

Service Appeal No. 542/2013

Date of Institution: 28.02.2013

Sardar Muhammad Haroon

Vs

**Government of Khyber Pakhtunkhwa
through Chief Secretary Khyber
Pakhtunkhwa & others.**

Judgment/Order:

07.03.2018

MUHAMMAD HAMID MUGHAL, MEMBER (J) Learned counsel for the appellant present. Learned Deputy District Attorney on behalf of respondents present.

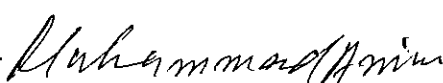
Learned counsel for the appellant stated that the appellant has filed the present service appeal against the original order dated 14.11.2012 whereby minor penalty of stoppage of two (02) annual increments for a period of two (02) years was imposed on the appellant and against the appellate order dated 28.01.2013 rejecting the departmental appeal of the appellant.

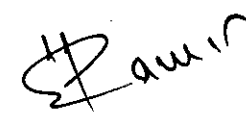
Learned counsel for the appellant stated that the appellant does not want to press the present appeal. Learned counsel for the appellant however argued that two (02) annual increments of the appellant falling on 01.12.2012 and 01.12.2013 were stopped for a period of two (02) years which period of two (02) years has now expired however the respondent department has not restored the already stopped increments till date.

In view of the above, the present appeal is dismissed being not pressed. The period of two (02) years for which the increments were stopped has elapsed. The respondent department is directed to restore the stopped increments in accordance with law/rules on the subject. No order as to costs. File be consigned to the record room.

ANNOUNCED

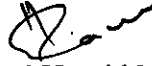
07.03.2018


(Muhammad Amin Kundi)
MEMBER



(Muhammad Hamid Mughal)
MEMBER

0-----18 29.08.2017

Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Zaki Ullah, Senior Auditor for the respondents present. Clerk of the counsel for appellant seeks adjournment. Adjourned. To come up for arguments on 18-10-17 before D.B.



(Muhammad Hamid Mughal)
Member (J)



(Gul Zeh Khan)
Member (E)

18.10.2017

None for the appellant present. Addl: AG alongwith Mr. Zakiullah, S.A for respondents present. Notice be issued to the appellant and his counsel. To come up for arguments on 05.01.2018 before D.B.



Member
(Executive)



Member
(Judicial)

05.01.2018

Clerk to counsel for the appellant present. Asst: AG for respondents present. Clerk to counsel for the appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 07.03.2018 before D.B.



(Ahmad Hassan)
Member(E)



(M.Amin Khan Kundi)
Member (J)

14.12.2016

Agent to counsel for the appellant and Mr. Zakiullah, Senior Auditor alongwith Mr. Usman Ghani, Sr. GP for the respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.04.2017 before D.B.


(ASHFAQU TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

20.04.2017

Counsel for the appellant present. Mr. Zakiullah, Senior Auditor alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 03.08.2017 before D.B.

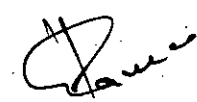

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

3/8/2017

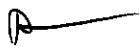
Counsel for the appellant and Mr. Zakauallah, Senior Auditor alongwith Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. To come up for arguments on 29/8/2017 before DB.



(GUL ZEB KHAN)
MEMBER


(MUHAMMAD HAMID MUGHAL)
MEMBER

03.12.2015

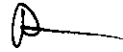
Clerk to counsel for the appellant and Mr. Ansar Ahmad, AAO alongwith Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 6.5.2016



Member


Member

06.05.2016

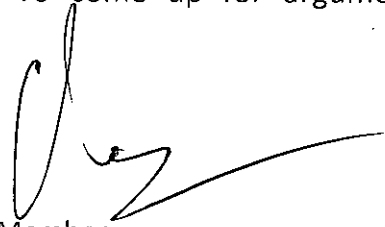
Agent of counsel for the appellant and Mr. Ansar Ahmed, AAO for respondent No. 3 alongwith Mr. Ziaullah, GP for all respondents present. Agent of counsel for the appellant requested for adjournment. Adjourned for arguments to 24.8.16 before D.B.


Member


Member

24.08.2016

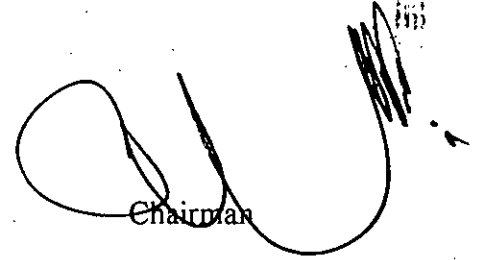
Agent of counsel for the appellant and Mr. Zakiullah, Senior Auditor alongwith Mr. Ziaullah, GP for respondents present. Counsel for the appellant is not available. Seeks adjournment. To come up for arguments on 14.12.2016 before D.B.


Member


Chairman

6.3.2014

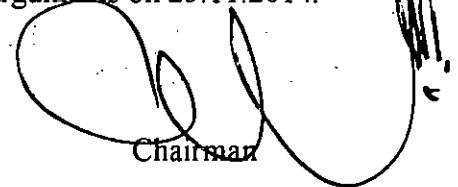
Counsel for the appellant and AAG for the respondents present. Rejoinder has not been received and request for further time made on behalf of the appellant. Another chance is given for rejoinder on 29.5.2014.



Chairman

29.5.2014

Counsel for the appellant and Mr. Irshad Muhammad, Supdt. for respondents No. 1 and 2 with AAG for the respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 25.11.2014.



Chairman

25.11.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for arguments on 12.05.2015.



Reader

12.05.2015

Appellant in person and Mr. Muhammad Jan, GP with Irshad Muhammad, Supdt. and Ansar Ahmad, AAO for the respondents present. Counsel for the appellant was present but due to announcement of general strike by the Bar Council, he left the Tribunal lateron. To come up for arguments on 3.12.2015.



MEMBER

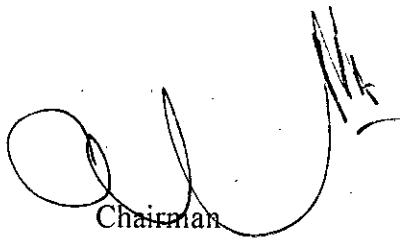


MEMBER

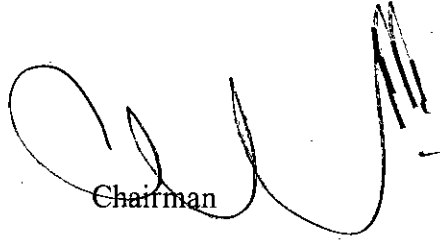
07.06.2013. Clerk of counsel for the appellant, M/S Irshad Muhammad, Supdt: for respondents No.1 and 2 and Farhad Durani, AAO for respondent No.3 with Mr.Usman Ghani, Sr.G.P present. To come up for written reply/comments on 23.08.2013.


Chairman

23.8.2013 Appellant with counsel, M/S Irshad Muhammad, Supdt. for respondent No. 2 and Tariq Issac, Senior Auditor for respondent No. 3 with Mr. Muhammad Jan, GP for the respondents present. Written reply has not been received, and request for further time made on behalf of the respondents. To come up for written reply/comments, positively, on 5.12.2013.


Chairman

05.12.2013 Syed Imdad Hussain, Advocate on behalf of counsel for the appellant and AAG for the respondents present. Written reply on behalf of the respondents received, copy whereof is handed over to the learned Advocate appearing on behalf of learned counsel for the appellant for rejoinder on 6.3.2014.


Chairman

Appeal No. 542/2013.
Sardar Muhammad Hussain.

23.4.2013

3.
Appellant deposited
security & process fee Rs 180/-
Bank receipt
is attached with
file

Counsel for the appellant present and heard.
Counsel for the appellant contended that the appellant is serving as District Account Officer at District Haripur. A Show cause notice was served on the appellant in which it was alleged that while serving as DAO, Haripur, the appellant has un-authorizedly paid Rs. 72000/- to Mst. Rukhsana Shaheen, C.T on account of arrear of pay, un-authorizedly released salary to Mst. Mehnaz Hafeez, C.T and illegally stopped salary of EDO (E&SE) Haripur. In response the appellant denied all the allegation which were leveled against the appellant with all necessary documentary proofs. Respondent department without any inquiry, imposed minor penalty of stoppage of two annual increments on the appellant. Appellant filed departmental appeal before the appellate authority, but the same was rejected by the concerned authority on no good grounds and appellant have no other remedy and filed appeal before this Tribunal. Points raised need consideration; therefore, the appeal is admitted to regular hearing. Process fee and security be deposited within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 7.6.2013.

23.4.2013

Member

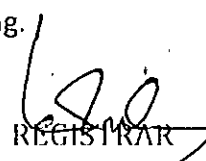
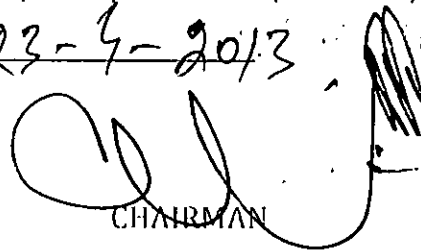
This case be put up Before the Final Bench.
for further proceedings.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 542/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/03/2013	<p>The appeal of Mr. Sardar Muhammad Haroon resubmitted today by Mr. Noor Mohammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	20-3-2013	<p>This case is entrusted to primary Bench for preliminary hearing to be put up there on <u>23-4-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Sardar Muhammad Haroon received today i.e. on 28/02/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 day.

Page Nos. 6, 19 to 24, 28 to 30, 32, 33 and 36 of the appeal are illegible which may be replaced by legible/better one.

No. 359 /S.T.

Dt. 01/03 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. NOOR MUHAMMAD KHATTAK ADV. PESH.

Not,

*Sir, All objections has been removed
Hence remitted today on 15-03-2013.*

03




**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 542 /2013

SARDAR MOHAMMAD HAROON VS GOVT: OF KPK

INDEX

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9-	Vakalat nama	41.

APPELLANT
THROUGH:

NOOR MOHAMMAD KHATTAK
&

PIR IMAMAUDDIN
ADVOCATES PESHAWAR

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

An appeal no 542 /2013

28/2/13
504

Mr. Sardar Muhammad Haroon, District Account officer,
District Haripur APPELLANT

VERSUS

- 1- The Government OF Khyber Pakhtunkhwa (KPK) through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary Finance Department Khyber Pakhtunkhwa Kpk Peshawar.
- 3- The Accountant General Khyber Pakhtunkhwa, (KPK) Peshawar..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER
DATED 14-11-2012 WHEREBY MINOR
PENALTY OF STOPPAGE OF TWO ANNUAL
INCREMENTS FOR TWO YEARS HAS BEEN
IMPOSED ON THE APPELLANT AND AGAINST
THE ORDER DATED 28-1-2013 WHEREBY THE
DEPARTMENTAL APPEAL OF APPELLANT
HAS BEEN REGREETED ON NO GOOD
GROUND

re-submitted to ~~the~~
and filed;

15/3/2013

Prayers:

That on acceptance of this appeal the impugned orders dated 14-11-2012 and 28-1-2013 may very kindly be set aside .Any other remedy which this august Tribunal deems fit that may also be awarded in favor of appellant

Respectfully Sheweth:

- 1- That the appellant is the senior most employee of respondent Department and has served the respondent department quite efficiently and up to the entire satisfaction of his superior till date.
- 2- That appellant while serving as District Account Officer at District Haripur a show cause notice was served on the appellant in which it was alleged that while serving as District Account Officer at District haripur the appellant has unauthorizedly paid Rs.110012/- to Mst: Rukhsana Shaheen C.T. on account of arrear of pay, unauthorizedly released salary to Mst: Mehnaz Hafeez C.T. and illegally stopped salary of EDO (E&SE) Haripur. Copy of the show cause notice is attached as annexure A.
- 3- That in response the appellant denied all the allegations which were leveled against the appellant with all necessary documentary proofs. Copies of the reply to the show cause notice and other documents /proofs are attached as annexure B and C.
- 4- That in response the respondent Department without probe into the enquiry straight away imposed minor punishment of two annual increments for two years. That it is very pertinent to mention that appellant is at the top of seniority list of his cadre and his promotion is due, but the respondent Department without any fault on the part of appellant has punished the appellant under the newly amended (E&D) rules 2011. Copy of the impugned order is attached as annexureD.

