

FORM OF ORDER SHEET

Appeal No. 416/2024

Date of order

Order or other proceedings with signature of judge

Page number

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20/03/2024

The appeal of Mr. Muhammad Ibrar resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 21/3/24 Parcha Peshi is given to the counsel for the appellant.

By the order of Chairman


REGISTRAR

Appeal of Mr. Muhammad Ibrar received today i.e on 12.03.2024 is incomplete on following grounds which are returned to the counsel for the appellant for completion and submission of the appeal.

- ✓ Address of appellant is incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓ Affidavit is not attested by the Oath Commissioner.
- ✓ Impugned orders not been tagged/marked with annexures marks.
- ✓ Affidavits of the appellants are unattested.
- ✓ Reply of respondent no.2 and its reply mentioned in the memo of appeal are not annexed with the appeal.
- ✓ Copy of impugned order is illegible be replaced by legible/better one.
- ✓ Respondent no.1 is un-necessary party be deleted from the list of respondents and the appellate authority to whom the departmental appeal was made be arrayed as party in the hearing of appeal.
- ✓ Three copies, set of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

558-251

B-3 Peshawar



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Kinshak Adv.
Peshawar

R/sir,

Resubmitted after necessary completion.

9/3/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 416 /2024

MUHAMMAD IBRAR

VS

EDU: DEPTT:

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APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. _____/2024

Diary No. 11719

Dated 12/3/24

Mr. Muhammad Ibrar, Senior Clerk (BPS-14),
SDEO (Male) Charsadda..... **APPELLANT**

VERSUS

1. The District Education Officer (M), District Charsadda
2. The Director Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER DATED 08/11/2023
WHEREBY MAJOR PENALTY OF REVERSION TO LOWER
POST I.E. JUNIOR CLERK FOR THE PERIOD OF THREE
YEARS HAS BEEN IMPOSED UPON THE APPELLANT AND
AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL DATED 05/12/2023 OF THE
APPELLANT WITHIN THE STATUTORY PERIOD OF**

NINETY DAYS

Filed to day
12/3/24
Registrar

PRAYER:

That on acceptance of this appeal the impugned order dated 08/11/2023 may very kindly be set aside and the respondents may be directed to restored the appellant on the post of Senior Clerk (BPS-14) with all back benefits including seniority. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2024

Mr. Muhammad Ibrar, Senior Clerk (BPS-14),
O/O SDEO (Male) Charsadda..... **APPELLANT**

VERSUS

1. The Secretary Elementary & Secondary Education
Department Khyber Pakhtunkhwa, Peshawar
2. The Director Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant is the employee of the respondent department and is serving the respondent Department as Senior Clerk with honesty, full devotion, zeal and zest and with the entire satisfaction of his high ups.
- 2- That during service, two employees submitted medical documents and also an application wherein they sought for invalid pension, on the basis of Standing Medical Board. The said request was just forwarded by the present appellant before the competent authority.
- 3- That after just forwarding said request of the employees, the said documents were later-on found false. The present appellant alongwith the other officials namely (1) Abdur Rehman (2) Fakhar-e-Alam, (3) Anwar Ali Shah (4) one class-IV were proceeded departmentally for the said allegation.
- 4- That in this respect a show cause notice was issued to the appellant, which was properly replied by the appellant and totally denied the allegations levelled against him. Copies of Show Cause Notice and reply thereof are attached as annexure..... **A**
- 5- That an inquiry was conducted against the appellant alongwith the other officials mentioned in the Para No 3 of instant appeal. It is worth to mention here that astonishingly only the present appellant and Mr. Abdur Rehman were declared responsible while the others were exonerated from the charges levelled against them, despite the fact that the employees have submitted statements before the respondents that the appellant has got no concern with the said facts. The said statement was neither perused by the inquiry officer nor any finding was given by

the competent authority. Copies of the statements and inquiry report are attached as annexure..... **B**

6- That only the appellant was made scape goat by the respondents for the said episode and a major penalty of reversion to lower post for the period of three years was imposed upon the appellant vide impugned order dated 08/11/2023. Copy of impugned order dated 08/11/2023 is attached as annexure.....**C**

7- That the appellant feeling aggrieved from the inaction of the respondents, having no other remedy, preferred departmental appeal before the respondent, which was not decided within the statutory period of 90 days. Copies of departmental appeal and forwarding letters are attached as annexure..... **D**

8- That the appellant feeling aggrieved from the impugned order dated 08/11/2023, and having no other remedy preferred the instant Service Appeal before this Honourable Tribunal inter alia on the following grounds:-

GROUND:

A- That the impugned order dated 08/11/2023 of the respondent No 1, whereby the appellant has been reverted to lower post for the period of three years was imposed is against the law, facts and principles of natural justice, therefore, the same is liable to be set aside.

B- That the impugned order is illegal and void ab-initio, hence untenable in the eyes of law.

C- That mandatory provisions of law and rules have badly been violated and the appellant has not been treated according to law and rules.

