


FORM OF ORDER SHEET

Court of _____

Appeal No. 507/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/04/2024	<p>The appeal of Mr. Shaukat Rehman resubmitted today by Mr. Nasir Mehmood Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 17 .04.2024. Parcha Peshi given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Shaukat Rahman received today i.e on 01.04.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent no. 2 is incomplete be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of departmental appeal against the impugned order dated 25.11.2020 is not attached with the appeal be placed on it.
- 3- Page nos. 19, 43 to 51 of the appeal are illegible/be replaced by legible/better one.

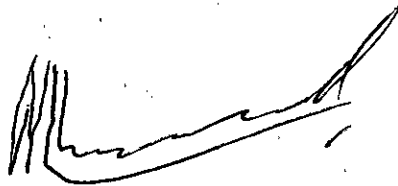
No. 723 /S.T,

Dt. 02/04 /2024.


2/4/24
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Nasir Mehmood Adv.
High Court Peshawar.

*Resubmitted After doing
the need full.*



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 507 /2024

Shaukat Rahman, Superintending Engineer (H/Q) O/O
Chief Engineer (East), Phed, Peshawar.....**Appellant**

V E R S U S

The Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....**Respondents**

I N D E X

S.No.	Description of Documents	Annex	Pages
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3.	Addresses of the Parties		15
4.	Copy of the judgment of the Supreme Court is attached as annexure A	A	16- 20
5.	Copy of order sheet dated 06.12.2016	B	21
6.	Copy of letter dated 29.12.2016	C	22
7.	Copy of Order dated 08.03.2023	D	23 - 24
8.	Copy of the relevant pages 1,2,12,13, 54 &55	E	25 -33
9.	Copy of Order dated 25.11.2020	F	34
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Through


Appellant


Nasir Mehmood

Advocate Supreme Court

Dated ___/03/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 507 /2024

Shaukat Rahman, Superintending Engineer (H/Q) O/O
Chief Engineer (East), Phed, Peshawar.....**Appellant**

V E R S U S

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. Govt. of Khyber Pakhtunkhwa through Secretary Public Health Engineering Department, Khyber Road, Peshawar

.....**RESPONDENTS**

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974,
AGAINST THE IMPUGNED ORDER OF
RESPONDENT NO.2 DATED 14.03.2024,
WHEREBY THE APPELLANT WAS DIRECTED TO
SUBMIT HIS APPEAL TO THE COMPETENT
AUTHORITY (APPELLATE AUTHORITY) WHICH
WAS FILED AGAINST THE ORDER DATED
25.11.2020 VIDE WHICH MAJOR PENALTY OF
REDUCTION OF LOWER POST FOR A PERIOD OF
1 YEAR IMPOSE UPON THE APPELLANT.**

PRAYER:

By accepting this appeal, the impugned order dated 14.03.2024 passed by the respondent No.2 and 25.11.2020 passed by respondent

No.2 may kindly be set aside, consequently the appellant may please be promoted to BPS-19 from 04.08.2021 when other colleagues/juniors were promoted without any conditionality with all back benefits.

Respectfully Sheweth:

1. That the appellant is a civil servant working in Public Health Engineering Department, Khyber Pakhtunkhwa since February, 1995 selected on merit, after qualifying Public Service Commission, KPK, as Assistant Engineer (BS-17). During the long tenure of 28 years, the appellant rendered services against various positions/appointments with the sense of devotion, commitment and delivered effectively. Being highly motivated and pro-active officer of PHED, the dedication and commitment has always been eulogized by seniors, reflected as their remarks in yearly Performance Evaluation Reports. During the entire service, the appellant performed duties at the remote stations of Kohistan, Battagram and Hangu but never influenced superiors through political elements for any choice postings and always remained upright against all odds.

2. That, the august Supreme Court of Pakistan in Suo Moto Case No. 17/2016 had noticed that in terms of Section-25(a) of NAB Ordinance, the NAB authorities after issuance of call up notices suggest to the accused that they may opt to come forward with the offer of voluntary return of the amount that have allegedly been acquired or earned illegally by them. Section-25(a) ibid empowers the Chairman NAB to accept such voluntary returns (VR) made by the accused persons; the amount is deposited with NAB in installment at the discretion of Chairman NAB. The Supreme Court also noticed that on payment of certain portion of the amount, such person is given clean chit by NAB to re-join his job. In view of the position, petition was instituted to examine the vires of Section-25 (a) ibid vis -a-vis the un-bridled power of Chairman NAB to accept the offer of VR from a person regardless of the size of amount by any mode adopted at his discretion, which falls within the domain of the judiciary, hence the matter was placed before the Chief Justice of Pakistan, who directed to fix the matter in court treating it as a petition under article 184(3) of the Constitution. **(Copy of the judgment of the Supreme Court is attached as annexure A).**

3. That keeping in view the position mentioned above, in the first place, such Suo Moto was targeted against Section-25 (a) of the NAB Ordinance and not against any individual civil servants. On submission of details, the court ordered vide order sheet dated 06-12-2016 **(Annexure-B)** to conclude departmental proceedings against officials who have entered into voluntary return, however **no final order of removal from service shall be passed against any of the officials, who have entered in to the voluntary return, if the amount of the VR paid him is less than 25 lacs.** Keeping in view the above order sheet, Secretary Law vide his letter dated 29-12-2016 addressed to the Secretary Establishment had construed in last para of such letter that no final order of removal from service shall be passed against officers till further order/decision of the Supreme Court in the mentioned case SMC No. 17/2016, however the words till further order is not mentioned in the said judgment. To make it more clear, till further order, as mentioned in the letter dated 29-12-2016 **(Annexure-C)** of Law Department would mean till decision of the issue of Section-25 (a) of the

NAB Ordinance and till the time, departments were restrained from any adverse action against defaulting officials inspite of conclusion of departmental proceedings against them, as the issue of section 25(a) could be decided either way and in case it was decided in favour of Section-25 (a), the adverse action taken would be bad in such a situation, hence adverse action was restrained till final decision of the case.

4. That in order to make it clear the appellant along-with other officials of the different departments all over Pakistan filed CMAs No. 339/2017, 7126/2016 & 7278/2016 for impleadment in Suo Moto Case No. 17/2016 which were clubbed together and the Supreme Court, while disposing such CMA's in its judgment dated 15-01-2020 noted that this matter is pending since 2016 and with it some other cases, are also listed of the persons who have entered the benefit under Section-25 (a) of the ordinance and their cases are un-necessarily being not decided because of pendency of this issue. The Supreme Court in this particular case advised all the relevant functionaries to make serious efforts in resolving the issue of section 25

(a) through act of parliament instead of this court deciding the issue and those have submitted CMA for impleadment in the case No. 17/2016, were advised that since they had made such in their personal cause for which they have appropriate legal remedy available to them.

5. That, SMC-17/2016 has been disposed of on 08.03.2023 with the remarks that;

"From the foregoing amendment in the law it is clear that the objection of the sou-moto proceedings initiated vide our order dated 24-10-2016 has been addressed. Consequently, these proceedings have been fructified and are disposed of accordingly". (Copy of Order dated 08.03.2023 is attached as annexure D).

These new amendments are also sub-judiced in the Supreme Court under the title C.P No. 20/2021 and again decided on 15-09-2023 declaring the most of the proposed amendments as null and void. **(Copy of the relevant pages 1,2,12,13,54 &55 are attached as Annexure-E).**

6. That public Health Engineering Department (PHED) took it otherwise, as departmental proceedings were concluded against the officers who entered into VR under Section-25(a). The right course would have been that if the all the officers who were held guilty in the VR case by the inquiry officer, then in that situation, the penalty or the adverse action so proposed was required to be kept pending till final decision in that case.

7. That the appellant was departmentally proceeded purportedly for availing the benefit of Section 25(a) of the National Accountability Ordinance 1999 (i.e. Voluntary Return) pursuant to the judgment of the Honorable Supreme Court of Pakistan dated 24-10-2016 passed in Suo Moto No. 17/2016 and consequently major penalty of "Reduction to lower post for a period of one year" under Rule 14(5)(ii) of KPK Government Servants (Efficiency & Disciplinary) Rules 2011 was imposed vide order No. SO(ESTT)/PHED/15-2/2017/NAB/VR dated 25.11.2020. **(Copy of Order dated 25.11.2020 is attached as annexure F).**

8. That the appellant aggrieved wherefrom has due to pendency of the SMC No.17/2016 finally decided on 08.03.2024 filed departmental appeal (**Annexure-G**) which was decided vide order dated 14.03.2024 (**Annexure-H**) by directing the appellant to submit his appeal before the appellate authority which is absolutely illegal is constrained to move this Hon'ble Tribunal for the following amongst other grounds:-

GROUND S:

- A. That in Public Health Engineering Department (PHED), 28 officers from BPS-17 to 20 who entered into VR under Section-25(a), and proceeded under Supreme Court of Pakistan orders dated 24.10.2016 and 06.12.2016 passed in SMC-17/2016 different penalties were imposed on different groups although the offence was same of all the officers and base of inquiry was also the same i.e. entering into VR with NAB under Section-25(a). 16 officers in BPS 19 & 18 were imposed with minor penalty of "**Censure**" on 13.09.2019 (**Annexure-I**), 9 officers of BPS-17 were given the minor penalty

of "Stoppage of annual increment for one year" on 25.02.2020, whereas two officers were imposed with major penalty of "Reduction to lower post for a period on one year" on 25.11.2020 (Annexure-J)", which shows the favoritism and nepotism while dealing this case. The plea of the department was that the two officers including the undersigned whose VR amount is more than 2.500 (M) were given the major penalty and others amount of VR is less than 2.500(M) so they were awarded with minor penalty which is not correct and against the basic principal of equality and justice. If all the officers are proceeded on the same ground and offence then their penalties are required to be the same. As far as the order of Supreme Court dated 06-12-2016 is concerned, the KPK Service Tribunal (Fazal Hussain VS Govt of KPK) already decided that order was misjudged and not clearly understood and the court restrained all the departments from taking the adverse action against any persons till the final disposal of the case as the case can

go either way. **(Copy of the decision of the Service Tribunal is attached as Annexure-K).**

- B. That if this plea of the PHED department is considered as correct that the Supreme Court of Pakistan in its order dated 06-12-2016 has directed to proceed against the officers whose VR amount is more than 2.500 (M) and impose major penalties that in the similar nature of cases in other departments of the Khyber Pakhtunkhwa, the most of officers were either exonerated from the charges or given minor penalties who also availed the facility of VR under Section-25(a). For instance, Mr. Fazal Hussain S/O Faqir Hussain (PMS Officer of BPS-19) who has availed the facility of VR in two different cases amounting to Rs. 36,32,707/- in 2013 (at S.No. 1570 in the VR List of NAB attached as **(Annexure-L)** and Rs. 54,65,554/- in 2014 at 1839 (the amount is higher than the threshold of Rs. 25,00,000/- as fixed by the Supreme Court in its order dated 06-12-2016 but after the departmental proceedings he has been given the clean chit by **exonerating** him from all the charges and promoted.

C. That in Police department, DIG Mazhar ul Haq Kakakhel was not only exonerated from the charges but also promoted to BPS-20 although he also availed the facility of VR amounting to Rs. 65,00,000/- in 2014 (at S.No.1846). In Local Government Department, Miss Tahira Yasmin, (Currently Director in BPS-19) and Sami Ur Rahman (Ex SO in LGRDD) also lies in this category by availing the facility of VR in 2015 amounting to Rs. 43,83,707/- respectively (at S.No. 2197 & 2198) but no adverse action was taken against both of them. Mr. Ikhlaq Ahmed S/O Abdul Aziz working as Municipal Engineer in Local Government also escaped from the departmental proceedings and got promoted to BPS-19 regardless of his name in the VR list while depositing the amount of Rs. 36,86,663/- in 2016 (at S.No. 2562) . In Irrigation Department of KPK, many such officers availing the facility of VR were not only exonerated from the charges but also promoted to the next level.

Similarly hundreds of officers/officials working in the Revenue department were exonerated from the charges and working in the same cadre or promoted to the next levels.

It is clear violation and wrong application of the Rules, as a result of the above adverse action, the undersigned has lost its position in the seniority list while many juniors whose names were also in the list of VR were promoted ahead of the undersigned creating an embarrassing and demoralizing position.


- D. That the appellant was discriminated because his juniors were promoted on 05.08.2021 and the appellant was victimized which is contrary to the fundamental rights of people of Pakistan under article 25, (Constitution of Pakistan-1973). **(Copy of promotion Notification dated 05.08.2021 is attached as annexure M)**. Even the appellant was afterword's promoted to BPS-19 on regular basis but subject to pendency of the Suo Moto case. **(Copy of promotion notification dated 13.12.2022 is attached as annexure N)**.
- E. That the appellant has performed his duty with full devotion, dedication and commitment with the hope that at the end of his service career, he would achieve the highest post in terms of his promotion but the impugned amendment has caused a blatant negation of the same.

F. That the appellant has been treated against the law and he has also been deprived of equal protection of law because no enquiry was conducted in accordance with law.

It is, therefore, most humbly prayed that by accepting this appeal, the impugned order dated 14.03.2024 passed by the respondent No.2 and 25.11.2020 passed by respondent No.2 may kindly be set aside, consequently the appellant may please be promoted to BPS-19 from 04.08.2021 when other colleagues/juniors were promoted without any conditionality with all back benefits

Any other relief as deemed appropriate in circumstances of the case, not specifically asked for, may also be granted to the appellant.

Through

A handwritten signature in black ink, appearing to read 'Nasir Mehmood', is written over the printed name and title. The signature is stylized and somewhat illegible.

Nasir Mehmood
Advocate Supreme Court

Dated __/03/2024

14

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2024

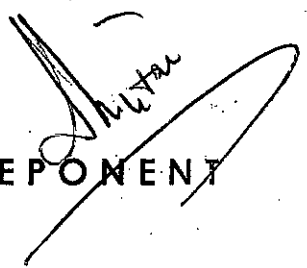
Shaukat Rahman, Superintending Engineer (H/Q) O/O
Chief Engineer (East), Phed, Peshawar.....**Appellant**

V E R S U S

The Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....**Respondents**

A F F I D A V I T

I, Shaukat Rahman, Superintending Engineer (H/Q) O/O
Chief Engineer (East), Phed, Peshawar, do hereby solemnly
affirm and declare on oath that the contents of the
accompanying **Service Appeal** are true and correct to the
best of my knowledge and belief and nothing has been
concealed from this Hon'ble Tribunal.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2024

Shaukat Rahman, Superintending Engineer (H/Q) O/O
Chief Engineer (East), Phed, Peshawar.....**Appellant**

V E R S U S

The Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....**Respondents**

ADDRESSES OF THE PARTIES

APPELLANT:

Shaukat Rahman, Superintending Engineer (H/Q) O/O
Chief Engineer (East), Phed, Peshawar

RESPONDENTS:

1. The Govt. of Khyber Pakhtunkhwa through Chief
Secretary, Civil Secretariat, Peshawar
2. Govt. of Khyber Pakhtunkhwa through Secretary
Public Health Engineering Department, Khyber Road,
Peshawar

Appellant

Through

Nasir Mehmood

Advocate Supreme Court

Dated __/03/2024

Amir Hani (16)

THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE ANWAR ZAHEER JAMALI, H.C.J.
MR. JUSTICE AMIR HANI MUSLIM
MR. JUSTICE SH. AZMAT SAEED

Suo Motu case No. 17 of 2016.
(Action taken by this Court to examine the verity of Section 236a) of the NAB Ordinance.

