1.	Mr. Nasir Latif, Design Engineer (BPS-18),	"Removal from service" and "Recovery of Rs.15,83,999/-"
2.	Mr. Yousaf Jan, Sub Engineer, PHE	"Removal from service" and "Recovery of Rs.15,83,999/-"
3.	Mr. Imtiaz, Sub Engineer PHE	"Removal from service" and "Recovery of Rs.7,91,999/-"
4.	Mr. Umar Hayat, Sub Engineer PHE	"Removal from service" and "Recovery of Rs.7,91,999/-"

2. You are directed to submit your reply, if any, within 14-days of the issue of this letter otherwise it will be presumed that you have nothing to advance in your defence and that ex-parte action will follow.

3. You are further directed to intimate whether you want to be heard in person or otherwise.

Encls: As above.

ATTESTED

SECTION OFFICER (ESTT)

ENDST: OF EVEN NO. & DATE

Copy forwarded to PS to Secretary PHE Department for information.

SECTION OFFICER (ESTT)

providing relevant record by completing the task within 7 days time, which amounts to shirking of responsibility on part of members Inquiry Committee (Annexure-II).

When things were abnormally delayed and the Executive Engineer did not provide the desired details/ calculations, the members of the Inquiry Committee (***while sitting in their office***) blindly submitted a false Supplementary Report (***ignoring all ground realities and without carrying out measurements of the missing and available pipes***) making recommendations therein to recover Rs.47,51,996/- (from the accused) as per apportionment detailed below:

(i)	Engr. Nasir Latif Xen:	=	Rs. 15,83,999/-
(ii)	Mr. Yousaf Jan S.D.O.	=	Rs. 15,83,999/-
(iii)	Mr. Imtiaz Sub Engr:	=	Rs. 7,91,999/-
(iv)	Mr. Umar Hayat Sub Engr:	=	Rs. 7,91,999/-
	Total	=	**Rs. 47,51,996/-**

With due respect, how the Inquiry Committee could decide the quantum of loss/ recovery against each accused without carrying out measurements and calculating pipe admittedly available with the locals.

Your honor must question them to identify and refer to the **relevant rules** which regulates share of responsibility against Engineering staff, which will prove their inefficiency and irresponsible behaviour. How a person ignorent of law and rules can be appointed as Inquiry Officer and allowed to play with the fate of others. It makes one laugh to decide the quantum of responsibility/ recovery against accused without proper measurement/ calculation and/ or identifying the relevant rules regulating the quantum of responsibility? Is there no rule knowing person in the province to ensure justice to the undersigned?

(3) ***A charge by itself does not stand for proof, but need to be proved by adducing lawful evidence in accordance with Qanun-e-Shahadat.*** Further more all the accused had filed separate applications for calling prosecution witnesses for their **cross examination**. It was incumbent upon Inquiry Committee to call for the department to produce witnesses and adduce documentary evidence to prove the charges against accused and to provide a fair opportunity of cross-examination to the accused against such witnesses record (Annexure-III).

ATTESTED

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To: The Hon'ble Chief Minister,
Khyber Pakhtunkhwa/
(Competent Authority).

Through: Secretary PHED;
Khyber Pakhtunkhwa, Peshawar.

Subject: **REPLY TO SHOW CAUSE NOTICE:**
Reference: Show-cause notice issued to the undersigned vide Secretary PHED letter No.SO (Estt)/ PHED/ 8-26/ 2014, dated 27/10/2014.

Respectfully Sheweth;

(1) **THAT** the Show-cause notice issued to the undersigned is against law/ rules being not accompanied by the ***Inquiry Report*** as directed in the West Pak: S&GAD; letter No. SOXII-2-4/60, dated 10.5.1960, hence needs to be revoked. Copy of ***Supplementary Report*** provided with the show-cause notice does not serve the purpose nor does it fulfill the requirement of law/ rules. Despite written request, copy of the Inquiry Report/ statements of witnesses examined by the Inquiry committee (if any) have not been supplied to the undersigned till date which prima facie suggests inefficiency of the dealing hands. ***Any punishment inflicted in the circumstances will be against law*** (Annexure-1).

(2) **THAT** members of the Inquiry Committee (themselves) deserve exemplary punishment for their inefficiency as in the first instance they submitted a vague and incomplete report with a request for constituting a departmental committee of senior level Engineers to determine the exact loss. The said defective incomplete Inquiry Report was remanded back to the Inquiry Committee vid Secretary PHED letter dated 16/6/2014 with the directions:-

i. To determine and report as to whether the charges reflected in the charg sheets are proved, partially proved or otherwise.

ii. To fix responsibility and assess the losses caused to the Provincia exchequer, work out apportionment of losses amongst accused officers officials and recommend recovery thereof from the officers/ officials hel responsible.

ATTESTED

The above observations prima facie suggest that no decision could be taken o the basis of incomplete Inquiry Report and a detailed measurement of the pipe was a must to ascertain the actual loss. But even after remand, the members c the Inquiry Committee avoided to take pain of measurements for assessing th actual loss and instead they just addressed a letter to the Executive Engine PHED, Nowshera on 03/7/2014 for working-out the details of losses an

17-11-14

(4) Rule 11 to 13 of the KPK Govt. Servants (E&D) Rules, 2011 empower the Inquiry Committee to summon and examine any person **on oath** and to provide opportunity of **cross-examination** on such witnesses to the accused.