- D- That the appellant was discriminated too in violation of the Constitution of the land.
- E- That the impugned order is not a speaking order and thus not tenable in the eyes of law.
- F- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- G- That no charge sheet nor statement of allegations were issued to the appellant before issuance of the impugned order, therefore the same is not tenable and liable to be set aside.
- H- That no chance of personal hearing/defense has been imposed on the appellant and as such the appellant has been condemned un heard.
- I- That the codal formalities required for the departmental proceeding has not been fulfilled by the respondents while issuing the impugned order dated 08/11/2023.
- J- That no proper inquiry was conducted to find out the true facts and circumstances, no one was examined in presence of the appellant and the appellant was not provided opportunity of cross examination.
- K- That the respondent acted in arbitrary and mala fide manner while issuing the impugned order, dated 08/11/2023.
- L- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.


APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT


UMAR FAROOQ MOHMAND


WALEED ADNAN


MAHMOOD JAN
&


KHANZAD GUL


MUZZAMMIL KHAN MOHMAND
ADVOCATES HIGH COURT


CERTIFICATE:

No such like appeal against impugned order dated 08/11/2023 is pending or filed between the parties on the subject matter before this Honorable Tribunal.


Advocate

AFFIDAVIT

I, Mr. Muhammad Ibrar(the appellant), do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.


DEPONENT



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) E&SE CHARSADDA



091.9220-101-82 eunscharsadda@yahoo.com facebook.com/Deomcharsadda

"A"

6-

No. 10387-94 Dated: 27/9/2023

To,

1. The DEO (Female) Charsadda.
2. The SDEO (Male) Charsadda.
3. The SDEO (Male) Tangi.

SUBJECT:- SHOW CAUSE NOTICES.
Memo.

I am to refer to the subject cited above and to enclose herewith Show cause notices in original received from worthy Director (E&SE) Kyber Pakhtunkhwa in respect of the following officials with the direction to issue the said notices to the officials concerned.

1. Mr. Noor Ullah Jan PSI-IT BPS-15 GPS Mian Sahib Gul Qilla Tangi Charsadda.
2. Muhammad Tayyub PSI-IT BPS-15 GPS Gul Khitab Koroona Charsadda.
3. Abdur Rahman Junior Clerk BPS-11 SDEO (Female) Charsadda.
4. Muhammad Ibrar Senior Clerk BPS-14 SDEO (Male) office Charsadda.

Therefore, you are informed to hand over the original Show cause notices of your respective officials properly under intimation to this office.

DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

Endst: No. _____ / dated Charsadda the _____ / 2023

Copy for information to the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar w/ r to his good office letter No. 5028/F.No C-333/Establishment (M-1) dated 13.09.2023
2. Officials Concerned.
3. Master File.

god
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA



-6/A-

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

SHOW CAUSE NOTICE

I, Dr. Iqbal Khan, Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules (7), 2011, do hereby serve upon you, Muhammad Ibrar Senior Clerk at SDEO (M) Charsadda as follow:

1. As per report of inquiry report bearing No. 8624 dated 15-07-2023 submitted by District Education Officer (Male) Mohmand in the light of this office Notification bearing No.5579-82 dated 06-07-2023; you, in utter violation of the procedure directed by the Govt. of Khyber Pakhtunkhwa Establishment Department vide letter No. SO(Policy) E&AD/1-3/2012/APT Rules dated 07-06-2023 and close collusion with Mr. Abdur Rehman J/Clerk (BPS-11) SDEO (F) Charsadda have been found involved in issuance of fake letters bearing No.1278 dated 05-05-2023 and 1271 dated 05-05-2023 under the signatures of Assistant Director (Estab-1) Local Directorate in connection with the retirement cases on medical ground basis of the following teachers.

- Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda.
- Muhammad Tayyub PSHT(BPS-15) GPS Gul Khitab Koorona District Charsadda.

Your conduct is prejudicial to service discipline, contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987 and conduct unbecoming of a Civil Servant.

I am satisfied that you are guilty of misconduct and involved in illegal practice of corruption as specified in Rule 3(c) and 3(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

2. As a result thereof, I, Dr. Iqbal Khan Director, Elementary & Secondary Education Khyber Pakhtunkhwa, as competent authority, have tentatively decided to impose upon you the major penalty of "Reduction to Lower Post" under rule 4(b)(i) of the Ibid rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

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


(Dr. Iqbal Khan)
Director

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Muhammad Ibrar Senior Clerk at SDEO (M) Charsadda