In Attendance:

Mr Ashtar Ausrif Ali, Attorney General for Pakistan.
Ch. Aamir Rehman, Addl. A.G.
Barrister Asud Rehman, Consultant to A.G.
Mr Waqas Qadeer Dar, PG, NAB
Mr. M. Azam, DPG, NAB.
Mr. Imranul Haq, Spl. Prosecutor NAB.
Mr Abdul Latif Yousafzai, AG, KPK.
Mr Ayaz Swati, Addl. A.G. Balochistan.
Mr Zamir Hussain Ghumro, A.G. Sindh.
Mr Shehryar Qazi, Addl. A.G. Sindh.
Akhtar Rehman, Addl. P.G Sindh.
Mr Asjad Javed Chhral, Addl. P.G. Punjab.
Mr Mudassar Khalid Abbasi, Asstt. A.G. Punjab.
Mr Asad Kharral, Applicant in CMA No. 6374 of 2016.

ATTESTED
for *[Signature]*
Superintendent
Supreme Court of Pakistan
Islamabad

Date of hearing

24.10.2016 ✓ 1

ORDER

AMIR HANI MUSLIM, J.- This Court on 02.09.2016, during hearing of Civil Appeal No. 82-K of 2015, noticed abuse of authority by the NAB while taking cognizance of petty matters in terms of Section 9 of the National Accountability Ordinance, 1999 (hereinafter referred to as the Ordinance). The Ordinance was primarily legislated to counter the cases of mega scandals and initiate proceedings against the accused persons who are involved in scandals of mega corruption and corrupt practices.

Chief Secretary
Govt. of Khyber Pakhtunkhwa

3-2016
[Signature]

Suo Motu Case No.17/16.

(17)

2. The Court also noticed that in terms of Section 25(a) of the Ordinance, the NAB authorities after issuance of call up notices suggest to the accused that they may opt to come forward with the offer of voluntary return of the amounts that have allegedly been acquired or earned illegally by them. Section 25 (a) (*ibid*) empowers the Chairman, NAB, to accept such voluntary returns made by the accused persons, the amount is deposited with NAB in installments at the discretion of the Chairman, NAB. Alarminglly, on payment of certain portion of the amount, such person is given clean chit by the NAB to rejoin his job. The frequent exercise of powers under Section 25 (a) (*ibid*) by the NAB on one side has multiplied the corruption usurping the jurisdiction of the F.I.A and Anti-Corruption agencies and defeated the object of the Ordinance on the other hand. In this regard the matter was referred by a Bench of this Court to the Hon'ble Chief Justice of Pakistan, for examining the vires of Section 25(a) (*ibid*) vis-à-vis un-bridled powers of the Chairman, NAB to accept the offer of voluntary return from a person regardless of the size of the amount by any mode adopted at his discretion which falls within the domain of the judiciary. The matter was placed before the Hon'ble Chief Justice of this Court, who directed the office to fix the matter in Court, treating it as a Petition under Article 184 (3) of the Constitution. On 02.09.2016, the NAB authorities were further directed to provide the following details

- (i) The list of the cases in which NAB authorities are conducting enquiries and investigations and or references pending in the NAB Courts, involving an amount of less than Rs.100 Million;
- (ii) The list of the persons, civil servants and or public servants, to be provided by relevant departments of the Governments and or State owned organizations, who entered into Voluntary Return.
- (iii) The action which the Federal/Provincial Governments and or statutory organizations have taken against their employees after their offer of Voluntary Return was accepted by NAB in terms of Section 25(a) of the NAB Ordinance.

TESTED
 Superintendent
 of the Court of Pakistan
 Islamabad.

19-3-2016
 155

(18)

ATTESTED
for [Signature]
Superintendent
Supreme Court of Pakistan
Islamabad

3. On 21.09.2016, the matter was adjourned at the request of the learned Law Officers of the Federation and the Provinces as well as the NAB authorities for today. In response to the order dated 02.09.2016, the required reports have been submitted by the Federal Government and the Provincial Governments. The NAB has also filed its report as C.M.A.No.6376 of 2016, giving details of the persons who have offered voluntary return of the monetary gains that they acquired through corrupt practices and such offer was accepted by the Chairman, NAB. From the reports submitted by the Federal Government and the respective Provincial Governments, it appears that no departmental action has been taken against the officers/employees of different organizations including Govt. departments, who had voluntarily returned illegally acquired monetary gains, which is very unfortunate. Once a person accused of corruption or corrupt practices volunteers to offer to return the amount he has pocketed or gained through illegal means, *prima facie*, cannot hold any Government/Public Office, as the very act of his offering the voluntary return falls within the definition of "misconduct" under the service law and calls for initiation of disciplinary action against the accused person(s). The report filed by the NAB mentions that hundreds of employees/civil servants and others who have voluntarily returned the amounts in terms of Section 25(a) (*ibid*) are still enjoying their office, without being exposed to any departmental proceedings which has further multiplied the corruption in the country.

4. This inaction on the part of the departmental authorities towards the accused has patronized corruption, by providing a window to the NAB as

19-3-2015
SSK

Subj: Misc. No. 17/16

19

well to the employees, who plunder public money and after paying back a portion of the alleged amount of corruption/corrupt practice continue in their jobs.

Primarily, the concept of voluntary return under the Ordinance, was confined to those accused against whom the proceedings were yet to start and they, on their own, had approached the NAB authorities by offering the voluntary return of the amounts illegally gained or acquired by them. This concept, however, was side tracked and instead the accused persons against whom call up notices were issued on the strength of some complaint or otherwise are extended favours by the NAB under the garb of Section 25(a) which was never intended for.

ATTESTED
Superintendent
Income Tax
Islamabad

5. In the given circumstances, what has further disturbed us is that the amounts so collected by the NAB in installments or otherwise is not being deposited in its entirety with the concerned Government/Department forthwith, instead some of the amount under the garb of Rules or otherwise is retained by the NAB authorities for distribution to its official towards award.

7. We inquired from the Prosecutor General, NAB, to provide us the details of the amounts of voluntary return recovered from different accused persons and details of its deposit. The P.G, NAB, states that no amount is withheld by NAB authorities for distribution to its officers who conduct investigation of the cases as award.

The NAB will provide us the details of the amounts of voluntary return collected from different cases as award.

(20)

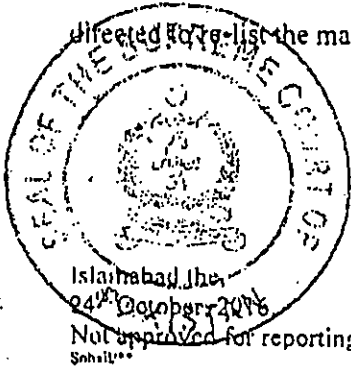
See Also Case No.17/16

5

amounts which they have deposited with the different Governments. These details should reach this Court by 05.11.2016 positively. Likewise, the Attorney General for Pakistan as well as the Advocate Generals of the Provinces shall handover the copies of C.M.A.No.6376 filed by the NAB to the Secretary, Establishment Division and the Chief Secretaries of all the four provinces, who in turn shall ensure initiation of departmental proceedings against the accused persons mentioned therein who have voluntarily returned the amounts under Section 25(a) of the Ordinance, besides they shall further provide the details of the amounts which different departments have received from the NAB in terms of Section 25(a) (*ibid*).

9. We, therefore, direct the Secretary, Establishment Division and all the Chief Secretaries of the Provinces to ensure initiation of departmental proceedings forthwith against the employees mentioned in C.M.A.No.6376 of 2016 who have voluntarily returned the amounts in terms of Section 25 (a) (*ibid*), without further loss of time and report compliance.

10. In the meanwhile, the Chairman, NAB, or any other Officer authorized by him in this behalf, is restrained from accepting any offer of voluntary return in terms of Section 25(a) of the Ordinance. The office is directed to re-list the matter on 07.11.2016.



Certified to be True Copy

[Signature]
 Superintendent
 Civil Branch
 Supreme Court of Pakistan

Mr. Anwar Zahoer Jinnah
 Mr. Amir Hani Muslim
 Sh. Azmat Saeed

Chief Secretary
 Govt. of Khyber Pakhtunkhwa

19-3-2018
 35/f

(21) Annex B

Mr. N.A. Butt, ASC (CMA.7361/16)
Mr. Abdul Latif Afridi, ASC (CMA.7258, 7259 & 7293/16)
Syed Arshad, ASC (CMA.7270 & 7274/16)

Date of hearing : 06-12-2016

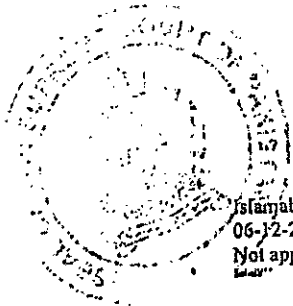
ORDER

AMIR HANI MUSLIM, J.- The learned Attorney General for Pakistan has requested for time to seek instructions from the Government on the issue of exercise of powers by the Chairman NAB under Section 25(a) of the NAB Ordinance.

2. We have heard the Prosecutor General NAB. For want of time, the matter is adjourned. The Federal and Provincial Governments shall conclude the departmental proceedings against the officials who have entered into voluntary return and report compliance. However, no final order of removal from service shall be passed against any of the officials, who have entered into voluntary return, if the amount of voluntary return paid by him is less than 25 lacs.

3. In the intervening period, the restraining order passed against the Chairman NAB and or any other officer authorized by him in this behalf from accepting any offer of voluntary return in term of Section 25(a) of the NAB Ordinance, shall continue till disposal of these proceedings. To come up on 2nd January 2017.

Sd/- Anwar Zaheer Jamali, CJ
Sd/- Amir Hani Muslim, J
Certified to be True Copy



Islamabad the,
06-12-2016
Not approved for reporting.

[Handwritten Signature]
8/12/16

Court Associate
Supreme Court of Pakistan
Civil/Crisis/Adalat

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Date of delivery
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Reviewed by

GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

No. SO(OP-I)/LD/15-1/2012-VOL-XI
DATED: PESH: THE 29 DEC, 2016

29295

(22)

Amex = C

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
Establishment Department.

Subject: URGENT IMPLEMENTATION OF SUPREME COURT
JUDGMENT DATED 24-10-2016.

Dear Sir,

I am directed to refer to your Department's letter No. SO(E-1)/E&AD/5-1/2016 dated 26-12-2016 on the subject noted above and to state that the Supreme Court of Pakistan in SMC No. 17/2016 held vide Order sheet dated 24-10-2016 that as the very act of offering the Voluntary Return falls within the definition of misconduct under the Service law and call for disciplinary action against the accused person and directed the Government to ensure the initiation of departmental proceedings. The Supreme Court vide Order Sheet dated 17-11-2016 in SMC No. 17/2016 ibid held that in the mean time no final adverse/ removal Order shall be passed against any of the effectee.

2. Similarly the Supreme Court reiterated in Order Sheet dated 06-12-2016 in SMC No. 17/2016 that the Federal & Provincial Governments shall conclude the departmental proceedings against the officials who have entered into Voluntary Return and report compliance. However, no final order of removal from service shall be passed against any of the officials; who have entered into voluntary return, if the amount of voluntary return paid by him is less than 25 lacs.

3. The process/ proceedings have not been stopped by the Apex Court. Therefore, the disciplinary proceedings is to be processed by the Competent Authorities of the concerned Officers including employees mentioned in Para-3 of the letter under reference, but no final Order of Removal from Service shall be passed against the Officers till further Order/decision of the Supreme Court in the above mentioned SMC No. 17/2016.

Yours Faithfully,

Section Officer (Operations)

Endst: of even No. & date.

Department.

Copy is forwarded for information to the PS to Secretary

19-3
SSK

(23)

IN THE SUPREME COURT OF PAKISTAN
(Original/Appellant Jurisdiction)

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Amex = P

PRESENT:

Mr. Justice Umar Ata Bandial, CJ
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi
Mrs. Justice Ayesha A. Malik

SMC NO.17 OF 2016, CMA NO.6374 OF 2016 IN SMC NO.17 OF 2016, CMA NO.7308 OF 2016 IN CRP NIL OF 2016 IN SMC NO.17 OF 2016, CMAs NO.7312, 7581, 7815, 7852, 7270, 7274, 7278 AND 7647 OF 2016 IN CRP NIL OF 2016 IN SMC NO.17 OF 2016, CIVIL PETITION NO.1338 OF 2014 AND CMA NO.6210 OF 2014, CIVIL APPEALS NO.67 AND 150 OF 2015, CIVIL PETITIONS NO.4356 AND 5104 OF 2017, CIVIL APPEAL NO.24 OF 2018, CRIMINAL ORG. PETITION NO.123 OF 2018 IN SMC 17 OF 2016 AND CP NO.548-K OF 2018

Suo Moto Action to examine the vires of Section 25(a) of NAB Ordinance, 1999, etc.

In attendance : Mr. Mumtaz Yousaf
Additional Prosecutor General NAB
Ch. Amir Rehman
Additional Attorney General for Pakistan
Malik Waseem Mumtaz
Additional Advocate General Punjab
Sardar Ali Raza
Additional Advocate General, KP
Mian Aziz Ahmed,
Director Legal (Prosecution), KP
Rana M. Faisal, AAO
Syed Zulfiqar Abbas Naqvi, ASC
Khawaja Azhar Rasheed, ASC
Mr. Liaqat Ali Tareen, ASC
Mr. Farooq H. Naek, Sr.ASC
Mr. M. Shoaib Shaheen, ASC
Mr. Shozib Masud, ASC

Mr. Saulat Rizvi
Additional Advocate General Sindh
Mr. Saleem Akhtar Buriro
Additional Prosscutor General Sindh
(via video link, Karachi)

Mr. Zaheer-ud-Din Babar
Deputy Secretary S&GAD
Date of Hearing : 08.03.2023

ORDER

UMAR ATA BANDIAL, CJ.-

SMC NO.17 OF 2016 AND CMA NO.6374 OF 2016

The vires of Section 25(a) of the National Accountability Ordinance, 1999 (NAO) are under challenge in

ATTESTED

Senior Court Associate
Supreme Court of Pakistan

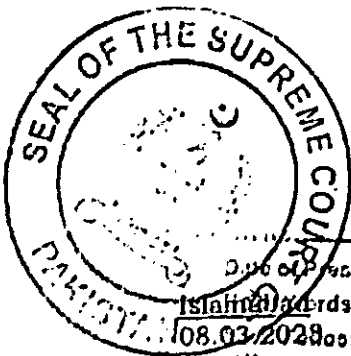
SMC/1207/6 etc.

these suo moto proceedings. Learned Additional Attorney General for Pakistan has pointed out that as a result of the amendments made in June, 2022 in the NAO 1999, proviso to Section 15(a) has been amended to apply to Section 25 of the NAO 1999 as a whole. As a result, the penalty of disqualification from holding public office is equally applicable to the situation covered by Section 25(a) as well as section 25(b).

