


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 584/2024**


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/04/2024	<p>The appeal of Mr. Zahid Nawaz resubmitted today by Mr. Muhammad Anwar Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Bannau on _____ .Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> <b>REGISTRAR</b></p>

The appeal of Mr. Zahid Nawaz Khan 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 According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 3 un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- ② Check list is not attached with the appeal.
- 3- Memorandum of appeal is not signed by the appellant.
- ④ Affidavit is not attested by the Oath Commissioner.
- ⑤ Copy of Judgment of PHC is not attached with the appeal be placed on it.
- ⑥ Annexures-A, B, E, G, H/I and K of the appeal are illegible which may be replaced by legible/better one.
- ⑦ Three more copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent be submitted with the appeal.

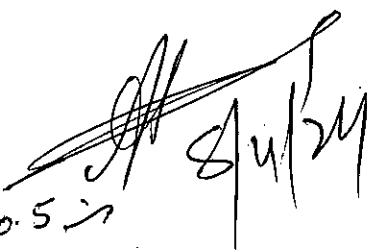
No. 724 /S.T.

Dt. 2-4 /2024.

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

Mr. Muhammad Anwar Adv.  
High Court Peshawar.

Notes  
The objections have been removed  
P/B filed before Bench

Note - Objection no. 5 is  
not removed  
  
8/4/24

Respected Sir,

It is submitted that the present appeal was received on 01.04.2024, which was returned to the counsel for the appellant for removing objection (Flag-A). Today i.e. 08.04.2024 the learned counsel re-filed the appeal without removing the objection no. 1,2,4<sup>5</sup>&6.

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.



REGISTRAR

Worthy Chairman

**BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. 584 of 2024

Zahid Nawaz Khan .....Appellant

**VERSUS**

Government of KPK and others .....Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Grounds of service appeal + Affidavit		1-8
2.	Addressees of Parties		9
3.	Copy of appointment letter	A	10
4.	Copy of FIR	B	11-12
5.	Copy of suspension notification	C	13
6.	Copy of fact finding inquiry report	D	14-15
7.	Copy of absence notice	E	16
8.	Copy of corrigendum	F	17
9.	Copies of order of the High Court and reinstatement notifications	G-G/1	18-19
10.	Copies of the letter dated 23/05/2022 and inquiry report dated 12/10/2022	H-H/1	20-23
11.	Copy of letter dated 26/12/2022 and show cause notice	I-I/1	24-25
12.	Copies of reply to show cause notice and statement	J-J/1	26-29
13.	Copies of the impugned notification dated 26/06/2023, departmental appeal, notification dated 14/02/2024 and receiving certificate dated 22/03/2024	K-K/3	30-34
14.	Wakalat Nama		35

Through

Appellant

**Muhammad Anwar  
Jahanzeb Shinwari**  
Advocates High Court,  
Cell: 0333-8866902

Date: \_\_\_/\_\_\_/2024

**BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. 584 of 2024

Zahid Nawaz Khan

Librarian (BPS-17) Government Post Graduate College, Bannu

.....Appellant

**V E R S U S**

1. Government of KPK through Chief Secretary, Civil Secretariat, Peshawar
2. Secretary to Government of KPK, Higher Education Department, Civil Secretariat, Peshawar

.....Respondents

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order bearing No. SO(C-IV)HED/8-11/Zahid Nawaz /2022 dated 14/02/2024, received on 22/03/2024 through Principle Government Post Graduate College, Bannu whereby the departmental appeal of the appellant against the order dated 26/02/2023 has been dismissed.

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**Prayer in Appeal:**

On acceptance of this appeal, the impugned orders dated 14/02/2024 and 26/06/2023 may please be set aside and the appellant may please be exonerated from the charges leveled against the appellant with consequential relief with arrear and benefits.

**Respectfully Sheweth:**

1. That the appellant joined the education department in the capacity of Librarian (BPS-17) vide notification bearing No. SO(C-IV)HED/17-7/recruitment/2018 dated 17/01/2019. (Copy of appointment letter is annexed as annexure A)
2. That the appellant was malafadly involved in FIR NO. 678 dated 30/10/2020 under section 302, 324, 128,149 PPC of PS Domail, Bannu. (Copy of FIR is annexed as annexure as annexure B)
3. That the appellant was suspended by the respondents/department vide notification bearing NO. SO(C-IV)/HED/8-11/Zahid Nawaz Khan/2021 dated 03/05/2021 giving effect to the suspension from 01/11/2020. (Copy of suspension notification is annexed as annexure C)
4. That on the direction of respondent No. 3 fact finding inquiry was initiated against the appellant.
5. That the inquiry officer of the fact finding inquiry submitted his report to the respondents/department on 09/12/2020

mention therein certain recommendation with regard to suspension of the appellant and entitlement to the subsistence grant as admissible under FR 53. (Copy of fact finding inquiry report is annexed as annexure D)

6. That respondents/Director vide letter dated 05/05/2021 issued absence notice to the appellant which was received to the appellant on 14/05/2021. (Copy of absence notice is annexed as annexure E)
7. That due to COVID pandemic institutions were ordered to be remained closed and the employees generally directed to attend the offices on schedule dated which the appellant also used to regularly attend the office.
8. That the respondents/department vide corrigendum bearing No. SO(C-IV)/HED/8-11/Zahid Nawaz Khan/2021 dated 02/03/2022 modified the departmental notification of even No. dated 03/05/2021 to the effect that the suspension of the appellant may be read as 28/06/2021 instead of 01/11/2020. (Copy of corrigendum is annexed as annexure F)
9. That the appellant after recalled of his BBA was arrested and sent to judicial lock up whereafter the appellant was reasled on bail vide order dated 18/10/2021 passed by the Hon'ble Peshawar High Court, Bannu Bench and consequently the respondents/department vide notification bearing No. SO(C-IV)/HED/8-11/Zahid Nawaz Khan/20211 was pleased to reinstate the appellant in Service with effect from 28/06/2021. (Copies of order of the High Court and reinstatement notifications are annexed as annexure G-G/1)

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10. That the respondents/department vide letter bearing No. SO(C-IV)/HED/8-11/Zahid Nawaz/Lib/20211 dated 23/05/2022 was please to appoint Sher Alam Khan Deputy Secretary Health Department, Government of KPK as inquiry officer who conducted the same inquiry and submitted his report dated 12/10/2022. (Copies of the letter dated 23/05/2022 and inquiry report dated 12/10/2022 are annexed as annexure H-H/1)
11. That the respondents/department vide letter bearing No. SO(C-IV)/HED/8-11/Zahid Nawaz Khan/2021 dated 26/12/2022 issued show cause notice to the appellant. (Copy of letter dated 26/12/2022 and show cause notice are annexed as annexure I-I/1)
12. That the appellant replied the subject show cause notice dated 30/12/2022 with cogent reasons with requests for personal hearing as well and the appellant also recorded statement on personal hearing. (Copies of reply to show cause notice and statement are annexed as annexure J-J/1)
13. That the respondents/department vide impugned notification dated 26/06/2023 has imposed Penalty of withholding of 3 increments for 3 years agasint which the appellant submitted departmental appeal dated 14/07/2023 which appeal has been rejected vide impugned notification/order bearing No. SO(C-IV)/HED/8-11/Zahid Nawaz/2022/204-7 dated 14/02/2024, received to the appellant through Certificate issued by the principle on 22/03/2024. (Copies of the impugned notification dated 26/06/2023, departmental appeal, notification dated 14/02/2024 and



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receiving certificate dated 22/03/2024 are annexed as annexure K-K/3)

14. That the appellant invokes the appellate jurisdiction of this Honourable Tribunal for setting aside the impugned notifications/orders through which the appellant has been penalized withholding 3 increments for 3 years without any fault on his part, on the following grounds, inter alia:

**GRUNDS:**

- A. That the penalty of the appellant withholding 3 increments for 3 years is against the law, rules and all norms of natural justice, hence not tenable and is liable to be set aside/ struck down.
- B. That in the inquiry report it is been mentioned that the appellant was absented from duty with effect from 01/11/2020 and the appellant was also stated to be suspended with effect from 01/11/2020 which is self-contradictory and thus the inquiry report is not tenable in the eye of law.
- C. That another contradictory stance in the inquiry report is

“the Administrative Department has proposed reinstatement of the officer concern with effect from the date of his arrival i.e 21/10/2021 where he was arrested on 28/06/2021 while Establishment Department has proposed that the office concern remained absent from duty for 6 months and 18 days, the Administrative Department may initiate disciplinary proceedings against the officer concern for his willful absence from duty (absconding period) and submit

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charge sheet and statement of allegations to the competent authority to probe the matter and decide fate his absence period and his reinstatement into service will be with effect from 28/06/2021”

It is pertinent to mentioned here that the inquiry officer in his findings suggested that allegation No. 1 is proved allegation No. 2 is partially proved but thorough perusal of the inquiry report and annexed record there is nothing in the inquiry report to justify the findings of inquiry officer.

- D. That the inquiry officer has not conducted the inquiry as per END Rules, 2011 and thus the inquiry report is nullity in the eyes of law.
- E. That the inquiry against the appellant is without lawful authority and norms of justice as the same is based on surmises and conjuncture.
- F. That the impugned notifications/orders which are based on the alleged inquiry report are also without lawful authority on the principle that even the foundation is without lawful authority the super structure constructed upon shall fall on to the ground automatically.
- G. That the appellant against whom absence notice was issued for the period mentioned therein in the notice has perform his duties which fact is clearly indorsed by the respondents/department while issuing corrigendum of even No. dated 02/03/2022.