(5) But here in this case, the Enquiry Committee did not require the department to adduce evidence in support of the charges nor did it provid opportunity of cross-examination to the accused. Rather the Inquiry Committee has shown great negligence in deciding the fate of the case/ accused without examining any evidence in support of the charges while ignoring written applications of the accused.

(6) The Committee was required and bound in law to consider and properly weigh the plea/ reply of the accused. In his reply, the accused (undersigned) has plausibly explained the fact of missing pipe with documentary evidence to prove stealing of the pipe by the locals. Reply to the Charge-sheet submitted by the undersigned may be considered as part and parcel of instant reply.

(7) The accused have brought official letters and police report on record which proves stealing of pipe by the locals. The documentary evidence adduced by them has neither been denied/ rebutted by the department nor by the Enquiry Committee. Reportedly the Enquiry Committee admits the fact of availability of pipe with the locals in **Para - 11** of their "**Findings**".

(8) All concerned including the **department**, the **police** and even the **Inquiry Committee** have admitted that the pipe extracted by the locals is still lying with the people and needs to be collected. In the circumstances, there seems no justification to affect recovery from the accused for the pipe stolen by the locals. It will be a mockery of law to punish accused for the wrongful act of others. This is the dictate of law described in the maxim ***"Nemo Punitur Pro Allieno Delicto"***. The department has already issued instructions to the field formation for collecting the stolen pipes, but with no follow up (Annexure-IV).

(9) But strangely the Inquiry report is silent about the legal and factual submissions made by the accused in their replies. The convincing replies of the accused supported by documentary evidence and based on cogent reasons ***could not be overlooked/ brushed aside.***

10) In absence of proof/ evidence (in support of the charges) submissions of the

ATTESTED

law and hence the recommendations of the Enquiry Committee are baseless and without any lawful substance.

(11) The Enquiry Committee has not carried-out any measurements to determine actual quantity of the missing pipes and hence there seems no justification for believing their ipse-dexit. No punishment can be inflicted on the basis of such vague and defective report. Rather it calls for awarding exemplary punishment to the members Inquiry Committee for (i) delaying inquiry; (ii) shirking responsibility and (iii) submitting a false and bogus report/ recommendations without carrying out detailed measurements and taking into account the available quantity.

(12) In the last, it is pointed out that the very purpose of initiating instant inquiry (by the department) was to justify approval of a new scheme without making any efforts for collecting the pipes taken away by the locals, which badly reflects on the claim of good governance as there is none to take notice of things/ affairs going on in the government offices while enjoying authority by making innocent officers/ officials an escape goat for looting government exchequer. Your honor may like to take notice of things to ensure good governance by providing justice to the undersigned.

(13) It will not be out of place to state/ remind that while granting approvel to the new scheme the issue of pipes extracted by the locals was very much discussed before the DDWP, but instead of doing the needful the Chief Engineer (South) initiated inquiry without explaining things or making efforts for collecting of pipes taken away by the locals (Annexure-V).

(14) Attention is invited to the charge levelled against the accused in the charge sheet and that described in the show-cause, which differs from each other which suggests that the undersigned is being punished on a charge not served upon him. The allegation made in the charge sheet by itself disproves the charge stated in the show-cause.

In the wake of these circumstances and keeping inview my 55- years age and previous service record, it is most humbly prayed to kindly with-draw the instant show-cause notice for removal of service and recovery of Rs. 15,83,999/- and exonerate the accused of the charge. I wish to be heard in person.

Dated: 12.11.2014:

ATTESTED

(Engr. Nasir Latif)
Executive Engineer..Accused

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the November 11, 2015

NOTIFICATION

No.SO(ESTT)PHED/8-26/2013: WHEREAS, Engr. Nasir Latif (BPS-18) the then Executive Engineer PHE Division Nowshera now posted as Design Engineer Office of the Chief Engineer (South) PHE Peshawar was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the irregularities committed in the Drinking Water Supply Scheme Asha Khel Sadu Khel District Nowshera.

2. AND WHEREAS, for the said act of misconduct he was served with charge sheet/statement of allegations to which he submitted his reply.

3. AND WHEREAS, an Inquiry Committee comprising Mr. Manzoor Ahmad, Director Transport, Khyber Pakhtunkhwa and Engr. Nasir Ghafoor, Superintending Engineer, Irrigation Department was appointed, who submitted the inquiry report.

4. AND WHEREAS, he was served with Show Cause Notice containing tentative major penalty of "**Removal from Service, besides recovery of pecuniary loss of Rs.1,583,999/-**", to which he submitted his reply.

5. NOW THEREFORE, the Competent Authority after having considered the charges, material on record, inquiry report of the Inquiry Committee, explanation of the officer concerned during personal hearing held on 09-09-2015 and in exercising his powers conferred under Rule-14(5)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the major penalty of "**Removal from Service, besides recovery of pecuniary loss of Rs.1,583,999/-**", upon the aforementioned officer.