حضرت مابہ ڈوسٹر ڈاکٹر ایجوکیشن افسیئر صاحب میں منسلک چار سہ۔

7- "سوزان" - شوکا زبیر 94-10387 مورخہ 27-9-23
خواجہ طلحہ حافر خدمت ہے۔

جناب عالی۔
مفتی مسی محمد ابرار سینئر کلرک سب ڈویژن ایجوکیشن
پراگری میل چار سہ۔

من مسی نے اس سلسلے میں لکھے جو تقریری بیان انکو الٹری
افیسر صاحب کے پاس جمع کی ہے وہی بیان حقیقت اور سچائی پر مبنی ہے
مسی نور اللہ جان بندہ کا ماموں ہے لہذا بندہ نے ان کا ایس
والس ایپ کے ذریعے ان کو بھیج دیا ہے۔ باقی بندہ کا ایس کیس سے
کوئی سروکار نہیں رہا ہے۔ اور نہ ہی بندہ اس قسم کے مسئلوں سے
دلچسپی رکھتا ہے۔ آئندہ بھی بندہ انتہائی محتاط رہے گا۔
لہذا آپ صاحبان سے پوری پوری اِلْفاف کا توقع اور
امید رکھتا ہوں۔

فقط

آپ کا تابع فرمان

محمد ابرار سینئر کلرک SDEO میل چار سہ

03459132686 رالپنڈی

8- "B" 45/15

INQUIRY REPORT

INTRODUCTION:

The Director Elementary & Secondary Education Khyber Pakhtunkhwa was pleased to nominate the u/signed as inquiry officer to conduct inquiry against the following teachers being involved in provision of fake letter of the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for retirement on Standing Medical Board vide his office Notification No 5579-82 dated 6/7/2023.

S.No.	Name of Teacher & Designation	School	Fake letter No & date
1	Noor Ullah Jan PSHT	GPS Mian Sahib Gul Qilla Tangi	No. 1278 dated 5/5/2023
2	Muhammad Tayyeb PSHT	GPS Gul Khilab Koroonah Charsadda	No. 1271 dated 5/5/2023

(Annexure-1 & 2 & 3)

PROCEEDINGS:

1. Soon after the receipt of notification regarding inquiry, the u/signed adopted his own modus operandi i.e. a letter was written to District Education Officer (Male) Charsadda vide DEO (M) Mohmand No 8544 dated 8/7/2023 which was shared on the personal WhatsApp No of the DEO (M) Charsadda No.0331-9512981 with the request to direct all the concerned stake holders through a proper letter to appear for the instant inquiry at his office on 11/7/2023 before the inquiry officer and make ready all the relevant record in proper order. (Annexure-4). The DEO (M) Charsadda shared a letter in response to the said letter addressed to the SDEOs (M) Tangi & Charsadda vide his office No 6732 dated 8/7/2023 in which he directed them to attend the instant inquiry on 11/7/2023 at 10 am. (Annexure-5) The u/signed visited the said office on the scheduled date and time in order to follow the principle of Audi alteram partem and also to observe the soul of Article 10A of the Constitution of Pakistan which related to the right of a person of fair trial & gathered the following statements and record.
2. Mr Noor ullah Jan PSHT GPS Mian Gul Sahib Gul Qilla Tangi stated that he has been working as PST since 1987 and promoted to PSHT. He stated that he is suffering from different diseases and he applied for pension on Medical Board. He said that he handed over this task to his nephew, Mr. Muhammad Ibrar s/clerk at SDEO (M) Charsadda who has assigned this task to his friend Abdul Rehman J/C at SDEO (F) Charsadda in his presence. He further stated that Muhammad Ibrar shared the letter in question (Fake letter as mentioned above against his name as Annexure-2) & the same letter was handed over to SDEO (M) Tangi. The statement was recorded in presence of the SDEO (M) Tangi & he attested. (Annexure-6)
3. Mr. Muhammad Tayyeb PSHT GPS Gul Khilab Koroonah Charsadda recorded his statement and he said that he is working as PST since 28/9/1987 and promoted to PSHT and he also said that he has been suffering from various diseases. He also wanted to take pension on Medical Board and he assigned this task to his relative Mr Abdul Lateef who was a clerk in DEO (F) Charsadda now retired and he further assigned this task to Abdul Rehman J/C SDEO (F) Charsadda. He said that he did not have any knowledge about the fake letter as mentioned above against his name as annexure 3 and information may be asked about this fake letter from Abdul Lateef and Abdul Rehman. The statement was recorded in presence of the SDEO (M) Charsadda & he attested. (Annexure-7)