- 5- That appellant feeling aggrieved from the impugned order dated 14-11-2012 filed Departmental appeal before the appellate authority, but the same was rejected by the concerned authority on no good grounds. Copies of the Departmental appeal and rejection orders are attached as annexure E and F.
- 6- That having no other remedy the appellant filed this service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 14-11-2012 and 28-1-2013 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegations have been served on the appellant which is mandatory under the newly amended (E&D) rules 2011.
- D- That no regular inquiry has been conducted while imposing the penalty of stoppage of 2 annual increments for two years.
- E- That no chance of personal hearing and personal defense has been given to the appellant while issuing the impugned order dated 14-11-2012.
- F- That the appellant has been punished on no fault on his part and inspite of sufficient documentary proofs and explanation the appellant has been punished by the respondent Department with malafide intentions.

G- That the respondent Department acted in arbitrary and malafide intention while issuing the impugned order dated 14-11-2012.

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore humbly prayed that the appeal of appellant may accepted as prayed for.

APPELLANT


SARDAR MUHAMMAD HAROON

THROUGH


NOOR MUHAMMAD KHATTAK

&


PIR IMAMUDDIN
ADVOCATES PESHAWAR

SHOW CAUSE NOTICE.

A- (5)

I, Ghulam Dastgir Akhtar, Chief Secretary, Govt:of Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government 'Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr.Muhammad Haroon, District Accounts Officer, Haripur (BPS-17) as follows:-

1. i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication No.SO(Estt)FD/1-26/2010-11/Inq; dated: 16-02-2012; and
- ii) On going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer:-

I am satisfied that you have committed the following acts / omissions specified in section-3 of the said rules:

- a) guilty of misconduct;

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Stoppage of two increments for two years. under rule 4 of the said rules.

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

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, 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.

5. A copy of the findings of the inquiry officer is enclosed.

(Ghulam Dastgir Akhtar)
Chief Secretary, Khyber Pakhtunkhwa,
(Competent authority)

Mr.Muhammad Haroon,
District Accounts Officer, Haripur.

ATTESTED

OFFICE OF THE DISTRICT ACCOUNTS OFFICER HARIPUR

B-6

No. DAO/HR/ADMN/2012-13/INQUIRY/873 Dated 17.09.2012.

To

The Section Officer(Estt-I)
Government of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

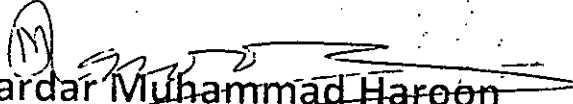
Subject: DISCIPLINARY PROCEEDING AGAINST SARDAR MUHAMMAD HAROON, DISTRICT ACCOUNTS OFFICER HARIPUR UNDER THE KHYBER PAKHTUNKHWA (E&D) RULES, 2011

Memo:

Kindly refer to your letter bearing No. SO(Estt)FD/1-26/2010-11/Inq./ dated 10.09.2012 on the subject cited above.

The Parawise reply to the Show Cause Notice is hereby submitted as desired, please.

(Encls. 26 pages)


Sardar Muhammad Haroon
District Accounts Officer
Haripur

ATTESTED

M-3
27-

PARAWISE REPLY TO THE SHOW CAUSE NOTICEA). Un-authorized payment of Rs.110012/- to Mst. Rukhsana Shaheen CT.

The undersigned ^{allowance of un} has not authorised payment to Mst. Rukhsana Shaheen CT, GGHSS KTS No.2 on account of arrear of her pay due to the reason that Pay Fixation Party of Accountant General, Khyber Pakhtunkhwa has allowed two advance increments on the basis of higher qualification of M.A. Photocopies of relevant pages of her service book are enclosed for ready reference as **Annexure-A**. The EDO (E&SE) Haripur has also accorded sanction duly approved by the DCO Haripur and allowed two advance increments for acquiring higher qualification vide their sanction bearing No. 3650-57 dated 28.04.2011; copy attached as **Annexure-B**. The case of Mst. Rukhsana Shaheen CT was submitted on Source-II duly signed by the DDO and was passed by the auditor concerned Mr. Khursheed Ahmad. No addition/alteration has been made in the office of the undersigned and the amount in question was transferred to her salary account maintained at the concerned bank.

The expenditure on this effect has been reconciled by the concerned DDO i.e. Principal GGHSS KTS No.2, which shows that DDO has admitted the expenditure on account of arrear of pay of the said CT Teacher showing that the DDO agreed upon the payment to the teacher concerned. Reconciled expenditure statement duly signed by DDO is attached as **Annexure-C**.

ATTESTED


The written statement of dealing senior auditor (Mr. Khursheed Ahmad) of DAO Haripur, which is clear to justify the claim/payment, is annexed herewith as Annexure-D. (8)

B). **Un-authorized release of Salary to Mst. Mehnaz Hafeez CT.**

The undersigned has not stopped the salary of Mst. Mehnaz Hafeez CT in the light of the decision of Peshawar High Court dated 06.05.2004, circulated through Accountant General, Khyber Pakhtunkhwa bearing endorsement No. 1 Cell/W.P No.116/03/Tahira Shagheer Dar/7097 dated 26.01.2010 which was received through Fax on 09.08.2011 from the Accountant General Khyber Pakhtunkhwa; copy attached as Annexure-E.

C). **Illegal Stoppage of Salary of EDO(E&SE) Haripur**

The Officer (Mr. Muhammad Riaz) was transferred from Mansehra to Haripur in the month of April, 2011. His Service documents were not received from the previous audit circle i.e. from DAO Mansehra. Only LPC was brought by the concerned officer by hand. In order to avoid financial hardships to the transferred officer, his pay was provisionally allowed. However, this office repeatedly requested DAO Mansehra (under intimation to the officer concerned) for transfer of service documents. In this connection, letter bearing No. GAD/DAO/HR/Edu/P-20 dated 06.08.2011 followed by a reminder of even number dated 22.10.2011 are enclosed for kind perusal as Annexure-F&G respectively. In response, the DAO, Mansehra provided a copy of audit register's Page of the concerned officer

ATTESTED

M3
Q.

Showing receipt of Service Documents & personal file by the officer concerned (Mr. Muhammad Riaz) himself on 23.04.2011 attached as **Annexure-H**, which revealed that he kept his service documents with him while these documents were the property of the audit office and he illegally kept with him for some ulterior motives. (9)
(8)

This office was, therefore, has to take action as required under Para-7 of Accountant General Khyber Pakhtunkhwa letter No.T-16(2-A)LPC/2007-08/4469 dated 17.03.2008, which lays down that "Pay of an officer may not be entertained beyond 3 months who's service documents are awaited". Copy of standing instructions of Accountant General Khyber Pakhtunkhwa in this regard contained in the above quoted memo is enclosed as **Annexure-I**. The written statement of the Senior Auditor (Waris Shah) is also annexed as **Annexure-J**.

It is further added that prior to above his salary was stopped in first instant by Khyber Pakhtunkhwa Service Tribunal vide No. 1455-58/ST dated 26.10.2011; copy attached as **Annexure-K**. Later on, the officer was transferred to Abbottabad as EDO(E&SE) in December, 2011 and his LPC was issued to DAO Abbottabad.

Keeping in view the above facts, I may kindly be exonerated from the charges leveled against me.

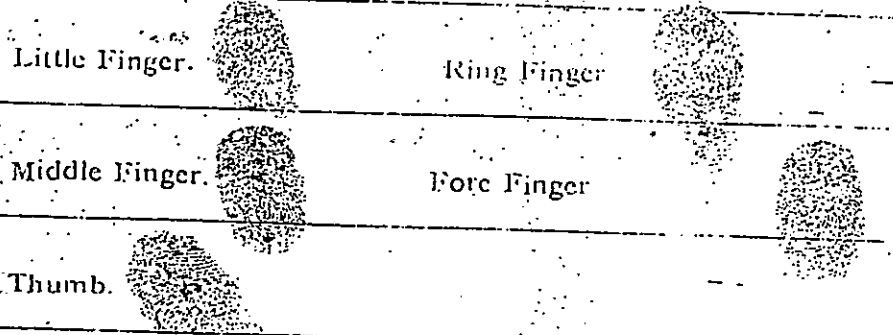
ATTESTED

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[Handwritten signature]
Sardar Muhammad Haroon
District Accounts Officer
Haripur

Note: The entries in this page should be renewed or re-attested at least every five years and the Form 97 of 19-1 should be dated.

1. Name *Rukhsana Shaheen Do Sub. Moh. Ahmad Jinnah*
2. Race *Awan*
3. Residence *Khalabat Township sector "4" Haripur*
4. Father's name and residence *Sub: Muhammad Kareem Khan
Khalabat Township Sector "4" Haripur*
5. Date of birth by Christian era as nearly as can be ascertained *(1-3-1965)
(1st February 1965 Six Five)*
6. Exact height by measurement *5-4*
7. Personal marks for identification *P. Black mole on left lower jaw*
8. Left hand thumb and finger impression of (non-gazetted) officer



9. Signature of Government servant *Rukhsana Shaheen*

10. Signature and designation of the Head of the Office, or other Attesting Officer.
R. Bees
M.A. G.S. S.
S. I. T. C.
Abbottabad

ATTESTED
[Signature]

11 11

- 1) Passed Matric (SSC) under Roll No 91981 obtaining Heirs, 361/550 from BISE Peshawar Session 1981. Result declared on 21-7-81
- 2) Passed F.A Exam under Roll No 1241 obtaining marks 537 out of 1100. Result declared on 1985
- 3) Passed CT Exam course from Govt. Agri. Technical College, Peshawar. Verification Roll No. 13-8-1987. Result declared on 13-8-1987.

R. Baqar
DM, G.O. No. 51100
Abbottabad

Left thumb-impression.

4) Passed B.A. Exam, from the University of Peshawar under R. No. 35916 obtaining marks 247/550, Session, 1995. Result declared on 17/3/1996. Division 2nd Session 1995.

Qualification,	Date	Qualifications	Date
English		First Arts	
Pashtu	Passed B. Edu (A) Exam 1997, from University of Peshawar under R. No. 3171. Obtained 506/1000. & placed in 1st division		
Urdu	Result Declaration Date 16/04/1998.	Pleadership examination	
Plan-drawing		Training School Peshawar Examinations School Khalebat Township (Haripur)	
Finger print		Other qualifications--	
Drill instructing	Passed M.A (under) Exam from the University of Peshawar under R. No. 22127 & obtained marks 504/1000 in 1st division Session, 1998. Result declared on 25-3-1999.		
Court duties			
Reserve duties	Passed M. Ed Exam: Spring 2003 from AIOU Islamabad under Roll No. L-621801. Sec 2. Marks placed C-grade. Result declaration date 20-3-2004		

Principal
G.G.H.S. Sector 2, R.V. No. 2
(Haripur)

Principal
G.G.H.S. Sector # 2
Khalebat Township (Haripur)

N.B—Line to be drawn under the qualification possessed.

ATTESTED

M
9.

• Under the...
 hereby under take to Refund EXCESS AMOUNT ON A/C
 of... MA in the Govt. I shall

(12)

1. Name of post 2. Whether substantive or officiating and whether permanent or temporary 3. State 4. (i) substantive appointment, or (ii) whether service charge for pension under Art. 371 C. S. R. 5. Pay in substantive post 6. Additional Pay for officiating 7. Other emolument falling under the term "pay" 8. Date of appointment Signature of Government servant	9. Signature of Govt. servant		
CT G. Hassan PR.	Temp./officiating 6730 7260	1 12 / 1 03	Rukhsana Shabeen
(MA) MA member 2007 OFFICE OF THE ACCOUNTANT GENERAL N.W.F. PESHAWAR. "PAY FIXED IN THE REVISED BASIC" PAY SCALES OF RS. 4350-350-14850 (15) AT RS 9950 With Next Increment on 1-12-2007	B-15-3750-350-12730 8050 8660	1 12 / 1 04	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	B-15-4350-350-14850 8355 8965	1 12 / 1 05	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	8660 9270	1 12 / 1 06	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	9950 10650	1 12 / 1 07	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	10300 11000	1 12 / 1 07	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	B-15-5720-420-17820 12360 13200	1 12 / 1 08	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	12780 13620	1 12 / 1 08	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	13200 14040	1 12 / 1 09	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	13620 14460	1 12 / 1 10	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	9950 10650	1 12 / 1 07	Rukhsana Shabeen
Accounts Officer Pay Fixation Peshawar	12360 13200	1 12 / 1 08	Rukhsana Shabeen

ATTESTED

(Signature)