2. From the foregoing amendment in the law it is clear that the objection of the suo moto proceedings initiated vide our order dated 24.10.2016 has been addressed. Consequently, these proceedings have fructified and are disposed of accordingly. C.M.A. No.6374 of 2014 for impleadment is also disposed of.

CMA NO.7308 OF 2016 IN CRP NIL OF 2016 IN SMC NO.17 OF 2016, CMAs NO.7312, 7581, 7815, 7852, 7270, 7274, 7278 AND 7647 OF 2016 IN CRP NIL OF 2016 IN SMC NO.17 OF 2016, CIVIL PETITION NO.1338 OF 2014 AND CMA NO.6210 OF 2014, CIVIL APPEALS NO.67 AND 150 OF 2015, CIVIL PETITIONS NO.4356 AND 5104 OF 2017, CIVIL APPEAL NO.24 OF 2018, CRIMINAL ORG. PETITION NO.123 OF 2018 IN SMC 17 OF 2016 AND CP NO.548-K OF 2018

3. These matters are connected with SMC No.17 of 2016 which has been disposed of by our above order. Parties in these matters are not present. Office shall notify the learned AORs/ASCs and fix these matters separately.



Sd/-HCJ
Sd/-J
Sd/-J
Certified to be True Copy

Senior/Court Associate
Supreme Court of Pakistan
Islamabad

3462/14

Date of Presentation: 27.2.24

Islamic Calendar: 108.03/2028

Acquisition Fee Rs: 5.00

Copy Fee In: 8.25

Court Fee Stamp: 8.25

Date of Completion of Copy: 28/2/24

Date of Delivery of Copy: 29/2/24

Compared by/Prepared by: [Signature]

(25)

Amex = E

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL, CJ
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE SYED MANSOOR ALI SHAH

CONST.P.21/2022 AND C.M.A.5029/2022

- | | |
|--|---|
| 1. Const.P.21/2022
(Under Article 184(3) for striking down the amendments made through the National Accountability (Amendment) Act, 2022 and the National Accountability (Second Amendment) Act, 2022 for being <i>ultra vires</i> to the Constitution) | Imran Ahmad Khan Niazi v. Federation of Pakistan through Secretary, Law and Justice Division, Islamabad and another |
| 2. C.M.A.5029/2022
IN Const.P.21/2022
(Stay) | Imran Ahmad Khan Niazi v. Federation of Pakistan through Secretary, Law and Justice Division, Islamabad and another |

- | | |
|--|--|
| For the Petitioner(s)/
Applicant(s) | : Khawaja Haris Ahmad, Sr. ASC
Dr. Yasir Aman Khan, ASC
<u>Assisted by:</u>
Mr. Isaam Bin Haris, Advocate
Ms. Zaynib Chaudhary, Advocate
Mr. Muhammad Hashim Waqar,
Advocate
Barrister Faiza Asad, Advocate
Mr. Muhammad Shoaib Ilyas, Advocate |
| Federation/Respondent
No.01 | : Mr. Muhammad Makhdoom Ali Khan,
Sr. ASC
Mr. Anis Muhammad Shahzad, AOR
<u>Assisted by:</u>
Mr. Saad Muhammad Hashmi,
Advocate
Mr. Umair Muhammad Malik, Advocate
Kh. Aizaz Ahsan, Advocate
Mr. Yawar Mukhtar, Advocate
Kh. Azeem Armaghan, Advocate
Mr. Waqar Umar Farooq, Advocate

Ch. Aamir Rehman, Addl. AGP
Malik Javed Iqbal Wains, Addl. AGP
Raja Shafqat Abbasi, DAG |
| NAB/Respondent No.02 | : Mr. Mumtaz Yousf, Addl. Prosecutor
General |

(26)

Mr. Muhammad Sattar Awan, Deputy
Prosecutor General
Qazi Babar Irshad, Special Prosecutor
General
Barrister Syeda Jugnu Kazmi, Special
Prosecutor General

Date of Hearings : 19.07.2022 15.11.2022 10.02.2023
29.07.2022 16.11.2022 14.02.2023
05.08.2022 17.11.2022 15.02.2023
19.08.2022 06.12.2022 16.02.2023
01.09.2022 07.12.2022 21.02.2023
04.10.2022 08.12.2022 22.02.2023
05.10.2022 12.12.2022 23.02.2023
06.10.2022 13.12.2022 14.03.2023
10.10.2022 14.12.2022 15.03.2023
11.10.2022 10.01.2023 16.03.2023
12.10.2022 11.01.2023 16.05.2023
18.10.2022 12.01.2023 18.08.2023
19.10.2022 17.01.2023 29.08.2023
24.10.2022 18.01.2023 30.08.2023
08.11.2022 19.01.2023 31.08.2023
09.11.2022 07.02.2023 01.09.2023
10.11.2022 08.02.2023 and
14.11.2022 09.02.2023 05.09.2023

J U D G M E N T

UMAR ATA BANDIAL, CJ:

Surah Al-Anfal, Verse 27:

"O ye that believe! betray not the trust of Allah
and the Messenger, nor misappropriate knowingly
things entrusted to you."

(Translation by Yusuf Ali)

Through the present Constitution Petition No.21 of 2022 the petitioner has challenged the amendments made to the National Accountability Ordinance, 1999 ("**NAB Ordinance**") by the National Accountability (Amendment) Act, 2022 ("**First Amendment**") and the National Accountability (Second Amendment) Act, 2022 ("**Second Amendment**") (collectively referred to as the "**2022 Amendments**").

Origins and Content of the Unamended NAB Ordinance

2. Before delving into the facts giving rise to the present petition it would be appropriate to briefly set out the origins and

(27)

<p>make out a reasonable case against the accused charged under clause (vi) or clause (vii) of subsection (a) of section 9.</p>	
<p>21. International Cooperation Request for mutual legal assistance: The Chairman NAB or any officer authorized by the Federal Government may request a Foreign State to do any or all of the following acts in accordance with the law of such State:—</p> <p>...</p> <p>(g) Notwithstanding anything contained in the Qanun-e-Shahadat Order 1984 (P.O. 10 of 1984) or any other law for the time being in force all evidence, documents or any other material transferred to Pakistan by a Foreign Government shall be receivable as evidence in legal proceedings under this Ordinance;</p>	<p>Section 21(g) omitted.</p>
<p>25. Voluntary return and plea bargain:</p> <p>(b) Where at any time after the authorization of investigation, before or after the commencement of the trial or during the pendency of an appeal, the accused offers to return to the NAB the assets or gains acquired or made by him in the course, or as a consequence, of any offence under this Ordinance, the Chairman, NAB, may, in his discretion, after taking into consideration the facts and circumstances of the case, accept the offer on such terms and conditions as he may consider necessary, and if the accused agrees to return to the NAB the amount determined by the Chairman, NAB, the Chairman, NAB, shall refer the case for the approval of the Court, or as the case may be, the Appellate Court and for the release of the accused.</p>	<p>25. Voluntary return and plea bargain:</p> <p>(b) Where at any time after the authorization of investigation, before or after the commencement of the trial or during the pendency of an appeal, the accused offers to return to the NAB the assets or gains acquired or made by him in the course, or as a consequence, of any offence under this Ordinance, the Chairman, NAB, may, in his discretion, after taking into consideration the facts and circumstances of the case, accept the offer on such terms and conditions as he may consider necessary, and if the accused agrees to return to the NAB the amount determined by the Chairman, NAB, the Chairman, NAB, shall refer the case for the approval of the Court, or as the case may be, the Appellate Court and for the release of the accused:</p> <p>Provided that statement of an accused entering into plea bargain or voluntary return shall not prejudice case of any other accused:</p> <p>Provided further that in case of failure of accused to make payment in accordance with the plea bargain agreement approved by the Court, the agreement of plea bargain shall become inoperative to the rights of the parties immediately.</p>

9. It may be noticed from the provisions produced above that the 2022 Amendments have indeed brought about a significant change in the legal position under the NAB Ordinance.

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Whereas prior to the 2022 Amendments the NAB Ordinance applied to all persons in Pakistan after the 2022 Amendments the scope of NAB Ordinance has been significantly restricted with nearly all holders of public office exempted from its application unless there is proof of any monetary or material benefit being received by them or a person acting on their behalf. However, even if the NAB manages to overcome the exceptions listed in the amended Section 4 of the NAB Ordinance the jurisdictional hurdle of an accused having caused a minimum loss of Rs.500 million or more would still need to be crossed. If that is not done the accused will be ousted from the jurisdiction of the NAB. Therefore, it is only when the requirements of Section 4 and Section 5(o) of the NAB Ordinance (as altered by the 2022 Amendments) are satisfied can the accused person be inquired/investigated into by the NAB and be tried in the Accountability Court.

10. However, by the addition of the new conditions in and explanations to Section 9(a)(v) coupled with the omission of Section 21(g) that permitted the admission of foreign evidentiary material in legal proceedings under the mutual legal assistance regime set up by the United Nations Convention against Corruption, the burden cast on the prosecution to establish that a holder of public office has accumulated unaccounted domestic (or foreign) assets beyond his means has been made formidable. Along with that the presumption noted in Section 14(c) has also been deleted. The result of these amendments relating to proof of the offence of accumulated assets beyond means will be that in the

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- iv. It has altered the ingredients of the offences listed in Section 9(a)(v), (vi) and (ix) of the NAB Ordinance [refer Section 8 of the First Amendment];
- v. It has given Accountability Courts the power to grant bail to accused persons [refer Section 8 of the First Amendment];
- vi. It has omitted Section 14 of the NAB Ordinance which allowed the Accountability Court to draw various evidentiary presumptions against the accused [refer Section 10 of the First Amendment];
- vii. It has omitted Section 21(g) of the NAB Ordinance which allowed evidentiary material transferred by a foreign Government to be receivable as evidence in legal proceedings notwithstanding the provisions of the Qanun-e-Shahadat Order, 1984 [refer Section 14 of the First Amendment]; and
- viii. It has reduced the period of custody of the accused for the purposes of inquiry and investigation from 90 days to 14 days [refer Section 16 of the First Amendment].

5. On 25.06.2022 the petitioner filed the titled Constitution Petition with the prayer that the First Amendment be struck down (albeit with the exception of a few beneficial changes) for violating the Fundamental Rights of the people of Pakistan enshrined in Articles 9 (security of person), 14 (inviolability of dignity of man), 19A (right to information), 24 (protection of property rights) and 25 (equality of citizens) of the Constitution of the Islamic Republic of Pakistan, 1973 ("**Constitution**").

6. The first hearing in the case took place on 19.07.2022. During the course of the petitioner's arguments the Second Amendment also became an Act of Parliament on 12.08.2022. The significant features of this amendment are:

- i. Its provisions have deemed effect from the date of commencement of the NAB Ordinance i.e., 01.01.1985 [refer Section 1(2) of the Second Amendment];

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Conclusion

48. On the basis of the above discussion the Court holds:
- i. The titled Constitution Petition is maintainable on account of violating Articles 9 (security of person), 14 (inviolability of dignity of man), 24 (protection of property rights) and 25 (equality of citizens) of the Constitution and for affecting the public at large because unlawful diversion of State resources from public development projects to private use leads to poverty, declining quality of life and injustice.
 - ii. Section 3 of the Second Amendment pertaining to Section 5(o) of the NAB Ordinance that sets the minimum pecuniary threshold of the NAB at Rs.500 million and Section 2 of the 2022 Amendments pertaining to Section 4 of the NAB Ordinance which limits the application of the NAB Ordinance by creating exceptions for holders of public office are declared *void ab initio* insofar as these concern the references filed against elected holders of public office and references filed against persons in the service of Pakistan for the offences noted in Section 9(a)(vi)-(xii) of the NAB Ordinance;
 - iii. Section 3 of the Second Amendment and Section 2 of the 2022 Amendments pertaining to Sections 5(o) and 4 of the NAB Ordinance are declared to be valid for references filed against persons in the Service of Pakistan for the offences listed in Section 9(a)(i)-(v) of the NAB Ordinance;
 - iv. The phrase 'through corrupt and dishonest means' inserted in Section 9(a)(v) of the NAB Ordinance along with its Explanation II is struck down from the date of commencement of the First Amendment for references filed against elected holders of public office. To this extent Section 8 of the First Amendment is declared void;
 - v. Section 9(a)(v) of the NAB Ordinance, as amended by Section 8 of the First Amendment, shall be retained for references filed against persons in the service of Pakistan;
 - vi. Section 14 and Section 21(g) of the

(31)

NAB Ordinance are restored from the date of commencement of the First Amendment. Consequently, Sections 10 and 14 of the First Amendment are declared void; and

vii. The second proviso to Section 25(b) of the NAB Ordinance is declared to be invalid from the date of commencement of the Second Amendment. Therefore, Section 14 of the Second Amendment is void to this extent.

49. On account of our above findings, all orders passed by the NAB and/or the Accountability Courts placing reliance on the above Sections are declared null and void and of no legal effect. Therefore, all inquiries, investigations and references which have been disposed of on the basis of the struck down Sections are restored to their positions prior to the enactment of the 2022 Amendments and shall be deemed to be pending before the relevant fora. The NAB and all Accountability Courts are directed to proceed with the restored proceedings in accordance with law. The NAB and/or all other fora shall forthwith return the record of all such matters to the relevant fora and in any event not later than seven days from today which shall be proceeded with in accordance with law from the same stage these were at when the same were disposed of/closed/returned.

50. The titled Constitution Petition is allowed in these terms.

Sd/-
Chief Justice

Sd/-
Judge

I dissent and have attached
my separate note.

Sd/-
Judge

(32)

Syed Mansoor Ali Shah J.- I have read the judgment authored by the Hon'ble Chief Justice of Pakistan to which my learned brother Justice Ijaz ul Ahsan has concurred ("majority judgment") provided to me last night. With great respect, I could not make myself agree to it. Due to the paucity of time, I cannot fully record reasons for my dissent and leave it for my detailed opinion to be recorded later. However, in view of the respect that I have for my learned colleagues and for their opinion, I want to explain, though briefly, why I am unable to agree with them.

2. In my humble opinion, the primary question in this case is not about the alleged lopsided amendments introduced in the NAB law by the Parliament but about the paramountcy of the Parliament, a house of the chosen representatives of about 240 million people of Pakistan. It is about the constitutional importance of parliamentary democracy and separation of powers between three organs of the State. It is about the limits of the jurisdiction of the Court comprising unelected judges, second judging the purpose and policy of an enactment passed by the Parliament, without any clear violation beyond reasonable doubt, of any of the fundamental rights guaranteed under the Constitution or of any other constitutional provision.