ATTESTED

SECRETARY TO
Govt: of Khyber Pakhtunkhwa
Public Health Engg: Department

Endst: No.SO(ESTT)PHED/8-26/2013 **Dated Peshawar, the November 11, 2015**

Copy is forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar
3. Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar
4. Superintending Engineer PHE Circle Peshawar.
5. Executive Engineer PHE Division Nowshera.
6. District Accounts Officer Nowshera.
7. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
8. PS to Secretary PHE Department, Khyber Pakhtunkhwa, Peshawar
9. PA to Deputy Secretary (Admn) PHE Department Peshawar
10. Officer concerned.
11. Office Order File / Personal File.

SECTION OFFICER (ESTT:)

To: The Hon'ble Chief Minister,
Khyber Pakhtunkhwa, Peshawar.
(**Competent Authority**)

Subject: **Departmental Appeal/ Review petition against the order of removal from Service and recovery of Rs.15,83,999/- vide Secy: PHED Notification No. SO (ESTT) PHED/ 8-26/2013, dated 11.11.2015:**

Office of the PSCM
Diary No. 2205
Dated 26/10/22

Reverential Sir,

The petitioner/appellant respectfully submits as under:

(1) **THAT** an Inquiry committee comprised of **(1)** Mr. Manzoor Ahmad, Director Transport, Khyber Pakhtunkhwa and **(2)** Engr. Nasir Ghafoor Khan, Project Director, Bazai Irrigation Project, Mardan was constituted against petitioner and three others. The petitioner/ appellant was served with a charge sheet/ statement of allegations to which he furnished his reply while denying the charge being highly defective and without any substance. Copies of Charge-sheet/ statement of allegation and replies of the petitioner with application for calling witnesses for cross-examination are respectively attached **Annexure A, B, C** and **D**.

(2) **THAT** the inquiry proceedings were carried out in a haphazard manner and without providing opportunity of proper defense and bringing any oral or documentary evidence on record, the Inquiry committee submitted a defective/ incomplete report without reading the written submissions/ applications of the petitioner/ appellant.

(3) **THAT** the said defective/ incomplete Inquiry Report was remanded back to the Inquiry Committee vide Secretary PHED letter dated 16/6/2014 with the directions to determine and report as to whether the charges reflected in the Charge sheets are proved, partially proved or otherwise and to fix responsibility and assess the losses caused to the Provincial exchequer, work out apportionment of losses amongst accused officers/ officials and recommend recovery thereof from the officers/ officials held responsible.

ATTESTED

(4) **THAT** instead of carrying out detailed measurements and making efforts for collecting the missing pipes from the locals of village Sadu Khel, the Inquiry Committee directed the Executive Engineer PHE Nowshera for doing the needful, who turned a deaf ear and did not respond. In an attempt to get rid of their responsibility the Inquiry Committee submitted a supplementary report attached **Annexure-E**.

(5) **THAT** on the basis of the said incompetent inquiry report, your honor issued a Show-cause notice to the petitioner, suggesting therein tentative Major penalty of removal from service with recovery of the amount stated in the subject. The petitioner was further required to state if he wish to be heard in person. Copy of Show-cause notice is attached **Annexure-F**.

(6) **THAT** the petitioner submitted his reply to the show-cause (copy attached **Annexure-G**) and also opted for an opportunity of personal hearing. But sorry to say that no personal hearing was granted to the petitioner/ appellant and instead he was directed vide Secretary PHED Peshawar letter dated **09/09/2015** to appear before Secretary, Irrigation Department, Peshawar, for personal hearing, which amounts to refusal of legal right of petitioner and hence a mockery of law.

(7) **THAT** in the last the petitioner was handed over the impugned Notification/ order of removal from service with recovery of a huge amount (attached **Annexure-H**), which is impugned herein through the instant Appeal/ Review petition, inter alia on the following:

GROUNDS:

(a) That under the law things needed to be done shall be done in accordance with law, in the manner and sequence prescribed by law or shall not be done at all. Judgments of the Apex court are there on the subject.

(b) That the Notification/ Order of removal from service, passed against the petitioner/ appellant is against law, facts and evidence on record. While passing the impugned order, the well settled principles of Administered justice have completely been ignored/ ruined.

ATTESTED

(c) That there is great **difference between a charge and the proof**. A charge necessarily needs to be proved by adducing evidence (either oral or documentary). One cannot be held guilty until and unless the charge is proved by adducing cogent evidence, while the basic right of an accused is to provide him a fair opportunity of defence/ cross-examination.

But sorry to say that the petitioner/ appellant has been awarded punishment (in the air) without bringing any oral or documentary evidence on record in support of the charge.

(d) **THAT** the members of the Inquiry committee have even not bothered to go through the reply of the petitioner/ appellant. The petitioner/ appellant had submitted proper application to the Inquiry committee for calling witness (in support of the charge) and provide a fair opportunity of cross-examination to the petitioner as ordained in Rule 11 to 13 of the KPK Govt. Servants (E&D) Rules, 2011 and as directed in the West Pak: S&GAD; letter No. SOXII-2-4/60, dated 10.5.1960

But the department badly failed in proving the charge and did not produce any oral or documentary evidence and hence the petitioner was not provided with any opportunity of cross. The charge leveled against the petitioner/ appellant was taken as proof in a whimsical manner.

