08.12.2016

Appellant in person and Mr. Nosherawan, Principal alongwith Mr. Muhammad Zubair, Sr.GP for the official respondents No. 1 to 4 present. Written reply submitted on behalf of respondents No. 1 to 4 already submitted. Learned Sr.GP relies on the same on behalf of respondent No. 5 while none is present on behalf of private respondent No. 6. Proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for08.02.2017 at camp court, Swat. Status quo be maintained.

Chairman Camp court, Swat

08.02.2017

Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Nosherawan Principal for respondents present. Appellant submitted application for withdrawal of the appeal as his grievance hs been redressed.

In view of the above the appeal is dismissed as withdrawn. File be consigned to the record room.

<u>AÑNOUNCED</u> 08.02.2017 Chairman

Camp court, Swat

08.0217.

802/16

07.10.2016

Clerk of counsel for the appellant and Mr. Nosherawan, Principal for respondents No. 1 to 4 alongwith Mian Amir Qadar, GP, for respondents present. Written reply by respondents No. 1 to 4 submitted. Fresh notices be issued to respondents No. 5 & 6. To come up for written reply of respondents No. 5 & 6 on 08.12.2016 at camp court, Swat. Status quo be maintained.

Charman Camp Court, Swat 16.08.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Since the matter required further assistance as it is involves recovery of outstanding arrears as per audit report available. Therefore, pre-admission notice be issued to the learned Additional Advocate General. To come up for further preliminary arguments on 29.08.2016 before S.B.

Member

29.08.2016.

Appellant with counsell present. Learned counsel for the appellant argued that the appellant was serving as Lecturer. That vide impugned order dated 05.04.2016 orders regarding recovery of Conveyance Allowance from the salary of the appellant was passed where-against he preferred departmental appeal on 03.05.2016 which was not responded and hence the instant service appeal on 09.08.2016.

That the impugned order of recovery of Conveyance Allowance is against facts and law as no notice of any such liability or recovery was issued to the appellant and, moreover, the appellant was neither within the using of the said house nor the same was legally allotted to him.

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 07.10.2016 before S.B at camp court, Swat as the same pertains to territorial limits of Malakand Division. Status quo be maintained.

Security Process Fast

Chairman

Form- A

FORM OF ORDER SHEET

Court of		 		
Case No.	BOJ/2016		•	

	Court Case N	0.0
S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/08/2016	The appeal of Mr. Rafiq Ahmad presented today by
		Mr. Shamsul Hadi Advocate may be entered in the Institution
		Register and put up to Learned Member for proper order
		please.
		REGISTRÁR
2-	10-08-2016	This case is entrusted to S. Bench for preliminary hearing
		to be put up there on. $16 - 08 - 20/6$
-		
		MIMBER



BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 809 /2016

Rafiq Ahmad.....Appellant

VERSUS

Principle Govt College Dagger Bunir and othersRespondents

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S.N	Description of Documents	Annex	Pages
1.	Memo of Appeal.		14
2.	Application for Status-quo along with Affidavit		5-6
3.	Addresses of Parties.		7
4.	Copy of allotment order	A	8-
5.	Copies of Application and audit para.	В	9-16
6.	Copy of impugned Audit Para No.2.	· C	17
7.	Copies of Notices.	D	18-22
	Copy of Departmental appeal.	E	23-
8.	Copies of Show Cause Notices.	F	24-34
9.	Wakalat Nama		35

Appellant

Through

Shams ul Hadi

Dated: 07/08/2016

Advocate, Peshawar.

Office: St/3 Abshar Colony

Warsak Road Peshawar.

Cell No. 0313-9772262

BEFORE THE KHYBER PAKHTOON KHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 809 /2016.

Service Tribund

Diary No. 8/9

October 1/8/20//

Rafiq Ahmad (Lecturer)

Presently posted at Govt College Daggar, Bunir.....Appellant

VERSUS

- 1. Principal Govt College Daggar, Bunir.
- 2. Director Higher Education Khyber Pakhtunkhwa, Peshawar.
- 3. Assistant Director Accounts, Directorate of Higher Education Khyber Pakhtunkhwa Peshawar.
- 4. Deputy Director Establishment, Higher Education KPK, Peshawar.

EN-Paster

5. District Account Officer, Bunir.

6 Zia ur Rehman (Ex-Principal Govt College Dagger Bunir)

R/o Street No.5 Shaheen Town P/O Tehkal Bala Peshawar.

./Respondents

APPEAL UNDER SECTION 4 OF KHYBER PUKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE IMPUGNED OFFICE ORDER/AUDIT PARA No.2 of 2012-13 DATED:05/04/2016.

Filedto-day

PRAYER IN APPEAL:

On acceptance of this appeal, the impugned Office Order Dated: 05.04.2016 may kindly be set aside and the respondents may kindly be directed not to recover the disputed amount in shape of Conveyance allowance Rs, 1,21,220/- and further the respondents may kindly be directed issue/release the recovered amount to the appellant.

Respectfully Sheweth:

- 1. That the appellant being "Lecturer" joined the respondent/department since long and as such performing his duties with zeal and zest.
- 2. That initially for residential purpose, the Respondent No.6 allotted Bungalow No.1 to the appellant (it is pertinent to mention here that the said Bungalow was actually allotted and used by Respondent No.6 for his own personal use and as such he was resided in it and he used to shown the same as allotted to appellant).

(Copy of allotment order is annexure-A)

- 3. That latter on when the respondent No.6 got retired from the service so the appellant filed an application for cancellation of the Bungalow and for granted of House Rent and as such the matter was inquired by the concerned authorities and finally it was decided that the recovery in shape of Conveyance allowance should be made from the respondent No.6 and as such the appellant was discharge from the liabilities (Copies of Application and audit para are annexure-B)
- 4. That latter on, reasons best known to the respondents again according to impugned audit para No.2 at serial No.50, of 2012-13 dated:05.04.2016 some directions were given to the appellant that Rs, 1,21,220/- is still out standing against you and the same be deposit by the appellant as soon as possible.(Copy of impugned Audit Para No.2 is annexure-C)
- 5. That in compliance of the impugned audit para/order the respondent No.1 issued various notices to the appellant for recovery of disputed amount without caring for his

earlier letters where he himself discharged the appellant from the recovery of disputed amount hence the actions and inactions of the respondents are classical example of victimization and harassment. (Copies of Notices are annexure-D)

That against the said impugned order the appellant approached the concerned authorities through written representation but the same was not decided within statutory period. (Copies of Departmental Representation is annexure-E)

That being aggrieved from the impugned order, the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

GROUNDS:

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- A. That the impugned order dated:05.04.2016 for recovery of the disputed amount is against the law and procedure, hence, untenable being unjust and unfair.
- B. That the appellant was not treated in accordance with law and rules, thus acted in violation of the relevant laws laid down for the purpose.
- C. That it is clear from the surface of the record and relevant documents that the Bungalow was actually used by the then principle/respondent No.6 for his personal use and only the dummy name of the appellant was shown in documents as the same was and is a routine practice of the high ups of the college and the same fact too earlier clarified by the concerned authorities during the inquiry and because of that inquiry the appellant was discharge from any kind of liability of the Bungalow hence the

impugned order for recovery from the appellant is against the law and facts.

- D. That the appellant pressurizing the appellant to deposit the disputed amount and they have now started deduction from monthly salary of the appellant and they are also now taking adverse action against the appellant in shape of imposition of major penalty which clearly show the ill intention of the respondents. (Copies of Show cause Notices are annexure-F)
- E. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that On acceptance of this appeal, the impugned Office Order Dated: 05.04.2016 may kindly be set aside and the respondents may kindly be directed not to recover the disputed amount in shape of Conveyance allowance Rs, 1,21,220/- and further the respondents may kindly be directed issue/release the recovered amount to the appellant.

Appellant

Rafiq Ahmad(Lecturer)

Through

Shams ul Hadi Advocate, Peshawar.

Dated: 07/08/2016

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BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No	/2016
Rafiq Ahmad	Appellant
••.	VERSUS
Principle Govt College Dag	gger Bunir and othersRespondents

Application for Status-quo/Suspension of impugned office order/audit para No.2 of 2012-13 dated:05:04.2016 regarding recovery of amount Rs,1,21,220/- and further the respondents may kindly be directed not to recover the disputed amount or made deduction Rs,10000/- P.M from the monthly salary of the appellant and further the respondents may kindly be restrain from taking any adverse action against the appellant, till final disposal of the titled appeal.

Respectfully Sheweth:

- 1. That the appellant/petitioner filed instant application along with service appeal in which no date is fixed so for.
- 2. That facts and grounds of the appeal may kindly be considered part and parcel of this application.
- 3. That prima facie the appellant has good case and is sanguine about its success.
- 4. That if the impugned audit Para dated:05.04.2016 regarding recovery of amount Rs,1,21,220/- is not suspended at this stage the appellant will suffer irreparable loss.

So on acceptance of this application a staus-quo order may kindly be issued as prayed for in the headings of the instant application.

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Applicant

Shams-ul- Hadi Advocate High Court

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No	_/2016
Rafiq Ahmad	Appellant
the first the second	VERSUS
Principle Govt College Da	agger Bunir and othersRespondents

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information convoyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

ADVOCATE

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No/2016
Rafiq AhmadAppellant
VERSUS
Principle Govt College Dagger Bunir and othersRespondents
ADDRESSES OF THE PARTIES

APPELLANT:

Rafiq Ahmad (Lecturer)

Presently posted at Govt College Daggar, Bunir

Cell No.0357-4773 440Nic = 15101-0334109-9.

RESPONDENTS:

- 1. Principal Govt College Daggar, Bunir.
- 2. Director Higher Education Khyber Pakhtunkhwa, Peshawar.
- 3. Assistant Director Accounts, Directorate of Higher Education Khyber Pakhtunkhwa Peshawar.
- 4. Deputy Director Establishment, Higher Education KPK, Peshawar.
- 5. District Account Officer, Bunir.

Dated: 07/08/2016

6. Zia ur Rehman (Ex-Principal Govt College Dagger Bunir R/o Street No.5 Shaheen Town P/O Tehkal Bala Peshawar.

Appellant

Through

Shams ul Hadi

Advocate, Peshawar.

Dotod 10.155.58 o oppice campa. College compus Dungalou No.I in hereby alloted to Ur. Barin Amad , Lecturer in Islaniat v.e.f M-93-2012. Principal Cort: College Daggar Rumer. Copy to Tho :-4. Distt: Account Cfficor Dogger Buner. 2. Bir. Rafiq Almod , Lecturer in Islamiat. B. Office Record. Frincipal
Covt: Coxlege Deggar Danor.

11 2 W889 Som on aldlin 7-1-7 Consideration polean. Desirant for nocessary formale Rafey thomas heetenson determinal 30-29-2214 The outplushin is torraded in out LAR The same hume sont deduction is regularly made by one till It horofore, regulated that the sont allotinant many please be consolled wood 18.11. 2013 in order to give one relief houghten has been racated win 18-11 as to but College Compus had soon allolled to me in Which the the hos had soon allolled to me in Which the the has been returned (Rold) Lee us Reboun has solded for the hos has been returned on 17.11. 2013. The section return that has been returned to the last the has been returned to the last the has been returned to the last the last has been returned to the last the last has been returned to the last has been returned to the last THE CANCELATION OF ACCOMMODATION ALLOTHENT The homerpal, is offer hugher. 5 Signif

The Director Higher Education K.P.K, Peshawar



5.- Through

Proper Channel

Subject:-

DEDUCTION OF CONVEYANCE ALLOWANCE.

Memo:-

It is stated that the ex-principal Mr. Prof: Zia ur Rahman had asked me that I should allot bungalow No.1 at Daggar Collage Campus at my name and that he (the principal) will reside in it . Being my immediate boss I honored his request and allotted the bungalow at my name and he started residing in it.

The audit party per para No.2 (2012-2013) demanded Rs. 82,360/- as outstanding amount under the head of conveyance allowance (w.e.f 01-03-2012 to 31-12-2013 for 22 months) which I had drawn in my pay. In compliance with the audit para the college administration has started deduction from me.