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9	10	11	12	13		14	15
				Part	Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 4	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is admissible to another Government	Signature of the head of the office or other attesting officer	Reference to a record of sanction to benefit, award or praise of the Government Servant.
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/11/04	Allow	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)				
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/6/05	Scale Revised	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)				
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/11/05	Allow	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)				
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/11/06	Allow	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)				
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/6/07	Scale Revised	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)				
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/11/07	Allow	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)		Sanction of 12 days on full pay from 30-11-07 to 10-12-07 vide D.O. (E) & SE. 11/11/07 dated 14-12-07. Endst. No: 170P-1706 dt: 14-12-07.		
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/6/08	Scale Revised	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)				
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/11/08	Allow	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)				
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/11/09	Allow	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)		Granted Two ad hoc leave orders No. 3650-57 dt: 23/11/09		
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/11/10	Allow	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)				
Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)	30/11/11	Scale Revised	Principal G.G.H.S.S. Sec 2 K.T.S. (Haripur)				

ATTESTED

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2000
 OFFICE OF THE ACCOUNTANT GENERAL
 NWFP PESHAWAR
 PAY FIXED IN THE REVISED BASIC
 PAY SCALES 1

OF RS 5220-120-17820
 AT RS 12360 P.M.W.E.F. 1-07-2008
 With Next Increment on 1-12-2008

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SANCTION

As approved by the District Coordination Officer Haripur Sanction of two advance increments of the basis of acquiring higher qualification i.e MA/MSc-with all back benefits in respect of the following SET/CT/Qaria/PST teachers is hereby accorded from the date of declaration or result mentioned against each in the light of Govt. Khyber Pakhtunkhwa E&SE department Peshawar Notification vide No SO(PE)E&SED/Adv. Iner/09 Peshawar dated 28-07-2009, Finance Department notification No FD/PRC/1-1/89 dated 07-08-1991 and circular No FD/PRC/1-1/88 dated 11-08-1991 and Govt. of Khyber Pakhtunkhwa Finance Department Peshawar Notification vide No FD(SR-1)2123/2010 Peshawar dated 29-04-2010 and revised notification No.FD(SR-1)2-123/2010 dated 15-12-2010

S.No	Name	Desig:	School/Office	University	Roll No	D/O Result Declaration
1.	Mamuniz Begum	CT	G.G.H.S. R.T.S No.1 Haripur	Peshawar	22132	23-09-1995
2.	Fahsiah Shahwan	SET CT	G.G.H.S. Haripur	Peshawar	618	28-08-1994
3.	Nazakat Parveen	SET CT	G.G.H.S. Chentri	Peshawar	22413	28-10-1996
4.	Shahana Zeh	CT	G.G.H.S. Haripur	Peshawar	26312	08-10-1998
5.	Rukhsana Shahwan	CT	G.G.H.S. R.T.S No.2 Haripur	Peshawar	22127	28-08-1996

Note:-

Necessary entries to this effect should be made in her Service book according The teacher concerned who have not availed departmental permission for passing MA MSC examination is directed to apply for ex-Post facto sanction before the availing the benefits.

sd
Executive District Officer
Elementary & Secondary Education
Haripur

Dated : 28/4/2011

Enst No: 3650-57

Copy for information to the

1. District Accounts Officer Haripur.
2. District Coordination Officer Haripur for his approval.
3. Concerned Participant/Headmistress & Office File.

sd
District Officer Female
Elementary & Secondary Education
Haripur

ATTESTED

13/4

~~15~~
15

PHONE # 0995619205
NO. 12/0 DATE 1-6-2011

09 EDUCATION AFFAIRS AND SERVICES
002 SECONDARY EDUCATION AFFAIRS AND SERVICES
0021 SECONDARY EDUCATION AFFAIRS AND SERVICES
002101 SECONDARY EDUCATION AFFAIRS AND SERVICES

Expenditure statement for the month of MAY 2011. DDO Code HR-6100

Head of Accounts	Budget 2010-11	Expend. of this month	Previous Expend:	Expd: upto date	Excess	Balance
Ao1 Total Estt.Charges						
Ao11 Total Pay						
Ao1101 Pay of Officer	3601410	251160	2875467	3126627		474783
Ao1151-Pay of Estab:	3414180	370407	3558761	3929168	514988	
Ao1153-SPL Pay						
Ao1154-Pay of contract						
Ao12-Total allowance						
Ao12-Total Reg:allow:						
Ao1202-HRA	1252030	94916	1156544	1251460		570
Ao1203-Dearness Allow.15% 2006	582780	48392	546356	594748	19192	
Ao1207-Wash/Allow	1780	156	1930	2080	300	
Ao1208-Travel Allow	2000	126	1874	2006	132	
Ao1209-Spl/Ad/Allow:25%	275340	30700	244640	277995	3355	
Ao1217-Medical Allow:	1019860	77101	941379	1018480		1380
Ao1238-Charge allow:	1200		2193	2193	993	
Ao1253-ST Allow:	1890	200	1493	1693		197
Ao1244-Adhoc Relif 15% (2005)	442070	38594	417029	455623	13594	
Ao1202-Adhoc Relif 2009 1-16	1261180	100856	1189487	1290343	29156	
Ao1202-Adhoc Relif 2009 17-22						
AO 120X Adhoc Allow 2010	3523260	274486	3214952	3489438		33822
Ao1252-SAR 15% (2005)	441680	40495	416646	457141	15495	
Other						
Ao12AE-Integrated Allow	3600	300	4200	4500	900	
Ao12-2 Total other allow:						
Ao1274-Medical Charges						
Ao1278-Leave Salary	65000	2893	281921	284814		186
Ao3 Total Operating expenses						
Ao32 Total Communication						
Ao32-Total Utilities						
Ao3202-Telephone allow:	6500					6500
Ao3201-Postage & Telegraph	2000					2000
Ao3302-water Charges	7800					7800
Ao38- Total Travelling & Transport						
Ao3805-TA						
Ao3808-Convence Allow:	5000					5000
Ao39-Total General						
A13-Total Repair & Maintenance						
Ao3970-Other Cont'	5000					5000
Ao3955-Gardening	1000					1000
Ao3951-Stationery Charges	5000					5000
Ao1301-R/O Mech:	3000					3000
Ao1301- R/O Furn:	3000					3000
A-009 Petty Repair						
G.Total	1617610	1520895	1486782	16188708		

Submitted to 100 (F) E&S Edu: Haripur.
By 106-204

Verified Rs: 1320805

PRINCIPAL

ATTESTED

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Written Statement of Mr
Khusaid Ahmad Sr Auditor

I have verified the salary of Mst. Rukhsana Sheer of Govt. G.C.H.S. Sector 2, K.T.S. Harpur in the month of 1/11 for Advance increment by the department concern which was retained by ... due to non availability of ... Sanction of Complaint ... Fixation of pay fixation ... the letter on the same source was again submitted in the month of May/11 by the ... then DDO concerned along with ... of Bank of Teacher concerned after fulfillment of ... the case

ATTESTED

[Signature]

[Faint text]

The Concerned Teacher

The Pay was Mahang Jafar
ETC was not stopped due
to the instructions of worthy
A.G. KPK Peshawar / the
decision of Honorable Peshawar
High Court.

Submittal
Infantile

[Signature]
20/11/2011

Khanzid Ahmad
Sr. Adulation office
of S. D.A.O. H. pur

ATTESTED

[Signature]



Office of the
Accountant General

NWFP Peshawar

Phone: 091 9211250-54

18

No. L.Cell/W.P.No-116/03/Tahira Sagheer Dar/7077 Dated: 26/01/2010
To

1. All DAO/AOs
2. All DAGs
3. All AOs/AAG (Main)
4. All Pay Roll Sections

Subject: CUORT DECISION.

Please find enclosed a copy of Peshawar High Court decision in Writ
Petition No. 116 of 2003, by MS Tahira Sagheer Dar versus Govt of NWFP and others
for information and necessary action.

Assistant Accountant General (Legal-Cell)

ATTESTED

M
A

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No.116 of 2003

Tahira Sagheer Dar, Lecturer Urdu, Government Girls Degree College,
Gulshan Rehman, Kohat road, Peshawar-.....---petitioner

Versus

1. Govt of NWFP, Peshawar through Secretary higher education Department Peshawar.
2. The Director, Directorate higher education Govt of NWFP.
3. Deputy Director higher education.
4. Principle Government Girls college Gulshan Rehman colony, kohat road.
5. Accountant General NWFP, Peshawar cantt.....Respondents

WRIT PETITION UNDER ARTICLE 199
CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN

Respectfully sheweth,

1. That the petitioner is a lecturer in Urdu presently posted in Govt girls college Gulshan Rehman.

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, PESHAWAR

JUDICIAL DEPARTMENT

W.P No. 116 of 2003.

JUDGMENT

Dated of hearing 5-5-2004.6.5.2004

Petitioner.(Tahira Sagheer

TALAAT QAYUM QURESHI-J:-petitioner through the writ petition in hand has sought the annulment of order dated 9-1-2003 whereby respondent No.4 directed respondent No.5 to stop the monthly salary of the petitioner being illegal without lawful authority and without declaration.

2. S-M Antique shah the learned counsel representing argued that the petitioner was appointed as lecturer in Urdu is presently posted at Govt Girls Degree College Gulshan Rehman colony kohat road, Peshawar. In order to upgrade her education, she applied to respondent No.2 through respondent No.4 for grant of no objection certificate for taking admission in M. Phil in the subject of Urdu in the Department of Urdu, university of Peshawar. Her application was not forwarded by respondent No.4,however when she approached respondent No.1 directly, she was granted no objection certificate for admission in M. Phil classes at Peshawar University for three days in a week and vide letter No. SO(AB)HE/11-

TESTED

4/2002/NOC dated 7-10-2002 respondent No-2 was directed by respondent No-1 to even hire the lecturer from private fund in case of urgent necessity for that otherwise the work of the petitioner be assigned to some other lecturer during the said three days. After obtaining no objection certificate the petitioner took admission and started attending the classes in M. Phil in Urdu Department University of Peshawar which annoyed respondent No.4 who started teaching the petitioner by calling her explanation which are uncalled for and even vide letter No.346-50 dated 9-1-2003 she wrote to the accountant General NWFP Peshawar to stop the salary of the petitioner which is illegal and against the relevant rules.

3. On the other hand, Mr. Muhammad Saeed, the learned Addl. Advocate General representing the respondents when confronted _____ which law respondent No.4 had asked respondent No.5 to stop the monthly salary of the petitioner candidly conceded that there was no such law where under the salary of an incumbent could be stopped.
4. We have heard the arguments of the learned counsel for the parties at length and perused the available record.
5. The admitted position in the case in hand is that the petitioner was granted no objection certificate, by respondent No.1 vide letter No. SO(AB)HE/11-4/2002/NOC dated 7-10-2002, on the basis of which she took admission in M. Phil and starting attending classes at Peshawar University three days in a week. Respondent No.4 appears to have been annoyed with the permission granted by respondent No.1 without her recommendation. She made in a routing to call the explanation of the petitioner and did not spare a single opportunity to harass her not only by leveling allegations of being disobedient but also by showing her absent from duty. Instead of proceeding under the NWFP efficiency disciplinary rules 1973 which provide a full mechanism for proceeding against delinquent civil servant, she preferred to take the law into her own hands by addressing letter No.948 SO dated 9-1-2003 thereby asking respondent No.5 to stop the monthly salary of the petitioner. the action of respondent No.4 on the face of record is mollified unlawful and without jurisdiction as under no law rules or regulation the salary of the civil servant could be stopped. It is worth mentioning that petitioner have been given in rule (4) of the NWFP efficiency and discipline rules 1975, but neither in the minor penalty nor in the major penalty stoppage of salary has been provided.
6. It is really painful to note that the concerned officer of the accountant general NWFP did not bother to know as to whether respondent No.4 had any lawful authority to ask him for the stoppage of mentioned above was acted upon

ATTESTED



without taking pain to see legibility of such an order and not only the petitioner but also family member were deprived of their livelihood by the official of accountant General of NWFP.