(e) **THAT** even the Inquiry committee did not bother to carry out any measurement for determining actual quantity of the missing pipes. Rather they addressed a letter to the Executive Engineer PHED Nowshera for doing it on their behalf (Copy **Annexure-I**), but the Executive Engineer did not care and turned a deaf ear.

They did not look into the record/ proofs of availability of pipes with locals stolen by them. The petitioner has brought on record official letters, **minutes** of the **DDWP** meeting dated **06/09/2013** and police reports (copies attached **Annexure J, K** and **L**). The said record proves that the missing pipes are available on site/ stolen by the locals and also in the custody of contractor. While admitting availability of the missing pipes, the DDWP directed to deduct its cost from the revised PC-I cost estimate. Even the Inquiry Committee has reportedly admitted its availability with the locals in **Para – 11** of their "**Findings**" (though not provided), **which disprove the charge**.

ATTESTED

In the wake of these circumstances, there remains no justification of affecting recovery from the petitioner for the pipe (stolen by the locals and all concerned have admitted its availability). **It will be a mockery of law to punish petitioner for the wrongful act of locals. Whose responsibility is it to collect the pipe available with the locals?**

As per official record, the department has also issued instructions to the field formation for collecting the available/ stolen pipes, but with no follow up action. The subsequent silence of the Department, police and various authorities and their hesitation to collect the missing pipes from the locals is a big question mark for the government. It's a speaking proof of the worst governance/ negligence.

(f) **THAT** it was against law to entrust personal hearing of petitioner to Secretary Irrigation. The Competent Authority was under obligation to hear the accused himself and has no authority to ask others for carrying out the task on his behalf. Delegation of such power to the others is against law in quasi judicial proceedings. In law it amounts to refusal of the right of personal hearing.

Law does not permit a judge or quasi judicial authority to direct his subordinate to hear the accused on his behalf and then sit for adjudication without hearing parties himself.

What does it mean to ask an accused person about his desire of hearing in person and then to refuse such right by directing him to appear before some subordinate. This legal defect in the petitioner's case at least proves that the Competent Authority has not decided the case independently, hence against law.

(g) **THAT** even the very Show-cause notice was defective and against law being not accompanied by the ***Inquiry Report*** as directed in the West Pak: S&GAD; letter No. SOXII-2-4/60, dated 10.5.1960, hence needs to be revoked.

Copy of ***Supplementary Report*** provided with the show-cause notice could not be considered as Inquiry Report nor does it serve the purpose/ fulfill the requirement of law/ rules. Written request of the petitioner/ appellant (copy attached **Annexure-M**) was ignored in a whimsical manner and the petitioner was unlawfully compelled to furnish his reply to the Show-cause without examining the ***Inquiry***

ATTESTED

Report. ***Any punishment inflicted in the circumstances is against law*** and needs to be set aside/ revoked.

(h) **THAT** the Inquiry Report and even the Supplementary Report was silent about the legal and factual submissions of the petitioner in his reply. The convincing replies of the accused supported by documentary evidence/ based on cogent reasons and the various applications of the petitioner on record ***could not be overlooked/ brushed aside***.

In the circumstances, the one sided Inquiry Report could not be acted upon for inflicting major penalty. In absence of proof/ evidence *(in support of the charge)* and without weighing cogent submissions of the accused, the charge cannot be said to have been proved and hence the punishment awarded to the petitioner is against law and without any lawful substance.

(i) **THAT** the petitioner has been made an escape goat at the **age of 56** just for scoring numbers in the eyes of the public for political gains/ publicity and while doing so all the principals of natural justice and the dictates of law including **27 years unblemished service record** have been ignored/ thrown aside, which badly reflects on the performance of the present government.

It is, therefore, most humbly prayed that on acceptance of this Appeal/ Review petition, the impugned order passed against the petitioner may graciously be reviewed and the punishment awarded to him may graciously be revoked in the interest of justice/ to ensure rule of law with back benefits.

Further more the attention of the Competent Authority (Hon'ble Chief Minister) is invited to the missing pipes, lying with the locals with a request to kindly direct the concerned authorities to collect it back from the locals while fixing responsibility against them for stealing the pipes and also against the dealing hands in the various departments for not making sincere efforts to safeguard Government interest.

Dated: 25/11/2015.

ATTESTED

(ENGR. NASIR LATIF)
Ex-Design Engineer
Public Health Engg: Dep
Cell # 0333962 14

(57)

Through Courier

OFFICE OF THE PROJECT DIRECTOR
BAZAI IRRIGATION PROJECT MARDAN
Phone No.0973-9230068 & Fax 9230064

(L)

No. /730 /PD/Bazai/14/6-E

Dated Mardan the 3 /07/2014.

To,

The Executive Engineer
Public Health Engineering Department,
Nowshera.

Subject:- **ENQUIRY REGARDING IRREGULATITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA.**

In light of the new directions, received in the subject inquiry from the competent authority (Chief Minister Khyber Pakhtunkhwa). You are hereby directed to provide/ workout the detail of the losses caused to the Provincial exchequer by the accuses in the scheme in shape of missing rising main, non installation of distribution system, non-burying of pipes, non-observance of PHED Standard Specifications during the burying of pipes, pipes laid on ground/ rocky surfaces having improper clamping arrangement as per PHED specification etc.