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H. That any other ground, with leave of the Honourable Tribunal, will be raised at the time of final hearing of this appeal and after recording of evidence, if any.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned notifications/orders dated 14/02/2024 and 26/06/2023 may please be set aside and the appellant may please be exonerated from the charges leveled against him with consequential relief with arrear and benefits.

Any other relief, which has not been asked for specifically and the Honourable Tribunal deem appropriate, may also be granted in favour of the appellant.

Through

Appellant

Muhammad Anwar

Jahanzeb Shinwari

Inamullah Alizai  
Advocates High Court,  
Peshawar

Date: \_\_\_/\_\_\_/2024



**BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. \_\_\_\_\_ of 2024

Zahid Nawaz Khan .....Appellant

**VERSUS**

Government of KPK and others .....Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**

Zahid Nawaz Khan  
Librarian (BPS-17) Government Post Graduate College, Bannu

**RESPONDENTS:**

1. Government of KPK through Chief Secretary, Civil Secretariat, Peshawar
2. Secretary to Government of KPK, Higher Education Department, Civil Secretariat, Peshawar

Through Appellant

**Muhammad Anwar**

**Jahanzeb Shinwari**  
Advocate High Court,  
Peshawar

Date: \_\_/\_\_/2024



BY REGISTERED POST  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT

Dated Peshawar the, January 17, 2019.

Ann: A

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**NOTIFICATION**

**NO.SO(C-IV) HED/17-7/Recruitment/2018:** Consequent upon recommendations of the Khyber Pakhtunkhwa Public Service Commission, the Competent Authority is pleased to appoint the following recommendees as Male Librarian (BPS-17) of College Cadre in Directorate of Higher Education, Higher Education, Archives and Libraries Department, with immediate effect on the terms and conditions mentioned below and to post them in the colleges mentioned against each:

S.#	Name, F.Name /Address	Domestic/ Zone	Posted at	Remarks
1.	<b>Waqas Ullah Khan S/O Rirwan Ullah Khan</b> Postal Address: Village Anbar, Mohallah, Shangla, P/O Box #23561, Tehsil Lahore, District Swabi KPK	Swabi/2	GDC, KTS, Haripur	A.V.P
2.	<b>Jawad Ali S/O Ghulam Sarwar</b> Postal Address: Ijaz Micro Photostat, Opposite PSO Pump Eidgah Road Faqirobad P/O Ashrafia Peshawar	Charsadda/2	GDC Chakessar Shangla	A.V.P
3.	<b>Sufeer Ahmad S/O Lughal Khan</b> Postal Address: Hawaldar Noor Ali Khan, District Chitral, Tehsil Mastuj, GPO Chitral, Chew Bridge Dannin, near Gas Agency	Chitral/3	GDC Pura Shangla	A.V.P
4.	<b>Naveed Ahmad S/O Gul Khavaz</b> Postal Address: Osama General Store, behind KFC Restaurant, Qafilan Road, Tehsil Pawan Peshawar	Karak/4	GDC Takht-e- Nasrati Karak	A.V.P
5.	<b>Fazli Hami S/O Sandat Khan</b> Postal Address: Village Palosi Talarzai Mohallah Mansoor Khell P/O Peshawar University.	Peshawar/2	GDC Manush Khel Bannu	A.V.P
6.	<b>Zahid Nawaz Khan S/O Rakhim Nawaz Khan</b> Postal Address: 58- The Mall PTV Center Peshawar Design Department C/O Shahid Nawaz	FR Bannu/1	GPDC Bannu	A.V.P
7.	<b>Ahmed Jabbar S/O Shahriyar</b> Postal Address: Village Totkan, Tehsil Badkhan, District Matakand Agency Mohallah Mubarak Khel	Malakand/5	GDC Agra Matakand	A.V.P
8.	<b>Farhat Ullah S/O Niamat Ullah</b> Postal Address: Village Wanda Amir Tehsil	Lakki Marwat/4	GDC Parova, D.I.Khan	A.V.P
9.	<b>Mohammad Farooq S/O Faqir Muhammad</b> Postal Address: GT Road Chughul Pura Mohallah Nawab Khan Ghari Peshawar	Peshawar/2	GDC Ahmad Abad Karak	A.V.P
10.	<b>Siraj U Din S/O Fazal Atahond</b> Postal Address: Near GPO Saidu Sharif District Swat	Swat/5	Govt. P.G Jahanzeb College Saidu Sahirf Swat	A.V.P
11.	<b>Zakir Khan S/O Mulla Khan</b> Postal Address: C/O Sub Mir Bat Khan Shop NO.21 Guaj Bus Stand Peshawar	FR Peshawar/1	GDC Miran Sitah	A.V.P
12.	<b>Sameeh Ur Rehman S/O Kala Khan</b> Postal Address: P-O-F Havelian Cantt House No.F-206, Tehsil Havelian District Abbottabad	Abbottabad/5	GDC Bol, Abbottabad	A.V.P

**TERMS AND CONDITIONS.**

They shall be governed under the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended and the Rules made thereunder/instructions issued by the Competent Authority from time to time and shall be entitled to the pay and allowances admissible to BPS-17 officers.

CS CamScanner

CS CamScanner

Section Officer (S.IV)  
Govt. of Khyber Pakhtunkhwa  
Higher Education, Archives and  
Libraries Department

**BY REGISTERED POST**

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION ARCHIVES AND  
LIBRARIES DEPARTMENT**

Dated Peshawar the, January 17, 2019

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S.No.	Name, F. Name/Address	Domiciles/zone	Posted at	Remark
1	Waqas Ullah Khan S/o Rizwan Ullah Khan <b>Postal Address:</b> Village Anbar, Mohallah Shagal, P.O Box No.23561, Tehsil Lahore, District Swabi Khyber Pakhtunkhwa	Swabi/2	GDC, KTS, Haripur	A.V.P
2	Jawad Ali S/o Ghulam Sarwar <b>Postal Address:</b> Ijaz Micro Photostat, Opposite PSO Pump Eidgah Road, Faqirabad P.O Ashrafia Peshawar	Charsadda/2	GDC Chakessar Shangla	A.V.P
3	Safeer Ahmad S/o Laghal Khan <b>Postal Address:</b> Hawaldar Noor Ali Khan, District Chitral, Tehsil Mastuj, GPO Chitral Chew Bridge Danin, Near Gas Agency	Chitral/3	GDC Puran Shangla	A.V.P
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6	Zahid Nawaz Khan S/o Rakham Nawaz Khan <b>Postal Address:</b> 58- The Mall PTV Center Peshawar Design Department C/O Shahid Nawaz	FR Bannu/1	DPGC Bannu	A.V.P
7	Abdul Jabar S/o Shahriyar <b>Postal Address:</b> Village Totakan, Tehsil Batkhela District Malakand Agency Mohallah Mubarak Khel	Malakand/3	GDC Agra Malakand	A.V.P
8	Farhat Ullah S/o Niamat Ullah <b>Postal Address:</b> Village Wanda Amir Tehsil	Lakki Marwat/4	GDC Parova D.I. Khan	A.V.P
9	Muhammad Farooq S/o Faiqr Muhammad <b>Postal Address:</b> GT Road Chughul Pura	Peshawar/2	GDC Ahrud Abad Karak	A.V.P
10	Siraj ud Din S/o Fazal Mabood <b>Postal Address:</b> Near GPO Saidu Sharif District Swat	Swat/3	Govt. PG. Jahanzeb College Saidu Sharif Swat	A.V.P
11	Zakir Khan S/o Multan Khan <b>Postal Address:</b> C/o Sub Mir Bat kHan Shop= No.21, Gunj Bus Stand Peshawar	FR Peshawar/1	GDC Miran Shah	A.V.P
12	Sameen ur Rehman S/o Kala Khan <b>Postal Address:</b> P-O-F Havelian Cantt House No.F-206, Tehsil Havelian District Abbottabad	Abbottabad5	GDC Bol, Abbottabad	A.V.P

**TERMS AND CONDITION**

1. They shall be governed under the Khyber Pakhtunkhwa Civil Servant Act, 1973 as amended and the rules made thereunder/institutions issued by the competent authority from time to time and shall be entitled to the pay and allowances admissible to BPS-17 Officers.

Page - I  
Annex: B

تاریخ نمبر 10-15

ابتدائی اطلاعی رپورٹ

11

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شمارہ نمبر 1502 بجہ مطابق چھدا کی

دو میل

پاوں

صفحہ 10	678
30 20	14:00
وقت	تاریخ

1	نام رکنیت جرم (موجودہ) حال اگر کوئی ہے	15130
2	پتہ رکنیت جرم (موجودہ) حال اگر کوئی ہے	302-324-148-149
3	نام رکنیت جرم	
4	کاروبار جو پیش کے متعلق کی گئی اگر اطلاع میں کرنے میں ترقی ہو اور توجیہ بیان کر	
5	فائدہ سے رہائی کی تاریخ و مدت	

ابتدائی اطلاع، 15:30 بجے پر، ایک شخص نے پورے پورے طور پر ایک ٹیبلٹ کے ساتھ...  
 15:30 بجے پر ایک شخص نے پورے پورے طور پر ایک ٹیبلٹ کے ساتھ...  
 15:30 بجے پر ایک شخص نے پورے پورے طور پر ایک ٹیبلٹ کے ساتھ...  
 15:30 بجے پر ایک شخص نے پورے پورے طور پر ایک ٹیبلٹ کے ساتھ...