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4. Mr Muhammad Ibrar S/Clerk SDEO (M) Charsadda recorded his statement in the presence of the SDEO (M) Charsadda. He said that he received letter No 1278 dated 5/5/2023 (fake letter of the Directorate) from Abdur Rehman J/C SDEO (F) Charsadda and shared with Mr Noorullah Jan PSHT at his whatsapp No on 5/6/2023 at 6:13 pm. (Annexure-8) He attached the screen shot of the whatsapp with his statement. (Annexure-9)
 5. Mr, Abdur Rehman J/Clerk SDEO (F) Charsadda recorded his statement in which he said that he has not shared the fake letter in question with any one. He said that it is a scanned copy and anyone can scanned easily in order to malign his name. He blamed Mr. Fakhre Alam s/clerk DEO (M) Charsadda who is working at ADEO (Pry) Charsadda had a money deal with him that he would do the retirement cases in hand. He said that he gave him the money for the said task. He further stated that Fakhre Alam shared the fake letter with Mr. Anwer Ali Shah AD Establishment in the Directorate through his Class IV to malign his name through these fake letters. He said that he can present a witness regarding the said deal/bribe. (Annexure-10).
 6. Mr. Sheraz ADEO (Pry) Establishment and Fakhre Alam dealing clerk jointly recorded their statement. The gist of their statement is that the o/o the DEO (M) Charsadda received the fake letters in question from the concerned SDEOs i.e. SDEO (M) Tangi letter No 2570 dated 12/6/2023 & SDEO (M) Charsadda No 1678 dated 20/6/2023. (Annexure-11 & 12 & 13)
 7. Mr. Shams ul Islam SDEO (M) Charsadda & Mr Muhammad Ibrar s/clerk jointly stated that the photo copies fake letter No 1271 dated 5/5/2023 & other relevant documents were received from Muhammad Tayyeb PSHT and sent to DEO (M) Charsadda vide his office No 1678 dated 20/6/2023. (Annexure-14)
 8. In order to verify the Standing Medical Board letters, the u/signed visited the Medical Superintendent Services Hospital Peshawar on 13/7/2023 and met with the concerned Medical Superintendent Mr. Dr. Niaz Muhammad (MS & Chairman SMB) and wrote a letter with the request for verification of SMB in r/o Mr. Noor Ullah Jan PSHT vide his office No 6645-46 dated 3/4/2023 and SMB in r/o Mr Muhammad Tayyeb PSHT vide his office No 8750-51 dated 14/4/2023 and the same were verified vide his office No 2614 dated 13/7/2023. (Annexure-15 & 16). The Medical Superintendent narrated the story of fake & fabricated SMBs retirement in the DEO (F) Charsadda & also handed over copies of two letters i.e. one letter the MS wrote to the Secretary Govt of Khyber Pakhtunkhwa Health Department vide his office No 564-69 dated 18/8/2022 in which he stated that most of the SMBs cases of DEO (F) Charsadda were fabricated and bogus. (Annexure-17) while another letter enclosing the said letter of the MS & Chairman of SMB Services hospital Peshawar addressed to the Secretary to Govt of Khyber Pakhtunkhwa E&SED, Peshawar vide Govt of Khyber Pakhtunkhwa Health Department No SOG/HD/1-49/M.A.R/2022 dated 29/9/2022 with the request for inquiry. (Annexure-18)
 9. In order to verify the Directorate letters No 1278 dated 5/5/2023 & 1271 dated 5/5/2023, the u/signed visited the Establishment Section of the Directorate of E&SE KP Peshawar on 13/7/2023 and obtained the statement of concerned Assistant Directors. They jointly stated that the letters in question are fake & fabricated and the Despatched Nos recorded on the letters are also fake. In fact as per Directorate of E&SE KP Peshawar Depatched Register No 1278 dated 5/5/2023 was addressed to the Section Officer for retirement Grant & No 1271 dated 5/5/2023 is not existed but No 1270-76 dated 28/4/2023 existed which was issued in r/o Rizwan ullah J/C (Annexure-19 & 20 & 21).

SOG/HD/1-49/M.A.R/2022

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10. RECORD/DOCUMENTS RECEIVED FROM THE O/O THE DEO (M) CHARSADDA

- ❖ SMB letters of Chairman SMB MS Police Service Hospital Peshawar to the Assistant Director Directorate of E&SE KP Peshawar vide his office No 6645-46 dated 3/4/2023 in r/o Mr Noor Ullah Jan PSHT & SMB No 8750-51 dated 14/4/2023 in r/o Mr. Muhammad Tayyeb PSHT. (Annexure-22 & 23)
- ❖ A letter of DEO (M) Charsadda to the Directorate for verification of SMB & fake letter in question in r/o Muhammad Tayyeb PSHT GPS Gul Khitab Korona Charsadda vide his office No 6515 dated 27/6/2023. (Annexure-24)
- ❖ Note sheet copy regarding retirement case of Mr. Muhammad Tayyeb PSHT is attached as Annexure-25.