The pipe lengths of various diameters that are available on site, locals, the ones which can be recovered including the buried ones should be taken into account for their utilization by your office in the new scheme may be worked out and details be provided. A cost breakup to this effect should be submitted to determine the total loss faced by the Government in this respect in comparison to the loss amount reflected in the charge sheets of the accused. The apportionment of the losses amongst the accused officers/ officials depending upon their involvement in payments and as per their incumbencies may also be work out as per your office record so that necessary recovery can be recommended in light of the available evidence/ record.

You are hereby directed to complete the assigned task within 7 days positively without fail and submit the details with the relevant record at the earliest.

Date: 9/7/14

07-07-14

ATTESTED

Engr. Nasir Ghafoor Khan
Project Director

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar for information.
2. Mr. Manzoor Ahmad, Director (Transport), Government of Khyber Pakhtunkhwa.
3. Secretary to the Govt. of Khyber Pakhtunkhwa, Public Health Engineering Department with the request to direct Executive Engineer, Public Health Engineering Department, Nowshera for providing the relevant information/ details at the earliest. Also with the request to declare him as the focal person in the subject inquiry please.
4. PS to Minister for Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar for information.

PS(AT)

9/7 SoE 10/07/14.

03/07/14

Engr. Nasir Ghafoor Khan
Project Director

OFFICE OF CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING DEPARTMENT
KHYBER PAKHTUNKHWA

Ph#091-9212984, FAX#091-9210228 **E-mail:** mehmood.Phed@yahoo.com

No. 05 IB-27/PHE

Dated Peshawar the, 11/09/2013.

To

The Executive Engineer,
PHE Division,
Nowshera.

Subject: DDWP MEETING SCHEDULED TO BE HELD ON SEPTEMBER 6, 2013 AT 1200 HRS UNDER THE CHAIRMANSHIP OF SECRETARY PUBLIC HEALTH E NGINEERING DEPARTMENT

Reference: Section Officer (T) PHED letter No. SO(T)PHED/3-25/2010 dated 4/9/2013.

You are directed to take into account the available material in Rising main etc. of WSS Sado Khel lying idle at earliest.

CHIEF ENGINEER (SOUTH)

Copy to the Section Officer (Tech) PHE Department Peshawar for information with reference to above.

CHIEF ENGINEER (SOUTH)

No action was taken by the [illegible]

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT

NO. SO (T)/PHED/3-25/2011-12
Dated Peshawar the 13th September, 2013

To

Secretary P.H.E Deptt:
Dairy No. 4502
Dated: 13-09-13

DST No. 674
16/9/13

1. The Additional Secretary (Dev)
   Finance Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar
2. The Chief of Section (Infrastructure)
   Planning & Development Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar
3. The Chief Engineer (North)
   Public Health Engineering Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar
4. The Chief Engineer (South)
   Public Health Engineering Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar

Subject: **MINUTES OF THE DDWP MEETING HELD ON 06.09.2013 AT 1200 HRS IN THE COMMITTEE ROOM OF PUBLIC HEALTH ENGINEERING DEPARTMENT**

I am directed refer to the subject noted above and to enclose herewith a copy of minutes of the DDWP meeting held under the chairmanship of Secretary, Public Health Engineering Department on 06.09.2013 at 1200 Hours for information and further necessary action, please.

Encls: A.A

SECTION OFFICER (TECH)

Copy forwarded to:-

1. The Director Planning and Monitoring, PHE Department, Khyber Pakhtunkhwa
2. The P.S to Secretary PHE Department, Khyber Pakhtunkhwa
3. The P.A to Deputy Secretary (Tech) PHE Department, Khyber Pakhtunkhwa

SECTION OFFICER (TECH)

DS (Tech)

13/09

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MINUTES OF THE DDWP MEETING HELD ON 06.09.2013 AT 1200 HRS IN THE COMMITTEE ROOM PUBLIC HEALTH ENGG: DEPARTMENT

A DDWP meeting was held in Committee Room of Public Health Engineering Department on 06.09.2013 at 1200 Hours under chairmanship of Secretary PHED. List of participants is enclosed vide Annex-"A".

The following agenda items were discussed and decided during the meeting:

Agenda Item No.01:- **Water Supply Scheme Doran District Nowshera under Umbrella Project Titled "Construction of Water Supply Schemes in Khyber Pakhtunkhwa" ADP No.212 /120611 2013-14** (ADP#193/120611 2012-13)

The Deputy Secretary (Tech) appraised the forum that the Umbrella project/PC-I was approved by the PDWP in its meeting held on 08.11.2012 at a cost of Rs.1765.093 million and the minutes were circulated by P&D Department Khyber Pakhtunkhwa vide letter No. Chief/INF/P&D/170-01/2012/3308-24 dated 19.11.2012. Subsequently, the above mentioned scheme was approved by the DDWP in its meeting held on 04.12.2012 and minutes were circulated by PHE Department vide letter No.SO(Tech)/PHED/3-25/2011-12 dated 13.12.2012, and Administrative Approval was issued on 01.01.2013 for a cost of Rs. 16.000 million.