P-T-0  
پروسیجر سرکار کی طرف سے

ATTESTED



انسپیکٹر جنرل پولیس صوبہ سرحد فارم نمبر ۷۳ گورنمنٹ پولیس پنشن اور جاب نمبر 19/540/19 فارم سنور۔ تعداد دو ہزار و چھ سو۔ مورخہ 23 مارچ 2006 رپنی فور (فارم شور جاہز) ضمنی فارم (پولیس نمبر ۷)

فارم نمبر ۲۳-۵ (۱)

## ابتدائی اطلاعی رپورٹ

کاؤنٹر فائیکل

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 154 مجموعہ ضابطہ فوجداری

ظلمت :- بخوں

تھانہ :- ڈومیل

تاریخ وقت وقوع :- 30/10/20 وقت 14:00 بجے

علت نمبر :- 678

1	تاریخ وقت رپورٹ :- 30/10/20 وقت 16:50 بجے	چاکیڈگی 30/10/20 وقت 16:50 بجے
2	نام و سکونت اطلاع دہندہ مستغیث	ذاکر اللہ ولد میر بنات خان سکنہ خاندان خان خیل لنڈی جالندھر بھر 27/28 سال
3	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔	PPC 302-324-148-149
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت :-	نزد خانہ مدعی واقع خاندان خان خیل لنڈی جالندھر
5	نام و سکونت ملزم	
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسیدگی مراسلہ رپورٹ پر چہ فور اچاک کیا گیا
7	تھانہ سے روانگی کی تاریخ وقت	بمزلہ سپیشل رپورٹ

ابتدائی اطلاع نیچے درج کرو۔

ایک تحریری مراسلہ رپورٹ بغرض قائمی مقدمہ منجانب عمر صادق ASI ڈومیل بدست کنشیل عطاء اللہ 898 موصول ہو کر ذیل ہے رپورٹ ذاکر اللہ ولد میر بنات خان سکنہ خاندان خان خیل لنڈی جالندھر بھر 27/28 سال CNIC نمبر 9-11101-5735123-9 موبائل نمبر 0334-5878127 آج مورخہ 30/10/20 بوقت 15:30 بجے ہمراہ نعش والدہ اش مسماۃ جنان بی بی بھر 50/55 سال بمقام KG-N ہسپتال بحالت مضروبیت یوں رپورٹ کرتا ہے کہ امروز میں معہ والدہ ام جنان بی بی گھر خود کے ساتھ باہر موجود تھے کہ اس دوران مسیمان رشتہ داران 1- ساجد نواز، 2- عابد نواز، 3- زاہد نواز پسران رحم نواز، 4- یونس خان، 5- باز محمد خان پسران اخیر زمان مسلح بہ کلاشنکوف ہائے سرفراز ولد برکت اللہ مسلح بہ پستول سکنان دیہہ ام آئے اور مجھے اسلحہ کی بیٹوں سے اور لاقوں مکوں سے زدکوب کرنا شروع کیا جبکہ سہمی زاہد نواز نے ہم دونوں پر بہ نیت قتل فائرنگ کی جسکی فائرنگ سے والدہ ام لگ کر زخمی ہو کر موقع پر جاں بحق ہوئی اور میں خوش قسمتی سے بچ گیا ملزمان بعد وقوعہ ہذا موقع سے چلے گئے ہیں بوجہ خالی ہاتھ کچھ نہ کر سکا میری چیخ و پکار پر دیہہ وہاں پر دیگر رشتہ داران نے آکر ہم دونوں کو KGN ہسپتال پہنچلائے ہیں وقوعہ ہذا بوقت قریب 14:00 بجے رونما ہوئی ہے وجہ عداوت میرے اور ملزمان کے مابین تنازعہ اراضیات جانیاد چلا آ رہا ہے بدیں وجہ وقوعہ ہذا رونما ہوا ہے میں والدہ ام کی قتل عداوتی مضروبیت اور اپنے اوپر بہ نیت قتل فائرنگ کرنے کا برخلاف ہر 6 کسان ملزمان

12

پولیس کے ذریعہ

پہلو حیت برادر آرم کی ضرورت بہت زیادہ ہے اور اس کے بارے میں جاننا بہت ضروری ہے۔  
 اس سال ملزمان ڈاکٹر اللہ اکرام اللہ، محمد اللہ، انعام اللہ، میر نیان، شکر بک، باک اور برادر اللہ الفضل اللہ  
 پولیس کے اطلاع پر فوراً میں موٹری پولیس KGN ہسپتال آیا اور جی وارڈ میں موجود رضیاء کو  
 ڈاکٹر اللہ، فبرور 7 پھر پولیس خالی ہی ہوئی۔ علیحدہ علیحدہ درجہ 7 ماہ پر کئی ہسپتالی، سماجی  
 سہارے کے اپنا اپنا منہاں لگوا تھا۔ شہ کے چکی میں لے کر تانوں مقولہ سماہ خان بی بی کی  
 سائبرگ تیار کر کے بغرض حصول ہوٹ مارمٹ ہووٹ جبکہ فبرور 7 پھر پولیس، ملزمان میں باز محمد خان  
 اللہ کی نقشہ جان ضرر علیحدہ علیحدہ منہاں کر کے بغرض حصول MLC اور ڈیہ حفاظت کنسٹبلان  
 ن خان 2375 اسماعیل خان 1543 AHC ہسپتال ڈیپن بھیجوا گئے ہیں۔ ملزمان پر پورٹ سے صرف  
 149-148-324-302 کی پائی جاتی ہے۔ ملزمان ڈاکٹر اللہ کی کسی پھر پولیس کی رپورٹ پر جرم 324-148-149  
 جبکہ ملزمان پھر پولیس خان، باز محمد خان، ڈاکٹر اللہ کی رپورٹ پر جرم 302-324 میں جب ضابطہ  
 تیار کر کے گاؤ گھر سے علیحدہ جاری کی جاتی ہے۔ ملزمان رپورٹ بغرض نامی مقدمہ نقشہ بدست  
 شیلہ بٹ، اللہ 898 ارسال ہوا ہے۔ دسٹ آف ایڈیٹی عمر صادق ASI ڈیپن 30/10 کارروائی ہوا ہے۔  
 سیدنگی سرحد پر جرم پر آرم باک چاک پول نمونہ FIR ملزمان نقشہ وار BBI ساف لے گئے جاتے ہیں۔  
 رچر ملزمان اسپتال رپورٹ گزارش ہے۔

ASi Doman  
 30/10/2020

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ساجد نواز، عابد نواز، زاہد نواز، یونس خان، باز محمد خان، سرفراز متذکرہ بالا دعویدار ہوں العبد نشان انگوٹھا۔ اسی طرح محمد یونس خان ولد اخیر زمان سکند لٹڈی جالندھیر بھمر 22/23 سال CNIC نمبر 5-0357961-11102 موبائل نمبر 0332-1572278 بحالت مجروحیت ہمراہ مسفرو بین برداراش باز محمد بھمر 30/31 بمقام KGN ہسپتال رپورٹ کرتا ہے کہ امرتسر میں معہ برادر ام باز محمد بعد اداائے نماز جمعہ جامعہ مسجد لٹڈی جالندھر سے گھر خود جا رہے تھے کہ راستہ میں پچازادگان -1 ذاکر اللہ -2 اکرام اللہ خان -3 مجید اللہ -4 انعام اللہ پسران میرنات خان مسلح بہ کلاشنکوف ہائے -5۔ چچا ام نبات خان مسلح بہ دو نالہ بارہ بورسکستان دیہہ ام پہلے سے موجود تھے ہم کو دیکھتے ہی ہم پر اور ہوئے اور ہم کو اسلحہ کے بٹوں سے زد کوب کرنا شروع کیا اور بعد میں سسی ذاکر اللہ نے اپنے کلاشنکوف سے ہم دونوں پر بہ نیت قتل فائرنگ کی جسکی فائرنگ سے میں لگ کر زخمی ہو گیا جبکہ برادر ام خوش قسمتی سے بچ گیا۔ ملزمان بعد وقوعہ ہذا موقع سے چلے گئے ہم بوجہ خالی ہاتھ کچھ نہ کر سکے فائرنگ کی آواز اور ہماری چیخ و پکار پر دیہہ بالان رشتہ داران نے آکر ہم دونوں برادران کو فوری علاج معالجہ کی خاطر KGN ہسپتال پہنچائیں وقوعہ ہذا تقریباً 14:00 بجے رونما ہوئی ہے وجہ عداوت ہمارے اور ملزمان کے مابین تنازعہ جائیداد چلا آ رہا ہے بدیں وجہ وقوعہ ہذا رونما ہوئی ہے۔ میں اپنی مجروحیت برادر ام کی مضروبیت بذریعہ اسلحہ آتشین اپنے برادر ام کے اوپر بہ نیت قتل فائرنگ کر کے ہر پانچ کسان ملزمان ذاکر اللہ، اکرام اللہ، مجید اللہ، انعام اللہ، میر نبات متذکرہ بالا دعویدار ہوں العبد کارروائی پولیس حسب اطلاع پر فوراً میں معہ نفری پولیس KGN ہسپتال آیا امیر جنسی وارڈ میں موجود ازخمیان مضروب ذاکر اللہ، مجروح محمد یونس خان کی رپورٹ علیحدہ علیحدہ درج بالا ہو کر بعد سنائی سمجھائی درست تسلیم کر کے اپنا اپنا نشان انگوٹھا مثبت کئے جسکی میں تصدیق کرتا ہوں مقتولہ مسماۃ جنان بی بی کی کاغذات مرگ تیار کر کے بغرض حصول پوسٹ مارٹم رپورٹ جبکہ مجروح محمد یونس، مضروبین باز محمد خان ذاکر اللہ کی نقشہ جات ضرر علیحدہ علیحدہ مرتب کر کے بغرض حصول MLC رپورٹ زیر حفاظت کنسٹیبلان موہین خان 2375 اسماعیل خان RHC1543 ہسپتال ڈومیل بھجوائے جاتے ہیں مضمون رپورٹ سے صورت جرم 302-324-148-149 کو پائی جاتی ہے ملزم ذاکر اللہ کو سسی محمد یونس کی رپورٹ پر جرم 324-148-149 میں جبکہ ملزمان محمد یونس خان باز محمد خان، ذاکر اللہ کی رپورٹ پر جرم 302-324/148/149 میں حسب ضابطہ گرفتار کر کے کارڈ گرفتاری علیحدہ جاری کی جاتی ہے مراسلہ رپورٹ بغرض قائمی مقدمہ تفتیش بدست کانٹیل عطاء اللہ 898 ارسال تھانہ ہے دستخط انگریزی عمر صادق ASI ڈومیل 30/10/20 کارروائی تھانہ پس برسیدگی مراسلہ پر چہ بجرانم بالا چاک ہو کر نقول FIR برادر تفتیش حوالہ BBI شاف کئے جاتے ہیں، پرچہ بمنزلہ اسپیشل رپورٹ گزارش ہے۔