3. The majority judgment has fallen short, in my humble opinion, to recognize the constitutional command that 'the State shall exercise its power and authority through the chosen representatives of the people' and to recognize the principle of trichotomy of powers, which is the foundation of parliamentary democracy. The majority has fallen prey to the unconstitutional objective of a parliamentarian, of transferring a political debate on the purpose and policy of an enactment from the Houses of the Parliament to the courthouse of the Supreme Court. Without setting out a clear and objective test for determining how the claimed right to have accountability of the parliamentarians is an integral part of any of the fundamental rights guaranteed under the Constitution, the majority judgment through a long winding conjectural path of far-fetched "in turn" effects has tried hard to "ultimately" reach an apprehended violation of the fundamental rights. The majority judgment has also fallen short to appreciate

(33)

that what Parliament has done, Parliament can undo; the legislative power of the Parliament is never exhausted. If the Parliament can enact the NAB law, it can also repeal the entire law or amend the same.

4. For these and further reasons to be recorded in my detailed opinion later, with great respect, I disagree with my learned brothers and dismiss this petition.

Sd/-
Judge

Islamabad,
15th September, 2023.
Approved for reporting.



ORDER

No.SO(ESTT)/PHED/15-2/2017/NAB/VR: WHEREAS, In compliance with the Supreme Court of Pakistan Orders dated 24-10-2016 and 06-12-2016 passed in Suo Motu Case No.17 of 2016 and CMAs No.7126/2016 & 7278/2016 respectively, the following officers of the Public Health Engineering Department were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, due to their involvement in VR case with National Accountability Bureau:-

S.No.	Name with designation
1.	Mr. Amjad Ali, Superintending Engineer (BPS-19), PHE Circle Peshawar
2.	Mr. Shaukat Rehman, Executive Engineer (BPS-18), PHE Division Bulk Water Supply Mansehra

2. AND WHEREAS, for the said act/omission specified in rules-3(b)(c) of the rules ibid, they were served with charge sheets/statements of allegations.

3. AND WHEREAS, Mr. Masood Ahmad, Secretary Law, Parliamentary Affairs & Human Rights Department, Government of Khyber Pakhtunkhwa was appointed as Inquiry Officer to conduct de-novo inquiry, who submitted the Inquiry report.

4. AND WHEREAS, Show Cause Notices, containing tentative major penalty of "Removal from Service", were served upon the above-named accused officers, to which they submitted their replies.

5. NOW, THEREFORE, the Competent Authority, after having considered the charges, material on record, Inquiry report of the Inquiry Officer, explanation and personal hearing of the officers concerned, in exercising his powers conferred under Rule-14(5)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the major penalty of "Reduction to lower post for a period of one year" upon the aforementioned officers.

SECRETARY TO
GOVT: OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Endst: No.SO(ESTT)/PHED/15-2/2017/NAB/VR: Dated Peshawar, the November 25, 2020

Copy forwarded for information & necessary action to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (South) PHE Department Khyber Pakhtunkhwa Peshawar
4. Chief Engineer (North) PHE Department Khyber Pakhtunkhwa Peshawar
5. All Superintending Engineers PHE Department Khyber Pakhtunkhwa
6. All Executive Engineers PHE Department Khyber Pakhtunkhwa
7. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
8. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
9. Officers concerned.
10. Office order / Personal Files.

SECTION OFFICER (ESTT:)

25.11.2020

The Secretary to Government,
Public Health Engineering Department,
Peshawar.

Amex = G
(35)

Subject: - **APPEAL AGAINST DISCRIMINATED ACTION WHILE DECIDING THE CASE NO. 17/2016 (DISCIPLINARY PROCEEDINGS AGAINST OFFICERS OF PHE DEPARTMENT FOR VR UNDER NAB ORDINANCE IN COMPLIANCE OF SUPREME COURT ORDER DATED 24-10-2016 and 06-12-2019 PASSED IN SUO MOTO CASE NO.17 OF 2016.**

Respected Sir,

I have honor to submit:

1. That, the undersigned is a civil servant working in Public Health Engineering Department, Khyber Pakhtunkhwa since February, 1995 selected on merit, after qualifying Public Service Commission, KPK, as Assistant Engineer (BS-17). During the long tenure of 28 years, the undersigned has rendered services against various positions/appointments with the sense of devotion, commitment and delivered effectively. Being highly motivated and pro-active officer of PHED, the dedication and commitment has always been eulogized by seniors, reflected as their remarks in yearly Performance Evaluation Reports. Before joining PHED in 1995, the undersigned was working in WAPDA as Junior Engineer and was offered this service without any test/interview after graduating from NWFP UET Peshawar by winning "GOLD MEDAL" in Civil Engineering in 1992 not only getting "FIRST" position in Final Year but also remaining on the top of the list in all the previous three annual exams of engineering. During the stay at WAPDA, the undersigned also gained first position in the pre-induction trainings both at Tarbela and Faisalabad. With this brilliant academic record, the Government of the Netherlands offered a fellowship for Post-Graduation in 2008 which the undersigned completed successfully in 2010 by securing more than 80% marks. During the entire service, the undersigned performed duties at the remote stations of Kohistan, Battagram and Hangu but never influenced superiors through political elements for any choice postings and always remained upright against all odds.
2. That, the undersigned is being departmentally proceeded purportedly for
3. availing the benefit of Section 25(a) of the National Accountability Ordinance 1999 (i.e. Voluntary Return) pursuant to the judgment of the Honorable Supreme Court of Pakistan dated 24-10-2016 passed in Suo Moto No. 17/2016.
4. That, the major penalty of "Reduction to lower post for a period of one year" under Rule 14(5)(ii) of KPK Government Servants (Efficiency & Disciplinary) Rules

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2011 was imposed vide order No. SO(ESTT)/PHED/15-2/2017/NAB/VR dated 25-11-2020.

5. That with profound respect, the said penalty is the prima facie based on incorrect interpretation of the order of the Honorable Supreme Court of Pakistan if read in juxtaposition with Rule 5, Rule 10 and Rule 11 of the E&D Rules.
6. That, the august Supreme Court of Pakistan in Suo Moto Case No. 17/2016 had noticed that in terms of Section-25(a) of NAB Ordinance, the NAB authorities after issuance of call up notices suggest to the accused that they may opt to come forward with the offer of voluntary return of the amount that have allegedly been acquired or earned illegally by them. Section-25(a) ibid empowers the Chairman NAB to accept such voluntary returns (VR) made by the accused persons; the amount is deposited with NAB in installment at the discretion of Chairman NAB. The Supreme Court also noticed that on payment of certain portion of the amount, such person is given clean chit by NAB to re-join his job. In view of the position, petition was instituted to examine the vires of Section-25 (a) ibid vis -a-vis the un-bridled power of Chairman NAB to accept the offer of VR from a person regardless of the size of amount by any mode adopted at his discretion, which falls within the domain of the judiciary, hence the matter was placed before the Chief Justice of Pakistan, who directed to fix the matter in court treating it as a petition under article 184(3) of the Constitution.
7. Keeping in view the position mentioned above, in the first place, such Suo Moto was targeted against Section-25 (a) of the NAB Ordinance and not against any individual civil servants. On submission of details, the court ordered vide order sheet dated 06-12-2016 to conclude departmental proceedings against officials who have entered into voluntary return, however **no final order of removal from service shall be passed against any of the officials, who have entered in to the voluntary return, if the amount of the VR paid him is less than 25 lacs.** Keeping in view the above order sheet, Secretary Law vide his letter dated 29-12-2016 addressed to the Secretary Establishment had construed in last para of such letter that no final order of removal from service shall be passed against officers till further order/decision of the Supreme Court in the mentioned case SMC No. 17/2016, however the words till further order is not mentioned in the said judgment. To make it more clear, till further order, as mentioned in the letter dated 29-12-2016 of Law Department would mean till decision of the issue of Section-25 (a) of the NAB Ordinance and till the time, departments were restrained from any adverse action against defaulting officials inspite of conclusion of departmental proceedings against them, as the issue of section 25(a) could be decided either way and in case it was decided in favour of Section-25 (a), the adverse action taken

would be bad in such a situation, hence adverse action was restrained till final decision of the case.

8. In order to make the status clear the undersigned along-with other officials of the different departments all over Pakistan filed CMAs No. 339/2017, 7126/2016 & 7278/2016 for impleadment in Suo Moto Case No. 17/2016 which were clubbed together and the Supreme Court, while disposing such CMA's in its judgment dated 15-01-2020 noted that this matter is pending since 2016 and with it some other cases, are also listed of the persons who have entered the benefit under Section-25 (a) of the ordinance and their cases are un-necessarily being not decided because of pendency of this issue. The Supreme Court in this particular case advised all the relevant functionaries to make serious efforts in resolving the issue of section 25 (a) through act of parliament instead of this court deciding the issue and those have submitted CMA for impleadment in the case No. 17/2016, were advised that since they had made such in their personal cause for which they have appropriate legal remedy available to them.
9. That, SMC-17/2016 has been disposed of on 08-03-2023 (Copy Attached as Annexure-A) with the remarks that;

“From the foregoing amendment in the law it is clear that the objection of the sou-moto proceedings initiated vide our order dated 24-10-2016 has been addressed. Consequently, these proceedings have been fructified and are disposed of accordingly”.

These new amendments are also sub-judiced in the Supreme Court under the title C.P No. 20/2021 and again decided on 15-09-2023 declaring the most of the proposed amendments as null and void. (Copy of the relevant pages 1,2,12,13,54 &55 are attached as Annexure-B).

10. Public Health Engineering Department (PHED) took it otherwise, as departmental proceedings were concluded against the officers who entered into VR under Section-25(a). The right course would have been that if the all the officers who were held guilty in the VR case by the inquiry officer, then in that situation, the penalty or the adverse action so proposed was required to be kept pending till final decision in that case.
11. The immediate appeal has been placed at the disposal of competent authority against the discriminated treatment with the undersigned while conducting the departmental proceedings as desired by the Supreme Court of Pakistan on the following grounds.
 - (a) In Public Health Engineering Department (PHED), 28 officers from BPS-17 to 20 who entered into VR under Section-25(a), and proceeded under Supreme Court of Pakistan orders dated 24-10-2016 and 06-12-2016 passed in SMC-17/2016 different penalties were imposed on different groups although the

offence was same of all the officers and base of inquiry was also the same i.e. entering into VR with NAB under Section-25(a). 16 officers in BPS 19 & 18 were imposed with minor penalty of "Censure" on 13-09-2019 (Detail is attached as Annexure-C); 9 officers of BPS-17 were given the minor penalty of "Stoppage of annual increment for one year" on 25-02-2020. (Detail is attached as Annexure-D), whereas two officers were imposed with major penalty of "Reduction to lower post for a period on one year" on 25-11-2020" (Detail is attached as Annexure-E), which shows the favoritism and nepotism while dealing this case. The plea of the department was that the two officers including the undersigned whose VR amount is more than 2.500 (M) were given the major penalty and others amount of VR is less than 2.500(M) so they were awarded with minor penalty which is not correct and against the basic principal of equality and justice. If all the officers are proceeded on the same ground and offence then their penalties are required to be the same. As far as the order of Supreme Court dated 06-12-2016 is concerned, the KPK Service Tribunal (Fazal Hussain VS Govt of KPK) already decided that order was misjudged and not clearly understood and the court restrained all the departments from taking the adverse action against any persons till the final disposal of the case as the case can go either way. (Copy of the decision of the Service Tribunal is attached as Annexure-F).

- (b) If this plea of the PHED department is considered as correct that the Supreme Court of Pakistan in its order dated 06-12-2016 has directed to proceed against the officers whose VR amount is more that 2.500 (M) and impose major penalties that in the similar nature of cases in other departments of the Khyber Pakhtunkhwa, the most of officers were either exonerated from the charges or given minor penalties who also availed the facility of VR under Section-25(a). For instance, Mr. Fazal Hussain S/O Faqir Hussain (PMS Officer of BPS-19) who has availed the facility of VR in two different cases amounting to Rs. 36,32,707/- in 2013 (at S.No. 1570 in the VR List of NAB attached as Annexure-G) and Rs. 54,65,554/- in 2014 at 1839 (the amount is higher than the threshold of Rs. 25,00,000/- as fixed by the Supreme Court in its order dated 06-12-2016 but after the departmental proceedings he has been given the clean chit by exonerating him from all the charges and promoted.
- (c) In Police department, DIG Mazhar ul Haq Kakakhel was not only exonerated from the charges but also promoted to BPS-20 although he also availed the facility of VR amounting to Rs. 65,00,000/- in 2014 (at S.No.1846). In Local Government Department, Miss Tahira Yasmin, (Currently Director in BPS-19) and Sami Ur Rahman (Ex SO in LGRDD) also lies in this category by availing the facility of VR in 2015 amounting to Rs. 43,83,707/- respectively (at S.No.

(39)

2197 & 2198) but no adverse action was taken against both of them. Mr. Ikhtlaq Ahmed S/O Abdul Aziz working as Municipal Engineer in Local Government also escaped from the departmental proceedings and got promoted to BPS-19 regardless of his name in the VR list while depositing the amount of Rs. 36,86,663/- in 2016 (at S.No. 2562) . In Irrigation Department of KPK, many such officers availing the facility of VR were not only exonerated from the charges but also promoted to the next level.

Similarly hundreds of officers/officials working in the Revenue department were exonerated from the charges and working in the same cadre or promoted to the next levels.

It is clear violation and wrong application of the Rules, as a result of the above adverse action, the undersigned has lost its position in the seniority list while many juniors whose names were also in the list of VR were promoted ahead of the undersigned creating an embarrassing and demoralizing position.

(d) This appeal has been compiled after conclusion of all such cases influencing the current NAB ordinance and subsequent amendments taken by the last Government pending in the Supreme Court of Pakistan which is decided on 15-09-2023. Now all issues are settled and SMC 17/2016 related to the vires of Section-25(a) is also disposed of.

(e) Furthermore this victimized action is contrary to the fundamental rights of people of Pakistan under article 25, (Constitution of Pakistan-1973);

Equality of citizens. (1) "All Citizens are equal before law and are entitled to equal protection of law".

In light of the above discussion it is requested to set aside the adverse action and to promote the undersigned to BPS-19 from that date, when other colleagues/juniors were promoted without any conditionality and with all the consequential benefits while maintaining the name of the undersigned at its original seniority list of BPS-19.

Your act of kindness and graciousness shall uphold the golden principles, standards and norms of fair play, justice and rule of law.

Sincerely Yours,

SHAUKAT RAHMAN
SUPERINTENDING ENGINEER (H/Q)
O/O CHIEF ENGINEER (EAST),
PHED, PESHAWAR

Dated: 05-12-2023



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

NO.SO(ESTT)/PHED/1-97/S.E/PF/SHAIKAT
Dated Peshawar, the March 14, 2024

(H)

To

Engr. Shaukat Rehman (BS-19),
Superintending Engineer PHE Circle, Malakand at Timergara.