11. FINDINGS: The prima facie evidences & statements prout patet per recordum unveil the following facts and findings.


- i. That the Directorate of E&SE KP Peshawar letters No 1278 dated 5/5/2023 & 1271 dated 5/5/2023 were fabricated, scanned & bogus and the two clerks i.e. Mr Muhammad Ibrar S/clerk SDEO (M) Charsadda and Abdur Rehman J/Clerk SDEO (F) Charsadda were involved in this bargain and scanned letters as both of them deal with the concerned teachers for money especially Mr. Abdur Rehman is the main character of this whole drama and the hub of these fake & fabricated letters. The past track record of Abdur Rehman J/clerk is also tainted as he was transferred on administrative ground from SDEO (M) Charsadda to GHS Shabqadar by the then DEO (M) Charsadda vide DEO (M) Charsadda No 13232-37 dated 24/9/2021 upon the recommendation of the inquiry report. (Annexure-26)
- ii. That there was contradiction in the verbal statement and written statement of Mr. Abdur Rehman J/C as verbally he admitted that he handed over the fake and scanned fabricated letter to Mr. Muhammad Ibrar but subsequently he denied the same in his written statement which indicates his dual nature and deceitful personality. He tried to hide facts from the inquiry officer.
- iii. That Mr. Abdul Malik (DEO (M) Charsadda) issued the Retirement Notification in respect of Mr. Noor Ullah Jan PSHT GPS Mian Sabib Gul Qila Tangi in haste astonishingly inspite of the fact that ADEO (Establishment) clearly wrote in the note sheet that the letter needs to be verified from the Directorate. However, there is also doubt about one line of the note sheet & it may be written afterwards by the concerned ADEO as the font size is slightly smaller than the whole Para and also two ideas were put up to the DEO concerned in the same Para i.e. the other is retirement notification. However, it is also worth mentioning that dealing Assistant put up the case on 14/6/2023 and ADEO Establishment also wrote his Para on 14/6/2023 and DEO (M) Charsadda approved the Para of the ADEO concerned on 14/6/2023 while DDEO concerned was bypassed in the said case. The DEO (M) Charsadda signed and issued the Retirement Sanction on medical ground on 15/6/2023 in r/o Mr. Noor Ullah Jan PSHT vide his office No 6155-59 dated 15/6/2023 without bothering to verify the scanned copy received from the SDEO (M) Tangi. (Retirement Notification on SMB in r/o Mr. Noor Ullah Jan PSHT is attached as Annexure-27 & Note sheet copy is attached as Annexure-28)

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- 22
- IV. That the DEO (M) Charsadda withdrew the retirement order issued vide his office No 6155-59 dated 15/6/2023 in r/o Mr. Noor ullah Jan PSHT vide his office No 6191-95 dated 15/6/2023 (Annexure-29) but astonishingly no action was initiated against wrong doers. However, at last the fake & fabricated scanned letter No 1278 dated 5/5/2023 was sent to the Directorate for verification vide his office No 6305 dated 21/6/2023 (Annexure-30)
- V. Both Mr. Shams ul Islam (SDEO (M) Charsadda) & Mr. Wisal (SDEO (M) Tangi) committed blunders for forwarding the cases for retirement on medical ground on the basis of a fake scanned copy of the Directorate letter and not verifying the letter from the DEO (M) Charsadda as the letters were addressed to DEO (M) Charsadda.

RECOMMENDATIONS: In view of the above, it is recommended:

- 1) That both the clerks i.e. Mr. Muhammad Ibrar S/clerk SDEO (M) Charsadda & Mr. Abdur Rehman J/clerk SDEO (F) Charsadda may be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 & stringent action may be taken against Mr. Abdur Rehman because he is the main actor in this play and all the characters are revolved around him in this fraudulent drama.
- 2) That Mr. Abdur Rehman J/clerk may also be transferred immediately from the SDEO (F) Charsadda and may be posted in a male school and his transfer to offices may be banned forever.
- 3) The reports of Standing Medical Board in r/o of both the teachers may be sent to the SMB for review as both the teachers look healthy and also they used money for the said purpose.
- 4) That both the teachers may also be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the said action in the play.
- 5) The Mr. Abdul Malik DEO (M) Charsadda, Mr. Wisal SDEO (M) Tangi & Mr. Sham ul Islam SDEO (M) Charsadda may be warned not to repeat such mistake in future.
- 6) A full-fledged inquiry may be conducted to probe all the cases of SMB in the DEO (F) Charsadda or a soft request may be sent to the Secretariat of E&SED KP Peshawar by enclosing the said letters of the Medical Superintendent Services Hospital, Peshawar as annexed 17 & 18 above.

The report is submitted for further necessary action please.


(LIAQATALI)
15/7/2023
District Education Officer
(Male) Mollund

Statement of Noor Ullah Jan PSHT
GPS Minn Sahib Gul Qila Tangi

13 جنوری

خود بیانہ شہادتیں ہے کہ میں کسی نوزائیدہ بچہ کو ملا کر دیکھ کر اسے
1987 سے حکومتی تعلیم حاصل کر رہا ہوں۔ اس میں بحیثیت ہی ایس ایس آئی
ذرائع حقیقی سرانجام دے رہا ہوں۔ اور اس بحیثیت
PSHT کے سرانجام دے رہا ہے۔ اب اس میں وہ کہ مختلف
قسم بیماریوں کے گورننگ اور اس کا ثبوت میں نے اپنے
سنا کر لیا ہے جس کی وجہ سے ذرائع حقیقی گورننگ میں
رہ سکتا ہے۔ اس کے علاوہ اس کے ذریعے میں پیشہ پیدا
کھاتا ہوں۔ اس کے علاوہ اس کے ذریعے میں پیشہ پیدا
قسم 2 داتا کرنے کے لئے اس کے ذریعے میں پیشہ پیدا
2 میں ہی بات نہیں ہے۔ اس کا تکلیف سے بچنے کے لئے میں نے
یہ کام اپنے ہاتھ میں لیا۔ محمد ابرار کلرک ایس ڈی ای ای او
میں چلا گیا۔ محمد ابرار نے میرے سامنے یہ کام اپنے
دوست سید اختر علی کو دیا۔ کلرک ایس ڈی ای ای او
میں چلا گیا۔ محمد ابرار نے میرے ذریعے مجھے یہ پتہ چلا۔
میں نے اس کے ذریعے اس کے ذریعے میں نے اس کے ذریعے میں نے