7. The accountant General of NWFP is directed to issue directly to all the concerned officials to be carefully in future particularly before stopping the payment of salaries to the Government officials. Resultantly, we allow the writ petition in hand set aside the officer/letter dated 9-1-2003 written by respondent No.4 to respondent No.5 and direct respondent No._____ the salary of the petitioner immediately the same has not been paid to her till date. However, there shall be no order as to costs.

announce
6-5-2004

Sd/- Tallat Qayum Qureshi
Sd/- Qazi ehsanullah Qureshi
judges

ATTESTED

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FROM

FAX NO. 19211302

Aug. 09 2011 18:53:41 P2

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19

BEFORE THE PESHAWAR HIGH COURT PESHAWAR



W.P.No. 116 of 2003

Tahira Sagheer Dar, Lecturer,
Urdu, Govt. Girls Degree College,
Gulshan Rehman, Kohat Road, Peshawar. Petitioner
Versus

1. Govt of NWFP, Peshawar through
Secretary, Higher Education Dept,
Peshawar.
2. The Director, Directorate Higher
Education Govt of NWFP, Peshawar.
3. Deputy Director Higher Education,
4. Principal Govt Girls College,
Gulshan Rehman Colony, Kohat Road,
Peshawar.
5. Accountant General NWFP,
Peshawar Cantt. Respondents

WRIT PETITION UNDER ARTICLE 199
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

Respectfully Sheweth,

ADARIS EQ DAIR
Add: Registrar
21 JAN 2003

1. That the petitioner is a Lecturer in Urdu
presently posted in Govt Girls College Gulshan

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

No. 111 of 2005

JUDGMENT

Date of hearing: 5-11-2006 & 6-11-2006

Applicant: Wajid Ali (Fadhira Saqbaan Dept) By S.M. Atique Shah Advocate

Respondent: Govt. of Peshawar By Mr. Muhammad Saifullah Advocate

WAJID ALI QURESHI, I. - Petitioner through
the writ petition in hand has sought the annulment
of the order dated 9-1-2005 whereby respondent No.4
directed respondent No.2 to stop the monthly salary
of the petitioner being illegal, without lawful
authority and without justification.

2. S.M. Atique Shah, the learned counsel represen-
ting the petitioner, argued that the petitioner was
appointed as Lecturer in Urdu and is presently posted
at Government Girls Degree College, Gulshan Rahman
Colony Kohat Road, Peshawar. In order to upgrade her
Education, she applied to respondent No.2 through
respondent No.4 for grant of 'No Objection Certificate'
for taking admission in M.Phil in the subject of
Urdu in the Department of Urdu, University of
Peshawar. Her application was not forwarded by

ATTESTED
[Signature]
EXAMINER
Peshawar High Court

ATTESTED

[Signature]

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-2-

respondent No.4, however, when she approached respondent No.1 directly, she was granted 'No Objection Certificate' for admission in M.Phil Classes at Peshawar University for three days in a week and vide letter No.60(AB)HR/11-4/2002/NOC dated 7-10-2002 respondent No.2 was directed by respondent No.1 to even hire the Lecturer from private Fund in case of urgent necessity for that otherwise the work of the petitioner be assigned to some other Lecturer during the said three days. After obtaining 'No Objection Certificate' the petitioner took admission and started attending the classes in M.Phil in Urdu Department, University of Peshawar which annoyed respondent No.4 who started teasing the petitioner by calling her explanations which were uncalled for and even vide letter No.348-50 dated 9-1-2003 she wrote to the Accountant General NWFP Peshawar to stop the monthly salary of the petitioner which is illegal and against the relevant rules.

EXAMINER
Peshawar High Court

3. On the other hand, Mr. Muhammad Saeed, the learned Addl. Advocate General representing the respon-

ATTESTED

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agents, when confronted with the law
 respondent No.4 had asked respondent No.5 (ACUPH)
 to stop the monthly salary of the petitioner,
 candidly conceded that there was no such law
 whereunder the salary of an incumbent could
 be stopped.

4. We have heard the arguments of the
 learned counsel for the parties at length and
 perused the available record.

5. The admitted position in the case in
 hand is that the petitioner was granted 'No
 Objection Certificate' by respondent No.1 vide
 letter No.50(AB)HE/11-4/2002/NOC dated 7-10-2002,
 on the basis of which she took admission in
 M.Phil and started attending M.Phil Classes
 at Peshawar University three days in a week.
 Respondent No.4 appears to have been annoyed
 with the permission granted by respondent No.1
 without her recommendation. She made it a
 routine to call the explanation of the petitioner
 and did not spare a single opportunity to harass
 her not only by levelling allegations of being

Principal
of college

ATTESTED
EXAMINER
Peshawar High Court

ATTESTED

19/8

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FROM :

PRK NO. 151/0301

Aug. 03 2011 10:57AM P8

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-4-

disobedient but also by showing her absent from duty. Instead of proceeding under the NWFP Efficiency and Discipline Rules, 1975 which provide a full mechanism for proceeding against a delinquent civil servant, she preferred to take the law into her own hands by addressing letter No. 5 to respondent No. 4 thereby asking respondent No. 5 to stop the monthly salary of the petitioner. The action of respondent No. 4 on the face of record is mala fide, unlawful and without jurisdiction as under no law, rules or regulation the salary of the civil servant could be stopped. It is worth-mentioning that penalties have been given in Rule(4) of the NWFP Efficiency and Discipline Rules, 1975, but neither in the minor penalty nor in the major penalty stoppage of salary has been provided.

6. It is really painful to note that the concerned officer of Accountant General NWFP did not bother to know as to whether respondent No. 4 had any lawful authority to ask him for the stoppage of

ATTESTED

EXAMINER

ATTESTED

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-5-

mentioned above was acted upon without taking pain to see the legality of such an order and not only the petitioner but also her family members were deprived of their livelihood by the officials of respondent General NWFP.

7. The Accountant General NWFP is directed to issue directions to all the concerned officials to be careful in future particularly before stopping the payment of salaries to the Govt. officials. Resultantly, we allow the writ petition in hand, set aside the order/letter dated 9-1-2003 written by respondent No. 4 to respondent No. 5 and direct respondent No. 4 to release the salary of the petitioner immediately if the same has not been paid to her till date. However, there shall be no order as to costs.

Sd/ Feroze Ghayyur Ghureshi

Amended
6-5-2009

Sd/ Jaji Ehsanullah Ghureshi

Judge

No. 4673
Date Presentation of Application 22/8/09
No. of Pages 12
Copying Fee 1200
Urgent Fee 1400
Total 2600
Date of Preparation Copy 22/8/09

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorized Under Section 75 Act 1906

ATTESTED

M/ 4



OFFICE OF THE DISTRICT ACCOUNTS OFFICER HARIPUR

NO. GAD/DAO/IIR/EDU/P-20

Dated: 06.08.2011

25

To
The District Accounts Officer,
Mansehra

SUBJECT: - TRANSFER OF SERVICE DOCUMENTS IN R/O MR. MUHAMMAD RIAZ, E.D.O.

MEMO: -

The above named officer was transferred from the post of Principal GHSS Sherpur Mansehra to Executive District Officer, Elementary & Secondary Education Haripur and tookover charge on 01.03.2011 at Haripur.

Only his L.P.C. bearing your office No GAD/DAO/MAN/2010-11/P.511 dated 12.03.2011 was reached in this office. His service documents has not been received in this office so far.

It is requested that his Service Statement and Personal File also be sent to this office at an early date for completion of his service record.

o/c
(SARDAR MUHAMMAD HAROON)
DISTRICT ACCOUNTS OFFICER
HARIPUR

Copy of the above is forwarded to Mr. Muhammad Riaz Executive District Officer Elementary & Secondary Education Haripur for information with the request to make effort for transfer of service document.

o/c
(SARDAR MUHAMMAD HAROON)
DISTRICT ACCOUNTS OFFICER
HARIPUR

ATTESTED

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page 26

OFFICE OF THE ACCOUNTS OFFICERS HARIPUR
NO.GAD/DAO/HR/EDU/P-20

To

The district accounts officer,
Mansehra.

SUBJECT:-TRANSFER OF SERVICE DOCUMENTS IN R/O
MR.MUAMMAD E.D.O.

MEMO:- Kindly refer to this office letter No. GAD/DAO/HR/EDU/P-20 dated 06-08-2011 on the subject cited above.

The requisite documents i.e. service statement/ personal of the above named officer may please be sent to the office of the undersigned for completion of his service record.

(SARDAR MUHAMMAD HAROON)
DISTRICT ACCOUNTS OFFICER
HARIPUR

Copy of the above is forwarded to Mr. Muhammad Riaz E.D.O. Education Haripur with the request to get your service statement/ personal file transferred from District accounts officer Mansehra as the undersigned will not be able to pay salary for the month of 11/2011 in the terms of para-7 of the instruction contained in accountant General Khyber pakhtunkhwa Peshawar letter bearing No. T-16 (2-A) LPC /2007-08/4469 dated 17-03-2008.

(SARDAR MUHAMMAD HAROON)
DISTRICT ACCOUNT OFFICER HARIPUR

ATTESTED

7.

OFFICE OF THE DISTRICT ACCOUNTS OFFICER HARIPUR

NO. GAD/DAO/HR/EDU/P-20

Dated: 22.10.2011

To

The District Accounts Officer,
Manshra

SUBJECT: - TRANSFER OF SERVICE DOCUMENTS IN R/O MR.
MUHAMMAD RIAZ E.D.O.

MEMO: -

Kindly refer to this office letter No. GAD/DAO/HR/EDU/P-20, dated 06.08.2011 on the subject cited above.

The requisite documents i.e., Service Statement/ Personal File of the above named officer, may please be sent to the office of the undersigned for completion of his service record.

M
22/10/2011
n/c
(SARDAR MUHAMMAD HAROON)
DISTRICT ACCOUNTS OFFICER
HARIPUR

Copy of the above is forwarded to Mr. Muhammad Riaz E.D.O Education Haripur with the request to get your Service Statement/Personal File transferred from District Accounts Office Manshra as the undersigned will not be able to pay salary for the month of 11/2011 in terms of Para-7 of the instruction contained in Accountant General Khyber Pukhtunkhwa Peshawar letter bearing No. T-16 (2-A) LPC/2007-08/4469 dated 17.03.2008

M
20/11/2011
n/c
(SARDAR MUHAMMAD HAROON)
DISTRICT ACCOUNTS OFFICER
HARIPUR

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9/

Pay and Allowances

15-11-96 N.E.
16-11-96

Major Head of Amount
Minor " "
Detailed " "
Voted " "
Charged Non-Voted

58

27

216566

Audit No. 14-246 A-2: 11194/23/1411

DATE OF PAYMENT OF BILLS FOR THE MONTH OF

July	August	September	October	November	December	January	February	March	April	May	June
	OPR	OPR	OPR	OPR	OPR				OPR		
	30271-	30271-	30271-	30271-	31047				31,047/-		
					(1)	41354	41354	41354	41354		
	45662	45662	45662	45662	(2)	46731	46731	46731	46731	46731	46731
	PA	PA	PA	PA	(10) PA	PA	PA	PA	PA	PA	PA
	66003	66003	66003	66003	66728	66728	66728	66728	66728	66728	66728

PARTICULARS OF OBJECTIONS

Number of Voucher	Month of claims	Amount of objection	Number and date of reference	Particulars of adjustment	Date of admission or recovery	Particulars of correspondence
1775	12-12	1775	28595			
1780	12-12	1780	29267			
1290-150-2100-75-36-325-12	12-12	4459	Net 26,583			
75-160219-12-308-381	12-12	1423	Net 27,511			
1290-150-2100-75-36-325-12	12-12	(4658)	(32786)			
1780-5556-75-36-335-30	12-12	(8174)	(33180)			
1780-5556-75-36-335-30	12-12	(8214)	(37450)			
1780-5556-75-36-335-30	12-12	(8222)	(38509)			
1780-5556-75-36-335-30	12-12	(8493)	Net 57,570			
250-36-335-30	12-12	(2431)	Net 65247			

Received P.A.M.
M.M. Ghosh
Attested 23/11/11
M. Sajjad Shattak
Assistant A.C.S. Officer
old D.A.O. Banchora

PARTICULARS OF LEAVE AND POSTS

Date of order	Number of days	Rule under which leave is granted and kind of leave	Period granted			Initials of G.O.	Period of absence	Post and Station	Joining Time		Date from which				Initials of G.O.	Number and date of reference	Remarks	
			Y.	M.	D.				Admissible	Taken	Begins		Ends					
											Date	A.M. or P.M.	Date	A.M. or P.M.				

ATTESTED

27
/

OFFICE OF THE
ACCOUNTANT GENERAL
NWFP PESHAWAR
Phone No:091-9211250-54

No.T-16(2-A)LPC/2007-08/4469

To

- 1.All DAOs/ AAOs in NWFP.
- 2.Pay roll sections.
- 3.Deposit & Loan section.

Subject:- Service Documents/Personal File

I am directed to refer to the subject noted above and to say that most of the _____ Incomplete/ scattered either due to non supply to the concerned audit circle on the cvc of transfer of the other concerned in time some those unfortunately the profile of an officer is left over/missed from preparation of books of history of service of all gazetted officer for unknown reasons.