It is worth mentioning that in the same para the audit party has made a footnote stating that as the bungalow was occupied by the then principal Mr. Zia ur Rahman, so the deduction in question may be materialized from the actual occupant i.e Zia ur Rahman and not from the allottee i.e Rafiq Ahmad lecturer.

So it is requested that this outstanding amount of Rs. 82360/- my be realized from Mr. Zia ur Rahman and not from me.

Moreover since the retirement of Prof: Zia ur Rahman the bungalow is lying vacant and I have been deprived from my house rent allowance without any fault on my part from 18-11-2013 upto date.

It is therefore requested that House rent allowance for the mentioned.

period may please by granted to me.

Rafiq Ahmad Lecturer in Islamiat

Govt: College Daggar Buner

No 674 Deted 13.10.2014

Forwarded in original to The DHE KIK Poshawar for favourable consideration

PRINCIPAL Govt: College Daggar Distt, Buner

C1-(2







DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR Telephone No.091-9211025-9210217-9210242 Fax-9210215

Dated Peshawar the 1/2014.

То

The Principal, GDC Daggar (Buner).

Subject:-

CANCELATION OF ACCOMMODATION ALLOTMENT.

Memo:

I am directed to refer to your memo: No. 674 dated 13-10-2014 on the subject noted above and to inform that the following information's may be furnished in order to proceed further into the matter.

When was alloted the Bunglow to the Lecturer.

What is the date of occupation of Bunglow by the Principal?

3) Wheather the Principal/occupants was paying rent/conveyance to the Lecturer.

4) After Vacation of Bunglow by the Principal it is occupied by the Lecturer or other-wise

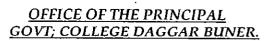
5) Claiming of period/Months by the Lecturer for the purpose.

DEPUTY DIRECTOR (ESTABLISHMENT)

NOTY

Che -







No. 823/

Dated: 28 /11 /2014

To

The Deputy Director (Establishment) Directorate of Higher Education K, P, K Peshawar.

Through Proper Channel

Subject: -Memo:-

CANCELATION OF ALLOTTED ACCOMMODATION.

Reference your Memo No.-27578/N-4/Fund dated 12-11-2014 on the above subject.

It is pertenient to mention that the bungalow was actually not needed by Mr. Rafiq Ahmad Lecturer but when the then principal (Retd) Zia ur Rahman took charge in this college he was in need of accommodation so he asked Mr. Rafiq Ahmad lecturer to allot the said bungalow to himself and then the principal will reside in it. Verbally it was decided between them that house rent deducted by Mr. Rafiq Ahmad lecturer will be paid to him by the principal in cash at the end of each month and the conveyance will be claimed by the allotte in the monthly pay.

Parawise Comments are as under.

- 1. Date of Bungalow allotment = 01-03-2012.
- 2. Date of Occupation by the principal = 01-03-2012.
- 3. Date of Vacation by the principal = 17-11-2017
- 4. Rent was regularly paid by the principal to the lecturer in cash while conveyance allowance was taken by the lecturer in his pay.
- 5. After vacation of the bungalow by the principal on 17-11-2013 it was not occupied by any one because non needed it.
- 6. Claiming of period of rent by the lecturer is from 18-11-2013 up to date.

It is further clearified that, (Rafiq Ahmad) submitted an application for the bungalow cancellation w.e.f 18-11-2013. After a long lapse the bungalow was cancelled by the principal w.e.f 01-04-2014 vide this office Memo No.223-25 dated 07-04-2014 and later it was declared as college Guest House with effect from 01-05-2014 vide this office Memo No.302 dated 05-05-2014. The Directorate endorsed this decision and vide Memo No. 22006/ N-4 /Fund 21-09-2014 the bungalow was decleared as college Guest House.

It is now requested that the issue may be settled for evar and give me relief of the mental agony and financial burden.

As for as the deduction of conveyance allowance vide audit para No.2 $(20\overline{12}-2013)$ amounting to Rs.82, $360/\pm$ is concerned, it should by recovered from the then princiap Mr. Zia ur Rahman (Retd) and not from Rafiq Ahmad.

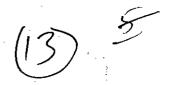
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Principal

Govt: College Daggar Buner

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DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR
Telephone No.091-9211025-9210217-9210242 Fax-9210215

No. _ S / P-7/A. Note,, Dated Peshawar the // /2014

То

The Principal, GDC Daggar (Buner).

Subject:-

CANCELALTION OF ALLOTTED ACCOMMODATION.

ر Memo:

I am directed to refer to your memo: No. 823 dt: 28-11-14 on the subject noted above and to inform that the Bunglow alloted to Mr. Rafiq Ahmad Lecturer in Islamiyat may be considered since the dates of its vacation by Prof. Ziaur-Rehman (R) Principal and House Rent and conveyed if deducted since vacation of the Bunglow mayle paid to the concerned subject to the fulfilment of laid down procedure.

ADDITIONAL DIRECTOR HIGHER EDUCATION, KHYBER PAKHTUNKHWA PESHAWAR

Copy of the above is forwarded to the Distt: Accounts Officer Daggar

(Burier).

ADDITIONAL DIRECTOR HIGHER EDUCATION, KHYBER PAKHTUNKHWA PESHAWAR

S.C.

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		١, ,		•			
, .53.	Para No/. 44 (08-11) Illegal and U	1-	-do-				
1 .	authorized Expenditure out of				11		- [
3.9.8.7	Additional Shift Fund on a/cs of			· ;	ii.		ı
	various purposes for Rs. 106100/-			•	1		-
54.	Para No. 48 (08-11) Physical		-do-		!!	 .	_
	verification report.				.		- 1
			<u> </u>				- !

PARA NO. 1 (2012-2013) CASH BOOK.

It was written upto and for 22-1-2014 representing Nil balance during scrutiny neither initial of the Principal (Prof. Zia-ur-Rehman) on income/payment side found nor his signature in the months of August 2012 and to November 2012 to November, 2013 found, whereas Pages No. 70-71 in May 2013 Pages 74-84 from July, 2013 to November, 2013 are left blank and un-signed.

Principal/DDO is advised to clarify and either the drawn amounts from Govt, exchequer should be recorded in proper months if other-wise may be signed as Nil and ensure its maintenance according to CTR-77 in future and compliance reported.

PARA NO. 2 (2012-2013) NON-DEDUCTION OF CONVEYANCE ALLOWANCE FROM THE OCCUPANTS OF BUNGLOWS AND IN SUMMER VACATION. FOR RS. 748360/- UPTO DECEMBER, 2013.

As per Practice in vogue as well as decision of the Honorable High Court Peshawar to the effect that conveyance allowance should be deducted from the occupants residing in the Premises or by walking distance, contrary to the above the following persons are residing in the Bungalows situated in the heart of the college duly facilitated by Water and Electricity but a single Penny on a/cs of conveyance allowance has not been recovered from them since 1-7-2011 to date, resultantly loss of Rs 748360/- has been given to Govt: exchequer whereas Rs. 24840/- have been paid to the teachers neted at S.No. 12-19 in Summer vacation i.e July, 2012 & 2013 which should be explained.

Detail of occupants with period and out-standing amounts is as per. (List Attached).

It has also been noticed that one Mr. Rafiq Ahman Lecturer was also ited Bunglow but actually Prof. Zia-ur-Rehman Principal was reside in it, Hence conveyance allow shown out-standing against him may be recovered from the actual occupant in order to not damage right o "he nomine/occupant."

Principal/DDO is advised to ensure recovery from all occupants with 5% of House Rent of the out-standing amounts now as well as in future and compliance reported in annotation.

PARA NO. 3 (2012-2013) RON-PRODUCTION, NON-ENTRY IN GOVIT; CASH BOOK AND NON-RECO CILIATION OF RS. 870573/-.

Rs. 870573/- were d. awn out of Govt: exchequer through the following cheques No: & Dates on a/es of vario. s purposes. The irregularities noticed their in are noted against each amounts whereas auditable record in support of expenditure also no t produced

Detail is as under-

(-A-e





. e		vevance	Allowace		Amount "	Remarks
\$4.5	and the second second				Amount	D CH APPENDS
3.0		Designation		7 months)@Rs.2480/-	17360	occupied of But:
· · · · · · ·	ariq Ahmad)	Lecturer 🕽 🕽	1/3/2012 to 30/6/2012	3(13 months)@Rs.5000/-	65000	To Deline
1 N		\ \ \ \ \	1/7/2012 to 31/12/201	1	82360	Taia-ur- O. A. A. R.
			Total;-	7	24800	
_			10011 to 20/6/2012	(10 months)@Rs.2480/-	65000	
2 K	halid Mahmood	MS51CC,1 10.7	1/7/2012 to 31/12/201	3(13 months)@Rs.5000/-	89800	. /
- 1		į '	m aali	i		
- 1			10 (0.04)	(10 months)@Rs:2480/-	24800	
3 1	/Juhammad Irfar	Assitt:Prof;	1///2011 to 30/0/2021	13(13 months)@Rs.5000/-	65000	1. /
1	•	ŀ	1///2012 to 31/12/20		89800) <i>'</i>
1		l	Total;-	1/00 + to \@Rs 2480/-	2480	
- 	lazb ur Rahman	Lecturer	1/7/2011 to 30/6/201	2(10 months)@Rs.2480/-	6500	ol , .
- 41	Hazo us manamen		1/7/2012 to 31/12/20	13(13 months)@Rs.5000/-	8980	1 /
l		1	T-ant.			
		1	1/8/2013 to 31/12/20	13(4 months)@Rs.5000/-	2000	۳
5	Sher Muhamma			_		<u> </u>
ł	·		100000000000000000000000000000000000000	2013(12 months)@Rs.5000/-	6000)O[/ _
6	Dilaram Khan	Lecturer	1/10/2015 to 21/14/	1		<u> </u>
٦	-			2/42	2480	00
	Rafiullah	Lecturer	1/7/2011 to 30/6/20	12(10 months)@Rs.2480/-	6500	20
- 1	Varianen		1/7/2012 to 31/12/2	013(13 months)@Rs.5000/-	898	L(Z
	l .	1	Takalı			
		Lacturat	1/10/2012 to 31/12/	2013(12 months)@Rs.5000/	. 600	00]*
8	Muhammad Ily	asirectuler	i			
			- 17/2012 to 20/5/20	12(9 months)@Rs.2480/-	223	
9	Sirtaj Wali	Lecturer	1///2011 to 50/6/20	013(13 months)@Rs.5000/-	650	000
	1	ì		(0T3/T3 HOURIS) &	873	20 🗸
	1	1	Total;-	1 100-2400/	223	320
	No. and Marcan Isl	Lecturer	1/7/2011 to 30/6/2	012(9 months)@Rs.2480/-		000
10	Syed Hasan Jai		1/7/2012 to 30/9/2	012(2 months)@5000/-	1 '	320
	1	ì	Total:			
	<u> </u>		4 /2/2011 to 30/6/2	012(9 months)@Rs.2480/-		320
. 1	1 sultan Zeb	Lecturer	1///2011 to 30/0/2	2013(13 months)@Rs.5000/	. 165	990
de .		17.	12 <i>6</i> 7/2017 to 31/14/	TOTAL TANDELLING CO. CO.	.02	ລາຄ໌ ^ຜ

Andet PARA-No. 2 (2012-13) Non Dalution (2012-13) Non Dalution

(Counter Singuel)

No: & Dates on a/cs of Purchase of Stationery. The irregularities/shortcomings noticed their in are noted against each: -

Detail is as under: -





OFFICE OF THE PRINCIPAL GOVT: COLLEGE DAGGAR BUNER.

Dated: 9 / 51 / 2015

The District Accounts Officer Buner at Daggar.

Subject:-ENTITLEMENT TO CONVEYANCE AND HOUSE RENT ALLOWANCE.

Memo:-

Reference Memo No. 55/P-7/A. Note dated 01-01-2015 issued by Directorate of Higher Education KPK Peshawar on the above subject.

As per directive of this Memo the bungalow No. 1 situated at Daggar College residential campus which has been allotted to lecturer Rafiq Ahmad, has been cancelled with effect from November 2013.