دستخط انگریزی

30/10/2020

دستخط

عہدہ

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اسے تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حرف الف یا ب سرخ روشنائی سے بالفاظ نام ایک لزم یا مشہور علی الترتیب واسلے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہیے۔

(Annex - E) Page No. 3

13



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT

Dated Peshawar, the May 03, 2021.

**NOTIFICATION**

NO. SO(C-IV)/HEI/B-11/Zahid Nawaz Khan/2021. Consequent upon his involvement in a criminal case under Sections 302-324-148-149 PPC vide FIR No. 678 dated 30.10.2020, Police Station Domicel, District Bannu, and letter bearing No. 686/GPGC/Bannu, dated 01.03.2021 issued by the office of Principal Govt. Postgraduate College Bannu, the Competent Authority is pleased to suspend Mr. Zahid Nawaz Khan, Librarian (BPS-17), Govt. Postgraduate College, Bannu, under CSR-194, with effect from 01.11.2020.

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

Encls: No. & Date as above.

Copy forwarded to the:

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt. Postgraduate College, Bannu.
3. Section Officer (General), Higher Education Department.
4. District Accounts Officer, Bannu.
5. Officer concerned.
6. P.S to Secretary, Higher Education Archives and Libraries Department.
7. Master File.

SECTION OFFICER (C-IV)

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INQUIRY REPORT

Am: D

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Subject of Inquiry: Initiation of Departmental Proceeding against Mr. Zal  
Nawaz Khan Librarian Govt. postgraduate C

Reference No. 22570AD(Lib)/DHE/DP/Zahid Nawaz Khan dated 01/12/2020

Accused Officer: - Zahid Nawaz Khan Librarian Govt. Postgraduate College Bannu

Receiving Date of Appointment Letter: 3/12/2020.

Submission of Inquiry Report: 9/12/2020.

Background of the case: - The Principal of GPGC Bannu through a memo No: 1338-40 d: 13/11/2020 informed the Directorate of Higher Education that he received a letter from Superintendent of police (investigation) Bannu as well as an application from a person named Irabullah of village and P/o Landi Jalander Bannu (Annex-A).

In this memo the Principal GPGC Bannu reported that to as attached FIR. Mr. Zahid Nawaz Khan Librarian Killed a woman on dated 30/10/2020 which was a public holiday (Eid-e-Milad Nabi) and since then the accused was not coming to the college and requested for initiating of disciplinary proceedings against the accused officer.

Findings: The undersigned being an appointed inquiry officer visited college on dated 7/12/2020 and checked the college staff attendance register and found Zahid Nawaz Khan Librarian absent from duty since 01/11/2020. As per FIR Mr. Zahid Nawaz Khan is the sole nominated person for firing and subsequent death of a woman.

The undersigned personally contacted a professor from GPGC Bannu who belongs to Mr. Zahid Nawaz Khan Area and the concerned authorities of the Police Station Domes Bannu to inquire about the arrest of the accused. After contact, it was confirmed that till the date the accused was not arrested. As per Principal of GPGC statement, neither Zahid Nawaz Khan nor any of his family member submitted any application for leave. The accused Zahid Nawaz Khan did not inform the college authorities about the incident.

Here it is stated that under section 20 of the Khyber Pakhtunkhwa Govt. Servants (conduct) Rules 1987, it was obligatory for the accused Mr. Zahid Nawaz Khan Librarian to inform the Principal concerned. "To reproduce section 20 of the Khyber Pakhtunkhwa Government servants (conduct) Rules 1987".

Report by Government Servant in case of his involvement in a criminal case: - If a Government Servant is involved as an accused in a criminal case, he shall bring the fact of such involvement or conviction, as the case may be, to the notice of the Head of the Office or department immediately or if he is arrested and released on bail, soon after such release.

But keeping in view the magnitude of the incident where a person lost her life and general ignorance of the Govt. servants of service and disciplinary observance of Section 20 of the Govt. Servants (conduct) Rules 1987 mentioned above may have remote possibility. Moreover, the accused has joined his service in Higher Education Department.

ATTACHED

on dated 17/01/2019 (Annex - B) and is considered relatively new in <sup>(13)</sup> civil service. He has not gone through in-service training and may have no knowledge of service and disciplinary rules.

Pertinent to mention here that it is a usual practice in our society to escape arrest after death incident. Now the accused Mr. Zahid Nawaz Khan Librarian GF Bannu is an absconder and is not attending the college since 01/11/2020 as reported by Principal and is also revealed by the attached copy of the college staff attendance register (Annex - C).

**Rules relating and dealing with involvement of a Govt. Servant in Criminal Case**

1. Rule 20 of Khyber Pakhtunkhwa Govt. Servants (Conduct) Rules 1987 (Annex D)
2. "ESTA CODE" Khyber Pakhtunkhwa (Revised Edition) 2011 CSR 194-A page 165 (Annex -E) and section 4 (i) of the same page under heading "suspension of a Govt. Servant accused of criminal offences.
3. Establishment & Administration Department letter No. E & A (FDS)2-2/2001 dated 08/08/2001 (Annex-F)

**"RECOMMENDATIONS"**

1. Keeping in view the above factual position and the relevant service and disciplinary rules, it is, therefore, recommended that the accused Mr. Zahid Nawaz Khan Librarian may be suspended from the date of lodging of FIR under CSR-194-A which states that a Govt. servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Govt. Servant is not arrested or is released on bail, the competent authority may suspend him by a specific order, if the charge against him is connected with his position as Govt. Servant and likely to embarrass him in the discharge of his duties or involve turpitude. During suspension period the Govt. Servant shall be entitled to the subsistence grant as admissible under FR-53.

2. The accused Mr. Zahid Nawaz Khan Librarian salary may be stopped as he is absconder and absent from duty. This salary stoppage may continue till his arrest and the accused may be granted subsistence allowance during the period.

3. A letter may be sent to the superintendent of Police (Investigation) Bannu to keep the Directorate of Higher Education informed on regular basis about progress in the case.

4. In case of conviction of the accused in the said case, action may be taken by the competent authority under section 9 of the Govt. of-Khyber Pakhtunkhwa Govt. Servant (Efficiency & Disciplinary) Rules 2011.

Inquiry Officer

Muhammad Iqbal

Associate Professor of Political Science  
Govt. College, Peshawar.

ATTACHED



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PUKHTUNKHWA, RANO GHARI,  
NEAR NEW CHANKANI MORI, PESHAWAR**

Tel No: 091-2650024

E-mail: [dh@kpk.gov.pk](mailto:dh@kpk.gov.pk)

Facebook.com/dhpkpkeshawar

No. 10161

ATHE/187/1112/Zahid Nawaz/Librarian

Dated Peshawar the 05/05/2021

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To

*(Signature)*

**REGISTERED  
MOST IMMEDIATE**

Mr. Zahid Nawaz Khan  
Librarian BPS-17  
Village & Post Office Landi Julander  
Tehsil & District Hannu.