I am further decided to state that it has also been observed that at the time of transfer of the officer only LPC is issued to the audit office to whose jurisdiction the concerned officer is proceeded with the hope of subsequent transfer of service documents which some time remained dormant for long time of the officer is transferred to other audit circles particularly police department D.M.G. groups officers, although it is the also responsibility of the audit office to prepare and maintain the personal file of Gazette officer completed in all respects and at the time of transfer LPC along with S/documents are required to be sent to the concerned audit office, as well as all the officers are responsible to be well aware of the maintenance and completion of their personal files to avoid any misshape at any later stage. On the other hand it also the responsibility of the audit office who allows salary to those officers working under his audit circle and their service documents are awaited from any sister office to approach for providing S/documents of the concerned officer with possible shortest time and also inform the officer to make efforts for the transfer of his/ her S/ documents otherwise his/her further payments shall be discontinued.

I am further directed to mention here that such state of incomplete/scattered service documents create embarrassing situation particularly at the time of recruitment for the retiring officers bereaved families of the deceased officer who died in service. Therefore I am directed to request that the following points may kindly be adhered to strictly in letter in spirit to eradicate all further hindrance/difficulties and complaints from the retiring officers and families of the deceased officer at the time of finalization of all kind of pension cases:-

1. At the time transfer of an officer service documents in respect may be furnished to concerned audit office presently.
2. Issuance of separate LPC may be avoided.

ATTESTED

W3
92

3. LPC may be prepared on from containing space/ format of all sort of information pay and allowance last drawn, service statement dedications, leave, advances, recoveries, over payments etc.

4. It may be ensure this history of service of all officers operating/ working under your audit circle has been prepared/ carried out and intimated to main office for completion and in system.

5. It may also be ensured that service documents completed in all respect of all respect of all those officers serving under your audit jurisdiction are available in your office. In case of non receipt of S/documents to r/o an officer from an audit office appropriate action may be taken forth with in written as well as telephonically to get transfer the requisite documents.

6. Review the required from your office and transfer service documents of all audit officers duly completed in all respect to the concerned audit office forth with.

7. Pay of an officer may not be entertained beyond three months whose S/Documents are attached.

8. S/ Documents of all officers of advances against an office may be kept quite safe, alphabetically withdrawal number and page making showing page No. of relevant audit register.

9. Besides above top priority may be given to maintain clear and updated concerned long term advance and issue clearance certificate immediately on completion of requisite recoveries.

In this regard the against an officer may be ensured to intimate to the audit circle where he is performing his duties.

In this regard the debit/ credit balances of long term advances in r/o all those officers who already transferred from your end may be transferred without further loss of time to the concerned audit office.

In order to achieve the desired goals and avoid/ eradicate obstacles and hardships one idea is requested to be born in mind that each and every civil servant as treated as you like for your solves.

(MUKARAM KHAN)

ATTESTED





962
1-6-08

Office of the
Accountant General
NWFP Peshawar.
Phone: 091 9211250-54

~~28~~
28

No.T-16(2-A)/LPC/2007-03/4/69

Dated: 17.3.2008.

To,

1. All DAOs/AOs in NWFP.
2. Pay roll Sections.
3. Deposit & Loan Section.

Impd In Compliance
Wazir Shaha

Subject: Service Documents/Personal File.

I am directed to refer to the subject noted above and to say that most of the personal files of the officers remained incomplete/scattered either due to non supply to the concerned audit circle on the eve of transfer of the officer concerned in time. Some times unfortunately the profile of an officer is left over/missed from preparation of books of history of service of all gazetted officers for unknown reasons.

I am further directed to state that it has also been observed that at the time of transfer of an officer only LPC is issued to the audit office to whose jurisdiction the concerned officer is proceeded with the hope of subsequent transfer of service documents which some time remained dormant for long time when the officer is transferred to other audit circles particularly Police Deptt. D.M.G groups officers, although it is the sole responsibility of an audit office to prepare and maintain the personal file of Gazetted officers completed in all respects and at the time of transfer LPC along with S/ Documents are required to be sent to the concerned audit office; as well as all the officers are also responsible to be well aware of the maintenance and completion of their personal files to avoid any mishap at any later stage. On the other hand it is also the responsibility of the audit office who allows salary to those officers working under his audit circle and their service documents are

BY TYPE SECTION My documents will be notified

ATTESTED

13
9

29

awaited from any sister office, to approach for providing S/Documents of the concerned officer within possible shortest time and also inform the officer to make efforts for the transfer of his/her S/Documents otherwise his/her further payments shall be discontinued.

I am further directed to mention here that such state of incomplete/scattered service documents create embarrassing situation particularly at the time of retirement for the retiring officers and bereaved families of the deceased officers who died in service.

Therefore I am directed to request that the following points may kindly be adhered to strictly in letter and spirit to eradicate all future hindrance/ difficulties and complaints from the retiring officers and families of the deceased officers at the time of finalization of all kind of pension cases:-

1. At the time of transfer of an officer service documents completed in all respects may be furnished to concerned audit office promptly.
2. Issuance of separate LPC may be avoided.
3. LPC may be prepared on form containing space/format of all sort of information pay and allowance last drawn, service statement, deductions, leave, advances, recoveries, over payments etc.
4. It may be ensured that history of service of all officers operating/working under your audit circle has been prepared/carried out and intimated to main office for compilation and uploading in the system.
5. It may also be ensured that Service Documents completed in all respects in respect of all those officers serving under your audit jurisdiction are available in your office. In case of non receipt of S/Documents in t/o an officer from an audit office appropriate action may be taken forth with in written as well as telephonically to get transfer the requisite documents.

ATTESTED

[Handwritten signature]

30

- 6. Review the ~~work~~ ^{substantively transferred from your} year office and transfer service documents of all officers ^{of} duly completed in all respects to the concerned audit office forth with.
- 7. pay of an officer should not be entertained beyond 3 months whose S/Documents are awaited.
- 8. S/Documents of all officers may be kept quite safe, alphabetically with serial number and page marking showing page No. of relevant audit register. S.No. of file may also be recorded in the relevant page of audit register.
- 9. Besides above top priority may be given to maintain clear and updated record of long term advances and issue clearance certificate immediately on completion of requisite recoveries.

In this regard, debt balance of advances against an officer may be ensured to intimate to the audit circle where he is performing his duties.

In this respect, liability/credit balances of long term advances in r/o all those officer who already transferred from your end, may be transferred without further loss of time to the concerned audit office.

In order to achieve the desired goals and avoid/eradicate obstacles and hardships one has to be born in mind that each and every civil servant must be treated as you like for your selves.

[Signature] 28/3/05
 (DEPUTY SECRETARY (GENERAL))
 A.O. (CHARGE)

ATTESTED

[Signature]

IN AT THE OFFICE PAY OF THE MUHAMMAD RIAZ EDO-SE
HARIPURE

Respectfully I beg to state that on receipt is attached of five pay from the honestly regular Khyber Pakhtunkhwa Peshawar letter No. 1455-50/ST-11 of 2011, pay of the above mentioned officer was temperately of an activator for computer.

Order for suspension/ return of pay along with source for activation of pay of the officer was not received by me through provide assets of that officer in term, hence his pay remained in 11/ 2011.

Order for surplus of pay is attached vide letter No.148 by the registrar kpk service registrar Peshawar on 1-1-2011 along with service letter has been submitted by the officer vide 424.

It is further stated that the was transferred from Mansehra to Haripur on 1-3-2011 after submitted LPC for the pay and loan on his present file .

ATTESTED

Handwritten signature

EDU Educator H...
concerned that his salary was not credit to
his bank account for the month of May. Let
informed the facts about the subject case -

Mr. ...
officer

~~...~~
District Accounts Officer
Haripur 20/11/2011

See, Pay of ... Officer was stopped by the Hon Registrar Punjab
Service Tribunal Patna and letter No 1455-58/ST dt. 26.10.2011

Order for release of pay alongwith source form was not
received in this office for activation of pay.

Furthermore the officer took over charge as EDO Haripur
on 1.3.2011 and submitted accordingly EOC to this office. His
Personal file/ Service documents have not been received in this
office so far.

Under para 7 of A.G. & P.K. Patna letter No B-16(2-3)(L-1)
2007-08/4469 dt 17.3.2008 pay of an officer may not be
interbarred beyond 3 months unless certain documents are available

ATTESTED

[Signature]

[Signature]
20.12.2011

Calculation of Pay of the Retiree Reg. EDOE-SE, Mysore

Sir,

respectfully beg to state that on receipt of attachment order of pay from the Income Tax Officer, Bangalore (K. K. Suresh Babu) dated 14.5.58/58 of 10.10.2011, pay of the above named officer was temporarily discontinued in computer system.

Order for suspension/absence of pay alongwith source form for calculation of pay of the Officer was not received by me through post/direct route of this Office in time, hence his pay remained discontinued in 11/2011.

Order for suspension/absence of pay attached with letter No. EDOE-SE/139/11 dt. 1.11.2011 by the Income Tax Officer, Bangalore (K. K. Suresh Babu) alongwith source form has been submitted by this Office.

With effect from 10.10.2011, pay of the Officer is being treated provisionally as he has been transferred to the post EDOE-SE Mysore. It is further stated that the Officer was transferred from Mysore to Hosi Pur on 10.10.2011 and on 1.3.2011, he was

submitted LDC for attachment of pay and same was submitted to his personal file/Income Tax Officer which was receipt of

verbal and written intimations. Under para 7 of the

AG: NWFP Rules letter No. T. (L) 2. (B) / LDC / 2007-08 (Para 7) dt. 1.11.2011

pay of our Officer may not be discontinued beyond 3 months unless such documents are available but this Office has allowed pay for 3 months to avoid hardship.

ATTESTED

Wm. S. ...

07 Dec 2011

M
D

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1455-30/S1

Dated 26/11/2011

34

*w/shah write to the
concern bank for stoppage
of pay forthwith
M
31/10/11*

To,

1. The Secretary,
Govt. of Khyber Pakhtunkhwa,
(E&SE), Peshawar.
2. The Director,
Khyber Pakhtunkhwa,
(E&SE) Peshawar.
3. The District Account Officer,
Haripur.
4. The Executive District Officer(M),
Haripur.

Subject:- APPEAL NO. 678/2008 TANVEER AKHTAR VS SECRETARY (S&L)
PESHAWAR AND OTHERS.

I am directed to send the following order dated 17.10.2011 passed by this Tribunal on the above cited Appeal for strict compliance.

“Appellant with counsel, M/S Muhammad Bashir Ahmad, Supdt: for respondents No. 1,3,4 & 5 and Irshad Muhammad, S.O for respondent No. 2 with Mr. Tahir Iqbal, AGP present. EDO (M) Haripur is not present, and representative of the Education Department stated that he has been directed by D.O(M) Haripur to attend the court, but he has also appeared without the relevant record. Therefore, salary/pay of the EDO(M) Haripur is attached, and order of attachment be sent to the Secretary Education as well as Director Education, KPK and DAO Haripur for implementation, and compliance report positively by the next date. The EDO(M) Haripur be summoned again, in person, alongwith the requisite record for further arguments at Camp Court Abbottabad on 19.12.2011.

Sd---/xxx
MEMBER

Sd---/xxx
CHAIRMAN
Camp Court A/Abad.

M. A. Khan
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

ATTESTED

*13
9/11*

CPSS

Rajol:

To,

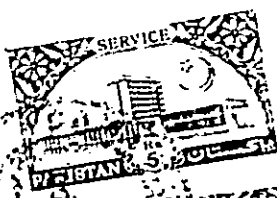
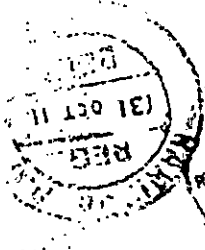
The Distt Account Officer

By

Haripur

T.S.N

326
PAKISTAN
PESHAWAR



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1470 /ST Dated 1-11 /2011

To,

- 1. The Secretary,
Govt. of Khyber Pakhtunkhwa,
(E&SE), Peshawar.
- 2. The Director,
Khyber Pakhtunkhwa,
(E&SE), Peshawar.
- 3. The District Account Officer,
Haripur.
- 4. The Executive District Officer, M.
Haripur.

Subject:- APPEAL NO. 678/2008 TANVEER AKHTAR VS SECRETARY (S&L) PESHAWAR AND OTHER

In continuation of this office letter No. 1455-58/ST, dated 26-10-2011, I am directed to say that the order of attachment of pay/salary is suspended/released in respect of Executive District Officer in the meantime.

[Signature]
REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Office of the Executive District Officer E & SE Haripur
Encl- No 14378 Dated 02-11-11

Copy of the above regarding release of salary of myself issued by the Registrar Khyber Peshawar Service Tribunal Peshawar is sent herewith with the remarks that if your office has issued any letter to any authority in c/w stoppage of my monthly salary that may be withdrawn with immediate effect as desired please.