During detailed discussion, it was noted that the revised scheme is 58% above the AA cost (25.386 million) but as it is under the umbrella project the total revised cost is within the limits of 10% therefore, the umbrella program approved by PDWP remains unchanged. It was informed to the forum that a note was forwarded to P&D Department for guidance about the change in scope of work. The P&D department agreed to put the case to DDWP forum for discussion/approval.

The Executive Engineer PHE division Nowshera stated that the scope of work has been changed in the light of CM's directives issued on June 4,2013.The revised scheme is divided in two zones, in zone-I, the rising main was proposed at a distance of 3500 feet which has been now increased to 13350 feet due to the reason as the site was declared unsuitable for tube well by resistivity survey. Moreover in zone-II, the tube well has been replaced by infiltration gallery/collecting well as there was no suitable site for tube well in the light of resistivity survey report.

The Chief Engineer (South) informed the forum that due to flood some pipe was washed away and some was stolen and some pipe is in the custody of the

ATTESTED

contractor. He suggested that that pipe should be deducted in the revised PC-I estimate. The chair agreed with the chief engineer.

The representative of P&D department asked about the surface reserv that there is only one reservoir for both zones. The SDO Nowshera in reply stated th reservoir for zone-I already exist, the proposed reservoir is for zone-II.

Decision:-

Revised PC-I/Cost Estimate for construction of Water Suppl Scheme Doran District Nowshera was approved after deducting pipe cost asproposed by Chief Engineer (South) and the PC-I cost reframed accordingly for Administrative approval.

Agenda Item No.02&03:-

i) **Water Supply Scheme KotWali Dad, GarahMehmood, SahdiKhel, Hathala, Garah Jana, GarahBakhtiar, Haroon Abad, NajeebSahh Bore, KotZafaraJadeedAbadi***Replaced Over*WSS looni, GarahMadda, KotKundian, GarahBakhtiar,Takhwara&Adj: Villages PK-67

ii) **Water Supply Scheme Unarah, Mir AlamPK-67** *Replaced Over* WSS Daraban, Choudhwan, Gandi Umber Khan, GoodiAshig, New Garah Khan, Saggu, Jhoke Mangle, KirriShamozai, Gurwalai, JhokeSerwer, Jhoke Dino **District D.I. Khan Under Umbrella Project Titled "Construction Of Water SUPPLY Schemes in Khyber Pakhtunkhwa"**

The Deputy Secretary (Tech) appraised the forum that the Umbrella project/PC-I was approved by the PDWP in its meeting held on 08.11.2012 at a cost of Rs.1765.093 million and the minutes were circulated by P&D Department Khyber Pakhtunkhwa vide letter No. Chief/INF/P&D/170-01/2012/3308-24 dated 19.11.2012. Subsequently, the above mentioned scheme was approved by the DDWP in its meeting held on 04.12.2012 and minutes were circulated by PHE Department vide letter No.SO(Tech)/PHED/3-25/2011-12 dated 13.12.2012, and Administrative Approval for both schemes were issued on 19.12.2012 for a cost of Rs. 16.000 million.The directive was cancelled vide Finance Department letter No. SO(Dev-II)/11-5/2012-13/FD dated 12.03.2013. The replaced scheme has been identified by Mr. Israr-Ullah Khan Gandapore, MPA PK-67 and CM has directed for execution of the schemes.

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During detailed discussion, it was noted that the revised schemes are both of 16 million cost same as the old cost. It was informed to the forum that a note was forwarded to P&D Department for guidance about the change in name/scope of work. The P&D department agreed to put the case to DDWP forum for discussion/approval.

During discussion it was pointed out by representative of finance department that as the replaced schemes are new under an on-going program therefore, it cannot be tender unless new consultant based system for implementation is in place. It was informed that scheme is under Umbrella Project which is ongoing however as per instruction of P&D Department Scheme will be executed under new policy by involving the Consultant.

Decision:

The Schemes were approved in principle for execution however, it was decided by the forum that consultant will be involved in the feasibility, design, preparation of PC-I and supervision of schemes.

The meeting ended with a note of thanks from the chair.

ATTESTED

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LIST OF PARTICINPANTS OF DDWP MEETING HELD ON 06.09.2013 IN THE COMMITTEE ROOM OF PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA

S. No	Name	Designation	Signature
1.	Mohammad Yousaf	XEN D.I.Khan	
2.	Muhammad Faisal Naeem	SDO, PHED	
3.	Shahzada Behram.	XEN PHED	
4.	SIKANDAR KHAN	CE (South) PHED	
5.	Mohammad Tariq	Ro(T-I) infra	
6.	Raza Ali Habib	DS(Dev) Finance	
7.	Muhammad Ikram	M. Ikram	SO(T), PHE
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT
NO. S.O (T)/PHED/3-21/2013-14
Dated Peshawar the 20th November, 2013

(64)

To

The Chief Engineer (South)
Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar

Subject: **REVISED ADMINISTRATIVE APPROVAL**

In exercise of the powers delegated vide Para-I serial No.6 Second Schedule of the Delegation of Powers under the Financial Rules and Powers of Re-appropriation Rules, 2001, the Khyber Pakhtunkhwa, Provincial Government is pleased to accord Revised Administrative Approval for the implementation of the project "**Water Supply Scheme Doran District Nowshera** for the period as per phasing planned/approved in the revised PC-I at a cost of **Rs.25.972 Million (Twenty Five Million Nine Hundred Seventy Two Thousand only) under the ADP umbrella Scheme titled "Construction of Water Supply Schemes In Khyber Pakhtunkhwa" ADP # 212/120611(2013-14)** with the following break up.