It is, therefore, requested that all the deduction made from him from November 2013 to January 2015, if any, may please be refunded to him accordingly. Copy attached.

Govt: College Daggar Buner.

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Ì		or Newspapers but of rrivate runus amounting to Rs. 4893/	necessary action accordingly and Para	1
	-	amounting to its. 4073/	stand	محالاتها
+	42	Para No. 35 (08-11) Illegal and Un-	The Principal in chair is directed to	Wer !
	1	authorized Payment to Hostel Wardon	fellow original audit para and take	~ ?)
		amounting to Rs. 10800/-	necessary action accordingly and Para	<i>(</i>)
L			stand	
	43	Para No. 36 (08-11) Irregular and Un-	The Principal in chair is directed to	
		authorized Expenditure out of Private	follow original audit para and take	171
		Funds on accounts of Purchase of Plants	necessary action accordingly and Para	
;	-	of Rs. 12990/-	stand	
	44	Para No. 37 Illegal and Un-authorized	Already deferred vide this office No.	
	1	Expenditure out of Private Funds and no observance of codal formalities for Rs.	15284 dt: 2-7-14 but nothing produce	
1		78371/	during the audit which should be explained and Para Stand.	
}	45	Para No. 38 (08-11) Irregular and un-	The Principal in chair is directed to	
	ا ت	authorized Purchase/Printing of receipt	follow original audit para and take	
		books for Rs. 6700/	necessary action accordingly and Para	
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	46	Para No. 39 (08-11) Irregular and un-	The Principal in chair is directed to	•
	`` `	authorized collection of Fine amounting	follow original audit para and take	
1		to Rs. 611656/	necessary action accordingly and Para	
	1	·	stand	
	47	Para No. 40 (08-11) Illegal and double	The Principal in chair is directed to	
	-]	payment out of Sports Fund amounting	follow original audit para and take	<i>".</i>
		to Rs. 308075/	necessary action accordingly and Para	
			stand	
	48	Para No. 44 (08-11) Illegal and un-	The Principal in chair is directed to	
1		authorized expenditure out of additional	follow original audit para and take	
	1	shift fund on accounts of various	necessary action accordingly and Para	
ļ	_	purposes for Rs. 106100/-	stand	
1	49	Para No. 48 (08-11) Physical	Already deferred vide this office No. 15284 dt: 2-7-14 but nothing produce	
		verification.	during the audit which should be	
	2		explained and Para Stand.	
X	50	/Para No. 2 (2012-2013) Non-deduction	1) Rs. 1, 21,220/- is still out-standing	
[]	ا ۵۰	of Conveyance Allowance from the	against Mr. Rafiq Ahmad Lecturer in	
4	-/	occupation of Banglow and the Summer	Islamiyat, he is directed to recover the	
	:	Vocation for Rs. 748360/- upto		<u> </u>
	ĺ	December, 2013.	intimation to audit.	•
			2-19) The case of Conveyance Allowance	
			is under process with Distt: Account	
			Officer Dagger (Buner and the Principal	
1		_	is directed to deduct the Conveyance	
			Allowance @ Rs. 10000/- per month on equal installment from all concerned and	' '
			intimate the documentary proof at the	
			completion of recovery and hence Para	
			stand.	
-	51	Para No. 3 (2012-2013) Non-	1-24) Entries in Cash Book and stock	1
-	ונ	Production, Non entry in Govt: Cash	register seen vide Pages 52 62 64 66 56	₹
- 1	•	Book and non-reconciliation of Rs.	62 72, 72. The voucher and recoupment	·
		870578/	into Private Fund Seen & Para Settled.	S. H. Il.
Ì	52	Para No. 4 (2012-2013) Irregular drawl	1-2) Entries vide Page-43 of the stock	
-	-	of Rs. 23650/- on accounts of Purchase	register seen.	
-		of Stationary.	3) The sign has now been found in Stock	
١			register.	
1			4) Demand of the concerned seen.	
			5) The stock register has been signed by	24 21
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J. C.J.e



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OFFICE OF THE PRINCIPAL GOVT; COLLEGE DAGGAR BUNER.

No. 345-46 /a-12

Dated: 25 /04/2016

To

Mr. Rafiq Ahmad Lecturer in Islamyat Govt: College Daggar Buner

Subject:

DEPOSITING OUT STANDING AMOUNT

Memo:-

It is to inform that an amount of Rs. 121220/--on account of receiving and unauthorized conveyance allowance is outstanding against your for bungalow No.1 w.e.f 01-03-2012 to 31-12-2013.

You are directed to deposit the amount in order to settle the pare No. 02 (2012-13)

Principal Govt: College Daggar Buner

Copy to the:-

1. Director Higher Education his letter No. 9871/ dated 05-04-2016 for information.

Principal Govt: College Daggar Buner

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OFFICE OF THE PRINCIPAL GOVT; COLLEGE DAGGAR BUNER.

No. 586-87/recovery C-A-

Dated: 13 /07/2016

To

Mr. Rafiq Ahmad Lecturer in Islamyat Govt: College Daggar.

Subject:-

COMPLIANCE OF AUDIT PARA.

Memo;

Reference this office memos No. 345 dated 25-04-2016 and No. 409 dated 10-05-2016 on the above subject.

You are once again directed to ensure the depositing of the outstanding amount of Rs. 121220/-in order to settle the audit para No. 02 (2012-13) otherwise deduction @ Rs. 10000/= per month will be automatically started with effect from 1-08-2016.

Principal Govt: College Daggar Buner

Copy to the:-

1. Director Higher Education Khyber Pakhtunkhwa Peshawar.

Principal Govt: College Daggar Buner

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The Director Higher Education, Khyber Pakhtunkhwa Peshawar.

(Through Proper Channel)

Subject:-

DEPOSITING OF OUT STANDING AMOUNT/AUDIT PARA NO.02 2012-13.

Memo:-

Reference your office Memo No. 9871 dated 05-04-2016 on the above

cited subject.

The para under reference (annexed-I) is regarding Non-deduction of conveyance allowance from the occupants of the bangalows where in I am one of the affectees because bungalow No.1 situated at G.C Daggar was allotted at my name. In the same para a footnote also includes which clearifies my position and exonerate me by saying that Mr. Zia ur Rahman. (retd Principal) being the actual occupant and not Mr. Rafiq Ahmad lecturer (allottee), has to pay the out standing amount in question.

My reply to this para was endorsed by the Principal Govt: College Daggar Buner Vide Memo No. 674 dated 13-10-2014 (copy attached annexed-II)

Reacting upon my request the Directorate vide Memo No.27578/N-4 /Fund dated 12-11-14 (Copy attached annexed III) for clarification of the position asked some quarries from the principal of the college. The principal Govt: College Daggar replied/ answered the quarries vide Memo No.823 dated 28-11-2014 which further clarified my stance and clearly stated that the amount is recoverable not from Mr. Rafiq Ahmad lecturer but from Mr. Zia ur Rahman Retard Ex- Principal (copy attached annexed IV)

In response to this letter the Directorate vide Memo No. 55/P-7/A. Note dated 01-01-2015 directed the principal G,C,Daggar to cancel the bungalow allotment to Mr. Rafiq Ahmad since the date of vacation of the bungalow by prof: Zia ur Rahman ® Principal and house rent and conveyance allowance if deducted since vacation of the bungalow may be paid back to Mr.Rafiq Ahmad lecturer concerned (Copy attached annexed V).

As per this directives the principal G,C Daggar vide Memo No. 49 dated 09-01-2016 asked District Accounts officer Buner to refund the deduction, if any, to Mr. Rafiq Ahamd (copy attached annexed IV). As a compliance the District Accounts Office refunded me an amount of about Rs. 25000/- as payable to me.

Keeping in view the above brief facts which testifies that the matter should have been settled for ever, I do not understand that why this para is time and again quoated against me. The directorate has acknowledged that the defaulter is Mr. Zia ur Rahman ® Principal and not Mr. Rafiq Ahmad. If some amount is outstanding against a person it is Mr. Zia ur Rahman and not me.

It is therefore requested that I may be exonorated from this mental agony. The matter be handled as it is in reality and not on the basis that I was the of the bungalow otherwise it will be presumed that all this correspondence made by the directorate was useless exercise. I hope sympathetic

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3.5.2016 Rafiq Ahmad

Lecturer in Islamiat

Yours

Govt: College Daggar Buner



Arner ,



DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR

Telephone No.091-9211025-9210217-9210242 Fax-9210215 Email:- audit.higher.edu @ gmall.com.

/ P-7/ A. Note,

Dated Peshawar the /2016.

To

The Principal, GDC Daggar (Buner).

Subject: -

DEPOSITING OF OUT STANDING AMOUNT/AUDIT PARA NO. 02 (2012-2013)

Memo:

I am directed to refer to your Endst: No. 384-A/12 dt: 4-5-2016 on the captioned subject and to state to deduct the out-standing amount of Rs.158435/- (detail attached) from Mr. Rafiq Ahmad Lecturer in Islamayat of your college without any further loss of time other-wise it will be presumed that you are not following the relevant rules. Since the Bunglow was allotted to Mr. Rafiq Ahmad, Lecturer therefore he is responsible to deposit the out-standing amount immediately. In case of failure/ non compliance, disciplinary action will be initiated against all concerned. Moreover, all sorts of sanctions out of Private Fund will not be honoured by this office and also Distt: Accounts Officer Buner will be informed to make the recoveries from all occupants residing in the college premises under intimation to this office.

Encl. One

ASSISTANT DIRECTOR (ACCOUNTS)

Copy of the above alongwith detail of recoveries to Administrative Officer local Directorate with the remarks that disciplinary action may be taken against Mr. Rafiq Ahmad Lecturer in Islamiyat GDC Daggar for non compliance of the high ups.

ASSISTANT DIRECTOR (ACCOUNTS)

6/c



DETAIL OF OUT-STANDING AMOUNT AGAINST MR. ROAFIQ AHMAD LECTURER IN ISLAMAYAT GOVT: DEGREE COLLEGE DAGGAR (BUNER) ON ACCOUNTS OF NON DEDUCTION OF HOUSE RENT ALLOWANCE + 5% AND CONVEYANCE ALLOWANCE OCCUPATION OF RESIDENTIAL BENGLOW.

1) diama n
1) House Rent Allowance for the period from
4) +"J"4V13 to 30-11-7012
3) i)Deduction of 5% House Rent Allowance
1-7-2011 to 30-11-12 980 x17 = Rs.19600/-
980 x17 = Rs.19600/-
4) ii)Deduction of 5% House Rent Allowance
1-12-12 to 20.11.12
1-12-12 to 30-11-121040 x12 = Rs.12480/-
5) Conveyance allowance 1-7-11 to 30-6-12 2480x12 = Rs. 29760/-
6) -do 1.740
6) -do- 1-7-12 to 30-5-2013 5000 x 11 = Rs. 55000/-
7) de 4.0.40 e
7) -do- 1-9-13 to 39-11-135000x3 = Rs.15000/-
= Rs.15000/-
Rs.158435/-

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DIRECTORATE OF HIGHER EDUCATION KHYBER PAKHTUNKHWA,

KHYBER ROAD PESHAWAR

No CA II/ Estt: Branch/A-17/Rafiq Ahmad/ Islamiyat

Pated Pishawar the 4/ 8 /1016

To

REGISTERED MOST IMMEDIATE

sie 1

Mr. Rafiq Ahmad Lecturer in Islamiyat Govt; Degree College, Daggar (Buner).

SUBJECT

DEPOSITING OF GUTSTANDING AMOUNT/ AUDIT PARA

NO. 02 (2012/2013)/EXPLANATION.

Memo:

I am directed to refer to the subject cited above and to inform you that you had occupied a residential bungalow at Govt; Degree College, Daggar (Buner) in 2011-2013. During the course of internal audit on the accounts of the College, it was noticed that you have not made deductions amounting to Rs. 1,58,435/- on account of House Rent Allowance and 5 % of the basic pay as well as conveyance allowance.