To,
DISTRICT ACCOUNTS OFFICER
Haripur Dist.

[Signature]
Muhammad Riaz Swati
Executive District Officer
Elementary & Secondary Education
District Haripur

ATTESTED

[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Dated Pesh: the 14-11-2012.

OFFICE ORDER

No.SO(Est)/FD/1-26/2012/ WHEREAS Mr. Muhammad Haroon, the District Accounts Officer, Haripur was proceeded against the charges mentioned in the Charge Sheet and Statement of allegations dated 16-2-2012, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary Rules, 2011).

AND WHEREAS, the said officer served with the Charge Sheet/Statement of allegations under the said Rules also given an opportunity of personal hearing vide No.DS(FD)Inquiry DAO/2012 dated 07-03-2012.

AND WHEREAS, Inquiry officer Mr.Nadir Khan Rana, Deputy Secretary (PAC) Finance Department submitted his findings/inquiry report and recommended the imposition of minor penalty of withholding of two annual increments for two years under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary Rules, 2011).

AND WHEREAS, a show cause notice alongwith a copy of Inquiry report was served upon Mr. Muhammad Haroon, indicating the imposition of above penalty, and giving him the opportunity of showing cause.

NOW THEREFORE, the undersigned after going through the record and reply of show cause notice is satisfied that the charges against him are proved. Therefore, being competent authority in this case and in exercise of the powers conferred upon me under Rule-14 of the Khyber Pakhtunkhwa order the imposition of minor penalty of stoppage of two annual increments for two years falling on 01-12-2012 and 01-12-2013 on Mr. Muhammad Haroon, District Accounts Officer, Haripur.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Dated Pesh: the 14-11-2012.

No.SO(Est)/FD/1-26/2012/

Copy forwarded for information and necessary action to:-

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer, Haripur.
4. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
5. PS to Finance Secretary, Finance Department, Peshawar.
6. Mr. Muhammad Haroon, District Accounts Officer, Haripur

(Signature)
(MUHAMMAD AMAN)
Section Officer(Est-1)

ATTESTED

See Director's copy kindly
Director
16/11/12
17/11/12
19/11/12
E.No.O/Order/P-259

Before the Honorable Chief Minister
Khyber Pakhtoonkhwa,
Peshawar.

Subject: Appeal against the Chief Secretary Government of Khyber
Pakhtoonkhwa Finance Department Peshawar order Bearing
No. SO (Est.)/D/1-26/2012 Dated 14th November 2012
Regarding Minor Penalty Stoppage Of Two Annual Increments
Falling On 1.12.2012 & 1.12.2013.

Dear Sir,

Kind attention is drawn towards the subject cited order (Annex-A) whereby two annual increments falling on 1.12.2012 & 1.12.2013 have been stopped by the Chief Secretary in consequence of Inquiry Report (Annex-B) filed by Mr. Mohammad Nadir Rana Deputy Secretary (PAC) Finance Department KPK Peshawar as Inquiry Officer in the following allegations :-

ALLEGATIONS/CHARGEES

- A). Unauthorized Payment of Rs.112012.00 to Mst.Rukhsana Shaheen CT of GGHSS Sector No.2 KTS Haripur.
- B). Unauthorized Release of Salary to Mst.Mehnaz Hafeez CT.
- C). Illegal stoppage of salary of EDO E & SE Department Haripur.

It is submitted that reply to the aforementioned charges were submitted to the competent authority vide No.DAO/HR/ADMN/2012-13/Inquiry/873 dated 17.9.2012 (Annex-C) relating the findings/charges of preliminary/subsequent inquiry but was turned down without assigning any reasons. In order to clarify my position and to rebut the findings of inquiry officers in the aforementioned charges I submit my appeal one by one as under:-

ALLEGATION -A

The inquiry officer in para-1 of findings of inquiry report has stated that addition/alteration in the source form could not be proved as to whether it was made by the staff of DDO or DAO Haripur but missing of original record from DAO office and processing of source form without clearance from the section incharge strengthen the charge which also shows loose administrative control in the office. The inquiry officer in para-2 of findings of inquiry report has stated as long as recovery of Rs.110012.00 being unauthorized amount is concerned, the teacher concerned was entitled for the same amount under the prevalent rules and procedures and is not recoverable.

In this connection I am to submit that as long as addition/alteration in source forms/bills in Accounts Offices is concerned, it is a matter of course as most of the source forms/bills are presented by the DDOs with massive errors and irregularities due to their ignorance of rules. Such source forms/bills are rectified as per relevant rules/entitlement of the claimants by the dealing staff of Accounts Offices on the spot to avoid consecutive roaming for the purpose. As long as processing of source form without clearance from the section incharge is concerned, it is submitted that the District Accounts Officer being head of office and having vested with full powers is competent to handle/discharge a source

ATTESTED

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37

form or bill as per rules with or without clearance by his subordinate sectional superintendent or anybody else as a source form or bill attains validity over the signatures of DAO and not by his subordinates. Thus can not be termed as loose administrative control. On the other hand the amount so authorized by the undersigned has also been held valid by the inquiry officer and declared irrecoverable being admissible to the teacher concerned under the prevalent rules and procedures. In the light of above it has been established that changes in source forms by staff of DAO for the purpose of correction is practiced in most of the DAOs and is not objectionable while processing of source forms without section incharge or any other subordinate is within the powers of a DAO; thus the DAO is if satisfied about the validity of source/bill is empowered to honor or dishonour it exclusively. It is therefore submitted that the charge being baseless without having the force of law and irrelevant one is not tenable so may kindly be dropped.

ALLEGATION -B

The inquiry officer in findings of inquiry report has stated that viewpoint of accused officer (DAO) that the pay of Mst. Mehnaz Hafeez CT was not stopped in the light of Peshawar High Court judgment dated 6.5.2004 is not correct as the same criteria was not adopted in the case of three other officials included in the same source-2 form and their pay was stopped.

In this connection it is submitted that in fact personal number of Mst. Mehnaz Hafeez was not mentioned in the combined source form by the DDO concerned while the personal numbers of the rest of three employees were stood mentioned due to which the pay of those having personal numbers was stopped while pay of Mehnaz Hafeez CT could not be stopped due to non availability of personal number. The correspondence with the DDO concerned was underway for provision of her personal for the purpose that in the mean time Peshawar High court verdict dated 6.5.2004 received from the A.G's office (Annex-C) due to which her pay could not be stopped. It is imperative to mention that the reason to stop the salary of Mehnaz Hafeez, as per inquiry officer, was her recurrent absence from duty. It is worth mentioning here that stoppage of pay in willful absence cases is not covered as penalty or preventive measure under the Govt of KPK E&D Rules 2011 instead Rule-9 of the rules ibid stipulates a legal way-out for the needy authorities to be followed in letter & spirit instead of stoppage of pay. In the light of above it has been established that unauthorized request of DDO concerned regarding stoppage of pay of Mehnaz Hafeez was ultimately denied due to the Peshawar high court verdict's constraints which did neither caused any loss to public exchequer nor led to any sort of misconduct. The allegation being unjustified, illegitimate and immaterial one may therefore be dropped please.

ATTESTED

[Handwritten signature]

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(3)

ALLEGATION-C.

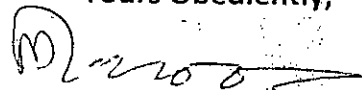
The inquiry officer in findings of inquiry report has admitted that stoppage of pay of EDO (E&SE) Department Haripur in accordance with AG's instructions dated 17.03.2008, is reasonable. He further states that the salary of said officer was later on released without production of personal file.

In this connection it is submitted that the officer was transferred to Abbottabad in December 2011 and the condition necessitating his pay stoppage (holding of service documents in his personal custody) stood ceased due to his transfer, thus his pay was authorized in order to close his accounts and to activate his further payments at DAO Abbottabad in his own personal interest. In the light of above it has been established that release of pay without production of personal file at the eve of his transfer in his personal interest was admirable and not objectionable. I therefore request that the allegation being unjustified one may kindly be dropped.

It is also pointed out that the inquiry report on the basis of which I have been penalized with penalty of stoppage of two annual increments and setting my entire career at stake with endless spots of misconduct does neither associate me with any irregularity/loss to public exchequer nor to any individual. This unjustifiable punishment has deprived me from my bright career acquired with endless efforts and day night hard work.

In the light of above it is prayed that the impugned order issued without having committal of any offence and without having the force of law may kindly be set aside and I may kindly be exonerated to meet the ends of justice please. It is also requested that chance of personal hearing may very kindly be granted to me to explain the factual position of the case.

Yours Obediently,



Sardar Mohammad Haroon

District Accounts Officer Haripur

(Appellant)

21/11/2012

Dated: 21st Nov: 2012

ATTESTED





F-40

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

No:SO(ESTT)FD/1-26/2012/

Dated Pesh: the 28-01-2013.

To

Mr. Muhammad Haroon,
District Accounts Officer,
Haripur.

Subject: DISCIPLINARY PROCEEDING AGAINST MR. MUHAMMAD HAROON,
DISTRICT ACCOUNTS OFFICER, HARIPUR (B-17) UNDER THE
KHYBER PAKHTUNKHWA (E&D) RULES, 2011.

I am directed to refer to your appeal dated 21-11-2012 on the subject noted above and to inform that competent authority has considered your appeal but has regretted the same.

(MUIHAMMAD AMAN)
SECTION OFFICER(ESTT-I)

F.No.1-1-13 (P/25)

ATTESTED

[Handwritten signature]

VAKALATNAMA

(41)

IN THE COURT OF KPK Service Tribunal Peshawar
28/2 OF 2013

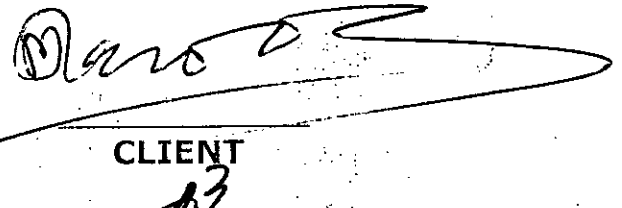
Sardar Muhammad Haroon (Appellant)
(Plaintiff)
(Petitioner)

VERSUS

Govt of KPK (Respondent)
(Defendant)

I/We Sardar Muhammad Haroon
Do hereby appoint and constitute NOOR MOHAMMAD
KHATTAK, Advocate, Peshawar 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. 28/2/2013.



CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9383141

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

An appeal No. 542/2013.

Sardar Muhammad Haroon, DAO District Haripur.

Appellants

VERSUS

- 1) The Govt: of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2) The Secretary to Govt:of Khyber Pakhtunkhwa, Finance Department, Peshawar.
- 3) The Accountant General, Khyber Pakhtunkhwa, Peshawar.....

Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT No.1, 2 & 3.

May it please this Honorable Tribunal.

The respondents very earnestly crave permission to plead their defense and seek the dismissal of the appeal, on following legal and factual scores, amongst others:

PRELIMINARY OBJECTIONS

1. That without prejudice to the foregoing, the appeal is bad in form, as well as, in substance.
2. That the appeal is not at all maintainable in its present form.
3. That the applicant neither has any locus standi nor a cause of action to approach this Honorable Tribunal.
4. That the applicant has tried to twist and bend facts to his own advantage and is seeking a relief precisely converse to the order of the competent authority.
5. That the petitioner has willfully withheld to disclose the true attending circumstances and correct picture of the matter in hand and has thus approached this Honorable Tribunal with sullied hands and is therefore disentitled to seek any remedy.

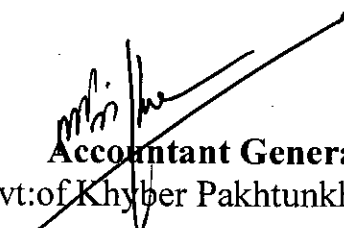
ON FACTS.

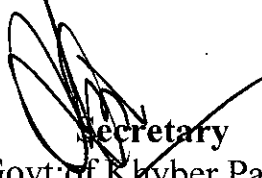
1. The applicant being senior Assistant Treasury Officer (BS-17) has been posted as District Accounts Officer (BS-18) in his own pay and scale as stopgap arrangement.
2. Correct.
3. Correct.
4. Incorrect. The punishment i.e. stoppage of two annual increments for two years has been imposed on the accused officer by conducting proper inquiry of the case as per prescribed procedure under the E & D rules, 2011.
5. Incorrect. Appeal of the accused officer was considered in light of relevant rules but the same was regretted as the accused officer has failed to provide any evidence in his defense which could prove his innocence.
6. No comments.