**SUBJECT: ABSENCE NOTICE.**

I am directed to refer to the subject cited above and to state that as per report of the Principal, Government Postgraduate College, Hannu, you have been absent from your official duties without prior permission/application since 01/11/2020, till date, which is willful and tantamount to misconduct and warrants disciplinary action under FGD Rules 2011 against you.

You are, hereby directed in your own interest to report for duties within 15-days of the issuance of this notice and explain the reason of your willful absence from your duties failing which it will be presumed that you are no more interested in your service and ex-parte action will be taken against you culminating in your dismissal from service.

*(Signature)*  
05/05/2021

**ASSISTANT DIRECTOR LIBRARIES**

Enclst; No. \_\_\_\_\_

Copy of the above is forwarded to the:

1. Section Officer (C-IV), Government of Khyber Pakhtunkhwa, Higher Education Department w/r to his letter No. SO(C-IV)/HED/8 11/Zahid Nawaz Khan/2021 dated 27/04/2021.
2. Principal, Government Postgraduate College, Hannu, with the remarks to intimate latent position to this office.
3. P.A to Director, Higher Education Department.

**ASSISTANT DIRECTOR LIBRARIES**

Page 3

*(Annex - B)*

**ATTESTED**

**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA, RANO GHARI  
NEAR NEW CHAMKANI MORH, PESHAWAR**

No.10461/

dated 05.05.2021

To

**REGISTERED  
MOST IMMEDIATE**

Mr. Zahid Nawaz Khan  
Librarian BPS-17  
Village & Post Office Landi Jalandar  
Tehsil & District Bannu

Subject: **ABSENCE NOTICE**

I am directed to refer to the subject cited above and to state that as per report of the principal, government Postgraduate College, Bannu you have been absent from your official duties without prior permission/application since 01.11.2020, till date, which is wilful and tantamount to misconduct and warrants also ..... 2011 against you.

You are hereby directed in your own interest to report for duties within 15-day of the issuance of this notice and explain the reason of your wilful absence from your duties failing which it will be presumed that you are no more interested in your service and exparte action will be taken against your culminating in your dismissal from service.

Sd/-  
ASSISTANT DIRECTOR LIBRARIAN

Endst. \_\_\_\_\_/

Copy of the above is forwarded to the:

1. Section officer (C-IV), Government of Khyber Pakhtunkhwa, Higher Education Department w/r to his letter No. SO (C-IV)HED/8-11/Zahid Nawaz Khan /2021 dated 27.04.2021.
2. Principal, Government Postgraduate College, Bannu, with the remarks to intimate latest position to this office.
3. P.A to Director, Higher Education Department.

Sd/-  
ASSISTANT DIRECTOR LIBRARIES



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18



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT

Dated Peshawar, the March 02, 2022.

CORRIGENDUM

2024-88

NO. SO(C-IV)/HED/8-11/Zahid Nawaz Khan /2021. In partial modification of the department notification of even No. dated 03-05-2021, the date of Suspension of Mr. Zahid Nawaz Khan, Librarian (BPS-17), Govt. Postgraduate College Bannu, may be read as 28.06.2021 instead of 01.11.2020.

SECRETARY  
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date as above.  
Copy forwarded to the:

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt. Postgraduate College, Bannu.
3. Deputy Director (HEMIS) Cell Higher Education Department.
4. District Accounts Officer, Bannu.
5. Officer concerned.
6. P.S to Secretary, Higher Education Archives and Libraries Department.
7. Master File.

*[Signature]* 02/03/22  
SECTION OFFICER (C-IV)

(Libr)  
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**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
BANNU BENCH.**

(Judicial Department)

Cr. Misc: B.A No. 383-B of 2021.

Zahid Nawaz Khan

Vs

The State & another.

**JUDGMENT**

Date of hearing 18.10.2021

For Petitioner: Mr. Muhammad Rashid Khan  
Dirma Khel, Advocate.

For respondent: Mr. Muhammad Anwar Khan  
Maidad Khel, Advocate.

For State: Mr. Saif-ur-Rehman Khattak,  
Addl. AG.

SAHIBZADA ASADULLAH, J.- Through present petition the petitioner Zahid Nawaz Khan seeks his release on bail in case FIR No.678 dated 30.10.2020 registered under sections 302/324/148/149 PPC at police station Damel, District Bannu.

2. Brief facts of the case are that on 30.10.2020 at 15:30 hours complainant Zakirullah along with dead body of his mother Mst. Janan Bibi lodged report to the effect that on the eventful day at 14:00

ATTESTED



~~SECRETARY~~  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT  
Dated Peshawar, the March 02, 2022.

Annex-B  
103  
(19)

Am: 9/1

NOTIFICATION

2089-93.

NO. SO(C-IV)/HED/8-11/Zahid Nawaz Khan /2021. Consequent upon the acceptance of his bail by the Peshawar High Court Bannu Bench vide Judgement dated 18.10.2021, the Chief Secretary, Khyber Pakhtunkhwa (Competent Authority) is pleased to reinstate Mr. Zahid Nawaz Khan, Librarian (BPS-17), Govt. Postgraduate College Bannu in service with effect from 28.06.2021.

SECRETARY  
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date as above.

Copy forwarded to the:

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt. Postgraduate College, Bannu.
3. Deputy Director (HEMIS) Cell Higher Education Department.
4. District Accounts Officer, Bannu.
5. Officer concerned
6. P.S to Secretary, Higher Education Archives and Libraries Department.
7. Master File.

  
SECTION OFFICER (C-IV)

(lib)

Sub 116

RECEIVED

IN THE PESHAWAR HIGH COURT,  
BANNU BENCH

(Judicial Department)

Cr.Misc:/BA No.383-B of 2021.

Zahid Nawaz Khan

Vs.

The State etc.

JUDGEMENT/ORDER.

Date of hearing 18.10.2021

For petitioner: Mr. Muhammad Rashid  
Khan Dirma Khel,  
Advocate.

For respondent: Mr. Muhammad Anwar  
Khan Maidad Khel,  
Advocate.

For State: Mr. Saif-ur-Rehman  
Khailak, Addl: AG.

\*\*\*\*\*

SAHIBZADA ASADULLAH, J.- For the detailed reasons to be recorded later on, this application is allowed, resultantly accused/ petitioner namely: Zahid Nawaz Khan is admitted to bail provided he furnishes bail bond in the sum of Rs.3,00,000/- (rupees three lac) with two sureties each in the like amount to the satisfaction of Illaqa Judicial Magistrate/MOD concerned.

SCANNED

18 OCT 2021

Web

Announced.

18.10.2021.

Usm.

Sd/ Mr. Justice Sahibzada Asadullah, J

ATTESTED

**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
BANNU BENCH.**

(Judicial Department)

Cr. Misc: B.A No. 383-B of 2021.

Zahid Nawaz Khan

Vs

The State & another.

**JUDGMENT**

Date of hearing 18.10.2021

For Petitioner: Mr. Muhammad Rashid Khan  
Dirma Khel, Advocate.

For respondent: Mr. Muhammad Anwar Khan  
Maidad Khel, Advocate.

For State: Mr. Saif-ur-Rehman Khattak,  
Addl: AG.

SAHIBZADA ASADULLAH, J.- Through present petition the petitioner Zahid Nawaz Khan seeks his release on bail in case FIR No.678 dated 30.10.2020 registered under sections 302/324/148/149 PPC at police station Domel, District Bannu.

2. Brief facts of the case are that on 30.10.2020 at 15:30 hours complainant Zakirullah along with dead body of his mother Mst. Janan Bibi lodged report to the effect that on the eventful day at 14:00

hours he and his mother were present outside of his house, meanwhile accused/ petitioner along with co-accused Sajid Nawaz, Abid Nawaz, Younas Khan and Baz Muhammad duly armed with Kalashnikovs while accused Sarfaraz armed with pistol came to the spot and started beating them with fists, kicks and butts of the weapons. The accused/ petitioner at the same time made firing at the complainant party with the intention to commit their qatl-e-amd, with which mother of the complainant got injured and succumbed to the injuries on the spot while the complainant escaped unhurt luckily. The accused after commission of the offence decamped from the spot. Motive for the offence was stated to a civil dispute between the parties.

3. I have considered the submissions of learned counsel for the parties, AAG for the State, and gone through the record, with their valuable assistance.

4. The record tells that the petitioner along with five others were charged for the murder of the deceased and injuries on the person of the

2

complainant namely Zakirullah. It is pertinent to mention that rest of the five accused have been released on bail and even the accused who caused injuries to the complainant. This is pertinent to mention that one of the accused approached this court who was released on bail and while granting bail the Hon'ble High Court was pleased to accept the plea of counter version i.e. the cross case.

5. It is pertinent to mention that one of the accused charged in the instant FIR was taken to the hospital in injured condition along with another who were examined by the doctor and multiple blunt injuries were found on their bodies. The report was taken in the shape of daily diary of the even date.

6. The learned counsel for the petitioner submitted that the incident did not occur in the mode and manner and at the stated place rather it was the complainant side who assaulted the petitioner and others when they performed their Jumma prayer in the local mosque. It was further submitted that the site plan prepared by the investigating officer gives a surprising note where the complainant Zakirullah

ATTEST

EXC.  
Probation High Court  
& Bench

was shown encircled by the accused and the present petitioner was shown at point-5. He further submitted that had he the intention to kill the lady deceased then she was within the firing range when the petitioner was initially present at point-5. He further submitted that there was no need at all for the petitioner to travel from point-5 to point-A that too to kill the deceased who had nothing in common with the motive. The learned counsel representing the complainant strongly resisted the arguments submitted by learned counsel for the petitioner and submitted that at bail stage deeper appreciation is not warranted.