- 2. I am, therefore, directed to ask you to explain your position as to why disciplinary proceedings may not be initiated against you under E&D Rules, 2011. Your explanation should reach this office within a week after the receipt of this letter through your Principal and in case your reply is not satisfactory, then disciplinary action will be initiated against you under the Rules ibid.
- 3. Besides, you are directed to deposit the said outstanding amount and proof thereof in shape of original challan may be sent to this office immediately, failing which action will be taken against you.

DY: DIRECTOR (ESTABLISHMENT)

Endst; No.

Che.

Copy of the above is forwarded to the Assistant Director (Accounts), local Directorate for information.

Reverl 05/08/2016 The Deputy Director (Estab) Directorate of Higher Education Khyber Pakhtunkhwa Peshawar.



Through Proper Channel

OUTSTANDING AMOUNT/ AUDIT PARA/EXPLANATION. Subject :-

Memo:-

Reference your Memo No.20696/CA-II/Estab/A-12/Rafiq Ahmad/Islamiat dated 04-08-2016.

1. As par as the delay in depositing the amount in question is concerned it is not a facilt on my part. The original audit para No.2 (2012-13) was not against me but the recoverable amount was outstanding against Mr. Zia ur Rahman Ex- Principal GC Daggar. (Annex-I)

2. later on the matter was reactivated during May 2016 (Annex-II)and as a response my pleaswhich is self explanatory was submitted through proper channel

(Annex-III)

3. In its response another directives was issued (Annex-IV)and—the college authorities immediately implemended and deduction @ Rs. 10000/- per month was started from me w.e.f July 2016 (Annex-V) as per dicision of the principal vide Memo No. 595 dated 16-07-2016.

My humble submission, keeping in view the above facts, is that initiation of disciplinary action against me seem to me beyond justice. I am neither defing or delaying departmental directives. Time will prove that whether this

deduction/recovery from my part was a justified one or otherwise.

I think the deduction from me in one instalement will be a great burden upon me. Because I have no other means of livehood. I will pay the outstanding amount at an equal instalements of Rs.10,000/- per month. In the mean time Inshallah I shall convence the authorities that this recovery is unjustified.

I hope sympathetic consideration

office of the Principal G.C. Daggai No 652/A-12 Dated 6-8-2016

Forwarded in original to the Deputy Director (Estab) Directorate

of Higher Education Khyper Palehtunkhwa Peshawar for consideration plague.

Govt College Daggar Distu Buner

Yours.

Lecturer in Islamiat Govt: College Daggar Buner.

Dated: 05-08-2016

Annex I

		_		•
53.	Para No/. 44 (08-13) Higgal and Unauthorized Expenditure out of	-do-	11	
1.4	Additional Shift Fund on a/cs of various purposes for Rs. 106100/-		- 1	
54.	Para No. 48 (08-11) Physical verification report.	-do-		

PARA NO. 1'(2012-2013) CASH BOOK.

It was written upto and for 22-1-2014 representing Nil balance during scrutiny neither initial of the Principal (Prof: Zia-ur-Rehman) on income/payment side found nor his signature in the months of August 2012 and to November 2012 to November, 2013 found, whereas Pages No: 70-71 in May 2013 Pages 74-84 from July, 2013 to November, 2013 are left blank and un-signed.

Principal/DDO is advised to clarify and either the drawn amounts from Govt; exchequer should be recorded in proper months if other-wise may be signed as Nil and ensure its maintenance according to CTR-77 in future and compliance reported.

PARA NO. 2 (2012-2013) NON-DEDUCTION OF CONVEYANCE ALLOWANCE FROM THE OCCUPANTS OF BUNGLOWS AND IN SUMMER VACATION. FOR RS: 748360/- UPTO DECEMBER, 2013.

As per Practice in vogue as well as decision of the Honorable High Court Peshawar to the effect that conveyance allowance should be deducted from the occupants residing in the Premises or by walking distance, contrary to the above the following persons are residing in the Bungalows situated in the heart of the college duly facilitated by Water and Electricity but a single Penny on a/cs of conveyance allowance has not been recovered from them since 1-7-2011 to date, resultantly loss of Rs 748360/- has been given to Govt: exchequer whereas Rs. 24840/- have been paid to the teachers noted at S.No. 12-19 in Summer vacation i.e July, 2012 & 2013 which should be explained.

Detail of occupants with period and out-standing amounts is as per. (List Attached).

It has also been noticed that one Mr. Ratiq Ahman Lecturer was-allotted Bunglow but actually Prof. Zia-tur-Rehman Principal was reside in it. Hence conveyance allow shown out-standing against him-may-be recovered from the actual occupant in order to not damage right o "the nominee/occupant."

Principal/DDO is advised to ensure recovery from all occupants with 5% of House Rent of the out-standing amounts now as well as in future and compliance reported in annotation.

PARA NO. 3 (2012-2013) RON-PRODUCTION, NON-ENTRY IN GOVT; CASH BOOK AND NON-RECO CILIATION OF RS. 870573/-

Rs. 870573/- were drawn out of Govt: exchequer through the following cheques. No: & Dates on ales of various purposes. The irregularities noticed their in are noted against each amounts whereas auditable record in support of expenditure also no topoduced.

Detail is as under;-

CA-C

				<u></u>
ĺ	Ì	of Newspapers out of Finance and	necessary action accordingly and Para	
	1	amounting to Rs. 4893/	stand	
-	12	Para No. 35 (08-11) Illegal and Un-	The Principal in chair is directed to	honex II
1	42	Para NO. 33 (V6-11) megal and On-	follow original audit para and take	11.20/
-	•	authorized Payment to Hostel Wardon	necessary action accordingly and Para	
ì	İ	amounting to Rs. 10800/-	stand	(29)
L		ar acceptable	The Principal in chair is directed to	
	43	Para No. 36 (08-11) Irregular and Un-	follow original audit para and take	
	1	authorized Expenditure out of Private		
	.	Funds on accounts of Purchase of Plants	necessary action accordingly and Para	
. L		of Rs. 12990/-	stand	
Γ	44	Para No. 37 Illegal and Un-authorized	Already deferred vide this office No.	
1	j	Expenditure out of Private Funds and no	15284 dt: 2-7-14 but nothing produce	
		observance of codal formalities for Rs.	during the audit which should be	
		78371/	explained and Para Stand.	
Γ	45	Para No. 38 (08-11) Irregular and un-	The Principal in chair is directed to	
		authorized Purchase/Printing of receipt	follow original audit para and take	•
		books for Rs. 6700/	necessary action accordingly and Para	•
			stand	
ľ	46	Para No. 39 (08-11) Irregular and un-	The Principal in chair is directed to	
		authorized collection of Fine amounting	follow original audit para and take	•
1		to Rs. 611656/	necessary action accordingly and Para	
			stand	
Ī	47	Para No. 40 (08-11) Illegal and double	The Principal in chair is directed to	
ı		payment out of Sports Fund amounting	follow original audit para and take	
		to Rs. 308075/	necessary action accordingly and Para	
			stand	ı
1	48	Para No. 44 (08-11) Illegal and un-	The Principal in chair is directed to	
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		shift fund on accounts of various	necessary action accordingly and Para	
i		purposes for Rs. 106100/-	stand	
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	77	verification.	15284 dt: 2-7-14 but nothing produce	
- 1		Verification	during the audit which should be	
	7		explained and Para Stand.	
' /	<u>′</u>	Para No. 2 (2012-2013) Non-deduction	1) Rs. 1, 21,220/- is still out-standing	
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Ч	بمست.	occupation of Banglow and the Summer	Islamiyat, he is directed to recover the	
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		December, 2013.	intimation to audit.	
	ĺ		2-19) The case of Conveyance Allowance	
			is under process with Distt: Account	
			Officer Dagger (Buner and the Principal	
			is directed to deduct the Conveyance	
			Allowance @ Rs. 10000/- per month on	-
			equal installment from all concerned and	1
	1		intimate the documentary proof at the	
			completion of recovery and hence Para	.}
			stand.	-{
	51	Para No. 3 (2012-2013) Non-	1-24) Entries in Cash Book and stock	
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	'	Book and non-reconciliation of Rs.	62 72, 72. The voucher and recoupment	S. Kell.
		870578/	into Private Fund Seen & Para Settled.	1
	52	Para No. 4 (2012-2013) Irregular drawl	1-2) Entries vide Page-43 of the stock	1
	"	of Rs. 23650/- on accounts of Purchase	i register seen.	1
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			register.	
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The Director Higher Education, Khyber Pakhtunkhwa Peshawar.



(Through Proper Channel)

DEPOSITING OF OUT STANDING AMOUNT/AUDIT PARA NO.02 2012-13. Subject:-

Memo:-

Reference your office Memo No. 9871 dated 05-04-2016 on the above

cited subject.

The para under reference (annexed-I) is regarding. Non-deduction of conveyance allowance from the occupants of the bangalows where in I am one of the affectees because bungalow No.1 situated at G.C Daggar was allotted at my name. In the same para a footnote also includes which clearifies my position and exonerate me by saying that Mr. Zia ur Rahman. (retd Principal) being the actual occupant and not Mr. Rafiq Ahmad lecturer (allottee), has to pay the out standing amount in question.

My reply to this para was endorsed by the Principal Govt: College Daggar Buner Vide Memo No. 674 dated 13-10-2014 (copy attached annexed-II)

Reacting upon my request the Directorate vide Memo No.27578/N-4 /Fund dated 12-11-14 (Copy attached annexed III) for clarification of the position asked some quarries from the principal of the college. The principal Govf: College Daggar replied/ answered the quarries vide Memo No.823 dated 28-11-2014 which further clarified my stance and clearly stated that the amount is recoverable not from Mr. Rafiq Ahmad lecturer but from Mr. Zia ur Rahman Retard Ex- Principal (copy attached annexed IV)

In response to this letter the Directorate vide Memo No. 55/P-7/A. Note dated 01-01-2015 directed the principal G,C,Daggar to cancel the bungalow allotment to Mr. Rafiq Ahmad since the date of vacation of the bungalow by prof: Zia ur Rahman ® Principal and house rent and conveyance allowance if deducted since vacation of the bungalow may be paid back to Mr.Rafiq Ahmad lecturer

concerned (Copy attached annexed V).

As per this directives the principal G,C Daggar vide Memo No. 49 dated 09-01-2016 asked District Accounts officer Buner to refund the deduction, if any, to Mr. Rafiq Ahamd (copy attached annexed IV). As a compliance the District Accounts Office refunded me an amount of about Rs. 25000/- as payable to me.

Keeping in view the above brief facts which testifies that the matter should have been settled for ever, I do not understand. that why this para is time, and again quoated against me The directorate has acknowledged that the defaulter is Mr. Zia ur Rahman ® Principal and not Mr. Rafiq Ahmad. If some amount is outstanding against a person it is Mr. Zia ur Rahman and not me.

It is therefore requested that I may be exonorated from this mental agony. The matter be handled as it is in reality and not on the basis that I was the of the bungalow otherwise it will be presumed that all this correspondence made by the directorate was useless exercise. I hope sympathetic

Farwarded to DHE in original

Yours

Rafiq Ahmad 3:5 2016

Lecturer in Islamiat

Govt: College Daggar Buner



DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR
Telephone No.091-9211025-9210217-9210242 Fax-9210215

Telephone No.091-9211025-9210217-9210242 Fax-9210215

Email: audit.higher.edu @ gmall.com.

(31)

No. 731

_/ P-7/ A. Note,

Dated Peshawar the // /2016.

Τọ

The Principal, GDC Daggar (Buner).

Subject: -

DEPOSITING OF OUT STANDING AMOUNT/AUDIT PARA NO. 02 (2012-2013)

Memo:

I am directed to refer to your Endst: No. 384-A/12 dt: 4-5-2016 on the captioned subject and to state to deduct the out-standing amount of Rs.158-35/- (detail attached) from Mr. Rafiq Ahmad Lecturer in Islamayat of your college without any further loss of time other-wise it will be presumed that you are not following the relevant rules. Since the Bunglow was allotted to Mr. Rafiq Ahmad, Lecturer therefore he is responsible to deposit the out-standing amount immediately. In case of failure/ non compliance, disciplinary action will be initiated against all concerned. Moreover, all sorts of sanctions out of Private Fund will not be honoured by this office and also Distt: Accounts Officer Buner will be informed to make the recoveries from all occupants residing in the college premises under intimation to this office.