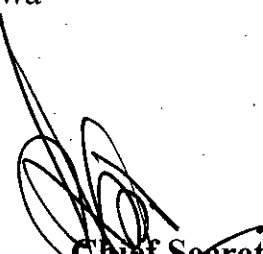
ON GROUND.

- A. Incorrect. The accused officer was given a fair chance and opportunity to refute the allegations / charges leveled against him but he failed to prove his innocence throughout the inquiry process. Therefore, he was awarded minor penalty by adopting the prescribed procedure.
- B. Incorrect. All the process of inquiry was completed by adopting the prescribed procedure in light of relevant rules.
- C. Incorrect. The charge sheet and statement of allegation were served upon the accused officer vide this department No.SO(Estt)FD/1-26/2010-11/Inq: dated 16-2-2012 (Annex-I). Copies of the Charge Sheet and Statement of allegation are at Annex-II & III, respectively. The appellant has replied to the said Charge Sheet & Statement of allegation under his signature vide No.DAO/HR/Admn/2011-12/108-109 dated 03-3-2012, Categorically referring the Charge Sheet served upon him vide No.SO(Estt)FD/1-2/2010-11/Inq dated 16-2-2012. Parawise reply of the Charge Sheet submitted by the accused officer are placed vide Annex-IV.
- D. Incorrect. Proper inquiry was conducted before imposing the penalty. Copy of the inquiry report is placed at Annex-V.
- E. Incorrect. The accused officer was personally appeared before the inquiry officer thrice i.e. on 12-3-2012, 13-3-2012 and 17-3-2012 Annex-VI.
- F. Incorrect. The accused officer was punished on the recommendation of the inquiry officer / committee on proof of charges / allegations leveled against him.
- G. Incorrect. The respondents acted in good faith and they have not acted arbitrary or with malafide intention.
- H. No comments.

In view of the above it is earnestly prayed that the appeal in hand being unlawful and without solid grounds may please be dismissed in limine.


Accountant General
Govt:of Khyber Pakhtunkhwa
(Respondent No.3)


Secretary
Govt:of Khyber Pakhtunkhwa
Finance Department, Peshawar.
(Respondent No.2)


Chief Secretary
Govt:of Khyber Pakhtunkhwa
(Respondent No.1)



GOVERNMENT OF KHYBER PAKHTUNKHWA

FINANCE DEPARTMENT

No:SO(ESTT)FD/1-26/2010-11/Inq:/

Dated Pesh: the 16-02-2012.

To

Sardar Muhammad Haroon,
District Accounts Officer, Haripur.

Subject:- DISCIPLINARY PROCEEDING AGAINST SARDAR MUHAMMAD HAROON, DISTRICT ACCOUNTS OFFICER, HARIPUR UNDER THE KHYBER PAKHTUNKHWA (E&D) RULES, 2011.

I am directed to refer to the subject noted above and to state that the competent authority has been pleased to appoint Mr. Nadir Khan Rana, Dy: Secretary (PAC), Finance Department, Peshawar as inquiry officer to conduct proper inquiry of the charges leveled against you in the Charge Sheet / Statement of allegation.

2. The Charge Sheet and Statement of Allegation in original duly signed by the competent authority are enclosed herewith for information.

3. You are therefore, directed to submit your written defense to the inquiry officer within stipulated period which shall not be less than 07 days and more than 15 days of the date of receipt of this letter.

4. Mr. Muhammad Aman, Section officer (Estt-I), Finance Department will assist the inquiry officer during the inquiry proceedings.

Encl: As above.

(MUHAMMAD AMAN)
Section Officer (Estt-I)

Endst: No & Date even.

Copy forwarded to:-

1. Mr. Nadir Khan Rana, Dy: Secretary (PAC), Govt: of Khyber Pakhtunkhwa, Finance Department, Peshawar along with copy of inquiry report, Charge Sheet and Statement of allegation for further proceedings.
2. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar.
3. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. PS to Finance Secretary, Khyber Pakhtunkhwa, Peshawar for information.

Section Officer (Estt-I)

Encl: 1-12 (P-28)

1-26-

③

CHARGE SHEET

Annex II

I, Ghulam Dastgir Akhtar, Chief Secretary, Govt: of Khyber Pakhtunkhwa as competent authority, hereby charge you, Sardar Muhammad Haroon, District Accounts Officer, Haripur, as follows:

That you, while posted as District Accounts Officer, Haripur committed the following irregularities:

- a) Un-authorized payment of Rs.110,012/- to Mst.Rukhsana Shaheen, C.T. on account of arrear of pay.
- b) Un-authorized release of salary to Mst.Mehnaz Hafeez, C.T.
- c) Illegal stoppage of salary of EDO (E&SE) Haripur.

2. By reasons of the above, you appear to be guilty of mis-conduct under rule 3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

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

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

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

6. A statement of allegations is enclosed.



(Ghulam Dastgir Akhtar)
Chief Secretary, Khyber Pakhtunkhwa,
(Competent authority)

I, Ghulam Dastgir Akhtar, Chief Secretary, Govt. of Khyber Pakhtunkhwa as competent authority, am of the opinion that Sardar Muhammad Haroon, District Accounts Officer, Haripur, has rendered himself liable to be proceeded against, as he committed the following acts / omissions within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATION

- a) Un-authorized payment of Rs.110,012/- to Mst.Rukhsana Shaheen, C.T. on account of arrear of pay.
- b) Un-authorized release of salary to Mst.Mehnaz Hafeez, C.T.
- c) Illegal stoppage of salary of EDO (E&SE) Haripur.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer / inquiry committee, consisting of following, is constituted under rule 10(1)(a) of the ibid rules:

- i) Mr. Malik Khan Rana JS (PAC) FD
- ii) _____

3. The inquiry officer / inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer / inquiry committee.



(Ghulam Dastgir Akhtar)
Chief Secretary, Khyber Pakhtunkhwa,
(Competent authority)

Annex. IV

Phone & Fax # 0995-615464

OFFICE OF THE DISTRICT ACCOUNTS OFFICER HARIPUR

NO. DAO/ HR/ ADMN/ 2011-12/ 108-109

Dated: 03.03.2012

To

The Section Officer (ESTT-I),
Government of Khyber Pukhtunkhwa,
Finance Department Peshawar

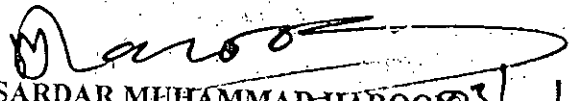
8

SUBJECT: - DISCIPLINARY PROCEEDING AGAINST SARDAR MUHAMMAD HAROON, DISTRICT ACCOUNTS OFFICER, HARIPUR UNDER THE KHYBER PUKHTUNKHWA (E&D) RULES 2011

MEMO: -

Kindly refer to your Charge Sheet bearing endorsement No. SO (ESTT) FD/1-26/2010-11/Inq: dated 16.02.2012 received on 23.02.2012 the subject cited above.

Para wise reply of the Charge Sheet prepared by the undersigned is hereby submitted as desired please.



(SARDAR MUHAMMAD HAROON) 03/03/12
DISTRICT ACCOUNTS OFFICER
HARIPUR

NO. DAO/ HR/ ADMN/ 2011-12/

Dated: 03.03.2012

Copy Forwarded To:

1. Mr. Nadir Khan Rana Deputy Secretary (PAC) Government of Khyber Pukhtunkhwa Finance Department Peshawar for information please.


(SARDAR MUHAMMAD HAROON)
DISTRICT ACCOUNTS OFFICER
HARIPUR

Encls.
(26)

To

The Section Officer (ESTT-I),
Government of Khyber Pukhtunkhwa,
Finance Department Peshawar

SUBJECT: - DISCIPLINARY PROCEEDING AGAINST SARDAR MUHAMMAD HAROON, DISTRICT ACCOUNTS OFFICER, HARIPUR UNDER THE KHYBER PUKHTUNKHWA (E&D) RULES 2011

MEMO: -

Kindly refer to your Charge Sheet bearing endorsement No. SO (ESTT) FD/1-26/2010-11/Inq: dated 16.02.2012 received on 23.02.2012 the subject cited above.

Para-wise reply of the Charge Sheet is hereby submitted as desired please.

- a) un-authorised payment of Rs.110,012/- to Mst. Rukhsana Shaheen, C.T. on account of arrear of pay

This office has not authorised unauthorized payment to Mst. Rukhsana Shaheen C.T on account of arrear of pay, due to reason that Pay Fixation Party of Accountant General Khyber Pukhtunkhwa Peshawar has allowed two advanced increments on the basis of higher qualification of MA photocopies of relevant pages of her Service Book are enclosed for ready reference please.

The Executive District Officer. (Elementary & Secondary) Education Haripur has also accorded sanction duly approved by the District Coordination Officer Haripur and allowed two advanced increments for acquiring higher qualification vide their Sanction NO. 3650-57 dated 28.04.2011 (Copy Attached).

The case of the Mst. Rukhsana Shaheen CT. of the Government Girls Higher Secondary School Sector # 2 K.T.S Haripur was submitted in this office duly signed and stamped by the concerned DDO on proper Source-II form along with her Original Service Book which was processed by the concerned Auditor and the amount in question was transferred to her own account in the concerned bank.

The expenditure to that effect has also been reconciled by the concerned institution on proper Expenditure Statement duly signed & stamped by the DDO Concerned of the institution Copy of the Expenditure Statement is also enclosed please.

Annex IV

The written statement of the dealing Auditor of this office is also submitted which is clear to justify the claim (copy enclosed)

b) Un-authorized release of salary to Mst. Mehnaz Hafeez, C.T

This office has not stop the salary of the Mst. Mehnaz Hafeez C.T in the light of the decision of the Peshawar High Court dated 06.05.2004, circulated through Accountant General Khyber Pukhtunkhwa Peshawar bearing endorsement No. L.Ceil/ W.P. No-116/03/Tahira Sagheer Dar/7097 dated 26.01.2010 (Copy Attached) and under the instruction of Accountant General Khyber Pukhtunkhwa Peshawar letter No.h-24(79)/Karak/Vol-VII/1697 dated 17.04.2000 (Copy Attached)

c) Illegal stoppage of salary of EDO (E&SE) Haripur

In the first instant the pay of the EDO (E&SE) Haripur was stopped by the Auditor concerned of this office under the instructions of Services Tribunal Peshawar letter No. 1455-58/ST dated 26.10.2011. Later on the pay was not released by the Auditor concerned under the instruction of Para-VII of Accountant General Khyber Pukhtunkhwa Peshawar letter No. 16(2-A)/LPC/2007-08/4469 dated 17.03.2008 (Copy attached) the copies of the written statement of Auditor concerned/Assistant Accounts Officer of the Section are also enclosed for ready reference please. This office has also informed the concerned officer to furnish his Service documents as desired by worthy Accountant General Khyber Pukhtunkhwa Peshawar vide this office letter No. GAD/DAO/HR/EDU/P-20 dated 06.08.2011 and letter No. GAD/DAO/HR/EDU/P-20 dated 22.10.2011 but no response to that, has been received from the concerned officer and his service documents/Personal File was not submitted in this office. Photocopies of both the letters are also submitted please. However the pay of the officer was released due to his transfer from Haripur to Abbotabad in the month of 12/2011 on the production of Source-II by EDO(E&SE) Haripur copy of Source-II duly signed by EDO (E&SE) Haripur (Copy of Source-II Attached)

Keeping in view the above true picture which is based on facts I may kindly be exonerated from the charges leveled against me.


(SARDAR MUHAMMAD HAROON)

DISTRICT ACCOUNTS OFFICER

HARIPUR

INQUIRY REPORT.

Annex V

BACKGROUND.

Mr. Muhammad Haroon, District Accounts Officer, Haripur (BPS-17) was proceeded under the Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules, 2011, the Chief Secretary, Govt: of Khyber Pakhtunkhwa being the competent authority has appointed the undersigned as Inquiry Officer to conduct the inquiry. The Administrative Department served the statement of allegation and Charge Sheet duly signed by the competent authority to the accused officer with a copy along with inquiry report to the inquiry officer vide letter No.SO(Estt)FD/1-26/2010-11/Inq: dated 16-2-2012, wherein the accused officer was directed to submit his written reply to the inquiry officer not less than seven days and more than fifteen days of the date of receipt order (Annex-I).

2. As per statement of allegation and charge sheet the following allegations/charges were leveled against the accused officer (Annex-II):-

- a) **Un-authorized payment of Rs.110,012/- to Mst.Rukhsana Shaheen, C.T. on account of arrear of pay.**
- b) **Un-authorized release of salary to Mst.Mehnaz Hafeez, C.T.**
- c) **Illegal stoppage of salary of EDO (E&SE) Haripur.**

PROCEDURE.