7. Be that as it may, there is no denial to the fact that some of the accused are common in both the cases and their presence is established on record and injured from both the sides soon after receiving injuries were shifted to one and the same hospital, wherefrom they were referred to Khalifa Gul Nawaz Hospital for further treatment. The injured of both the cases were examined by the doctor and their time and arrival to the hospital is nearly one and the

ATTE  
BY  
For Petitioner



same. This is not disputed that when the other accused in both the cases pleaded for their post arrest bail either before the trial court or this court, both sets of the accused have been released on bail and what prevailed with the Additional Sessions Judge and this august court was that the cases are of counter version and the benefit of the same was extended to both the parties whether charged for effective firing or otherwise but the same was declined to the petitioner. Furthermore, both the parties suppressed the injuries caused to the other.

8. When cases were termed to be that of counter version and that when the courts were pleased to accept the plea of alibi submitted/ taken by one set of the accused charged in the instant case and when the incident was considered to be between the same parties with the same motive and at the same time then in that eventuality we cannot bifurcate the case of present petitioner from the others charged especially when no bail cancellation has been preferred by either side in respect of the bail granting orders to other accused.

ATTE  
[Signature]  
[Stamp]

9. True that at bail stage only tentative assessment is to be made and deeper appreciation is not warranted but equally true that bail application cannot be heard and decided in vacuum rather the courts seized of a bail matter must apply its judicial mind to the collected material on file so that miscarriage of justice could be avoided.

10. The cumulative effect of what has been stated above leads this court nowhere but to hold that the petitioner has been succeeded in making out a case for bail. Resultantly, the instant bail petition is accepted and accused/ petitioner is directed to be released on bail provided he furnishes bail bonds in the sum of Rs. 3,00,000/- (rupees three lac) with two sureties each in the like amount to the satisfaction of Illaqa Duty Judicial Magistrate, concerned.

These are the detailed reasons of my short order of even date.

**Announced.**  
**18.10.2021**

CERTIFIED TO BE TRUE COPY

Examinig  
Postwar High Court  
Authorised Under Article  
The Qanun-e-Shahadat Ordinance 1934

(S.D)  
Hon'ble Mr. Justice Subhrazda Asadullah.

SCANNED

11 OCT 2021

Khalid Khan

52/10001



THROUGH REGISTERED POST

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT

No. SO (C-IV) HED/8-11/Zahid Nawaz/Lib/2021/  
Dated Peshawar the, May 23, 2022

*Amir JH*

To

Mr. Sher Alam Khan (PMS BS-18),  
Deputy Secretary, Health Department,  
Govt. of Khyber Pakhtunkhwa.

SUBJECT: DEPARTMENTAL PROCEEDINGS AGAINST MR. ZAHID NAWAZ KHAN, LIBRARIAN (BPS-17), GOVT. POSTGRADUATE COLLEGE BANNU.

Dear Sir,

I am directed to refer to the subject noted above and to state that the Chief Secretary Khyber Pakhtunkhwa (being the Competent Authority) has been pleased to initiate a formal inquiry against Mr. Zahid Nawaz Khan, Librarian (BPS-17), Govt. Postgraduate College, Bannu under Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules 2011.

2. Consequently, The competent authority has further been pleased to appoint you as Inquiry Officer to investigate the charges and conduct an inquiry under provision of the said Rules against the aforesaid officer in light of the attached Charge Sheet/ Statement of Allegations.

3. I am further directed to request that findings / report may be submitted within a period of 30 days, please.

Encl: as above.

Yours faithfully,

*Shauwal*  
SECTION OFFICER (C-IV)  
fr

Endst; No. & Date as above.

Copy to the: -

1. Mr. Ihsan Ullah Khan, Assistant Director (Libraries), Directorate of Higher Education (Contact No. 0334-9056456, 091-2650027) is appointed as departmental representative alongwith relevant record to assist the Inquiry Officer during the inquiry proceedings.
2. PS to Secretary, Higher Education Department.
3. Master File.

ATTACHED

SECTION OFFICER (C-IV)

PA  
Please make  
a file and  
summon the  
accused  
25/05/22

Am: H/I

21

INQUIRY REPORT

Subject: DEPARTMENTAL PROCEEDINGS AGAINST  
ZAHID NAWAZ KHAN, LIBRARIAN (BPS-17) GOVT  
POSTGRADUATE COLLEGE BANNU

Authorization:

In pursuance of Govt. of Khyber Pakhtunkhwa Higher Education Archives and Libraries Department letter No.SO/C-IV)HEDS-112A NAWAZ/112/2021 dated 23.05.2022, the Chief Secretary, Khyber Pakhtunkhwa (being the competent authority) appointed the undersigned as inquiry officer in subject case to investigate the charge and conduct inquiry under Khyber Pakhtunkhwa govt. servant (efficiency, & Disciplinary Rules 2011(F/A).

INTRODUCTION AND BACKGROUND OF THE CASE:

The Director Higher Education, Khyber Pakhtunkhwa furnished FIR (F/B) registered in the Police Station Domel, Bannu wherein Mr. Zahid Nawaz Khan, (Librarian BS 17) Govt. of Postgraduate College Bannu had been nominated in Criminal Case of Section-302 (F/C).

The Administrative Department conducted fact finding inquiry in the matter. The inquiry officer submitted report with the recommendations that the accused was absent from duty w.e.f 01.11.2020 i.e. the date when FIR was lodged against him. After approval of the competent Authority, Mr. Zahid Nawaz Khan Librarian, (BPS- 17) was placed under suspension with effect from 01.11.2020 via Higher Education Department notification dated 03.05.2021 (F/D).

Accordingly, the Directorate of Higher Education, Khyber Pakhtunkhwa was asked to initiate Disciplinary proceedings against Mr. Zahid Nawaz Khan, Librarian, under Rule-09 of Khyber Pakhtunkhwa Govt. Servant (Efficiency, & Disciplinary) Rules, 2011 (F/E). Absence notice was dispatched to his home address and was directed to report for duties within fifteen days of

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**INQUIRY REPORT**

Subject: **DEPARTMENTAL PROCEEDINGS AGAINST ZAHID NAWAZ KHAN, LIBRARIAN, (BPS-17) GOVT. POSTGRADUATE COLLEGE BANNU**

Authorization:

In pursuance of Govt. of Khyber Pakistan Higher Education Archives and Libraries Department No.SO/C-IV) HEC 8-11/ZA NAWAZ/LIB 2021 dated 23.05.2011, the Chief Star, Khyber Pakhtunkhwa (being the competent authority appointed the undermined as inquiry officer in subject case to investigate the charge and conduct inquiry under Khyber Pakhtunkhwa govt. servant (efficiency, & disciplinary Rules 2011(F/A).

**INTRODUCTION AND BACKGROUND OF THE CASE:**

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The Administrative Department Conducted fact finding inquiry in the matter. The inquiry officer submitted report with the recommendations that the accused was absent from duty w.e.f 01.11.2020 ie the date when FIR was lodged against him. After approval of the competent Authority, Mr. Zahid Nawaz. Khan Librarian, (BPS-17) was placed under suspension with effect from 01.11.2020 vide Higher Education Department notification dated 03.05.2021 (F/D).

Accordingly, the Directorate of Higher Education, Khyber Pakhtunkhwa was asked to initiate Disciplinary proceedings against Mr. Zahid Nawaz Khan, Librarian, under Rule-09, of Khyber Pakhtunkhwa Govt. Servant (Efficiency, & Disciplinary) Rules, 2011 (F/E). Absence notice was dispatched at his home address and was directed to report for duties within fifteen days of

28

issuance of the notice (F/F). In response, the officer concerned submitted arrival report on 19.05.2021 and provided copy of Bail Before Arrest (BBA) granted by additional session judge-iv, Bannu and requested to treat his absence as on duty on 28.06.2021, his BBA was cancelled and he was arrested from the court room. Session Court, Bannu on 18.10.2021, Peshawar High Court, Bannu Bench has granted post arrest bail to the accused officer and he was released from Central Jail Bannu on 20.10.2021. He submitted his arrival report to Principal Govt. Postgraduate College Bannu on 21.10.2021 which was accepted by the Principal concerned.

The Administrative Department has proposed re-instatement of the officer concerned with effect from the date of his arrival i.e 21.10.2021 where he was arrested on 28.06.2021 while Establishment Department has proposed that the officer concerned remained absent from duty for 06 Months and 18 days, the Administrative Department may initiate Disciplinary proceedings against the officer concerned for his willful absence from duty (absconding period) and submit charge sheet and statement of allegations to the competent Authority to probe the matter and decide fate of his absence period and his re-instatement into service will be w.e.f 28-06-2021.

The Chief Secretary Khyber Pakhtunkhwa re-instated the officer concerned on 11.02.2022.