Subject:

APPEAL AGAINST DISCRIMINATED ACTION WHILE DECIDING THE CASE NO.17/2016 (DISCIPLINARY PROCEEDINGS AGAINST OFFICERS OF PHE DEPARTMENT FOR VR UNDER NAB ORDINANCE IN COMPLIANCE OF SUPREME COURT ORER DATED 24.10.2016 AND 06.12.2019 PASSED IN SUO MOTO CASE NO. 17 OF 2016.

I am directed to refer to the subject noted above and to inform that Govt. of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, provides that (a) "Appellate Authority" means the officer or authority next above the competent authority, the above rule further provides that (1) "A Civil Servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms and conditions of service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority:

Provided that where a order is made by the Govt. there shall be no appeal but the civil servant may submit a review petition".

You are, therefore, advised to submit your appeal to the competent authority (Appellate Authority), please.


Encl: **As above.**


14/03/24
(SHER AZAM KHAN)
SECTION OFFICER (ESTT)

ENDST: No & Date as above:

Copy forwarded to the:

- 1) PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
- 2) PA to Additional Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
- 3) PA to Deputy Secretary-I, PHE Department Khyber Pakhtunkhwa Peshawar.


14/03/24
(SHER AZAM KHAN)
SECTION OFFICER (ESTT)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the September 13, 2019

Annex I

(41)

ORDER

No. SO(ESTT)/PHED/15-2/2017/NAB/VR; WHEREAS, In compliance with the Supreme Court of Pakistan Orders dated 24-10-2016 and 06-12-2016 passed in Suo Motu Case No.17 of 2016 and CMAs No.7126/2016 & 7278/2016 respectively, the following officers of the Public Health Engineering Department were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, due to their involvement in VR case with National Accountability Bureau:-

S.No.	Name with designation
1.	Mr. Ishrat Ali, Superintending Engineer (BPS-19), PHE Circle Mardan
2.	Mr. Qaiser Zaman, Superintending Engineer (BPS-19), PHE Circle Merged Areas Peshawar
3.	Mr. Muhammad Sadiq (BPS-18), Superintending Engineer (OPS), PHE Circle Kohat
4.	Mr. Gul Shahid (BPS-18), Superintending Engineer (OPS), PHE Circle Bannu
5.	Mr. Kaiser Farooq (BPS-18), Superintending Engineer (OPS), PHE Circle Malakand at Timergara
6.	Mr. Muhammad Yousaf, Executive Engineer (BPS-18), PHE Division Swabi
7.	Mr. Walayat Ullah, Executive Engineer (BPS-18), PHE Division D.I. Khan
8.	Mr. Kifayat Ullah, Executive Engineer (BPS-18), PHE Division Kohat

S.No.	Name with designation
9.	Mr. Amil Muhammad Executive Engineer (BPS-18), PHE Division Charsadda
10.	Mr. Shahzada Behram, Executive Engineer (BPS-18) PHED (presently on deputation to Housing Department)
11.	Mr. Shahid Mehmood, Executive Engineer (BPS-18), PHE Division Haripur
12.	Mr. Mir Adam Khan, Executive Engineer (BPS-18), PHE Division Merged Areas Peshawar
13.	Mr. Muhammad Faisal Naeem, XEN/Technical Officer (BPS-18) o/o the C.E (North) PHED
14.	Mr. Yousaf Khan, Executive Engineer (BPS-18 acting charge) PHE Division Shangla
15.	Muhammad Waseem, Executive Engineer (BPS-18 acting charge) PHE Division Mardan
16.	Mr. Adnan Ahmed, Executive Engineer (BPS-18 acting charge) PHE Division Abbottabad

2. AND WHEREAS, for the said act/omission specified in rules-3(a) of the rules ibid, they were served with charge sheets/statements of allegations.

3. AND WHEREAS, Mr. Kamran Rehman (PAS BPS-20), Secretary Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa was appointed as Inquiry Officer, who submitted the inquiry report.

4. AND WHEREAS, Show Cause Notices, containing tentative minor penalty of "Withholding of two increments for two years", were served upon the above-named accused officers, to which they submitted their replies.

5. NOW, THEREFORE, the Competent Authority, after having considered the charges, material on record, inquiry report of the Inquiry Officer, explanation and personal hearing of the officers concerned, in exercising his powers conferred under Rule-14(5)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the minor penalty of "Censure" upon the aforementioned officers.

Section Officer (ESTT)
Public Health Engineering Department
Khyber Pakhtunkhwa

SECRETARY TO
GOVT: OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the February 25, 2020

Amir J
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NOTIFICATION

No.SO(ESTC)/PHED/15-2/2017/NAB/VR: WHEREAS, In compliance with the Supreme Court of Pakistan Orders dated 24-10-2016 and 06-12-2016 passed in Suo Motu Case No.17 of 2016 and CMAs No.7126/2016 & 7278/2016 respectively, the following officers of the Public Health Engineering Department were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, due to their involvement in VR case with National Accountability Bureau:-

S.No	Name with designation
1.	Mr. Zahid Hussain (BS-17), Executive Engineer (OPS), PHE Division Chitral
2.	Mst. Amna Waheed Awan (BS-17), Executive Engineer (OPS), PHE Division Tor Ghar
3.	Mr. Zahid Ullah (BS-17), Executive Engineer (OPS), PHE Division Kohistan
4.	Mr. Zeeshan Khan (BS-17), Executive Engineer (OPS), PHE Division Tank
5.	Mr. Yasir Rehman (BS-17), Executive Engineer (OPS), PHE Division Kolar Palas, Kohistan
6.	Mr. Iftikhar Ahmad, Assistant Engineer/SDO (BS-17) PHED
7.	Mr. Sajjad Ali, SDO (BS-17) PHE Sub Division Takht-Bhal Mardan
8.	Mr. Khurshid Anwar, SDO (BS-17) PHE Sub Division Paharpur D.I. Khan
9.	Mr. Aziz-ur-Rehman, SDO (BS-17) PHE Sub Division Hangu

S. J. M. 2020

2. AND WHEREAS, for the said act/omission specified in rules-3(a) of the rules ibid, they were served with charge sheets/statements of allegations.

3. AND WHEREAS, an Inquiry Committee comprising of Mr. Hassan Mehmood (PAS BS-20), the then Secretary Law & Order FATA and Engr. Muhammad Naeem (BS-20), the then Secretary Irrigation Department, Government of Khyber Pakhtunkhwa was appointed, who submitted the inquiry report.

4. AND WHEREAS, Show Cause Notices, containing tentative major penalty of "Removal from Service", were served upon the above-named accused officers, to which they submitted their replies.

5. NOW, THEREFORE, the Competent Authority, after having considered the charges, material on record, inquiry report of the Inquiry Committee, explanation and personal hearing of the officers concerned, in exercising his powers conferred under Rule-14(5)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the minor penalty of "Stoppage of annual increment for one year" upon the aforementioned officers.

SECRETARY TO
GOVT: OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

P.T.O

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO. 5765/2021
Converted format of W.P No. 1408/2021
Into service appeal.



Fazal Hussain, PMS Officer, (BPS-18)
Presently, BOR, Peshawar. APPELLANT.

Annex = K

VERSUS

1. The Govt: of KP through The Chief Secretary Govt: of KP Civil Secretariat Peshawar.
2. The Chief Secretary, KP(Chairman PSB) KP, Civil Secretariat Peshawar.
3. The Secretary Establishment, Civil Secretariat, Peshawar.
4. The Secretary Law, Parliamentary & Human Rights Deptt: KP Civil Secretariat, Peshawar.

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 FOR DECLARING THE DECISION OF PSB REGARDING DENIAL OF PROMOTION TO THE APPELLANT ON THE BASIS OF PENDENCY OF VR CASE IN THE SUPREME COURT OF PAKISTAN IN WHICH THE APPELLANT WAS NOT PARTY AND OPINION OF ADVOCATE GENERAL OFFICE REGARDING CONSECUTIVE CONDITIONAL PROMOTION AS ILLEGAL, UNLAWFUL, CORUM NON-JUDICE, UNCONSTITUTIONAL, AGAINST THE SPIRIT OF LAW, RULES, PROMOTION POLICY, AND AS SUCH THE SAME IS NOT SUSTAINABLE AND LIABLE TO BE STRUCK DOWN BEING INEFFECTIVE UPON THE RIGHTS OF APPELLANT. THE RESPONDENTS MAY BE DIRECTED TO GRANT THE PROMOTION TO THE APPELLANT WITHOUT ANY

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[Signature]
Secretary
KP Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5965/2021

Date of Institution, 06.08.2021

Date of Decision ... 02.02.2022



Fazal Hussain, PM Officer, (BPS-1E) Presently, BOR, Peshawar.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar and three others.

... (Respondents)

Nasir Mehmood & Taimur Ali,
Advocates

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQ-UR-REHMAN WAZIR

... **CHAIRMAN**
... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant being a PMS Officer in BPS-17 was conditionally promoted to BPS-18 vide order dated 17-05-2019 on the issue of pendency of a Suo Moto case No 17/2016 against the appellant in the Supreme Court of Pakistan. Subsequently, the same issue again debarred him from promotion to BPS-19, when his promotion case came before Provincial Selection Board (PSB) in its meeting held on 30-12-

ATTESTED: 2020. The board considered his case but promotion was not granted to him due to the reason that two consecutive conditional promotions could not be made, as the case is still pending against him. The appellant filed departmental appeal followed by Writ Petition No. 1408/2020 in Peshawar High Court against the reservations of

PSB, which was decided vide judgment dated 08-06-2021 and the case was disposed of on the ground of jurisdiction as his issue being the terms and condition of his service docs come under the ambit of service Tribunal, hence his case was referred to this tribunal for disposal under the law. Prayers of the appellant are that upon acceptance of the instant appeal, the impugned decision of PSB dated 30-12-2020 and opinion of Advocate General Office dated 23-11-2020 may be set aside and the respondents may be directed to consider promotion of the appellant to BPS-19 without any conditionality.

C2. Learned counsel for the appellant has contended that the impugned decision of PSB dated 30-12-2020 and opinion of Advocate General Khyber Pakhtunkhwa dated 23-11-2020 are against law, fact and norms of natural justice, hence not tenable and liable to be set aside; that the impugned decision of PSB and opinion of Advocate General is against the spirit of justice, fair play, law relating to promotions as well as against the spirit of Article-2A, 4, 9, 10-A and 25 of the Constitution; that the appellant though having been exonerated from the charges, despite he was deprived of his right of promotion merely due to his name available in the list submitted by the government in Suo Moto case No. 17/2016, thus the appellant has been made to suffer due to a case in which the appellant is not a party, hence the appellant has not been treated in accordance with law; that even the conditional promotion to BPS-18 is against the norms of justice as promotions cannot be made with conditions if otherwise a person is eligible and qualified to be promoted, thus denying the promotion to the appellant on the basis of consecutive conditional promotions is totally against the law; that the impugned decision of the PSB is Coram Non Jure as the PSB can either recommend promotion or recommend supersession from promotion or defer promotion, but in the instant case there is no such ground, which can be based to refuse the

W/h

ATTESTED

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Secretary

promotion of the appellant; that the supreme court of Pakistan in case reported as 2010 SCMR 1801 has held that in matter of promotion, rules are to be followed

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and where discretion of the authority is involved, then that must be exercised with fairness; that the supreme court of Pakistan in case reported as 2013 SCMR 1752 has held that the term "life" also includes reputation, status and all other ancillary privileges conferred on a citizen by law, thus the decision of not promoting the appellant without any just and fair reason is violative of the Article-9 of the Constitution, as the same affected the status and reputation of the appellant amongst the batch-mates and other service fellows; that in the latest judgment of august Supreme Court of Pakistan reported as PLD 2013 (CS) 195 (Anita Turab case), it has been held that the statutory provisions, rules, regulations, which govern the matter of appointment of civil servants must be followed honestly and scrupulously, but the respondents have violated the rules in case of the appellant, which is liable to be set aside; that the conduct and attitude of the respondents as well as not promoting the appellant despite availability of post and senior most with good record is against the spirit of Article-2A, 4, 9 and 25 of the Constitution; that even High Court in case reported as 2016 PLC (CS) 569 have held that pending inquiries of NAB cannot be made a base to refuse promotions; that recently in WP No 4970/2018 decided on 19-03-2019, WP No 1475/2018 decided on 19-03-2019 and 345/2018 similar cases have been allowed wherein promotion were refused on the basis of pending inquiries of NAB; that one of the police officer (Mazharul haq kaka Khel) have been given promotion to BPS-20 despite the fact that he made VR of more than million rupees, but in the instant case, the appellant has been discriminated throughout; that the august supreme court of Pakistan has already deprecated the orders of promotion with conditionality and held it against the law and norms of justice.

ANNEXED 03. Learned Additional Advocate General for respondents has contended that

In Suo Moto case No 17/2016 vide judgment dated 24-10-2016, the supreme court of Pakistan has directed that voluntary return (VR) falls within the definition of misconduct therefore all chief secretaries of the provinces were directed to ensure

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initiation of departmental proceedings against its employees, who have made VR in terms of section 25(a) without further loss of time; that meanwhile the august Supreme Court of Pakistan vide judgment dated 17-11-2016 has further directed that no final adverse/removal order shall be passed against them till final order/decision of the supreme court of Pakistan; that the appellant availed VR facility of Rs. 35323707/ and Rs. 5465554/ and Establishment Department initiated disciplinary proceedings against him and as a result of inquiry conducted against him, the appellant was exonerated of the charges subject to final decision of the supreme court of Pakistan; that the PSB in its meeting held on 19-04-2019 recommended him for promotion from BPS-17 to BPS-18 subject to final decision of supreme court case in Sup Moto case No 17/2016 and his promotion notification after finalization of his inquiry was finally issued on 17-05-2019; that case of the appellant for promotion to BPS-19 was placed before PSB on 30-12-2020 and PSB referred his promotion in consultation with advocate general office as there is neither any ground nor justification for two consecutive conditional promotions.

W/m

04. We have heard learned counsel for the parties and have perused the record.

05. The august Supreme Court of Pakistan in Suo Moto Case No. 17/2016 had noticed that in terms of Section-25(a) of the NAB Ordinance, the NAB authorities after issuance of call up notices suggest to the accused that they may opt to come forward with the offer of voluntary return of the amount that have allegedly been acquired or earned illegally by them, Section-25(a) ibid empowers the Chairman NAB to accept such voluntary returns made by the accused persons; the amount is deposited with NAB in instalment at the discretion of the Chairman NAB. The Supreme Court also noted that on payment of certain portion of the amount such person is given clean chit by NAB to re-join his job. In view of the position petition was instituted to examine the vires of Section-25(a) ibid vis-a-vis the unbridled power of the Chairman NAB to accept the offer of voluntary return from a

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person regardless of the size of the amount by any mode adopted at his discretion, which falls within the domain of the judiciary, hence the matter was placed before the chief justice of Pakistan, who directed to fix the matter in court, treating it as a petition under Article 184(3) of the Constitution.