Encl. one

ASSISTANT DIRECTOR (ACCOUNTS)

Endst: No.____/
Copy of the above alongwith detail of recoveries to Administrative
Officer local Directorate with the remarks that disciplinary action may be
to keep against Mr. Rafiq Ahmad Lecturer in Islamiyat GDC Daggar for non
compliance of the high ups.

ASSISTANT DIRECTOR (ACCOUNTS)

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DETAIL OF OUT-STANDING AMOUNT AGAINST MR. ROAFIO AHMAD LECTURER IN ISLAMAYAT GOVT: DEGREE COLLEGE DAGGAR (BUNER) ON ACCOUNTS OF NON DEDUCTION OF HOUSE RENT ALLOWANCE + 5% AND CONVEYANCE ALLOWANCE OCCUPATION OF RESIDENTIAL BENGLOW.

	Rs.158435/-
·	-uo-1-9-13 to 3,5-11-135000x3 = Rs.15000/-
	-do-1-9 12 to 20 11 12
6)	-do- 1-7-12 to 30-5-2013 5000 x 11 = Rs. 55000/-
	Conveyance allowance 1-7-11 to 30-6-12 2480x12 = Rs. 29760/-
4)	ii)Deduction of 5% House Rent Allowance 1-12-12 to 30-11-121040 x12 = Rs.12480/-
	1-7-2011 to 30-11-12 980 x17 = Rs.19600/-
3)	i)Deduction of 5% House Rent Allowance
1) 2)	House Rent Allowance for the period from 1-3-2013 to 30-11-20132955 x 9 = Rs. 26595/-





<u>OFFICE OF THE PRINCIPAL</u> GOVT; COLLEGE DÆGGAR BUNER.

No. <u>595/</u> Recovery

Dated: 16/07/2016

Τc

(33)

T 276
20/7/206

The District Accounts Officer Buner at Daggar.

Subject: -Memo:-

RECOVERY OF OUTSTANDING AMOUNT.

As per directives of Directorate Higher Education KPK Peshawar Memo No. 189931/P-7/ A. Note Dated 13-7-2016 an amount of Rs.158435/- is outstanding against Mr.Rafiq Ahmad lecturaer in Islamiat of this college, the amount is pertaining to Audit Para No.02 (2012-13).

For the compliance of the said directives your good office is requisted to ensure the recovery of the amount from the concerned official from his salary @ Rs.10,000/-per-month w.e.f the month of july 2016 positively. Copy of source is attached.

Principal Govt: College Daggar Buner.

Copy to the:-

1. The Assistant Director (Accounts).

2. Directivate of Higher Education KPK Peshawar with reference to his above Memo.

Principal Govt: College Daggar Buner.

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CA-C

PAY ROLL SYSTEM
AMENDMENT FORM
SINGLE EMPOLYEE ENTRY

DC Dagger Biner

FOR THE MONTH OF 170016

DDO CODE 1817-4025

PERSONAL NUMBER 00347472

Employee Name: Kafig Ahmad

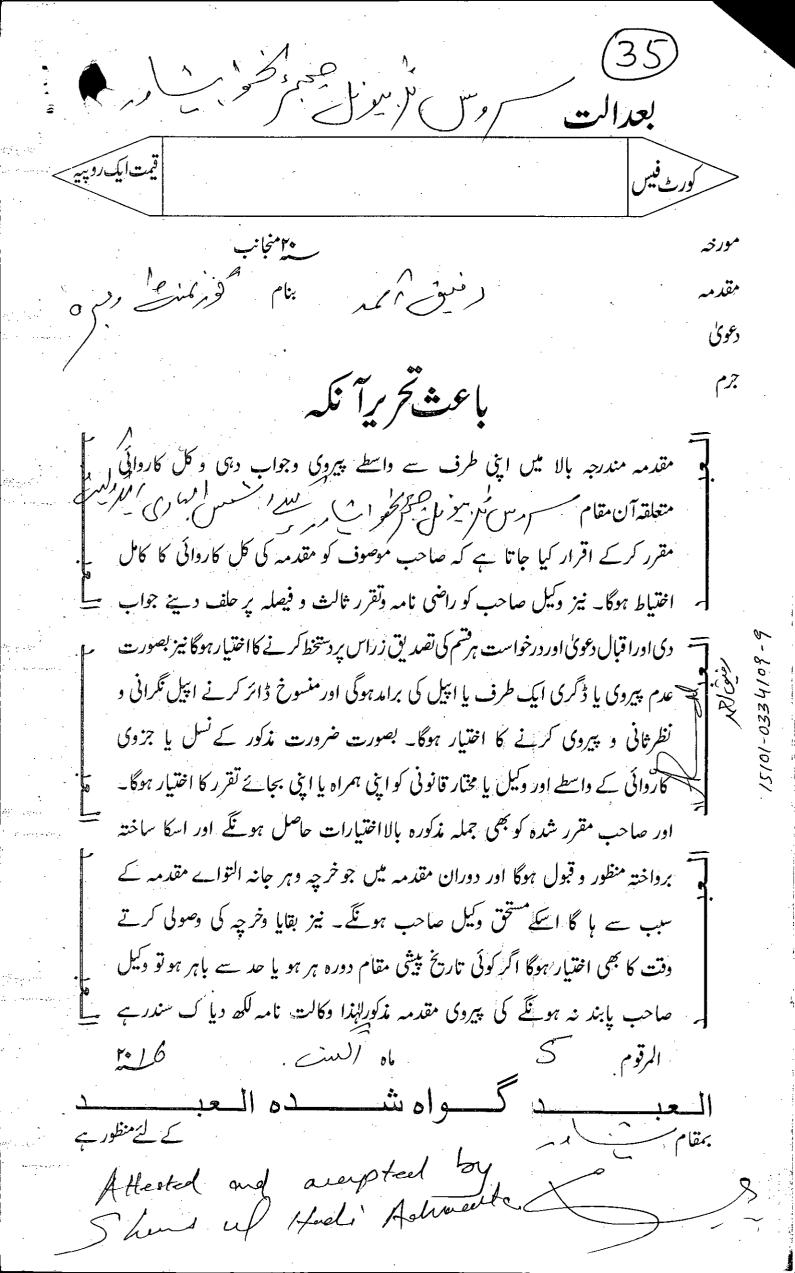
NIC No.__

Grade(Pay Scale Group):_ Status: START General Data Change Change in Payments/Deduction Field NewContents Wage Amounts Effeetive Remarks Date Type Lecoury Over Payment 3990 Keloving Olax Paymey 10000/2 Covey: Allowon G (Flor) Daggar. obserating Andit DHE Peshawer

ASHS

PRINCIPATE port College Scape of the State Burker

(36)



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, SWAT.

Service Appeal No. 802/2016	•
Mr. Rafique AhmadA	pplicant
VERSUS	
Govt of Khyber Pakhtunkhwa through Director, Higher Educati	ion, Peshawar and others
Re	espondents.

REPLY TO STAY APPLICATION ON BEHALF OF RESPONDENTS NO 1,2,3 AND 4

Respectfully Sheweth;

Preliminary Objections:

- 1. That the applicant has got no locus standi/cause of action to file the instant application.
- 2. That the applicant is trying to conceal material facts from the Honourable service Tribunal.
- 3. That the applicant has not come to the Tribunal with clean hands.
- 4. That this Honourable service Tribunal lacks jurisdiction to entertain the stay application.
- 5. That the instant application is based on mis-conception /mis-statement and therefore, liable to be dismissed.
- 6. That the applicant is estopped by his own conduct to file the instant application.

Reply.

- 1. Needs no comments.
- 2. That facts and grounds of the parawise comments may kindly be considered part and parcel of reply to stay application.
- 3. Needs no comments.
- 4. Incorrect. If the impugned audit para dated 05-04-2016 regarding recovery of amount Rs. 1,21,220/- is suspended at this stage , the government exchequer will suffer irreparable loss.

Prayer;

It is, therefore, humbly prayed that the instant stay application is based on misconception /mis-statement and hence, may graciously be dismissed with costs.

Director, Higher Education.

Respondent No.2

Assistant Director, (Accounts)
Respondent No.3

Deputy Director, Higher Education.
Respondent No.4

Principal, GDC, Daggar, Buner. respondent No.1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, SWAT.

Service Appeal No.802/2016

Mr.Rafique Ahmad	, ,*,	5 -2-	*********		 	Appellant.
•	*	VERSUS		٠.		• • •
Govt; of Klyber Pakl	ıtunkhy	va,				
Throgh Secretary and	d Direc	tor,				
Higher Education De	partme	ent and Others			 	Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1,2,3 and 4.

Preliminary objections.

Respectfully Sheweth,

- 1. That the Appellant has got no cause of action/locus standt to file the instant Service Appeal.
- 2. That the honourable Service Tribunal lacks jurisdiction to entertain the instant Service Appeal.
- 3. That the Appellant has not come to the Tribunal with clean hands.
- 4. That the Appellant is estopped by his own conduct to file the instant Appeal..
- 5. That the instant Service appeal is based on mis-conception/mis-statement of facts, hence liable to be dismissed.
- 6. That the instant Service appeal is time barred.
- 7. That the Appellant is trying to conceal material facts from the Honourable Tribunal.

Facts,

- 1. Needs no comments.
- 2. Correct to the extent that the appellant had applied for the allotment of bungalow No.1 on 1/3/2012 (Annex A) and the Respondent No.6 had allotted the same bungalow to the Appellant from the same date vide Office No.155-56 dated 7/3/2012 (Annex B). It is worth mentioning that the appellant personally allotted the same bungalow to someone else for residential purpose, which was illegal.
- 3. Correct to the extent that the Appellant had applied for cancellation of altoment (Annex C) and the allotment was cancelled by the then Principal w.e.f 01/4/2014 vide office order No.223-25/dated 7/4/2014 (Annex D), hence it means that the allotment to the Appellant was legal as he had himself requested for the allotment and then for cancellation.
- 4. Correct to the extent that Respondent No.1 in compliance of further audit observation memo; No.9871 dated 05/4/2016 para No.2(2012-13) (Annex E) issued notices to Appellant for depositing outstanding amount vide office order No.345-46/A-12 dated 25/4/2016 (Annex F) and on 10/5/2016 Second notice was issued (Annex G) and third notice was issued on 13/7/2016 (Annex H). In response of the appellant's appeal, the Director, Higher Education Department, Peshawar, issued directives to the Respondent

No.1 for strict action (Annex I) and hence, recovery was started vide office memo No.595/recovery dated 16/7/2016 (Ánnex J).

- 5. Correct to the extent that several notices have been issued to the appellant for the recovery of outstanding amount but no such notice has been issued in which the appellant has been discharged from the recovery of the amount in question.
- 6. Correct to the extent that the appellant had approached to the Higher Education Department and in response, the Director, Higher Education issued directives to the Respondent No.1 for strict action and hence, recovery was started. The department appeal filed by the appellant was devoid of merits and hence, it was not considered. It is worth mentioning that the Director, Higher Education has also called explanation from the Appellant (Annex K) and his reply is attached for ready reference (Annex L).

Grounds.

- A. Incorrect. The recovery of outstanding amount is based on facts, law and procedure and hence, tenable being just and fair.
- B. Incorrect. The Appellant has been treated in accordance with law.
- C. Incorrect. No such inquiry has ever been conducted and no such documents exist. He has never been discharged from any kind of liability of the bungalow in question, hence, the recovery order is neither against law nor facts.
- D. Incorrect. The Respondents have never exhibited any ill-intention for the appellant. The Appellant has never been pressurised except to the extent that he has time and again directed to deposit the outstanding amount.
- E. The Respondents may be allowed to raise additional arguments at the time of hearing.

Prayer.

It is, therefore, humbly prayed that the instant Service appeal is based on misconception/mis-statement and hence, may graciously be dismissed with costs.

Director.

Higher Education Department.

Respondent No.2

Assistant Director (Accounts).

Higher Education Department.

Respondent No.3

Deputy Director,

Higher Education Department.

Respondent No.4

Principal, GDC, Daggar, Buner.