### 3: Proceedings:

The officer concerned was summoned through letter No.PA to DS B&D/ HD/1-1/2020 dated:01.06.2022 and letter No. PA to DS B&D/HD 1-1/2022 to appear for personal hearing to defend his case. The officer concerned appeared before the undersigned and charge sheet and statement of allegations was served upon him to submit his written statement in his defence. He submitted his written statement (F/G), wherein he stated that he was innocently charged in FIR No. 678 dated:30.10.2020, PS Domel, Bannu, PPC 302,324,148,149 and subsequently

28

ATTACHED

GS CamScanner

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issuance of the notice (F/F). In response, the officer concerned submitted arrival report on 19.05.2021 and provided copy of Bail before Arrest (BBA) granted before additional session judge-iv, Bannu and requested to that his absence as on duty on 28.06.2021, his BBA was cancelled and was arrested to the court room. Session Court, Bannu on 18.10.2021, Peshawar High Court, Room Bench has granted post arrest bail to the accused officer and he was released from Central Jail Bannu on 20.10.2021. He submitted his actively report to Principal Govt. Postgraduate College Bannu on 21.10.2021 which was accepted by the Principal concerned.

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3. **Proceedings:**

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submitted application on 30.10.2020 to the Principal Govt. Post Graduate College Bannu which was forwarded to the Director Higher Education Khyber Pakhtunkhwa for further processing under CSR-194 and he was suspended w.e.f 01.11.2020. He further stated in his statement that on suspension already core pandemics and summer vacations w.e.f 14.03.2021 to 15.08.2021, he attended college on regular basis and provided satisfactory services to students. He stated that after granting bail from the Honorable court on 18.10.2021, he joined college from 21.10.2021 and was reinstated w.e.f. 28.06.2021 and now performing his duties with full devotion and punctuality.

Findings

After perusal of the relevant record and statement of the officer concerned Findings of the inquiry are as below.

1. Allegation is proved.
2. Allegation Partially proved.

Recommendations:

Penalty:-

1. Minor Penalty

Mr. Sher Alam Khan  
Deputy Secretary (Budget), Health Department

*[Handwritten Signature]*  
12/10/22

ATTACHED



Submitted application on 30.10.2020 to the Principal Govt. Post Graduate College Bannu which was forwarded to the Director Higher Education Khyber Pakhtunkhwa for further processing under CSR-194 and he was suspended w.e.f 01.11.2020. He further stated in his statement that on suspension already core.... pandemics and summer vacations w.e.f 14.03.2021 to 15.08.2021, he attended the college on regular basis and provided satisfactory services to students. He stated that after granting bail from the Honourable court on 18.10.2021, he joined the college from 21.10.2021 and was reinstated w.e.f. 28.06.2021 and now performing his duties with full devotion and punctuality.

**Findings**

After perusal of the relevant record and statement of the officer concern Findings of the inquiry are as below.

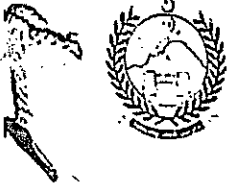
1. Allegation is proved.
2. Allegation Partially proved.

**Recommendations:**

Penalty:-

1. Miner Penalty

Sd/-  
Mr. Sher Alam Khan  
Deputy Secretary (Budget), Health Department



**THROUGH REGISTERED POST**

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT**

Phone No. 9213501-2 Ext. 20 Fax 11091-9210368

*Ann: J*

No. SO (C-IV)/HED/8-11/Zahid Nawaz Khan/2021

Dated Peshawar the, December 26, 2022.

24

To

Zahid Nawaz Khan,  
Librarian (BPS-17),  
Govt. Postgraduate College, Bannu

**Subject: SHOW CAUSE NOTICE AND COPY OF INQUIRY REPORT.**

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice duly signed by the competent authority (Chief Secretary, Khyber Pakhtunkhwa) alongwith a copy of inquiry report with the request to furnish written reply in your defence within stipulated period of time (07-days) to this department for further processing of the case.

2. It may also be mentioned in your written reply as to whether you want to be heard in person or otherwise, please.

**Encl: As Above (Show cause and Inquiry Report)**

*Jail*  
SECTION OFFICER (C-IV)

**Endst: No. & Date as above:**

**Copy to the:-**

1. Director, Higher Education, Khyber Pakhtunkhwa with the request to direct the concerned Principal to furnish written reply of the librarian concerned within stipulated time period, please.
2. Principal Govt. Postgraduate College, Bannu
3. PS to Secretary, Higher Education Department, Khyber Pakhtunkhwa.
4. Master file.

SECTION OFFICER (C-IV)

ATTACHED

**SHOW CAUSE NOTICE**

Am:

9/I  
25

I, Dr. Shahzad Khan Bangash, Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Zahid Nawaz Khan, Librarian (BPS-17) Govt. Postgraduate College, Bannu as follows:-

1. (i) That consequent upon the completion of inquiry conducted against you by the inquiry officer Mr. Sher Alam Khan (PMS BPS-18), Deputy Secretary, Health Department for which you were given opportunity of hearing vide letter No. P.A to DS B&D/HD/1-1/2020 dated 01.06.2020.
- (ii) Going through the findings of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officer.

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

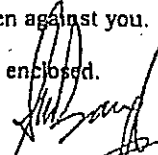
- (a) misconduct;
- (b) absence from duty

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of ~~with holding of three increments for~~ *with holding of three increments for* ~~under rule-4 of the said rules.~~ *two years.*

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

4. If no reply to this notice is received within ten days or not more than ~~fourteen~~ days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

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

  
(Dr. Shahzad Khan/Bangash)  
Chief Secretary,  
Khyber Pakhtunkhwa

ATTACHED

To,

The Section Officer (C-IV)  
Government of Khyber Pakhtunkhwa Higher Education,  
Archives & Libraries department.

Subject: REPLY OF SHOWCAUSE VIDE NOTICE NO. SO(C-IV)/  
HED/8-11/ZAHIDNAWAZKHAN/2021 DATED 26.12.2022.

It is stated for your kind honor that I, Mr. Zahid Nawaz Khan, Librarian, Govt Post Graduate College, Bannu was innocently charged on FIR No. 678 dated 30.10.2020, PS Domel, Bannu, PPC 302, 324/148, 149. I submitted written application on 31.10.2020 along with FIR copy to the Principal Govt Post Graduate College Bannu which is forwarded to the Director Higher Education Khyber Pakhtunkhwa, Peshawar vide letter No.686/GPGC/Bannu dated 01.03.2021 for further process under CSR-194. I was suspended w.e.f 01.11.2020 vide Notification No.SO(C-IV)/HED/8-11/Zahid Nawaz Khan/2021 dated May 03,2021 (Copy attached as Annex-A). After that a fact finding inquiry was conducted without intimation/statement of the undersigned but as per law Fact Finding Inquiry conducted in the absence of the accused employee has no value in the eyes of law. I denied all the allegation's because the period of suspension w.e.f 01-11-2020 was declared absentee period on corrigendum after one year when the period has already expired under suspension notification and the suspension has taken legal effect on the period from 01-11-2020 to 15-5-2021 in already declared Corona pandemic vacations and suspension period, i attend the college regularly on other rationalized days for staff attendance due to corona pandemic from 01.11.2020 to date of arrest.

Furthermore, an absentee notice was issued to me vide letter No.10461 dated 05-05-2021 by the Directorate of Higher Education, Khyber Pakhtunkhwa, Peshawar without mentioning my suspension period on this notice w.e.f 01-11-2020, i received the notice on 14-05-2021 and on the very next day on 15-05-2021 i joined my duties regularly rather than rationalized and confusion was made due to irregularities by the departmental authority because on one side competent authority declared me suspended under CSR-194 w.e.f from 01-11-2020 (Copy enclosed as Annex -A) and on the other hand Directorate of Higher Education, Khyber Pakhtunkhwa declared me absent from 01-11-2020 (copy Of

ATTEN: [Signature]

27


absentee enclosed as Annex-B). So resultantly on confusion i attend the college regularly from 15-05-2021. Later on i was arrested from Court room during cancellation of my BBA on 28-06-2021. After that I was behind the bar and i started legal proceedings on plea of innocence for regular bail and then finally i was succeeded on regular bail on 18-10-2021 (copy enclosed as Annex-C). After that i rejoined my duties regularly w.e.f 21-10-2021 and submitted an application for re-instatement which was processed and i was reinstated w.e.f the date of arrest 28-06-2021 (Copy enclosed in Annex-D) instant of date of suspension w.e.f 01-11-2020 and corrigendum was made after one year in my suspension notification to read it 28-06-2021 instead of 01-11-2020 (copy enclosed as Annex-F) at this time the period of suspension was already expired and has taken legal effect. According to LOCUS POENITENTIA: Once an order is passed and has taken legal effect it creates valuable and lawful rights in favour of a person concerned and such lawful right can't be taken away or reversed under the principal of LOCUS POENITENTIA. Judgment for the same is: 1992 -SCMR-1652,1997-SCMR-15,1999-SCMR-1004,2000-PLC(CS)-09,2002-PLC (CS)-506, 2009-SCMR-1472. Furthermore from the irregularities of departmental authorities no employee should be suffer due to irregularities committed by the department. Judgement for the same is: 2007-PLC(CS)-179,2009-SCMR-1472,2009 PLC(CS)-936 and 2011-PLC(CS)-331. So keeping in view of the above facts as irregularities of departmental authorities, suspension period, LOCUS POENITENTIA , corona pandemic situations, and innocently charging in FIR etc.