06. Keeping in view the position mentioned above, in the first place, such *Suo Moto* was targeted against Section 25(a) of the NAB Ordinance and not against any individual including the appellant, rather in the same case; NAB authorities were made a party with direction to submit details of the VR made so far by the civil servants as the VR also comes under the definition of misconduct. On submission of details, the court ordered vide order sheet dated 06-12-2016 to conclude departmental proceedings against officials who have entered into voluntary return, however no final order of removal from service shall be passed against any of the officials, who have entered into voluntary return, if the amount of voluntary return paid by him is less than 25 lacs. Keeping in view the above order sheet, Secretary Law, vide his letter dated 29-12-2016 addressed to secretary establishment had construed in last Para of such letter that no final order of removal from service shall be passed against officers till further order/decision of the supreme court in the mentioned case SMC No 17/2016, however the words till further order is not mentioned in the said judgment. To make it more clear, Till further order, as mentioned in the letter dated 29-12-2016 of Law Department would mean till decision on the issue of section 25(a) of the NAB Ordinance and till that time, respondents were restrained from any adverse action against the defaulting officials inspite of conclusion of departmental proceedings against them, as the issue of section 25(a) could be decided either way and in case it was decided in favor of section 25(a), the adverse action taken would be bad in such a situation, hence adverse action was restrained till final decision of the case, but the respondent took it otherwise, as departmental proceedings were concluded against the appellant and the appellant was exonerated of the charges vide order

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dated 16-05-2019, but such exoneration was kept pending till final decision on section 25(a) of the NAB Ordinance in SMC No 17/2016. The right course would have been that if the appellant was held guilty in the VR case by the inquiry officer, then in that situation, the penalty or the adverse action so proposed was required to be kept pending till final decision in that case, but in case of exoneration, the story ended up there and then.

07. In order to make his status clear, the appellant also filed CMA No. 339/2017 for his impleadment in Sup Moto Case No. 17/2015. Not only the appellant but many other similarly placed persons filed CMAs in this case, which were clubbed together and the supreme court, while disposing such CMAs in its judgment dated 15-01-2020 noted that this matter is pending since 2016 and with (it some other cases,) are also listed of the persons who have entered the benefit under section-25(a) of the ordinance and their cases are un-necessarily being not decided just because of pendency of this issue. The Supreme Court in this particular case, advised all the relevant functionaries to make serious efforts in resolving the issue (of section 25(a)) through an Act of parliament instead of this court deciding the issue and those who had submitted CMA for impleadment in the case No- 17/2016, were advised that since they had made such CMA in their personal cause for which they have appropriate legal remedy available to them, hence all those applications including the application of the appellant for his impleadment were dismissed, which means that they were excluded from Sup Moto Case No 17/2016.

ADMITTED

08. In pursuance of dismissal of his CMA, the appropriate legal remedy available to the appellant was his parent department, which was already mandated by the supreme court of Pakistan to conduct departmental proceedings against the defaulting officials, hence the appellant made himself available for disciplinary proceedings, thus he was proceeded against for the same very charge of voluntary return, but was found innocent and was exonerated of the charges. In a situation

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when he was exonerated of the charges of VR, no further case was pending against the appellant in the supreme court of Pakistan, but the respondents misinterpreted the last wordings of the order sheet dated 06-12-2016 of the august Supreme Court of Pakistan in Suo Motu Case no 17-2016, which had stated to conclude departmental proceedings against officials who have entered into voluntary return and the departments were also restrained from any adverse action against the defaulting officials till further orders of the august Supreme Court of Pakistan in the above mentioned case No. 17/2016, but the respondents in the instant case had taken adverse action twice and are waiting for final decision of the august Supreme Court of Pakistan in a case, which is not related to the appellant, rather it relates to the vires of section 25(a) of the NAB Ordinance.

09. Keeping in view the above situation, his first conditional promotion to BPS-18 was not required to be made conditional as the appellant had been exonerated of the charges and no case was left in the august Supreme Court of Pakistan against the appellant to the extent of Suo Motu No 17/2016. Again refusal of promotion to BPS-19 on the ground of pendency of case against him is also illegal, as no case is pending against him to the extent of Suo Motu Case No 17-2016 as such case was against vires of section 25(a) of the NAB Ordinance and not against any individual, rather the supreme court in his last Para of the judgment in respect of disposal of CMAs has noted that the matter of vires of section 25(a) will be resolved through parliament and in case it is not done then this court will proceed to decide the same.

ATTESTED

10. It was noted with concern that nobody sitting at the helm of affairs bothers to study and examine the relevant judgments and understands the essence of the judgment. Even the Office of Accounts General could not deliver an advice based on the guidelines delivered by judgments of the august Supreme Court of Pakistan due to the reason that they also did not bother to study the relevant judgments. In view of the situation and in order to sensitize the

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respondents about the issue, it is held that the case of the appellant as well as all such case, where the civil servants are exonerated of the VR case, must not be unnecessarily delayed or deferred due to the plea of pendency of case in Suo Moto No. 17-2016, as VR case was pending against the appellant which was decided by exonerating the appellant by the respondents themselves and now nothing is left pending against him in the case No. 17-2016. What is pending in that case is the fate of section 25(a) of the NAB Ordinance and nothing else.

11. It is un-disputed that the appellant is otherwise fit for promotion and the PSB has deferred his promotion only for want of pendency of case against him in the august Supreme Court of Pakistan in SMC No. 17-2016, the fact however remains that no case is pending against the appellant to the extent of Suo Moto case. In view of the foregoing discussion, the instant appeal is accepted. The impugned decision of FSB dated 30-12-2020 and opinion of Advocate General Office dated 23-11-2020, are set aside with direction to respondents to promote the appellant to BPS-19, from the date, when his other colleagues/juniors were promoted without any conditionality and with all consequential benefits. Moreover, condition in his promotion to BPS-18 is also set aside and he is treated as normally promoted to BPS-18. This judgment is equally applicable in all similar cases, where the civil servants are exonerated of the charges of VR. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
02.02.2022

(Signature)

GAHMAD SULTAN TAREEN
CHAIRMAN

certified to be true copy

for the JUDGE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Signature)

(ATIQ-UR-REHMAN WAJIR)
MEMBER-(E)

(32)

Annex = L

ANNEXURE-A

VOLUNTARY RETURN (VR) DATA

SINCE INCEPTION TILL 31-08-2021

(PAGES 1 TO 160)

Nuzhat Hussain Soyic
Nuzhat Hussain Soyic
APS - VR/PB
NAB HQ LSB

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	Name & Father's Names and designation	Title of the case / Allegations	Amounts alleged / involved	Amount determined	Amount agreed	Amount recovered	Amount balance	Year	Regions
1560	Misri S/o Mohd Sachal, PST Primary School Teacher	Embezzlement of GP Fund etc in District Jacobabad.	344,000	344,000	344,000	344,000	-	2013	Karachi
1561	Muhammad Suleman Mirani, DAO DAO	Embezzlement in GP Fund, Pension, Creation of Fake IDs and other Illegal / Bogus Payments of Education Deptt Distt Larkana	89,437,170	89,437,170	89,437,170	40,400,000	49,037,170	2013	Karachi
1562	Gulsher Ahmed Soomro s/o Allah Dino Soomro, DAO, DAO	Embezzlement in GP Fund, Pension, Creation of Fake IDs and other Illegal / Bogus Payments of Education Deptt Distt Larkana	16,022,926	16,022,926	16,022,926	3,631,863	12,391,063	2013	Karachi
1563	Muhammad Yaqoob Memon, DAO DAO	Embezzlement in GP Fund, Pension, Creation of Fake IDs and other Illegal / Bogus Payments of Education Deptt Distt Larkana	5,701,191	5,701,191	5,701,191	3,819,405	1,881,786	2013	Karachi
1564	Mumtaz Ali Khaskheli, DAO, DAO	Embezzlement in GP Fund, Pension, Creation of Fake IDs and other Illegal / Bogus Payments of Education Deptt Distt Larkana	5,701,191	5,701,191	5,701,191	3,819,405	1,881,786	2013	Karachi
1565	Nazir Hussain Jatoi S/o Atta Muhammad Jatoi Ex-ADOE (Male)	Embezzlement in GP Fund, Pension, Creation of Fake IDs and other Illegal / Bogus Payments of Education Deptt Distt Larkana	3,072,525	3,072,525	3,072,525	1,000,000	2,072,525	2013	Karachi
1566	Altaf Hussain Burdi S/o Shah Nawaz Burdi, PST Working as Clerk,	Embezzlement in GP Fund, Pension, Creation of Fake IDs and other Illegal / Bogus Payments of Education Deptt Distt Larkana	19,095,451	19,095,451	19,095,451	4,500,000	14,595,451	2013	Karachi
1567	Bashir Ahmed Arbani, DAO, DAO	Embezzlement in GP Fund, Pension, Creation of Fake IDs and other Illegal / Bogus Payments of Education Deptt Distt Larkana	5,701,191	5,701,191	5,701,191	1,938,405	3,762,786	2013	Karachi
1568	Saadullah Khan s/o Alam Sher Office Qanoongu	Officials of DCO & DRO Office DIK	N/A	790,625	790,625	790,625	-	2013	KPK
1569	Muhammad Abbas s/o Haji Ghulam Qasim Naib Qanoongu	Officials of DCO & DRO Office DIK	N/A	790,625	790,625	790,625	-	2013	KPK
1570	Fazal Hussain, s/o Faqir Hussain Ex Tehsildar	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	30,320	3,632,707	3,632,707	3,632,707	-	2013	KPK
1571	Qaiser-ud-Din, s/o Abdul Hakeem Patwari	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	196,346	1,448,638	1,448,638	1,448,638	-	2013	KPK
1572	Syed Gulfam Abbas, s/o Syed Ghulam Abbas Shah Ex Tehsildar	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	575,721	1,647,300	1,647,300	1,647,300	-	2013	KPK
1573	Inamullah, s/o Awal Khan Patwari	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	270,732	401,200	401,200	401,200	-	2013	KPK
1574	Muhammad Ibrar, s/o Redi Gul Girdawar	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	228,648	515,107	515,107	515,107	-	2013	KPK
1575	Sareer Ahmad, s/o Wali Dad Khan Tehsildar	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	187,558	132,024	132,024	132,024	-	2013	KPK
1576	Haji Muhammad, s/o Munawar Khan Patwari	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	207,540	30,320	30,320	30,320	-	2013	KPK
1577	Muhammad Nadeem, Girdawar	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	9,144	196,346	196,346	196,346	-	2013	KPK
1578	Qaiser Naz, Tehsildar	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	534,124	575,721	575,721	575,721	-	2013	KPK
1579	Syed Khurshid Shah, s/o Phool Badshah Girdawar	Officials of Revenue Deptt Halqa Jhalarian and Tukra 3 - Misappropriation / embezzlement in mutation fee of Halqa	1,823,663	270,732	270,732	270,732	-	2013	KPK

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Sr	Name & Father's Name and designation	Title of the case / Allegation	Amounts alleged / involved	Amount determined	Amount agreed	Amount recovered	Amount balance	Year	Regions
1820	Abdul Aziz s/o Ghulam Rasool Ex CT	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	24,000	24,000	24,000	-	2014	KPK
1821	Syed Mohsin Shah s/o Syed Zamurd Shah Ex DCO	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	10,019,086	10,019,086	10,019,086	-	2014	KPK
1822	Dr. Ashiq Saleem s/o Hafiz Muhammad Saeed Ex MS DHQ D.I.	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	1,325,284	1,325,284	450,596	874,688	2014	KPK
1823	Muhammad Farooq s/o Bashir ud din DM	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	100,000	100,000	100,000	-	2014	KPK
1824	Ghulam Qasim, s/o Khuda Bakhsh SDM	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	90,000	90,000	90,000	-	2014	KPK
1825	Kareem Nawaz s/o Rab Nawaz Driver	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	35,000	35,000	35,000	-	2014	KPK
1826	Jamshed Iqbal s/o Rozi Khan Chowkidar	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	150,000	150,000	70,000	80,000	2014	KPK
1827	Nighat Shaheen d/o Niaz Muhammad Ex DDO	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	97,986,122	74,000	74,000	-	2014	KPK
1828	Rahim Bakhsh s/o Allah Bakhsh Account Officer	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	2,616,386	177,228	177,228	-	2014	KPK
1829	Muhammad Farooq s/o Abdul Aziz PTC	Officers/ officials of Education Deptt Govt of KPK - Embezzlement in Medical re-imburement charges by administration of Education	N/A	35,000	35,000	35,000	-	2014	KPK
1830	Haroon Ghazanfar s/o Ghazanfarullah Pvt Person	Inquiry against Officials of BISE DIK and others - Acquired / purchased unsuitable land in violation of land acquisition act and	1,928,049	1,928,049	1,928,049	1,928,049	-	2014	KPK
1831	Alamzeb Khan, Ex- s/o Tehmas Khan Ex Tehsildar	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	1,205,679	1,205,679	1,205,679	1,205,679	-	2014	KPK
1832	Syed Mehmood Shah, s/o Syed Farman Ali Shah Naib Tehsildar	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	956,740	956,740	956,740	956,740	-	2014	KPK
1833	Mohammad Jamil s/o Mohammad Azam Khan Naib Tehsildar	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	347,158	347,158	347,158	347,158	-	2014	KPK
1834	Syed Khurshid Shah s/o Syed Phool Badshah Patwari	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	397,440	397,440	397,440	397,440	-	2014	KPK
1835	Nadeem Khan, s/o Saleem Khan Patwari	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	91,024	91,024	91,024	91,024	-	2014	KPK
1836	Ataullah Khan s/o M. Ibrahim Khan Patwari	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	16,786	16,786	16,786	16,786	-	2014	KPK
1837	Mohammad Ilyas s/o Saleem Patwari	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	17,880	17,880	17,880	17,880	-	2014	KPK
1838	Dawood Khan, s/o Ajmal Khan Naib Tehsildar	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	25,340	25,340	25,340	25,340	-	2014	KPK
1839	Fazal Hussain, s/o Faqir Hussain Collector NHA	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	5,465,554	5,465,554	5,465,554	5,465,554	-	2014	KPK