کا قلم اور مندرجہ ذیل PSHT کے ذریعے میں نے اس کے ذریعے میں نے
میں نے اس کے ذریعے میں نے اس کے ذریعے میں نے اس کے ذریعے میں نے
میں نے اس کے ذریعے میں نے اس کے ذریعے میں نے اس کے ذریعے میں نے

اعلان

انور شاہ PSHT کے ذریعے میں نے اس کے ذریعے میں نے اس کے ذریعے میں نے
2023

Statement of Muhammad Ibrahim s/c SDEO (M)
Charsadda

2

14-

میں نے منجی محمد ابراہیم سیکرٹری کارپوریشن ڈی او میں چار سدرہ حلقہ جی او
تھانہ جی او لیڈر عزیز 1278 شمارچ 05/05/23 بندر سے عبدالرحمن
جو نڈر کارپوریشن سے فوٹو گالی ملو کریم ڈاکٹر میڈیکل کالج سے
نور اللہ جان کو بھیج دیا۔ میں نے اسے ماموں نور اللہ جان
کو بندر سے وائس ایب بھیج دیا۔ شمارچ 05/06/23 اور
اس میں اسے لکھ کر کہ درجے ایف آر سی اے میں شمار کیا
SDEO صاحبہ سنسٹریٹ بھیج دیا۔ پھر DEO پیرا میٹر میں بھیج
ریٹائرمنٹ ایف آر سی اے DEO صاحب کو رکھ دیا۔ اور ریٹائرمنٹ آر
حاضر ہوا اور غیر سسٹریٹ ہوا۔ اس کے بعد اسے اس میں سے اول
کا آؤٹ کونسل میں علم میں تھا کہ یہ ٹھیک یا غلط ہے۔

محمد ابراہیم سیکرٹری کارپوریشن ڈی او
11/07/23

میں چار سدرہ

"C"
-15-

**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

NOTIFICATION

1. WHEREAS, this office received a letter bearing No. 6515 dated 27-06-2023 from DEO(M) Charsadda regarding verification of proceedings of Standing Medical Board in respect of Muhammad Tayyub PSHT (BPS-15) GPS Gul Khitab Korodha District Charsadda, alluding to this office letter No.1271 dated 05-05-2023, enclosing copy of the same letter.
2. AND WHEREAS, upon examining and observing the letter No.1271 dated 05-05-2023, was found fake with scanned signature of Assistant Director(Estab:M-1) Directorate of Elementary and Secondary Education Khyber Pakhtukhwa, Peshawar.
3. AND WHEREAS, in the meanwhile another fake letter bearing No.1278 dated 05-05-2023 addressed from this office to DEO(M) Charsadda in connection with the proceedings of Standing Medical Board in respect of Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda was also received by this office under the scanned signature of the same officer.
4. AND WHEREAS, this office ordered inquiry into the case to determine the factual position by nominating Mr.Liaqat Ali the then DEO(M) Mohmand as Inquiry Officer vide notification bearing No.5579-82 dated 6-02-2023.
5. AND WHEREAS, the inquiry officer submitted its report to this office vide letter No.8624 dated 15-07-2023, as per findings of the inquiry Report both the teachers were involved in money deal with Mr. Abdur Rehman J/Clerk (BPS-11) at office of the DEO(F) Charsadda being the bigwig and Muhammad Ibrar S/Clerk(BPS-14) being an accomplice for handing over the case of the Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda to Mr.Abdur Rehman J/C(BPS-11) SDEO(F) Charsadda.
6. AND WHEREAS, this office issued Showcause notices to all involved vide letter No.5028 dated 13-09-2023. It was followed by a reminder bearing No.668 dated 18-10-2023.
7. AND WHEREAS, DEO (Male) Charsadda forwarded their replies vide letter No.11828 dated 17-10-2023. As per replies of the accused teachers, they admitted submission of their cases to Mr. Abdur Rehman J/C(BPS-11) at office of the DEO(F) Charsadda. Muhammad Ibrar S/C((BPS-14) at office of the SDEO(M) Charsadda also admitted that he received the impugned letter from Mr. Abdur Rehman J/C(BPS-11) and forwarded it to Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda via whatsapp.
8. AND WHEREAS, this office called them for personal hearing scheduled at this office dated 02-11-2023 vide letter No.3385 dated 30-10-2023.