Respondent No.01

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT SWAT.

Service Appeal No. 802/2016	
Mr. Rafiq Ahmad	Appellant
VERSUS	
Govt of Khyber Pakhtunkhwa through	n Director Education, Peshawar and others
•••••	Respondents.
AFFIDIVAT	

I, Nowsherwan, Principal Govt College Daggar Buner Respondent -1, do hereby declare and affirm on oath that the content of para wise comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Service tribunal camp court Swat.

Dependent

Nowsherwan

Principal Govt College Daggar

Respondant-1

CNIC 15602-0310834-5

Anex-A The Porneyal Gost College Drygow. Subject : Allotment of official Accommondation Low due respect it is stolent and mend to reside on college compare. De is therefore requested that Consportion No. I very please be apparent to me. Joeses : An the CARIA MONINO . Lections PRINCIPAL. Govt: College Dagger Good ally Day Disti: Bunar 1-3- 2012

Anex-B.

OFFICE OFFICE OF STATE OF STAT

College compas Purpolou Ho.I do Rerolly allowed to Fr. Railig Amad , Looturar in Islandan v. o. 2 property.

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Cover College Jacque Carera

Copy to The :-

- 4. Dist: Account Officer Pagam Parion.
- 2. Nr. Hailig Almad , Noothern in Tollanian.
- 3. Office Record.

Some adding harvan garan.

(6) Anex-C

Rafia Shrmail

30-09-2014

Lecture in Islamical

The Principal, County Eddige Dragger.

Subject - CANCELATION OF ACCOMMODATION ALLOTMENT

college campus had soon allotted to one in Which the their principal (Rota) It a us Robman was seeding the has seen settied on 17.11. 2013. The bringalow has been vacated with 18-11. 2013 but he can went deduction is negatively made by one of thesefore requested that the said allottment among places he cancelest weaf 18.11. 2013 in

The application is forwarded in original to the DHE KPK
Tishaman for noccessary forwards to consideration please.

PB Child planer

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OFFICE OF THE PRINCIPAL

Dated 07 /04 /2014

NOTIFICATION.

Bungalow No.I situated at Govt: College Daggar Buner at Swari allotted to Mr. Rafiq Ahmad lecturer in Islamiat is herby cancelled w.e.f 01-04-2014 and the said bungalow is declared as vacant.

Principal Govt: College Daggar Buner

Copy to the :-

- 1. Distt; Account Officer Dagger Buner.
- 2. Mr. Rafiq Ahmad lecturer in Islamiat.
- 3. Office Record.

Principal Govt: College Daggar Buner

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DIRECTORATE OF HIGHER EDUCATION KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR Telephone No.091-9211025-9210217-9210242 Fax-9210215

Dated Peshawar the

To

The Principal, Govt: Degree College Dagger (Buner).

Subject: -Memo:

FURTHER AUDIT OBSERVATIONS.

I am directed to refer to your memo: No. Nil dated 30-11-2015 on the subject noted above and to convey you further audit observations which are as understanding the subject noted above.

	Remarks.
() Para No. 27 (35-36) 1-01	The Principal in chair is directed to follow original audit para and take necessary action accordingly and hence
Para No. 27 (98-2001) Non-Production of Private Fund Book No. 4025.	para stand. Already deferred vide this office No. 15284 dt: 2-7-2014 but nothing produced for verification during audit which should be explained and hence para stand.
Para No. 30 (98-2001) Irregular expenses on Game and Sports.	The Principal in chair is directed to follow original audit para and take necessary action accordingly and para
Para No. 31 (98-2001) Loan for Electricity T&T Newspapers.	The Principal in chair is directed to recoup the amount-immediately and Para Stand.
5 Para No. 32 (98-2001) Expenditure without sanction of the competent authority and without stock entry and	The Principal in chair is directed to follow original audit para and have the factual position other-wise recovery be made and Para Stand.
without observance of codal formalities. 6 Para No. 36.(98-2001) Irregular expenditure and Mis-appropriation of Security and sport fund for Rs. 15850/-	The Principal in chair is directed to follow original audit para and have the factual position other-wise recovery be made and Para Stand.
Para No. 37 (95-98) Diesel charges.	The Principal in chair is directed to follow original audit para and have the factual position other-wise recovery be made and Para Stand.
8 Para No. 16 (98-2001) Irregular Purchase of various articles through A.C Bill.	The Principal in chair is directed to follow original audit para and have the factual position other-wise recovery be made and Para Stand.
9 Para No. 1 (2001-2006) Irregular drawl of Special Grant for Purchased of Furniture, Machinery and Science Equipment.	The Principal in chair is directed to follow original audit para and take necessary action accordingly and Para Stand.

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Para No. 34 (08-11) Loan for Payment of Newspapers out of Private Funds amounting to Rs. 4893/.				· -
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OFFICE OF THE PRINCIPAL GOVT; COLLEGE DAGGAR BUNER.

No. 345-46 /a-12

Dated: 25 /04/2016

Τo

Mr. Rafiq Ahmad Lecturer in Islamyat Govt: College Daggar Buner

Subject:

DEPOSITING OUT STANDING AMOUNT

Memo:-

It is to inform that an amount of Rs. 121220/- on account of receiving and unauthorized conveyance allowance is outstanding against your for bungalow No.1 w.e.f 01-03-2012 to 31-12-2013.

You are directed to deposit the amount in order to settle the pare No. 02

(2012-13)

Principal Govt: College Daggar Buner

Copy to the:-

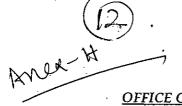
1. Director Higher Education his letter No. 9871/ dated 05-04-2016 for information.

> Principal Govt: College Daggar Buner

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OFFICE OF THE PRINCIPAL GOVT; COLLEGE DAGGAR BUNER.

No. 586-87/recovery C-A-

Dated: 13 /07/2016

To

Mr. Rafiq Ahmad Lecturer in Islamyat Govt: College Daggar.

Subject:-

COMPLIANCE OF AUDIT PARA.

Memo;

Reference this office memos No. 345 dated 25-04-2016 and No. 409 dated 10-05-2016 on the above subject.

You are once again directed to ensure the depositing of the outstanding amount of Rs. 121220/-in order to settle the audit para No. 02 (2012-13) otherwise deduction @ Rs. 10000/= per month will be automatically started with effect from 1-08-2016.

Principal Govt: College Daggar Buner

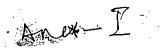
Copy to the:-

1. Director Higher, Education Khyber Pakhtunkhwa Peshawar.

Principal : Govt: College Daggar Buner







DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR Telephone No.091-9211025-9210217-9210242 Fáx-9210215 Email:- audit.higher.edu @ gmail.com.

No. 7.31

_/ P-7/ A. Note,

Dated Peshawar the //2016

То

The Principal, GDC Daggar (Buner).

Subject: -

DEPOSITING OF OUT STANDING AMOUNT/AUDIT PARA NO. 02 (2012-2013)

Memo:

I am directed to refer to your Endst: No. 384-A/12 dt: 4-5-2016 on the captioned subject and to state to deduct the out-standing amount of Rs.158435/- (detail attached) from Mr. Rafiq Ahmad Lecturer in Islamayat of your college without any further loss of time other-wise it will be presumed that you are not following the relevant rules. Since the Bunglow was allotted to Mr. Rafiq Ahmad, Lecturer therefore he is responsible to deposit the out-standing amount immediately. In case of failure/ non compliance, disciplinary action will be initiated against all concerned. Moreover, all sorts of sanctions out of Private Fund will not be honoured by this office and also Distt: Accounts Officer Buner will be informed to make the recoveries from all occupants residing in the college premises under intimation to this office.

Encl: One

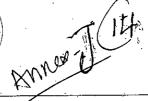
ASSISTANT DIRECTOR (ACCOUNTS)

Endst: No.____

Copy of the above alongwith detail of recoveries to Administrative Officer local Directorate with the remarks that disciplinary action may be taken against Mr. Rafiq Ahmad Lecturer in Islamiyat GDC Daggar for non compliance of the high ups.

ASSISTANT DIRECTOR (ACCOUNTS)





OFFICE OF THE PRINCIPAL GOVT; COLLEGE DAGGAR BUNER.

No. 595/ Recovery

Dated: 16/07/2016

To

•

The District Accounts Officer Buner at Daggar.

Subject: -

RECOVERY OF OUTSTANDING AMOUNT.

Memo:-

As per directives of Directorate Higher Education KPK Peshawar Memo No. 180931/P-7/ A. Note dated 13-7-2016 an amount of Rs.158435/- is outstanding against Mr. Rafiq Ahmad lecturer in Islamyat of this college. The amount is pertaining to Audit Para No.02 (2012-13)

For the compliance of the said directives your good office is requested to ensure the recovery of the amount from the concerned official from his salary @ Rs.10, 000/- per month w.e.f the month of July 2016 positively. Copy of source is attached.

Principal
Govt: College Daggar Buner.

Copy to the:-

1. The Assistant Director (Accounts):

2. Directivate of Higher Education KPK Peshawar with reference to his above Memo.

Principal
Govt: College Daggar Buner.





DIRECTORATE OF HIGHER EDUCATION KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR

091-9210242, 9211025/Fax # 9211803

To

<u>RÉGISTERED</u> MOST IMMEDIATE

Mr. Rafiq Ahmad Lecturer in Islamiyat Govt; Degree College, Daggar (Buner).

SUBJECT

DEPOSITING OF GUTSTANDING AMOUNT/ AUDIT PARA NO. 02 (2012/2013)/EXPLANATION.

Memo:

I am directed to refer to the subject cited above and to inform you that you had occupied a residential bungalow at Govt; Degree College, Daggar (Buner) in 2011-2013. During the course of internal audit on the accounts of the College, it was noticed that you have not made deductions amounting to Rs. 1,58,435/- on account of House Rent Allowance and 5-% of the basic pay as well as conveyance allowance.

- I am, therefore, directed to ask you to explain your position as to why disciplinary proceedings may not be initiated against you under E&D Rules, 2011. Your explanation should reach this office within a week after the receipt of this letter through your Principal and in case your reply is not satisfactory, then disciplinary action will be initiated against you under the Rules ibid.
- 3. Besides, you are directed to deposit the said outstanding amount and proof thereof in shape of original chadan may be sent to this office immediately, failing which action will be taken against you.

DY: DIRECTOR (ESTABLISHMENT) Endst; No.

Copy of the above is forwarded to the Assistant Director-(Accounts), local Directorate for information.

Recity Ld on 5/8/2016

cd hod over to Mr. Rafig Ahd

cd hod over to Mr. Rafig Ahd

for appliance DY: DIRECTOR (ESTABLISHMENT)

Annex

The Deputy Director (Estab) Directorate of Higher Education Khyber Pakhtunkhwa Peshawar.

Through Proper Channel

OUTSTANDING AMOUNT/ AUDIT PARA /EXPLANATION.

Memo:-

Reference your Memo No.20696/CA-II/Estab/A-12/Rafiq Ahmad/Islamiat

1. As par as the delay in depositing the amount in question is concerned it is not dated 04-08-2016. a facilt on my part. The original audit para No.2 (2012-13) was not against me but the recoverable amount was outstanding against Mr. Zia ur Rahman Ex- Principal GC

2. later on the matter was reactivated during May 2016. (Annex-II) and as a Daggar. (Annex-I) response my pleaswhich is self explanatory was submitted through proper channel

3. In its response another directives was issued (Annex-IV)and the college authorities immediately implemended and deduction @ Rs. 10000/- per month was started from me w.e.f July 2016 (Annex-V) as per dicision of the principal vide Memo

My humble submission, keeping in view the above facts, is that No. 595 dated 16-07-2016. initiation of disciplinary action against me seem to me beyond justice. I am neither defing or delaying departmental directives. Time will prove that whether this

deduction/recovery from my part was a justified one or otherwise. I think the deduction from me in one instalement will be a great burden upon me. Because I have no other means of livehood. I will pay the outstanding amount at an equal instalements of Rs.10,000/- per month. In the mean time Inshallah I shall convence the authorities that this recovery is unjustified.