S. No	Items	Cost (Rs. In Millions)
1.	Tube Well	2.330
2.	Pumping Chamber/Hut	1.399
3.	Surface Reservoir 10000 Gallons	0.555
4.	Pumping Machinery/Electrification	3.430
5.	Rising Main/Distribution System	14.542
6.	Collecting well/Infiltration Gallery	2.635
7.	Advertisement Charges	0.080
8.	Diversion Channel	0.116
9.	Approach Road	0.885
	Total	25.972

2. The Umbrella PC-I was approved by the PDWP in its meeting held on 08.11.2012 and the minutes were circulated by P&D Department Khyber Pakhtunkhwa vide letter No. Chief/INF/P&D/170-01/2012/3308-24 Dated 19.11.2012. Subsequently the above mentioned scheme was approved by the DDWP in its meeting held on 04.12.2012 and minutes were circulated by PHE Department vide letter No.SO(Tech)/PHED/3-25/2011-12 dated 13.12.2012 and Administrative Approval was issued on 01.01.2013 vide letter No. SO(Tech)/PHED/3-21/2011-12.

3. The revised scheme was approved in DDWP meeting held on 06.09.2013 and minutes were circulated vide letter No. SO(Tech)/PHED/3-25/2011-12 dated 13.09.2013.

4. The expenditure involved is chargeable to the functional-cum-object classification 05-Environment Protection-052-Waste Water Management-0521- Waste Water Management-052102- Works (Rural) Fund No. NC 12060) under Grant No.52 (Capital), during the current financial year 2013-14, and would be incurred only on the items, activities mentioned in the approved PC-I, and would not exceed the allocation for any particular item/activity.

5. The Administrative Approval does not constitute any sanction to the design/rates provided in the cost estimate. The financial responsibility of the design/rates rests with the authority competent to accord technical sanction to the cost estimate.

6. The sanctioning authority shall allow appropriate rates after observing all codal formalities/standing instructions regarding schedule of rates and financial regularity. The work shall be taken in hand after release of funds and proper technical sanction of the cost estimate.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT

Copy is forwarded for information and n/a to the:
1. Additional Chief Secretary P&D Department Khyber Pakhtunkhwa Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. Chief of Section (INF) P&D Department Khyber Pakhtunkhwa, Peshawar.
5. Director Planning & Monitoring Public Health Engineering Department Peshawar.
6. Superintending Engineer Public Health Engineering Circle Peshawar.
7. XEN Public Health Engineering Division, Nowshera.
8. Incharge, Computer Section P&D Department Khyber Pakhtunkhwa Peshawar.
9. Section Officer (B&A) PHE Department Khyber Pakhtunkhwa Peshawar.
10. Concerned file/PDWP meeting file.

SECTION OFFICER (TECH)

Attested

O/C

(65)

رپورٹ متعلق واٹر سپلائی سکیم دیہہ سندھیل

جناب عالی!

بحوالہ چٹھی انگریزی نمبری 2-5 N.K / 2-1-14 مسمی لعل دین پول۔ کہ واقعی

مندرجہ بالا کسان کیساتھ گھروں میں پائپ موجود ہیں۔ کافی عرصہ

پہلے باد و باران سے سیلابی ریلی آکر پائپ لائن کٹ ہو کر

جملہ پائپ ہائے جوڑوں اور نالوں میں جگہ بہ جگہ پڑے تھے۔ اور

چند پائپ سیلابی ریلی میں بہہ چکے ہیں۔ جملہ کسان

نے نیک نیتی کا مظاہرہ کرتے ہوئے قیمتی مال کو اٹھا کر بطور

امانت اپنے پاس گھروں میں رکھے ہیں۔ خراب اور ضائع ہونے

سے بچایا ہے۔ اور مسمی ان کے نوٹس میں بھی لایا گیا ہے

کہ جب بھی قوم یا محکمہ چاہے۔ جملہ پائپ حوالہ کریں گے

اس سلسلہ میں ان کے بیانات لئے گئے ہیں۔ جو لف چٹھی ھذا ہے

رپورٹ عرض ہے۔

SI/P.P. Mamu

6-1-14

ATTESTED

OFFICE OF THE EXECUTIVE ENGINEER P.H.ENGG; DIVISION NOWSHERA

No. Ac-1/07 / Dated Nowshera the, 12/12/12/2013

To,

The Station House Officer
Nowshera Kalan.

Subject:- RECOVERY OF G.I.PIPES IN VILLAGE SADU KHEL.

Dear Sir,

It is requested that a Water Supply Scheme Sadu Khel was executed in the name of Sadu Khel / Asha Khel in 2010.

During the course of time various dia of Pipes as detailed below have been extracted and taken away by locals.