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Sr	Name & Father's Name and designation	Title of the case/Allegations	Amounts alleged /involved	Amount determined	Amount agreed	Amount recovered	Amount balance	Year	Regions
1840	Syed Gulam Abbas Shah, s/o Syed Ghulam Abbas Shah Ex Tehsildar	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	1,624,433	1,624,433	1,624,433	1,624,433	-	2014	KPK
1841	Liaqat Ali, Ex- s/o Abdul Jabbar Ex Tehsildar	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	1,540,204	1,540,204	1,540,204	1,540,204	-	2014	KPK
1842	Masood Shah, s/o Phool Badshah Ex Tehsildar	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	1,027,104	1,027,104	1,027,104	1,027,104	-	2014	KPK
1843	Tehsinullah, s/o Habib ur Rahman Girdawar	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	990,000	990,000	990,000	990,000	-	2014	KPK
1844	Sarfraz Khan, Ex- s/o Mohammad Younas Ex Tehsildar	Officers / officials of Revenue Department for embezzlement / misappropriation in various Govt dues in Patwar Halqa Tehkal Bala	97,000	97,000	97,000	97,000	-	2014	KPK
1845	Niaz all Shah s/o Syed Tajmir Shah Pvt Person	Inquiry against Provincial Police Deptt KPK Peshawar - Procurement of Equipment, Weapons and Vehicles by Provincial	20,000,000	20,000,000	20,000,000	20,000,000	-	2014	KPK
1846	Mazhar-ul-Haq, s/o Mian Shamsulhaq DIG	Inquiry against Provincial Police Deptt KPK Peshawar - Procurement of Equipment, Weapons and Vehicles by Provincial	6,500,000	6,500,000	6,500,000	6,500,000	-	2014	KPK
1847	Sohail Bin Qayyum s/o Abdul Qayyum Pvt Person	M/S Abdali Brothers & Others - Substandard Construction of Adina Lahore Road District Swabi	360,000,000	7,547,200	7,547,200	7,547,200	-	2014	KPK
1848	Taj Mohammad Khan s/o Mohammad Hayat Khan Pvt Person	M/S Abdali Brothers & Others - Substandard Construction of Adina Lahore Road District Swabi	N/A	7,547,200	7,547,200	7,547,200	-	2014	KPK
1849	Shahid Sohail, s/o Asfandyar Khan Ex-Section Officer	Officers/ officials of Administration Deptt Govt of KPK & others - Embezzlement / Misappropriation of Government Funds	N/A	5,767,440	3,846,284	3,846,284	-	2014	KPK
1850	Kamran Nusrat s/o Ch. Nusrat Iqbal Pvt Person	Officials of Mardan Development Authority & others Embezzlement in Traffic Signals Contract	7,500,000	7,500,000	5,767,440	5,767,440	-	2014	KPK
1851	Zahid iqbal s/o Mukhtar Ahmad Pvt Person	Inquiry against Akhtar Mohammad s/o Wazir Mohammad & others - Corruption and corrupt practices / taking bribe for closing of	7,500,000	7,500,000	7,500,000	7,500,000	-	2014	KPK
1852	Asif Mahmood Khan s/o Mahmood Hussain Khan Pvt Person	Inquiry against Akhtar Mohammad s/o Wazir Mohammad & others - Corruption and corrupt practices / taking bribe for closing of	2,500,000	2,500,000	2,500,000	2,500,000	-	2014	KPK
1853	Dr. Zaheerullah Khan s/o Atlas Khan Infrastructure Coordinator	Inquiry against Officers / Officials of Barani Area Development Project-II Karak & Others - Irregularities / Misappropriation in	7,700,000	758,576	758,576	758,576	-	2014	KPK
1854	Hidayat All s/o Haji Shamroz Khan Infrastructure Coordinator	Inquiry against Officers / Officials of Barani Area Development Project-II Karak & Others - Irregularities / Misappropriation in	N/A	107,609	107,609	107,609	-	2014	KPK
1855	M. Shahid Jan s/o Ghazi Mar Jan Infrastructure Coordinator	Inquiry against Officers / Officials of Barani Area Development Project-II Karak & Others - Irregularities / Misappropriation in	N/A	1,438,919	1,438,919	1,438,919	-	2014	KPK
1856	Farmanullah s/o Baitullah Khan Sub Engr	Inquiry against Officers / Officials of Barani Area Development Project-II Karak & Others - Irregularities / Misappropriation in	N/A	595,885	595,885	595,885	-	2014	KPK
1857	Mir Salam Khan s/o Gul Khan Sub Engr	Inquiry against Officers / Officials of Barani Area Development Project-II Karak & Others - Irregularities / Misappropriation in	N/A	169,273	169,273	169,273	-	2014	KPK
1858	Khalid Rahman s/o Abdul Rahman Infrastructure Coordinator	Inquiry against Officers / Officials of Barani Area Development Project-II Karak & Others - Irregularities / Misappropriation in	N/A	55,724	55,724	55,724	-	2014	KPK
1859	Aamir Khan s/o Nazir Ahmad Khan Ex Distt Dir	Inquiry against Officers / Officials of Barani Area Development Project-II Karak & Others - Irregularities / Misappropriation in	N/A	168,738	168,738	168,738	-	2014	KPK

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Sl. No.	Name & Father's Names and designation	Title of the case / Allegations	Amounts alleged / Involved	Amount determined	Amount agreed	Amount recovered	Amount balance	Year	Response
2080	Gul Shahid s/o Azam Badshah XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	109,500	109,500	109,500	-	2015	KPK
2081	M Yousaf s/o M. Aslam Khan XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	322,000	322,000	322,000	-	2015	KPK
2082	Qadeerullah s/o Wall Khan SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	609,040	609,040	609,040	-	2015	KPK
2083	Amil Muhammad s/o Abdul Qadir XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	287,080	287,080	287,080	-	2015	KPK
2084	M. Sadeeq s/o Muhammad Sharif Khan XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	463,000	463,000	463,000	-	2015	KPK
2085	Qaisar Zaman s/o Muhammad Zaman Khan Supdt Engr	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	299,500	299,500	299,500	-	2015	KPK
2086	Shahid Mehmood s/o Abdul Rauf XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	422,300	422,300	422,300	-	2015	KPK
2087	Amjad Ali s/o Imdad ud Din Design Engr	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	2,343,500	2,343,500	2,343,500	-	2015	KPK
2088	Rehmatullah s/o Muhammad Khan XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	108,000	108,000	108,000	-	2015	KPK
2089	Qaisar Farooq s/o Muhammad Nisar Khan XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	881,200	881,200	881,200	-	2015	KPK
2090	Amin Khan s/o Muzaffar Shah SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	191,500	191,500	191,500	-	2015	KPK
2091	M Ayub Khan s/o Mathi khan Ex XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	2,581,531	2,581,531	2,581,531	-	2015	KPK
2092	Muhammad Gul s/o Ghulam Habib SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	181,488	181,488	181,488	-	2015	KPK
2093	Yousaf Khan s/o Asaf Khan XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	170,000	170,000	170,000	-	2015	KPK
2094	Sajjad Ali SDO s/o Raham Dad SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	83,000	83,000	83,000	-	2015	KPK
2095	Zahid Hussain s/o Muhammad Amin SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	139,535	139,535	139,535	-	2015	KPK
2096	Khurshheed Anwar s/o Fateh Ullah SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	128,000	128,000	128,000	-	2015	KPK
2097	M Waseem s/o Muhammad Salim XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	173,086	173,086	173,086	-	2015	KPK
2098	Sania Mehtab s/o Abdullah Khan SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	213,500	213,500	213,500	-	2015	KPK
2099	Aziz ur Rahman s/o Muhammad Azim Ex SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	81,700	81,700	81,700	-	2015	KPK

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Sr	Name & Father's Names and designation	Title of the case / Allegations	Amounts alleged / involved	Amount determined	Amount agreed	Amount recovered	Amount balance	Year	Regions
2100	Adnan Ahmed s/o Khurshid Ahmad SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	1,075,000	1,075,000	1,075,000	-	2015	KPK
2101	Yasir Rahman s/o Sher ur Rehman Asstt Dir	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	31,000	31,000	31,000	-	2015	KPK
2102	Amna Waheed s/o Abdul Waheed SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	864,015	864,015	864,015	-	2015	KPK
2103	Iftikhar Ahmed s/o Gul Muhammad Khan SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	40,000	40,000	40,000	-	2015	KPK
2104	S Zahid H Kazmi s/o syed Manzoor Hussain Kazmi SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	106,000	106,000	106,000	-	2015	KPK
2105	Abbas Khan s/o Ali Akbar Khan Asstt Dir	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	385,750	385,750	385,750	-	2015	KPK
2106	Falza Sana s/o Sana ur Rehman SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	532,915	532,915	532,915	-	2015	KPK
2107	Zahidullah s/o Taj Muhammad SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	62,000	62,000	62,000	-	2015	KPK
2108	Kifayatullah s/o Sabrullah Jan XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	995,000	995,000	995,000	-	2015	KPK
2109	Zeeshan Khan s/o Zardad Khan SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	71,500	71,500	71,500	-	2015	KPK
2110	Muhammad Afzal s/o Musa Khan SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	31,000	31,000	31,000	-	2015	KPK
2111	Amanullah s/o Mahmood Khan SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	903,000	903,000	903,000	-	2015	KPK
2112	M. Yasir Mehsud s/o Ayub Gul ADMO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	193,536	193,536	193,536	-	2015	KPK
2113	Sanobar Khan s/o Haji Gul Khan Sudptt Engr	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	7,547,200	550,000	550,000	-	2015	KPK
2114	Mir Adam Khan s/o Sher Ahmad Khan XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	7,547,200	100,000	100,000	-	2015	KPK
2115	Muhammad Khalid Khan s/o Naushair Khan SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	38,400	38,400	38,400	-	2015	KPK
2116	Ishrat Ali s/o Basharat Ali Supdt Engr	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	480,000	480,000	480,000	-	2015	KPK
2117	Walayat Ullah s/o Waris Khan XEN	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	472,468	472,468	472,468	-	2015	KPK
2118	Zafar Ullah s/o Inayat Ullah SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	276,093	276,093	276,093	-	2015	KPK
2119	Mehboob ur Rehman s/o Muhammad Shafi Ex SDO	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	20,000	20,000	20,000	-	2015	KPK

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Sr	Name & Father's Name and Designation	Title of the case / Allegations	Amounts alleged / involved	Amount determined	Amount agreed	Amount recovered	Amount balance	Year	Regions
2120	Nasir Latif s/o Abdul Latif Design Engr	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	190,000	190,000	190,000	-	2015	KPK
2121	Ghulam Mujtaba s/o Ghulam Mustafa Supdt Engr	Officials of Public Health Deptt & Others- Corruption & corrupt practices / embezzlement in Funds and purchases	N/A	250,000	250,000	250,000	-	2015	KPK
2122	Akhtar Hussain s/o Muhammad Khan Postal Clerk	Officials of Pakistan Post in KPK and others (BISP) - Embezzlement / Misappropriation in Benazir Income Support Program (BISP)	2,000,000	2,000,000	2,000,000	2,000,000	-	2015	KPK
2123	Abdul Malik s/o Abdur Raziq Postal Clerk	Officials of Pakistan Post in KPK and others (BISP) - Embezzlement / Misappropriation in Benazir Income Support Program (BISP)	1,518,000	1,518,000	1,518,000	1,518,000	-	2015	KPK
2124	Rahim Bakhsh s/o Nasrullah Khan Post Master Anwar Hussain s/o	Officials of Pakistan Post in KPK and others (BISP) - Embezzlement / Misappropriation in Benazir Income Support Program (BISP)	2,568,000	2,568,000	2,568,000	2,568,000	-	2015	KPK
2125	Shah Yar s/o Khonkar Post Master AND Fazal Mola s/o Wahid Zaman	Officials of Pakistan Post in KPK and others (BISP) - Embezzlement / Misappropriation in Benazir Income Support Program (BISP)	1,500,000	1,500,000	1,500,000	1,500,000	-	2015	KPK
2126	Muhammad Ishaq s/o Ghani ur Rehman Postal Clerk	Officials of Pakistan Post in KPK and others (BISP) - Embezzlement / Misappropriation in Benazir Income Support Program (BISP)	4,566,000	4,566,000	4,566,000	4,566,000	-	2015	KPK
2127	Malik Zaman, s/o M. Nawaz Khan Pvt Person	Inquiry into Misuse of Authority in Illegal Award of Developmental Works of Bannu Development Authority by Mohibullah, Ex-Project	N/A	1,748,902	1,748,902	1,748,902	-	2015	KPK
2128	Zahid Amin s/o Roolul Amin Pvt Person	Inquiry against Zahid Amin and others - Cheating public at large on the pretext of Modarbat	5,188,370	5,188,370	5,188,370	5,188,370	-	2015	KPK
2129	Sardar Khan s/o Amir Muhammad Pvt Person	Inquiry into Illegal Award of Contracts and Embezzlement of Funds in Projects by Officials of Pakistan Public Works Deptt Batkhela	2,000,000	51,612	32,054,000	32,054,000	-	2015	KPK
2130	Muhammad Tahir s/o Hassan Zeb Pvt Person	Inquiry into Illegal Award of Contracts and Embezzlement of Funds in Projects by Officials of Pakistan Public Works Deptt Batkhela	N/A	663,687	26,582,000	26,582,000	-	2015	KPK
2131	Hussain Ahmad s/o Bakht Ahmad Pvt Person	Inquiry into Illegal Award of Contracts and Embezzlement of Funds in Projects by Officials of Pakistan Public Works Deptt Batkhela	N/A	1,234,374	890,800	890,800	-	2015	KPK
2132	Riaz Hussain Khattak s/o Muhammad Hussain DOR	Inquiry against Riaz Hussain Khattak DOR Peshawar - Accumulation of assets disproportionate to known sources of income	6,815,000	6,815,000	6,815,000	2,317,000	4,498,000	2015	KPK
2133	Abdur Razaq s/o Feroz Khan XEN	Inquiry against Officers / officials of C&W Department Swat - Substandard Construction of 23 KM Road from Matta to Fazil	51,612	51,612	51,612	51,612	-	2015	KPK
2134	Akhtar hussain s/o Amir Amanullah Khan Sub Engr	Inquiry against Officers / officials of C&W Department Swat - Substandard Construction of 23 KM Road from Matta to Fazil	663,687	663,687	663,687	663,687	-	2015	KPK
2135	Asif Iqbal s/o Karim Dad XEN	Inquiry against Officers / officials of C&W Department Swat - Substandard Construction of 23 KM Road from Matta to Fazil	1,234,374	1,234,374	1,234,374	1,234,374	-	2015	KPK
2136	Hamid Ullah Khan s/o Mir Alam Khan XEN	Inquiry against Officers / officials of C&W Department Swat - Substandard Construction of 23 KM Road from Matta to Fazil	1,892,714	1,892,714	1,892,714	1,892,714	-	2015	KPK
2137	Nasrullah s/o Sultan Jan Sub Engr	Inquiry against Officers / officials of C&W Department Swat - Substandard Construction of 23 KM Road from Matta to Fazil	77,418	77,418	77,418	77,418	-	2015	KPK
2138	Rahmanullah s/o Noor Khan SDO	Inquiry against Officers / officials of C&W Department Swat - Substandard Construction of 23 KM Road from Matta to Fazil	2,410,172	2,410,172	2,410,172	2,410,172	-	2015	KPK
2139	Hamid Ajmal Khan s/o Muhammad Ajmal Khan XEN	Inquiry against Officers / officials of C&W Department Swat - Substandard Construction of 23 KM Road from Matta to Fazil	100,431	100,431	100,431	100,431	-	2015	KPK