I hope sympathetic consideration

office of the Principal G.C. Daggar No 652/A-12 Dated 6-8-2016

Forwarded in original to the Deputy Director (Estate) Directorate of Higher Education Khyper Palehtunkhwa Poshawar for consideration placese

Govt: College Daggar Bunes. Dated: 05-08-2016

Rafiq Ahmad Lecturer in Islamiat

Govt College Daggar Disit Buner



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT SWAT.

Service Appeal No.	802/2016
Mr. Rafiq Ahmad .	Appellant

VERSUS -

Govt of Khyber Pakhtunkhwa through Director Education, Peshawar and	others

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7	Audit para	E	8,9
8	Notice for deduction of outstanding amount	F	10
9	Notice for recovery	G	11
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11	Director Directives	· I	13
12	Letter for recovery to DEO	J	14
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14	Reply of applicant	L	16

Respondents Nowsherwan

Principal Govt College Daggar

Respondant-1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, SWAT.

Service Appeal No. 802/2016	-
Mr. Rafique Ahmad	Applicant
VERSUS	
	Director, Higher Education, Peshawar and others
	Respondents.

REPLY TO STAY APPLICATION ON BEHALF OF RESPONDENTS NO 1,2,3 AND 4

Respectfully Sheweth;

Preliminary Objections:

- 1. That the applicant has got no locus standi/cause of action to file the instant application.
- 2. That the applicant is trying to conceal material facts from the Honourable service
- 3. That the applicant has not come to the Tribunal with clean hands.
- 4. That this Honourable service Tribunal lacks jurisdiction to entertain the stay application.
- 5. That the instant application is based on mis-conception /mis-statement and therefore, liable to be dismissed.
- 6. That the applicant is estopped by his own conduct to file the instant application.

Reply.

- 1. Needs no comments.
- 2. That facts and grounds of the parawise comments may kindly be considered part and parcel of reply to stay application.
- 3. Needs no comments.
- 4. Incorrect. If the impugned audit para dated 05-04-2016 regarding recovery of amount Rs. 1,21,220/- is suspended at this stage, the government exchequer will suffer irreparable loss.

It is, therefore, humbly prayed that the instant stay application is based on misconception /mis-statement and hence, may graciously be dismissed with costs.

Director, Higher Education.

Respondent No.2

Assistant Director, (Accounts)

Respondent No.3

Deputy Director, Higher Education. Respondent No.4

Principal, GDC, Daggar, Buner. respondent No.1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, SWAT.

Service Appeal No.802/2016

Mr.Rafique Ahmad		Appellant.
τ	VERSUS	
C (CRI 1 . P.I.C. date		

Govt; of Khyber Pakhtunkhwa,

Throgh Secretary and Director,

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1,2,3 and 4.

Preliminary objections,

Respectfully Sheweth,

- 1. That the Appellant has got no cause of action/locus standt to file the instant Service Appeal.
- 2. That the honourable Service Tribunal lacks jurisdiction to entertain the instant Service Appeal.
- 3. That the Appellant has not come to the Tribunal with clean hands.
- 4. That the Appellant is estopped by his own conduct to file the instant Appeal..
- 5. That the instant Service appeal is based on mis-conception/mis-statement of facts, hence liable to be dismissed.
- 6. That the instant Service appeal is time barred.
- 7. That the Appellant is trying to conceal material facts from the Honourable Tribunal.

Facts:

- 1. Needs no comments.
- 2. Correct to the extent that the appellant had applied for the allotment of bungalow No.1 on 1/3/2012 (Annex A) and the Respondent No.6 had allotted the same bungalow to the Appellant from the same date vide Office No.155-56 dated 7/3/2012 (Annex B). It is worth mentioning that the appellant personally allotted the same bungalow to someone else for residential purpose, which was illegal.
- 3. Correct to the extent that the Appellant had applied for cancellation of afforment (Annex C) and the allotment was cancelled by the then Principal w.e.f 01/4/2014 vide office order No.223-25/dated 7/4/2014 (Annex D), hence it means that the allotment to the Appellant was legal as he had himself requested for the allotment and then for cancellation.
- 4. Correct to the extent that Respondent No.1 in compliance of further audit observation memo; No.9871 dated 05/4/2016 para No.2(2012-13) (Annex E) issued notices to Appellant for depositing outstanding amount vide office order No.345-46/A-12 dated 25/4/2016 (Annex F) and on 10/5/2016 Second notice was issued (Annex G) and third notice was issued on 13/7/2016 (Annex H). In response of the appellant's appeal, the Director, Higher Education Department, Peshawar, issued directives to the Respondent

No.1 for strict action (Annex I) and hence, recovery was started vide office memo No.595/recovery dated 16/7/2016 (Annex J).

- 5. Correct to the extent that several notices have been issued to the appellant for the recovery of outstanding amount but no such notice has been issued in which the appellant has been discharged from the recovery of the amount in question.
- 6. Correct to the extent that the appellant had approached to the Higher Education Department and in response, the Director, Higher Education issued directives to the Respondent No.1 for strict action and hence, recovery was started. The department appeal filed by the appellant was devoid of merits and hence, it was not considered. It is worth mentioning that the Director, Higher Education has also called explanation from the Appellant (Annex K) and his reply is attached for ready reference (Annex L).

Grounds.

- A. Incorrect. The recovery of outstanding amount is based on facts, law and procedure and hence, tenable being just and fair.
- B. Incorrect. The Appellant has been treated in accordance with law.
- C. Incorrect. No such inquiry has ever been conducted and no such documents exist. He has never been discharged from any kind of liability of the bungalow in question, hence, the recovery order is neither against law nor facts.
- D. Incorrect. The Respondents have never exhibited any ill-intention for the appellant. The Appellant has never been pressurised except to the extent that he has time and again directed to deposit the outstanding amount.
- E. The Respondents may be allowed to raise additional arguments at the time of hearing.

Prayer.

It is, therefore, humbly prayed that the instant Service appeal is based on mis-conception/mis-statement and hence, may graciously be dismissed with costs.

Director.

Higher Education Department.

Respondent No.2

Assistant Director (Accounts),

Higher Education Department.

Respondent No.3

Deputy Director.

Higher Education Department.

Respondent No.4

Principal, GDC, Daggar, Buner.

Respondent No.01

3

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT SWAT.

Service Appeal No. 802/2016		
Mr. Rafiq Ahmad	Appellan	t

VERSUS

Govt of Khyber Pa	akhtunkhwa	through I	Director Ed	lucation, Po	eshawar ar	nd others
			•	Re	spondents	
AFFIDIVAT	_	•			•	:
AFFIDIVAL						

I, Nowsherwan, Principal Govt College Daggar Buner Respondent -1, do hereby declare and affirm on oath that the content of para wise comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Service tribunal camp court Swat.

Dependent

Nowsherwan

Principal Govt College Daggar

Respondant-1

CNIC 15602-0310834-5

Anex-A The Formergal gast delige Daggar. Subject : Allo I ment of officeal Accommodisher Lim due respect it is stocked and intend to reside on college courspass. It is therefore regionstand that Bringer Com No. I warmy please be apparted to me. Anth RATING BUMPED . Landingson Good adap Day Govt: College Dagger Disti: Bunar 1-3- 2012

Anex-B.

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a OPPICE CIDER

Collogo compus Purgolow Vo. I de Person allowed to

Sciddd

Corrs College daggars Throng.

CODY to The two

- 4. Distr: Account Office Pergam Present
- 2. Dr. Haife Almad , Technica in Adlantet.
- 3. Office Record.

Partinal Property Comments

Rafea Shomail

30-09-2014

Lecture in Islamical

The Principal, Govt Zollege Drygar.

OF ACCOMMODATION ALLOTMEN

college campus had seen abbotted to me in Which the the psentipal (Retd) Ita at Rabman was scholing the has seen settred on 17.11. 2013. The beingalor has been vacated with 18-11. 2013 but thouse went deduction is nagrelarly made by one It is thosefore requisted that the said allottment many plane be cancelled weed 18.11. 2013

rolling to give me relief.

The application is forwarded in original to the DHE KPK lishawai for nocessary formariable consideration please.

Som en y/2//1



OFFICE OF THE PRINCIPAL

Dated 07 /04 /2014

NOTIFICATION.

Bungalow No.I situated at Govt: College Daggar Buner at Swari allotted to Mr. Rafiq Ahmad lecturer in Islamiat is herby cancelled w.e.f 01-04-2014 and the said bungalow is declared as vacant.

Principal Govt: College Daggar Buner

Copy to the:-

- 1. Distt; Account Officer Dagger Buner.
- 2. Mr. Rafiq Ahmad lecturer in Islamiat.
- 3. Office Record.

Principal Govt: College Daggar Buner

Mex-E



DIRECTORATE OF HIGHER EDUCATION KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR Telephone No. 091-9211025-9210217-9210242 Fax-9210215

the 57 L J2016. Dated Peshawar

The Principal, Govt: Degree College Dagger (Buner).

Subject: -

FURTHER AUDIT OBSERVATIONS.

Memo:

I am directed to refer to your memo: No. Nil dated 30-11-2015 on the subject noted above and to convey you further audit observations which are as understanding the subject noted above and to convey you further audit observations which are as understanding the subject noted above and to convey you further audit observations which are as understanding the subject noted above and to convey you further audit observations which are as understanding the subject noted above and to convey you further audit observations which are as understanding the subject noted above and to convey you further audit observations which are as understanding the subject noted above and to convey you further audit observations.

	Remarks.
SW Para No. / Caption. 1 Para No. 27 (95-98) Non entry of stock.	The Principal in chair is directed to follow original audit para and take necessary action accordingly and hence para stand.
Para No. 27 (98-2001) Non-Production of Private Fund Book No. 4025.	Already deferred vide this office No. 15284 dt: 2-7-2014 but nothing produced for verification during audit which should be explained and hence para stand.
Para No. 30 (98-2001) Irregular expenses on Game and Sports.	The Principal in chair is directed to follow original audit para and take necessary action accordingly and para stand
Para No. 31 (98-2001) Loan for Electricity T&T Newspapers.	The Principal in chair is directed to recoup the amount immediately and Para Stand. The Principal in chair is directed to
5 Para No. 32 (98-2001) Expenditure without sanction of the competent authority and without stock entry and without observance of codal formalities	follow original audit para and have the factual position other-wise recovery be
6 Para No. 36 (98-2001) Irregular expenditure and Mis-appropriation of Security and sport fund for Rs. 15850/-	follow original audit para and have the factual position other-wise recovery be made and Para Stand.
Para No. 37 (95-98) Diesel charges.	The Principal in chair is directed to follow original audit para and have the factual position other-wise recovery be made and Para Stand.
8 Para No. 16 (98-2001) Irregular Purchase of various articles through A.C Bill.	The Principal in chair is directed to follow original audit para and have the factual position other-wise recovery be made and Para Stand.
9 Para No. 1 (2001-2006) Irregular draw of Special Grant for Purchased of Furniture, Machinery and Science Equipment.	vi The Principal in chair is directed to follow original audit para and take necessary action accordingly and Para Stand.