S.No.	Name of villagers	Dia of Pipes.	Quantity	Remarks
	VILLAGE SADU KHEL			
1	Haji Shah Nawaz.	3" i/d G.I Pipe	20 Nos.	
		2" i/d G.I Pipe	100 Nos.	
		1-1/2"i/d G.I Pipes.	270	
2	Qanar Gul.	3" i/d G.I Pipe	60 Nos.	
3	Nasrat.	3" i/d G.I Pipe	23 Nos.	
4	Hazrat Hussain.	3" i/d G.I Pipe	2 Nos.	
	VILLAGE KANA KHEL			
1	Quraish	4" i/d G.I Pipe	Un-Known	
2	Khalid	4" i/d G.I Pipe	Un-Known	
3	Mir Zaman	4" i/d G.I Pipe	Un-Known	
4	Khair-ul-Hassan	4" i/d G.I Pipe	Un-Known	
5	Sardar	4" i/d G.I Pipe	Un-Known	

Now you are requested to recover the G.I.Pipe as mentioned above and take the lawful action against the persons.

Executive Engineer
Public Health Engg;Division
Nowshera

Copy to:-

1. The Chief Engineer (South) Public Health Engg;Department Peshawar.
2. The Superintending Engineer Public Health Engg;Circle Peshawar.
3. The Deputy Commissioner Nowshera.
4. The District Police Officer Nowshera.
5. The Sub Divisional Officer PHE:Sub Division-II Nowshera.

Executive Engineer
Public Health Engg;Division
Nowshera

O/C

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Police Station Nowshera Kalan
Distt. Nowshera

NM. 18-12

بیان از زبان حاجی شاہ نواز خان

(1) میں حاجی شاہ نواز خان ولد ولی باز خان عمر تقریباً 54/55 سال ساکن سدو خیل نے بیان کیا کہ ہمارے گھر میں تقریباً 20 پائپ لگے اور تقریباً 300 چھوٹے پائپ موجود ہیں۔ جو کہ شہزاد دیہہ کی نوشتہ میں ہے

الف حاجی شاہ نواز خان ولد ولی باز خان ساکن سدو خیل

شاہ نواز

میں حضرت حسین۔ نصرت خان پسران گلدب خان ساکن سدو خیل نے بیان کیا کہ ہمارے گھر میں 4 عدد پائپ موجود ہے۔ جو کہ شہزاد دیہہ کے نوشتہ میں ہے۔ اور کنارگل (مرحوم) کے گھر میں 60/61 عدد پائپ موجود ہے۔

(2) الف حضرت حسین ولد گلدب خان ساکن سدو خیل

حضرت حسین

(3) الف نصرت خان ولد گلدب خان ساکن سدو خیل

ATTESTED

3 بدریافت میر زمان ولد میر عالم ساکن سدو خیل حال کنہ خیل قریب 45/40 نے بیان کیا کہ ہمارے ساتھ گھر میں 15 عدد پائپ پڑے ہیں۔ بارش کی پانی کی وجہ سے یہ سڑک پر پڑے تھے۔ کونسلر سہیل کے کہنے پر اٹھا کر گھر میں بطور امانت رکھے ہیں۔ جو کہ سدو خیل کے مزدوروں کے نوٹس میں بھی لایا گیا ہے۔ یہ میرا بیان ہے۔

الف میر زمان ولد میر عالم ساکن سدو خیل حال کنہ خیل

4 بدریافت کونسلر تاج الدین ولد سلیمان الدین بعمر قریب 45/40 سال ساکن کنہ خیل نے بیان کیا کہ یہ شخص صمد الدین ہمارا سگا بھائی ہے۔ جو کہ تقریباً 3/4 سال دیسہ کنہ خیل سے سکونت ترک کر کے ہمراہ اہل و عیال کے راولپنڈی میں رہائش پذیر ہے کسی قسم کا پائپ اس کے گھر میں موجود نہیں ہے۔ البتہ میر الحسن ولد عبدالحسن ساکن کنہ خیل کے ایک کوٹھہ میں 2 عدد پائپ گرے ہیں۔ جو کہ 10/12 سال پرانے ہیں

الف کونسلر تاج الدین ولد سلیمان الدین ساکن کنہ خیل

تاج الدین

ATTESTED

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POWER OF ATTORNEY

IN THE Service Tribunal Khyber Pakhtunkhwa Peshawar

In Re Service Appeal of 2016

Nasir Latif Baloch

{Plaintiff
{Appellant
{Petitioner
{Complaint
{Decree Holder

Versus

Govt of KPK through Chief Minister & Others

{Defendant
{Respondent
{Accused
{Judgment Debtor

I/We Nasir Latif Baloch

the Service Tribunal KPK Peshawar above named hereby appoint Sardar Ali Raza and Zulfiqar Ahmad Advocates High Court the above-mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act, and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.

2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for submission to arbitration of the said case, or prosecution or defense of the said case at all its stages.

3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.

   To do all other acts and things, which may be deemed necessary or advisable during the course of the proceedings

AND HEREBY AGREE:

a. To ratify whatever the said Advocate may do in the proceedings.

b. Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequences of their absence from the Court/Tribunal when it is called hearing.

c. That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/WE have signed this Power of Attorney/Vakalatnama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 02 day of March at 2016

Signature of executant/s

Sardar Ali Raza, Ahmad

Attested/accepted subject to the term regarding payment of fee