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Sr	Name & Father's Name and Designation	Title of the case / Allegations	Amount alleged / involved	Amount determined	Amount agreed	Amount recovered	Amount Balance	Year	Regions
2180	Mian Hidayat Ullah s/o Mian Raziq Ullah Dy Dir PDA	Inquiry against Mian Hidayat Ullah Dy Dir PDA - Accumulation of assets disproportionate to known sources of Income	8,235,336	8,235,336	8,235,336	8,235,336	-	2015	KPK
2181	Muhammad Wali s/o Muhammad Akram Khan Chief Executive	Muhammad Wali Ex Chief Executive PESCO - Accumulation of assets disproportionate to known sources of Income	31,538,214	31,538,214	31,538,214	31,538,214	-	2015	KPK
2182	Daud Khattak Managing Director s/o Akram Khan Pvt Person	Khushal Associates Nowshera - Cheating Public at large on the pretext of plots	67,134,108	67,134,108	67,134,108	67,134,108	-	2015	KPK
2183	Hussain Ahmed s/o Jehandar Patwari	Inquiry against Hussain Ahmed Patwari Revenue Deptt Swat - Accumulation of assets disproportionate to known sources of	N/A	4,494,286	4,494,286	4,494,286	-	2015	KPK
2184	Arbab Saad Ullah s/o Arbab Faiz Ullah Khan Ex MNA	Inquiry against Arbab Saad Ullah Ex MNA / Chairman PMC - misappropriation / embezzlement of Govt funds (Plots Scam Fruit	8,471,780	8,471,780	8,471,780	8,471,780	-	2015	KPK
2185	Tariq Hussain s/o Muhammad Yousaf Sub Engr.	Inquiry against Tariq Hussain s/o Muhammad Yousaf, Sub Engr. C&W, Deptt Peshawar & Others - Accumulation of assets	N/A	6,985,355	6,985,355	6,985,355	-	2015	KPK
2186	Muhammad Ashraf Khan s/o Mehboob Khan XEN	Inquiry against Muhammad Ashraf Khan XEN C&W Deptt Mardan - Accumulation of assets disproportionate to known sources of	N/A	3,204,567	3,204,567	3,204,567	-	2015	KPK
2187	Riaz Shoaib s/o Rashid Shoaib Pvt Person	Officers / Officials of Pakistan Public Works Deptt Bathkela Khyber Pakhtunkhwa & Others - Corruption & Corrupt practices in Drinking	52,115,103	52,115,103	52,115,103	52,115,103	-	2015	KPK
2188	Iftikhar Ullah Qureshi Asstt s/o Jamal Ullah Asstt Executive Engr	Officers / Officials of Pakistan Public Works Deptt Bathkela Khyber Pakhtunkhwa & Others - Corruption & Corrupt practices in Drinking	750,000	750,000	750,000	750,000	-	2015	KPK
2189	Muhammad Ishaq Khattak s/o Muhammad Nowroz Khattak Pvt	Inquiry into Misappropriation in Govt Funds by Officials of Pak PWD Kp, Distt Account Officer Nowshera & Others -	13,310,500	13,310,500	13,310,500	11,702,824	1,607,676	2015	KPK
2190	Farman Ali Khattak s/o Muhammad Ali Khan Pvt Person	Inquiry into Misappropriation in Govt Funds by Officials of Pak PWD Kp, Distt Account Officer Nowshera & Others -	8,959,153	8,959,153	8,959,153	7,924,262	1,034,891	2015	KPK
2191	Sultan Ali s/o Shireen Wali Sub Engr	Inquiry into Misappropriation in Govt Funds by Officials of Pak PWD Kp, Distt Account Officer Nowshera & Others -	4,453,931	4,453,931	4,453,931	4,453,931	-	2015	KPK
2192	Sardar Khan s/o Eid Gul XEN	Inquiry into Misappropriation in Govt Funds by Officials of Pak PWD Kp, Distt Account Officer Nowshera & Others -	4,453,931	4,453,931	4,453,931	4,453,931	-	2015	KPK
2193	Abdul Ghafoor s/o Fateh Muhammad DAO	Inquiry into Misappropriation in Govt Funds by Officials of Pak PWD Kp, Distt Account Officer Nowshera & Others -	1,486,644	1,486,644	1,486,644	1,486,644	-	2015	KPK
2194	Nazir Ahmed s/o Muhammad Yaqub SDO	Inquiry into Misappropriation in Govt Funds by Officials of Pak PWD Kp, Distt Account Officer Nowshera & Others -	4,453,931	4,453,931	4,453,931	4,453,931	-	2015	KPK
2195	Iftikhar Hussain Qureshi s/o Muhammad Nazir Pvt Person	Inquiry into Corruption and Corrupt Practices in Procurement of Sanitation Vehicles / Multi Loaders for Collection and Disposal of	N/A	87,674,139	87,674,139	87,674,139	-	2015	KPK
2196	Aurangzeb s/o Abdul Zaman Ex Secretary	Inquiry into Corruption and Corrupt Practices in Procurement of Sanitation Vehicles / Multi Loaders for Collection and Disposal of	N/A	8,767,414	8,767,414	8,767,414	-	2015	KPK
2197	Tahira Yasmeen W/O Abdul Karim Shah Director	Inquiry into Corruption and Corrupt Practices in Procurement of Sanitation Vehicles / Multi Loaders for Collection and Disposal of	N/A	4,383,707	4,383,707	4,383,707	-	2015	KPK
2198	Sami-ur-Rehman s/o Khan Raziq Ex Section Officer	Inquiry into Corruption and Corrupt Practices in Procurement of Sanitation Vehicles / Multi Loaders for Collection and Disposal of	N/A	4,383,707	4,383,707	4,383,707	-	2015	KPK
2199	Shah Wazir Khan s/o Shuja ud Muik Ex Naib Tehsilidar	Noor Shahideen JPMC Chitral & Others - Embezzlement / Misappropriation of Funds	2,000,000	2,000,000	2,000,000	2,000,000	-	2015	KPK

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Sr	Name, Father's Name and designation	Title of the case / Allegations	Amounts alleged / involved	Amount determined	Amount agreed	Amount recovered	Amount balance	Year	Regions
2560	Muhamamd Naseer Khan s/o Haji Faizullah Khan Pvt Person	Waheed Aslam Contractors, Officials of Distt Council Office Lakki Marwat & others - Misuse of authority / Embezzlement of Funds in	N/A	1,026,340	1,026,340	1,026,340	-	2016	KPK
2561	Asmat Ullah s/o Inayat Ullah TMO	Waheed Aslam Contractors, Officials of Distt Council Office Lakki Marwat & others - Misuse of authority / Embezzlement of Funds in	N/A	608,196	608,196	608,196	-	2016	KPK
2562	Akhlaq Ahmed s/o Abdul Aziz Distt Officer	Inquiry against Akhlaq Ahmed Distt Officer Infrastructure & Services Distt Council Abbottabad & others - Accumulation of	N/A	3,686,663	3,686,663	3,686,663	-	2016	KPK
2563	Arbab Jameel s/o Nazir Ahmad Khalil Chief Coordination Officer	nquiry against Arbab Jameel Chief Coordination Officer (CCO), District Council, Abbottabad regarding accumulation of assets	N/A	3,007,348	3,007,348	3,007,348	-	2016	KPK
2564	Sher Qayyum Khan, s/o Sher Fitrat Shah EDO	Officers / Officials of EDO Health & Others Chitral - Misuse of Authority / Corruption & Corrupt Practices	679,380	679,380	679,380	679,380	-	2016	KPK
2565	Muhammad Ayub, s/o Muhammad Nadir Khan Clerk	Officers / Officials of EDO Health & Others Chitral - Misuse of Authority / Corruption & Corrupt Practices	679,380	679,380	679,380	679,380	-	2016	KPK
2566	Wali Khan s/o Malang Khan Pvt Person	Officers / Officials of EDO Health & Others Chitral - Misuse of Authority / Corruption & Corrupt Practices	118,140	118,140	118,140	118,140	-	2016	KPK
2567	Ikram Ullah s/o Aman Ullah Khan s/o Amanullah Khan Director	Ikram Ullah Director PDA Peshawar - Assets beyond means	21,480,876	21,480,876	21,480,876	21,480,876	-	2016	KPK
2568	Hidayat Khan s/o Haya Khan Ex Post Master	Officials of Nizam Pur & Khair Abad Post Offices regarding Embezzlement in Pension Payment	452,601	452,601	452,601	452,601	-	2016	KPK
2569	Javed Khan s/o Zaiban Shah Ex Post Master	Officials of Nizam Pur & Khair Abad Post Offices regarding Embezzlement in Pension Payment	115,158	115,158	115,158	115,158	-	2016	KPK
2570	Said Margul s/o Badar Gul Pvt Person	Inquiry against Officers / Officials of C&W Deptt - Misuse of authority / Embezzlement of fund allocated for Health Sector	397,320,000	1,281,713	1,281,713	1,281,713	-	2016	KPK
2571	Hameedullah Khan s/o Mir Alam Khan XEN	Inquiry against Officers / Officials of C&W Deptt - Misuse of authority / Embezzlement of fund allocated for Health Sector	N/A	310,687	310,687	310,687	-	2016	KPK
2572	Amir Jan s/o Jan Muhammad XEN	Inquiry against Officers / Officials of C&W Deptt - Misuse of authority / Embezzlement of fund allocated for Health Sector	N/A	116,550	116,550	116,550	-	2016	KPK
2573	Syed Atiqur Rehman s/o Syed Muhammad Ibrahim SDO	Inquiry against Officers / Officials of C&W Deptt - Misuse of authority / Embezzlement of fund allocated for Health Sector	N/A	213,619	213,619	213,619	-	2016	KPK
2574	Muhammad Shaukat s/o Abdul Rehman Sub Engr	Inquiry against Officers / Officials of C&W Deptt - Misuse of authority / Embezzlement of fund allocated for Health Sector	N/A	213,619	213,619	213,619	-	2016	KPK
2575	Khalid Rahman s/o Abdul Manan Clerk	Inquiry against Khalid Rahman, Clerk Public Health Department Karak and others - Accumulation of assets disproportionate known	1,552,351	1,552,351	1,552,351	1,552,351	-	2016	KPK
2576	Inayat Ullah Khan s/o Gul Rehman Director	Inquiry against Inayatullah Khan Ex- Director NADRA - Accumulation of assets disproportionate known sources of income	4,022,116	4,022,116	4,022,116	4,022,116	-	2016	KPK
2577	Zebullah s/o Zewar Khan Senior Clerk	Inquiry against Zebullah S/o Zewar Khan, Senior Clerk, Political Agent Office, Khyber Agency and others regarding accumulation of	N/A	12,458,522	12,458,522	12,458,522	-	2016	KPK
2578	Syed Mazhar Hussain Shah Sherazi s/o Syed Mulazim Hussain Naib	Inquiry against Murid Kazim & others - illegal allotment of plots less than market value	N/A	VR made in shape of surrendered plot	110,100,000	110,100,000	-	2016	KPK
2579	Muhammad Rafique s/o Abdul Manan Revenue Moharrar	Inquiry against Murid Kazim & others - illegal allotment of plots less than market value	N/A	VR made in shape of surrendered plot		-	-	2016	KPK

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT**

Dated Peshawar, the August 05, 2021

NOTIFICATION

No.SO(Estt)/PHED/1-17/2021. The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote the following Executive Engineers (BPS-18) of the Public Health Engineering Department to the posts of Superintending Engineers (BPS-19) on regular basis, with immediate effect:-

S.No	Name of officer	Remarks
1.	Mr. Muhammad Anjad Shamsher	
2.	Mr. Shahid Mehmood	Subject to final decision of the Supreme Court of Pakistan in Suo Moto Case No.17 of 2016.
3.	Mr. Irshad Khan	
4.	Mr. Shahzada Behram	Subject to final decision of the Supreme Court of Pakistan in Suo Moto Case No.17 of 2016.
5.	Mr. Abdul Rahim	
6.	Mr. Mir Adam Khan	Subject to final decision of the Supreme Court of Pakistan in Suo Moto Case No.17 of 2016.

2. The officers, on their promotion, will remain on probation for a period of one year in term of Rule-15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. The postings/transfers of the above-named officers will be issued separately.

**SECRETARY
PHE DEPARTMENT**

Endst:No.SO(Estt)/PHED/1-17/2021

Dated Peshawar, the August 05, 2021

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. All Chief Engineers PHE Khyber Pakhtunkhwa.
3. All Superintending Engineers PHE Department Khyber Pakhtunkhwa.
4. All Executive Engineers PHE Department Khyber Pakhtunkhwa.
5. District Accounts Officer concerned.
6. Manager Govt: Printing Press Peshawar for publication in the next issue of Govt Gazette.
7. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
8. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
9. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
10. Officers concerned.
11. Office Order/Personal Files.

SECTION OFFICER (ESTT)

5.8.2021



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GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT *Amex*

Dated Peshawar, the December 13, 2022

NOTIFICATION

No.SO(Estt)/PHED/1-17/2022. The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote Engr. Shaukat Rehman Executive Engineer (BPS-18) of the Public Health Engineering Department to the post of Superintending Engineer (BPS-19) on regular basis, Subject to final decision of the Supreme Court of Pakistan In Suo Motu Case No.17 of 2016, with Immediate effect.

2. The officer, on his promotion, will remain on probation for a period of one year in term of Rule-15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. The posting/transfer of the above-named officer will follow.

**SECRETARY
PHE DEPARTMENT**

Endst:No.SO(Estt)/PHED/1-17/2022

Dated Peshawar, the Dec 13, 2022

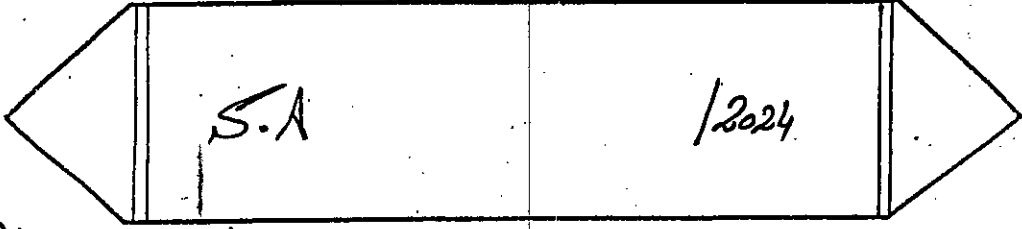
Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. All Chief Engineers PHE Khyber Pakhtunkhwa.
3. Section Officer (PSB) Establishment Department Peshawar w/r to his letter No.SO(PSB)ED/1-15/2022/P-55 dated 09-12-2022.
4. Manager Govt. Printing Press Peshawar for publication in the next issue of Govt. Gazette.
5. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
6. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
7. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
8. Officers concerned.
9. Office Order/Personal Files.

Sher Azam Khan
13/12/22
(SHER AZAM KHAN)
SECTION OFFICER (ESTT)

(63)

بعد التیناب سنزوس ٹریبونل KPK اپٹامہ



2024ء پنجاب اپیلانٹ

بنام گورنمنٹ آف KPK

شوکت دھنا

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام پشاور کیلئے مہر صحیح ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ مستطاب ہے۔

المقوم
2024ء

کے لئے منظور ہے۔

پشاور

مستطاب
مقام