		The Principal in chair is directed to
	Para No. 34 (08-11) Loan for Payment	
41 P	ara No. 34 (U8-11) Edan to Funds of Newspapers out of Private Funds	follow original addit para distribution accordingly and Para
10	of Newspapers out of	necessary action accordings
18	amounting to Rs. 4893/	
		stand The Principal in chair is directed to
42	Para No. 35 (08-11) Illegal and Un-	
	i land payment to rioster	necessary action accordingly and Para
-	amounting to Rs. 10800/-	
. 1	amounting to tes	n' - inclinichair is directed to
L	Para No. 36 (08-11) Irregular and Un-	
43	Para No. 36 (08-11) Hegular and authorized Expenditure out of Private authorized Expenditure of Purchase of Plants	follow original audit para and Para necessary action accordingly and Para
ļ ¦	authorized Expenditure out of Finds Funds on accounts of Purchase of Plants	necessary action accordingly and
1 1	Funds on accounts of the formal	
1 1	of Rs. 12990/-	
44		Already deterred vide uniting produce
7.7	Para No. 37 Illegal and On-additional Para No. 37 Illegal And	Justing the studit Which Should by
1	expenditure out of retrained and lines for Rs.	
1		
L_	Para No. 38 (08-11) Irregular and un-	
45	Para No. 38 (08-11) Integral authorized Purchase/Printing of receipt	follow original audit para and Para necessary action accordingly and Para
1		necessary action accordings
-	books for Rs. 6700/	
- 1		The Principal in chair is directed to
46	Para No. 39 (08-11) Irregular and un-	The Principal in Chian to the Principal in C
. į 40	authorized collection of Fine amounti	necessary action accordingly and Para
- 1	to Rs. 611656/	
- 1		stand stand standards directed to
- 1	7 Para No. 40 (08-11) Illegal and double	stand The Principal in chair is directed to
4	7 Para No. 40 (08-11) friegar amounting	follow original audit para and take
'	payment out of Sports 1 dire	follow original audit part and Para necessary action accordingly and Para
- 1	to Rs. 308075/	
1		the chair is directed to
L	48 Para No. 44 (08-11) Illegal and un-	The Principal in client to the take follow original audit para and take
14		necessary action accordingly and Para
ì	shift fund on accounts of various	
1	shift fund on accounts of	stand stand
- 1	106100/-	this office NO.
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	purposes for Rs. 106100/-	Already deferred vide this office
}	purposes for Rs. 106100/-	Already deferred vide this office 15284 dt: 2-7-14 but nothing produce
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	purposes for Rs. 1061007- 49 Para No. 48 (08-11) Physical verification.	Already deferred vide this office 15284 dt: 2-7-14 but nothing produce during the audit which should be explained and Para Stand
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7	purposes for Rs. 1061007- 49 Para No. 48 (08-11) Physical verification. 50 Para No. 2 (2012-2013) Non-dedt of Conveyance Allowance from occupation of Banglow and the Su Allowance for Rs. 748360/-	Already deferred vide insorbing produce 15284 dt: 2-7-14 but nothing produce during the audit which should be explained and Para Stand. ction 1) Rs. T, 21,220/- is still out-standing against Mr. Rafig Ahmad Lecturer in Islamiyat, he is directed to recover the said amount immediately under intimation to audit.
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	purposes for Rs. 1061007- 49 Para No. 48 (08-11) Physical verification. 50 Para No. 2 (2012-2013) Non-dedt of Conveyance Allowance from occupation of Banglow and the Su Vocation for Rs. 748360/-December, 2013.	Already deferred vide this order 15284 dt: 2-7-14 but nothing produce during the audit which should be explained and Para Stand. 1 Rs. T, 21,220/- is still out-standing against Mr. Rafiq Ahmad Lecturer in Islamiyat, he is directed to recover the said amount immediately under intimation to audit. 2-19) The case of Conveyance Allowance is under process with Distt: Account Officer Dagger (Buner and the Principa is directed to deduct the Conveyance Allowance Rs. 10000/- per menth o equal installment from all concerned an intimate the documentary proof at the completion of recovery and hence Pa stand. 1-24) Entries in Cash Book and stock register seen vide Pages 52 62 64 66 56
	purposes for Rs. 1061007- 49 Para No. 48 (08-11) Physical verification. 50 Para No. 2 (2012-2013) Non-dedt of Conveyance Allowance from occupation of Banglow and the Su Vocation for Rs. 748360/-December, 2013.	Already deferred vide this ordered to 15284 dt: 2-7-14 but nothing produce during the audit which should be explained and Para Stand. Cotton 17 Rs. 1, 21,220/- is still out-standing against Mr. Rafig Ahmad Lecturer in Islamiyat, he is directed to recover the said amount immediately under intimation to audit. 2-19) The case of Conveyance Allowance is under process with Distr. Account Officer Dagger (Buner and the Principa is directed to deduct the Conveyance Allowance (a Rs. 10000/- per menth of equal installment from all concerned an intimate the documentary proof at the completion of recovery and hence Parstand. Cash Rs. (2-72, 72. The voucher and recoupment Rs. (2-72, 72. The voucher and recoupment of Rafa Scatled).
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And F OFFICE OF THE PRINCIPAL GOVT; COLLEGE DAGGAR BUNER. Dated: 25 / 04/2016 No. 345-46 /a-12

То

Mr. Rafiq Ahmad Lecturer in Islamyat Govt: College Daggar Buner

Subject:

DEPOSITING OUT STANDING AMOUNT

Memo:-

It is to inform that an amount of Rs. 121220/- on account of receiving and unauthorized conveyance allowance is outstanding against your for bungalow No.1 w.e.f 01-03-2012 to 31-12-2013.

You are directed to deposit the amount in order to settle the pare No. 02

(2012-13)

Principal Govt: College Daggar Buner

Copy to the:-

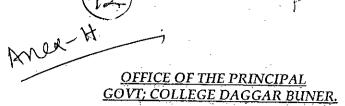
1. Director Higher Education his letter No. 9871/ dated 05-04-2016 for information.

> Principal Govt: College Daggar Buner

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Annex GIL ورون المرسكي (راسلمون) وبرابع بوسل الملاح وى عالى of 2/s / solle Compare Alb) / deren 205-206 WOBS, 25016 19, 5 345-46, 500 N/g! 8241, 2035, W. July 2011) c mies (3/4/2) (2/6/1/2) (2/6/1/2) (2/6/4/E) (1/2/2) 200 30 50 50 50 2/1. 1.23, Rs. 10,000/Jg (Mr No. 404/ Dt. 10/5/018 PRINCIPAL





No. 586-87/recovery C-A-

Dated: 13 /07/2016

To

Mr. Rafiq Ahmad Lecturer in Islamyat Govt: College Daggar.

Subject:-

COMPLIANCE OF AUDIT PARA.

Memo;

Reference this office memos No. 345 dated 25-04-2016 and No. 409 dated 10-05-2016 on the above subject.

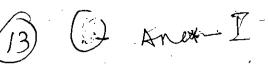
You are once again directed to ensure the depositing of the outstanding amount of Rs. 121220/-in order to settle the audit para No. 02 (2012-13) otherwise deduction @ \mathbb{R} s. 10000/= per month will be automatically started with effect from 1-08-2016.

Principal Govt: College Daggar Buner

Copy to the:-

1. Director Higher Education Khyber Pakhtunkhwa Peshawar.

Principal Govt: College Daggar Buner





KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR

Telephone No.091-9211025-9210217-9210242 Fax-9210215
Email:- audithigher.edu @ gmail.com.

-7/ A. Note,

Dated Peshawar the

To

The Principal, GDC Daggar (Buner).

Subject: -

DEPOSITING OF OUT STANDING AMOUNT/AUDIT PARA NO. 02 (2012-2013)

Memo:

I am directed to refer to your Endst: No. 384-A/12 dt: 4-5-2016 on the captioned subject and to state to deduct the out-standing amount of Rs.158435/- (detail attached) from Mr. Rafiq Ahmad Lecturer in Islamayat of your college without any further loss of time other-wise it will be presumed that you are not following the relevant rules. Since the Bunglow was allotted to Mr. Rafiq Ahmad, Lecturer therefore he is responsible to deposit the out-standing amount immediately. In case of failure/ non compliance, disciplinary action will be initiated against all concerned. Moreover, all sorts of sanctions out of Private Fund will not be honoured by this office and also Dist: Accounts Officer Buner will be informed to make the recoveries from all occupants residing in the college premises under intimation to this office.

Encl. one

ASSISTANT DIRECTOR (ACCOUNTS)

Endst: No.

Copy of the above alongwith detail of recoveries to Administrative Officer local Directorate with the remarks that disciplinary action may be taken against Mr. Rafiq Ahmad Lecturer in Islamiyat GDC Daggar for non compliance of the high ups.

ASSISTANT DIRECTOR (ACCOUNTS)





OFFICE OF THE PRINCIPAL GOVT; COLLEGE DAGGAR BUNER.

No. 595/ Recovery

Dated: 16/07/2016

. To

X

The District Accounts Officer Buner at Daggar.

Subject: -

RECOVERY OF OUTSTANDING AMOUNT.

Memo.-

As per directives of Directorate Higher Education KPK Peshawar Memo No. 180931/P-7/ A. Note dated 13-7-2016 an amount of Rs.158435/- is outstanding against Mr. Rafiq Ahmad lecturer in Islamyat of this college. The amount is pertaining to Audit Para No.02 (2012-13).

For the compliance of the said directives your good office is requested to ensure the recovery of the amount from the concerned official from his salary @ Rs.10, 000/- per month w.e.f the month of July 2016 positively. Copy of source is attached.

Principal
Govt: College Daggar Buner.

Copy to the:-

1. The Assistant Director (Accounts).

2. Directivate of Higher Education KPK Peshawar with reference to his above Memo.

Principal
Govt: College Daggar Buner.



DIRECTORATE OF HIGHER EDUCATION KHYBER PAKHTUNKHWA,

091-9210242, 9211025/Fax # 9211803

То

MOST IMMEDIATE

Mr. Rafiq Ahmad Lecturer in Islamiyat Govt; Degree College, Daggar (Buner).

SUBJECT

DEPOSITING OF GUTSTANDING AMOUNT/ AUDIT PARA NO. 02 (2012/2013)/EXPLANATION.

Memo:

I am directed to refer to the subject cited above and to inform you that you had occupied a residential bungalow at Govt; Degree College, Daggar (Buner) in 2011-2013. During the course of internal audit on the accounts of the College, it was noticed that you have not made deductions amounting to Rs. 1,58,435/- on account of House Rent Allowance and 5 % of the basic pay as well as conveyance allowance.

- I am, therefore, directed to ask you to explain your position as to why disciplinary proceedings may not be initiated against you under E&D Rules, 2011. Your explanation should reach this office within a week after the receipt of this letter through your Principal and in case your reply is not satisfactory, then disciplinary action will be initiated against you under the Rules ibid.
- Besides, you are directed to deposit the said outstanding amount and proof thereof in shape of original chadan may be sent to this office immediately, failing which action will be taken against you.

DY: DIRECTOR (ESTABLISHMENT) Endst; No.

Copy of the above is forwarded to the Assistant Director (Accounts), local Directorate for information.

Recity Ld on 5/8/ 2/16

Ch averts Mr. Refig Alad

Ch lad overts Mr. Refig Alad

OY: DIRECTOR (ESTABLISHMENT)

Annex

The Deputy Director (Estab) Directorate of Higher Education Khyber Pakhtunkhwa Peshawar

Through Proper Channel

OUTSTANDING AMOUNT/ AUDIT PARA /EXPLANATION.

Memo:-

Reference your Memo No.20696/CA-II/Estab/A-12/Rafiq Ahmad/Islamiat

1. As par as the delay in depositing the amount in question is concerned it is not dated 04-08-2016. a facilt on my part. The original audit para No.2 (2012-13) was not against me but the recoverable amount was outstanding against Mr. Zia ur Rahman Ex- Principal GC

2. later on the matter was reactivated during May 2016 (Annex-II)and as a Daggar. (Annex-I) response my pleaswhich is self explanatory was submitted through proper channel

3. In its response another directives was issued (Annex-IV)and the college authorities immediately implemended and deduction @ Rs. 10000/- per month was (Annex-III) started from me w.e.f July 2016 (Annex-V) as per dicision of the principal vide Memo

My humble submission, keeping in view the above (acts, is that No. 595 dated 16-07-2016. initiation of disciplinary action against me seem to me beyond justice. I am neither defing or delaying departmental directives. Time will prove that whether this deduction/recovery from my part was a justified one or otherwise.

I think the deduction from me in one instalement will be a great burden upon me Because I have no other means of livehood. I will pay the outstanding amount at an equal instalements of Rs.10,000/- per month. In the mean time inshallah I shall convence the authorities that this recovery is unjustified.

I hope sympathetic consideration

office of the Principal 6.C. Daggar No 652/A-12 Dated 6-8-2016

Forwarded in original to the Deputy Director (Estab) Directorate of Higher Education Khyker Palehtunkhwa Poshawar for consideration please

-Yours Rafiq Ahmad

Lecturer in Islamiat Govt: College Daggar Buner. Dated 05-08-2016

Govt: College Daggar Distt: Buner