The accused officer submitted his written reply on 3-3-2012 (Annex-III), the accused officer was then directed to appear before the inquiry officer on 12-3-2012 (Annex-IV), accordingly he appeared before the inquiry officer on 12-3-2012, 13-3-2012 and 17-3-2012. Section Officer (Estt-I), Finance Department was also appeared on the above mentioned dates on behalf of the Finance Department with relevant record, being prosecuting department.

As directed by the competent authority to re-visit the inquiry report, the accused officer was directed to attend the office of the undersigned on 25-06-2012 with relevant documents/record of the case. In compliance he attend the office of the under signed on 25-6-2012. The charges / allegations leveled against him in statement of allegation / charge sheet have been discussed in detail with him in the presence of Departmental representative S.O.(E-I), Finance Department. On the request of accused officer a copy of preliminary inquiry report handed over to him and asked him to furnish his reply in light of the preliminary inquiry report by 02-7-2012.

The accused officer submitted his 2nd reply on 02-7-2012 vide Annex-V which have been examined / compared with his first reply as well as with preliminary inquiry report.

Annex V

Documents perused by the inquiry officer.

- i) Complaint filled by EDO (E&SE) Haripur vide letters No.14003 dated 18-10-2011 and No.15263-66 dated 01-12-2011 (Annex-VI & VII), respectively:
- ii) Written replies of the accused officer (Annex-III & V).
- iii) Report of fact finding inquiry committee conducted by Mr.Masood Khan, D.S.(Reg-II), Finance Department, Mr.Sharif Gul, Director (F&A) Directorate of (E&SE) and Mr.Muhammad Ibrahim HR Expert/Resource person o/o A.G. Peshawar (Annex-VIII).

4. The charges / allegations leveled against the accused officer vide statement of allegation / charge sheet have been observed one by one.

a) **Unauthorized payment of Rs.110,012/- to Mst.Rukhsana Shaheen, C.T.**

The charges of additions/alterations in the source 02 Form submitted by Principal GGHSS Sector No.2 KTS Haripur in r/o Mst.Rukhsana Shaheen, C.T. have been examined in light of report of the fact finding inquiry committee and reply of the accused officer and questions / answers with the accused officer during the inquiry procedure and observed that source-2 form signed by the DDO and honored by the DAO after addition / alteration are the same. However, it has not been proved that either addition / alteration was made by the subordinate staff of DAO Haripur or by the lower staff of the concerned school DDO. The accused officer also provide written statement of concerned Auditor wherein he stated that source-2 form was received alongwith original service book of the teacher concerned, according to which two advance increment was authorized by the pay fixation party of the Accountant General Khyber Pakhtunkhwa and sanction of which was accorded by the EDO (E&SE) Haripur on the approval of DCO Haripur was processed as per rules / procedure and payment of arrears were made through her bank account.

FINDINGS.

Though it is not proved from the above discussion that either addition / alteration has been made by staff of DDO or the DAO Haripur, however missing of original record from the DAO office and processing of source forms without clearance from the section incharge strengthen the charges leveled against the DAO which also shows loose administrative control in the office.

So far as the recovery of unauthorized amount of Rs.110,012/- is concerned it is stated that the teacher concerned was entitled for the said amount as the pay fixation party of A.G. office has authorized the teacher to draw the same while the competent authority has also accorded sanction in favour of the said teacher so if the overdrawn amount recovered from her the same will be paid again to her because she is entitled to draw the same.

b) Unauthorized release of salary to Mst.Mehnaz Hafeez, C.T.

The charges for non stoppage of salary of Mst.Mehnaz Hafeez, C.T. by the DAO Haripur inspite of reiterated submission of source-2 forms for continuous absent of duty have been examined in light of available record and questions / answers with accused officer. During the proceeding the accused officer provide original source-2 form submitted by the District Officer (F)/DDO for stoppage of salaries of 04 officials for the months of 04/2011, which shows that personal No. of Mst.Mehnaz Hafeez, C.T. at S.No.1 has not been recorded due to which her salary was not stopped while the salaries of the remaining 03 officials was stopped. For non-stoppage of salary of said teacher for the months of 8 & 9/2011 the accused officer has stated in his written reply that her salary was not stopped in light of Peshawar High Court Peshawar decision dated 06-5-2001 circulated by the Accountant General, Khyber Pakhtunkhwa vide letter No.L.Cell/ W.P.No.116/ 03/Tahira Sagheer Dar/7097 dated 26-1-2010 and instructions circulated vide letter No.h.24 (79)/Karak/Vol-VII/1697 dated 17-4-2000 vide Annex- IX & X, respectively.

FINDING.

The view point of the accused officer that pay of Mst. Mehnaz Hafeez was not stopped in light of Peshawar High Court judgment dated 06-5-2004 is not correct, as the same criteria was not adopted in the case of 03 other officials included in the same source-2 form vide Annex-XI and their pay was stopped.

c. Illegal stoppage of salary of EDO (E&SE) Haripur.

The charges of illegal stoppage of salary of EDO (E7SE) Haripur have also been examined in light of available record i.e. facts finding inquiry report, reply of the DAO Haripur and documents provided by the accused officer, during inquiry procedure the accused officer has stated in his written reply that the pay of EDO (S&SE) Haripur for the month of 10/2011, was stopped and released on the orders of Khyber Pakhtunkhwa Services Tribunal while the pay for the month of 11/2011 was stopped on the instruction of the Accountant General Khyber Pakhtunkhwa circulated vide No. T.16(2-A) LPC-2007-08/4469 dated 17/3/2008 due to non-submission of service documents by the EDO (E&SE) Haripur which was received by him personally from the DAO Mansehra and kept in his personal custody illegally which are record of the DAO Haripur and inspite of reiterated request he does not submit the same.

FINDINGS:

Plea of the accused officer that pay of EDO (E&SE) Haripur was stopped in light of A.G's instructions circulated vide No.T-16(2-A)LPC/2007-08/4469 dated 17-3-2008 (Annex-XII) is reasonable, as EDO (E&SE) Haripur has kept his personal file under own custody which is the property of DAO office Haripur. However, the salary of the said officer was released later on without production of personal file.

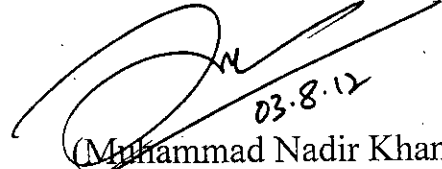
CONCLUSION

In light of above it is concluded that despite being given a fair chance and the opportunity to refute the findings of the preliminary inquiry report, the accused officer has failed to provide any evidence in his defence which could prove his innocence.

RECOMMENDATIONS

In view of above the findings it is recommended that Sardar Muhammad Haroon, District Accounts Officer, Haripur may be awarded the following:-

Withholding of two annual increments for two years.


03.8.12
(Muhammad Nadir Khan Rana)
Deputy Secretary (PAC)
Finance Department,
Khyber Pakhtunkhwa
(INQUIRY OFFICER)



GOVERNMENT OF KHYBER PAKHTUNKHWA

FINANCE DEPARTMENT

No:SO(ESTT)FD/1-26/2012/

Dated Pesh: the 25-6-2012.

To

The Director,
Treasuries & Accounts,
Khyber Pakhtunkhwa, Peshawar.

Subject: - VERIFICATION OF TOURS.

Kindly refer to your letter No. 1-59/DT&A/08/Verification/TA/HR dated 20-6-2012 on the subject noted above.

It is certified that Mr.Muhammad Haroon, District Accounts Officer, Haripur has attended the office of the inquiry officer viz Mr.Nadir Khan Rana, Deputy Secretary (PAC), Finance Department in connection with inquiry proceedings on the following dates:-

<u>Sl. No.</u>	<u>Dates</u>
1.	06-03-2012.
2.	12-03-2012.
3.	13-03-2012.
4.	17-03-2012.
5.	21-03-2012.

(Signature)
(MUHAMMAD AMAN)
Section Officer (Estt-I)

(Signature)
25/6-12012

(Signature)
SO (Estt-I)
F.D.



DIRECTORATE OF TREASURIES & ACCOUNTS

No. 1-59/DT&A/08/Verification/T. A./HR
Dated Peshawar the 20-06-2012

To

✓ The Section Officer (Estt-I),
Government of Khyber Pakhtunkhwa,
Finance Department, Peshawar

Subject:

VERIFICATION OF TOURS

Please refer to the subject noted above.

Mr. Muhammad Haroon, District Accounts Officer, Haripur has submitted his T. A. bills for the tours/visits made in connection with attendance of office of Deputy Secretary (PAC), for inquiry purpose during 03/2012, as per detail given below:

S. No.	Date of Tour		Period of Stay	Purpose of Journey
	From	To		
1-	05-03-2012	07-03-2012	02 days	Attended O/o Deputy Secretary (PAC) for submission of Inquiry Report
2-	11-03-2012	14-03-2012	03 days	--- do ---
3-	16-03-2012	18-03-2012	02 days	Attended O/o of Deputy Secretary (PAC) for enquiry
4-	20-03-2012	22-03-2012	02 days	--- do ---

It is pertinent to mention here that no attendance certificate/ invitation letter by the Deputy Secretary (PAC) for attending inquiry has been attached with the bills, while, prior permission for leaving the station has also not been obtained from this Directorate.

In view of the above, it is requested that above mentioned tours of the District Accounts Officer, Haripur may kindly be verified and intimated to this Directorate, for further necessary action.

1-7-12
1-2-2012 Reply submitted in person
12-3-2012
13-3-2012
17-3-2012
20/21/2
2/11
1-26

Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa

Treasury Block, District Courts Compound, Behind Jamia Masjid, Khyber Road, Peshawar Phone & Fax: 091-9211856
D:\DT&A\1-59\verification of tours of DAO, HR. fwd to SO (E-1). FB - 21062012.doc

Check verify from record/inquiry file
AC&A
2/6

D. 20/6/12

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 542/2013

**SARDAR MUHAMMAD
HAROON**

VS

GOVT: OF KPK

REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO THE REPLY SUBMITTED BY
THE RESPONDENTS

R/ SHEWETH:
PRELIMINARY OBJECTIONS:

(1 TO 5):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection.

ON FACTS:

- 1- Admitted correct by the respondent hence need no comments.
- 2- Admitted correct by the respondent hence need no comments.
- 3- Admitted correct by the respondent hence need no comments.
- 4- Incorrect and not replied accordingly. That the respondent Department without probe into the inquiry straight away imposed minor punishment of two annual increments for two years, without any fault on the part of appellant.
- 5- Incorrect and not replied accordingly. That the Departmental appeal of the appellant has been rejected by the concerned authority on no good grounds vide order dated 28.1.2013.
- 6- Admitted correct hence denied.

GROUND:
(A TO H):

All the grounds of main appeal of the appellant are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless. That the impugned orders dated 14-11-2012 and 28-01-2013 are against the law, facts, norms of natural justice and materials on records hence not tenable and liable to be set aside. That no charge sheet and statement of allegations have been served on the appellant which is mandatory under the new amended (E&SD) rules 2011. Moreover no regular inquiry has been conducted in the matter of appellant while imposing the penalty of stoppage of 2 annual increments for two years. That the appellant has been punished on no fault on his part and inspite of providing sufficient documentary proofs and explanation to the respondent Department the appellant was punished by the respondent Department.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT



SARDAR MUHAMMAD HAROON
THROUGH:



NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 542/2013

**SARDAR MUHAMMAD
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VS

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(1 TO 5):

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- 2- Admitted correct by the respondent hence need no comments.
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- 5- Incorrect and not replied accordingly. That the Departmental appeal of the appellant has been rejected by the concerned authority on no good grounds vide order dated 28.1.2013.
- 6- Admitted correct hence denied.

GROUND:
(A TO H):

All the grounds of main appeal of the appellant are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless. That the impugned orders dated 14-11-2012 and 28-01-2013 are against the law, facts, norms of natural justice and materials on records hence not tenable and liable to be set aside. That no charge sheet and statement of allegations have been served on the appellant which is mandatory under the new amended (E&SD) rules, 2011. Moreover no regular inquiry has been conducted in the matter of appellant while imposing the penalty of stoppage of 2 annual increments for two years. That the appellant has been punished on no fault on his part and inspite of providing sufficient documentary proofs and explanation to the respondent Department the appellant was punished by the respondent Department.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT



SARDAR MUHAMMAD HAROON
THROUGH:



NOOR MUHAMMAD KHATTAK
ADVOCATE