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

NOTIFICATION

1. WHEREAS, this Office received a letter bearing No 6515 dated 27/06/2023 from DEO(M) Charsadda regarding verification of proceedings of Standing Medical Board in respect of Muhammad Tayyab PSHT (BPS-15) GPS Gul Khitab Koroona District Charsadda, alluding to this office letter No 1271 dated 05/5/2023, enclosing copy of the same letter.
2. AND WHEREAS, upon examining and observing the letter No 1271 dated 05/05/2023 was found fake with scanned signature of Assistant Director (Estab: M-1) Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. AND WHEREAS, in the meanwhile another fake letter bearing No 1278 dated 05/05/2023 addressing form this Office to DEO (M) Charsadda in connection with the proceedings of Standing Medical Board in respect of Mr. Noor Ullah Jan PSHT (BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda was also received by this office under the scanned signature of the same office.
4. AND WHEREAS, this office ordered inquiry into the case to determine the factual position by nominating Mr. Liaqat Ali the then DEO (M) Mohmand as inquiry Officer vide notification bearing No 5579-82 dated 06/07/2023.
5. AND WHEREAS, the inquiry office submitted its report to this office vide letter No 8624 dated 15/07/2023 as per findings of the inquiry report both the teachers were involved in money deal with Mr. Abdur Rehman J/Clerk (BPS-11) at Office of the DEO (F) Charsadda being the bigwig and Muhammad Ibrar S/Clerk (BPS-14) being an accomplice for handing over the case of the Mr. Noor Ullah Jan PSHT (BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda to Mr. Abdur Rehman J/C (BPS-11) SDEO (F) Charsadda.
6. AND WHEREAS, this office issued Show Cause Notice to all involved vide letter No 5028 dated 13/09/2023 it was followed by a remainder bearing No 668 dated 18/10/2023.
7. AND WHEREAS, DEO (Male) Charsadda forwarded their replies vide letter No 11828 dated 17/10/2023 as per replies of the accused teachers, they admitted submission of their case to Mr. Abdur Rehman J/C (BPS-11) at office at the DEO (F) Charsadda. Muhammad Ibrar S/C (BPS-14) at the office of SDEO (M) Charsadda also admitted that he received the impugned letter from Mr. Abdur Rehman J/C (BPS-11) and forwarded it to Mr. Noor Ullah Jan PSHT (BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda via Whatsapp.
8. AND WHEREAS, this office call them for personal hearing scheduled at this Office dated 02/11/2023 vide letter No 3385 dated 30/10/2023.

AND WHEREAS, they attended this office accordingly and appeared before the Committee. Questionnaires were served to them individually. They were also interrogated.

NOW, THEREFORE, in exercise of the powers conferred under Section 14 of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules 2011, I, Dr. Iqbal Khan Director Elementary & Secondary Education Khyber Pakhtunkhwa, as the Competent Authority, after examining the inquiry recommendations, their written replies to the showcause notices and personal hearing is pleased to impose major penalties as mentioned against each under Rule-4, of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules 2011; reproduced below in the larger interest of public service.

S.No.	Name & Designation	School/Office	Penalty Awarded
1.	Muhammad Ibrar S/Clerk (BPS-14)	SDEO (M) Charsadda	Demotion to Junior Clerk (BPS-11) for the period of Three Years under Rule 4(b)(i) of Rules Ibid
2.	Mr. Abdul Rehman J/Clerk (BPS-11)	SDEO (F) Charsadda	Removal from Service under Rule 4(b)(ii) of Rules Ibid

Note:-

1. Necessary entry to this effect should be made in his service book accordingly.

(Dr. Iqbal Khan)

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Distt. No. 5611-15 / F.No./C-333/Estab (M-1)

Dated Pesh: the 08/11/2023.

Copy forwarded for information to the:

1. District Education Officer (Male) Charsadda.
2. District Accounts Officer Charsadda.
3. Muhammad Ibrar Junior Clerk (BPS-11) SDEO (M) Charsadda.
4. Mr. Abdul Rehman Ex- Junior Clerk (BPS-11) SDEO (F) Charsadda.
5. P.A. to Director Elementary & Secondary Education, Local Directorate, Peshawar.

Assistant Director (Admin)

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

9. AND WHEREAS, they attended this office and appeared before the committee questioner were served to them individually, they were also interrogated.

NOW, THEREFORE, in exercise of powers conferred under section 114 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2001 I. Dr. Iqbal Khan Director Elementary & Secondary Education Khyber Pakhtunkhwa as the competent authority, after examination the inquiry recommendations, their written replies to the show cause notice and personal hearing is pleased to impose major penalties as mentioned against each under Rule 4 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2001 reproduced below in the larger interest of public service.

S. No	Name and designation	School/Office	Penalty awarded
1.	Muhammad Ibrar S/Clerk (BPS-14)	SDEO (M) Charsadda	Demotion to junior Clerk (BPS-11) for period of Three Years under Rule 4(b) (i) of Rules ibid
2.	Mr. Abdur Rehman J/Clerk (BPS-11)	SDEO (F) Charsadda	Removal from service under Rule 4(b) (iii) of Rules ibid

Note:-

Necessary entry to this effect should be made in his service book accordingly.

Sd/-
Dr. Iqbal Khan
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
dated Pesh: the 08/11/2023.

Endst: No 5611-15/ENo/C-333/Estab (M-I)

Copy forwarded for information to the:-

1. District Education Officer(Male) Charsadda.
2. District Accounts Officer Charsadda
3. Muhammad Ibrar Junior Clerk (BPS-11) SDEO (M) Charsadda.
4. Mr. Muhammad Rehman Ex-Junior Clerk (BPS-11) SDEO (F) Charsadda.
5. PA, to Director Elementary & Secondary Education, Local Directorate, Peshawar.

Assistant Director (Admin)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

"D" -17-

X3

Diary Number 752

Date of Diary 05/12/2023

The Secretary,
E&SE Department Khyber Pakhtunkhwa
Peshawar

Secretary Elementary & Secondary
Education Peshawar

Subject: REQUEST FOR REVERSAL OF DEMOTION NOTIFICATION

Respected Sir,

I humbly request a reconsideration of the demotion notification following a departmental inquiry supervised by Liaqat Ali, DEO Mohmand, concerning the retirement on medical grounds of Mr. Noor Ullah Jan, PSHT GPS Mian Sahib Gul Qilla Tangi Charsadda and Mr. Muhammad Tayyeb, PSHT GPS Gul Khitab Umarzai now working at GPS Gardeen Turangzai Charsadda.

In the case of Mr. Noor Ullah Jan, the inquiry officer accused me of bargaining, leading to my demotion from senior clerk to Junior Clerk for 3 years, under the KP Govt Servants (Efficiency & Discipline) regulations. During the inquiry, statements were recorded from Mr. Noor Ullah Jan and myself.

I clarified in my statement that the retirement letter, alleged to be fake, was given to me by Mr. Abdur Rahman, Junior Clerk and I never know that the letter was fake and fabricated, I shared it with Mr. Noor Ullah Jan for information, Mr. Noor Ullah Jan written statement, attached herewith, supports this matter.

My sole involvement was passing on the letter to the concerned teacher, and Mr. Noor Ullah Jan statement does not accuse me of any bargaining or bribery. He reiterated this in response to the inquiry report, as attached. Notably, that I am also not implicated in the case of Mr. Muhammad Tayyeb, and my past track record bears no malpractice.

Considering these facts, it is injustice to demote me when the inquiry officer did not recommend such action. I earnestly request the withdrawal of the imposed penalty, as I have maintained a clean record in my 27-year service. I am currently facing financial hardship, having recently withdrawn my GP fund for my brother's medical assessment. The demotion exacerbates my crisis, both psychologically and financially.

Your symphystic action and reconsideration in this matter will highly be appreciated and the applicant will pray for your long life and prosperity.

*SO (Complaint)
Please examine and forward
to Director case for his
remarks within a week for
I of w/Secretary Peshawar*

Regards
Muhammad Ibrar Senior Clerk
SDEO (Male) Charsadda

12023



- 18 -

M

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9223540

No. Gen/SO(C.)E&SED/KPK/1-7/2019/SE-Nil 75]

Dated: 05.12.2023

IMMEDIATE

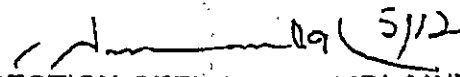
To

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

Subject: REQUEST FOR REVERSAL OF DEMOTION NOTIFICATION.

I am directed to refer to the subject noted above and to enclose herewith a copy of self-explanatory application/complaint along-with its enclosures, received from Muhammad Ibrar, Senior Clerk o/o SDEO (Male) Charsadda, with the request to examine the case and views/comments may be submitted to this department within 07 working days positively for perusal of the Worthy Secretary, E&SE Department, please.

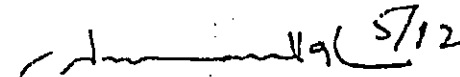
Encl: As Above.

 (5/12)
SECTION OFFICER (COMPLAINT)

Endst: of even number & date:

Copy of the above is forwarded to the:

- 1 District Education Officer (Male) Charsadda.
- 2 PS to Secretary, E&SE Department.
- 3 PA to Additional Secretary (Monitoring), E&SE Department.
- 4 PA to Deputy Secretary (Monitoring), E&SE Department.

 (5/12)
SECTION OFFICER (COMPLAINT)

-19-

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal NO: _____ OF 2024

M. Ibrah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

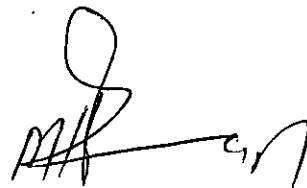
Edu Deptt

(RESPONDENT)
(DEFENDANT)

I/We M. Ibrah

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/202


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)

UMAR FAROOQ MOHMAND

WALEED ADNAN

&

MEHMOOD JAN
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)