It is requested from the competent authority that may not impose on me a minor penalty and deal my case on sympathetic way under the supervision of the competent authority.

REQUEST FOR PERSONAL HEARING: I want to be heard me in person please, Judgment regarding the same is 2002-SCMR-1034,1994-SCMR-2232and 1991-PLC(CS)-299.

I shall be highly obliged in this regard.

Your Sincerely,

  
Zahid Naivaz Khan

30-12-2022  
Librarian, GPGC Bannu

ATTES TED

Am! J/I (28)

To, The Additional Secretary (HRD)  
Government of Khyber Pakhtunkhwa, Peshawar

Subject: STATEMENT RECORDED ON PERSONAL HEARING DATED 24<sup>th</sup> FEB, 2023 BEFORE THE OFFICER CONCERNED ON SHOW CAUSE VIDE NOTICENO.SO(C-IV)/HED/8-11/ZAHDNAWAZKHAN/2021 DATED 26.12.2022.

It is stated for your kind honour that I, Mr. Zahid Nawaz Khan, Librarian, Govt Post Graduate College, Bannu was innocently charged on FIR No. 678 dated 30.10.2020, PS Domel, Bannu, PPC 302, 324/148, 149. I submitted written application on 31.10.2020 along with FIR copy to the Principal Govt Post Graduate College Bannu which is forwarded to the Director Higher Education Khyber Pakhtunkhwa, Peshawar vide letter No.686/GPGC/Bannu dated 01.03.2021 for further process under CSR-194. I was suspended w.e.f 01.11.2020 vide Notification No.SO(C-IV)/HED/8-11/Zahid Nawaz Khan/2021 dated May 03,2021 (Copy attached as Annex-A). After that a fact finding inquiry was conducted without intimation/statement of the undersigned. As per law Fact Finding Inquiry conducted in the absence of the accused employee has no value in the eyes of law. I denied all the allegation's because the period of suspension w.e.f 01-11-2020 was declared absentee period on corrigendum after one year when the period has already expired under suspension notification and the suspension has taken legal effect on the period from 01-11-2020 to 15-5-2021. I attended the college regularly on other rationalized days for staff attendance due to corona pandemic from 01.11.2020 to the date of Arrest.

Furthermore, an absentee notice was issued to me vide letter No.10461 dated 05-05-2021 by the Directorate of Higher Education, Khyber Pakhtunkhwa, Peshawar without mentioning my suspension period on this notice which is already w.e.f 01-11-2020, i received the notice on 14-05-2021 and on the very next day on 15-05-2021 i joined my duties regularly rather than rationalized On suspension period which is from 01-11-2020. And confusion was made due to irregularities by the departmental authority because on one side competent authority declared me suspended under CSR-194 w.e.f from 01-11-2020 (Copy enclosed as Annex -A) and on the other hand Directorate of Higher Education, Khyber Pakhtunkhwa declared me absent from 01-11-2020 (copy Of absentee

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enclosed as Annex-<sup>B</sup>C). So resultantly on confusion i attend the college regularly from 15-05-2021. Later on i was arrested from Court room during cancellation of my BBA on 28-06-2021. After that I was behind the bar and i started legal proceedings on plea of innocence for regular bail and then finally i was succeeded on regular bail on 18-10-2021 (copy enclosed as Annex-<sup>C</sup>D). After that i rejoined my duties regularly w.e.f 21-10-2021 and submitted an application for reinstatement which was processed and i was reinstated w.e.f the date of arrest 28-06-2021 (Copy enclosed in Annex-<sup>B</sup>E) instant of date of suspension w.e.f 01-11-2020 and corrigendum was made after one year on my suspension notification to read it is 28-06-2021 instead of 01-11-2020 (copy enclosed on Annex-E) at this time when Corrigendum the period of suspension was already expired and has taken legal effect. According to LOCUS POENITENTIA: Once an order is passed and has taken legal effect it creates valuable and lawful rights in favour of a person concerned and such lawful right can't be taken away or reversed under the principal of LOCUS POENITENTIA. Judgment for the same is: 1992-SCMR-1652, 1997-SCMR-15, 1999-SCMR-1004, 2000-PLC(CS)-09, 2002-PLC (CS)-506, 2009-SCMR-1472. Furthermore from the irregularities of departmental authorities no employee should be suffer due to irregularities committed by the department. Judgement for the same is: 2007-PLC(CS)-179, 2009-SCMR-1472, 2009 PLC(CS)-936 and 2011-PLC(CS)-331. So keeping in view of the above facts that is irregularities of departmental authorities, suspension period, LOCUS POENITENTIA, corona pandemic situations, and innocently charging in FIR etc.

It is requested from the competent authority that may not impose on me a minor penalty and deal my case on sympathetic way under the supervision of the competent authority for smooth running of my service and for natural law of justice.

Your Co-operation will be highly obliged.

Your Sincerely,

  
Accused, Officer Zahid Nawaz

Librarian BPS-17 GPGC Bannu

24-02-2023  
ATTACHED

ANX-K

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BY REGISTERED POST



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT

Dated Peshawar the, 26-06-2023

NOTIFICATION

NO.SO(C-IV) HED/8-11/Zahid Nawaz/2023

WHEREAS, Mr. Zahid Nawaz, Librarian (BPS-17), Govt. Postgraduate College Bannu, Khyber Pakhtunkhwa, was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011;

AND WHEREAS the Chief Secretary, Khyber Pakhtunkhwa being the Competent Authority served the accused official with Show Cause Notice tentatively proposing imposition of "minor penalty of "withholding of three increments for three years" on him;

AND WHEREAS the Competent Authority upon receipt of the reply to Show Cause Notice submitted by the accused official under Rule-15 of the Rules ibid. appointed Mr. Nour Ul Amin, Additional Secretary, (HRD), Establishment Department, Khyber Pakhtunkhwa, to afford him opportunity of personal hearing on his, the Competent Authority, behalf.

AND WHEREAS the said officer after having examined the charges, evidence on record and explanation of the accused officer has recommended imposition of minor penalty of "withholding of three increments for three years".

NOW THEREFORE, the Chief Secretary, Khyber Pakhtunkhwa, being the competent authority after having considered the charges, evidence on record, the explanation of the accused official and in exercise of powers conferred under Rule 14 (5) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011, is pleased to impose minor penalty of "withholding of three increments for three years" upon Mr. Zahid Nawaz, Librarian (BPS-17), Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa.

SECRETARY  
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to:-

1. Director, Higher Education, Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (HEMIS) Cell Higher Education Department.
3. Principal, Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa with the direction to inform the official concerned accordingly.
4. Mr. Zahid Nawaz, Librarian (BPS-17), Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa.
5. PS to Secretary, Higher Education Department.
6. Master File

(ZAHID KAMAL)  
SECTION OFFICER (C-IV)

ATTACHED



**BY REGISTERED POST**

**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT**

Dated Peshawar the, 26-06-2023

**NOTIFICATION**

**No. SO (C-IV) EHD/8-11/Zahid Nawaz/2022**, /2819-22 WHEREAS, Me. Zahid Nawaz, Librarian (BPS-17), Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa, was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rule, 2011;

**AND WHEREAS** the Chief Secretary, Khyber Pakhtunkhwa being the competent Authority served the accused official with Show Cause Notice tentatively proposing imposition of minor penalty of withholding of three increments for three year on him;

**AND WHEREAS** the Compete authority span receipt of the reply to Show Cause Notice submitted by the accused officials under Rule-15 of the Rules ibid. appointed Mt. Noor Ul Amin, Additional Secretary, (IRD), Establishment Department. Khyber Pakhtunkhwa, to afford his opportunity of personal hearing on his, the competent Authority behalf.

**AND WHEREAS** the hearing officer after having examined the charges, evidence on record and explanation of the accused officer has recommended imposition/confirmation of the minor penalty withholding of three increments for these years

**NOW THEREFORE**, the Chief Secretary, Khyber Pakhtunkhwa, being the competent authority after having considered the charges, evidence on record, the explanation of the accused official and in exercise of power confirmed under Rule 14 (5) of the Khyber Pakhtunkhwa (efficiency & Discipline) Rules 2011, is pleased to impose minor penalty of withholding of three increments for three years" upon Mr. Zahid Nawaz, Librarian (BPS- 17)..Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa.

Sd/-  
SECRETARY  
HIGHER EDUCATION DEPARTMENT

**ENDST: NO. & DATE EVEN,**

Copy forwarded to the:-

1. Director, Higher Education. Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (HEMIS) Cell Higher Education Department.
3. Principal, Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa with the direction to inform the official concerned accordingly.
4. Mr. Zahid Nawaz. Librarian (BPS-17), Govt. Postgraduate College. Bannu. Khyber Pakhtunkhwa.
5. PS to Secretary. Higher Education Department.
6. Master File

Sd/-  
ZAHID KAMAL  
SECTION OFFICER (C-IV)

TO,  
THE CHIEF MANISTOR  
KHYBAR PAKHTUNKHWA, PESHAWAR

Ann: 74/1

31

DEPARTMENTAL APPEAL FROM THE APPROVAL OF C.S AND  
ORDER DATED 26.06.2021 OF THE SECRETARY HIGHER  
EDUCATION DEPARTMENT K.P. PESHAWAR

Respectfully Sheweth:

1. That on 17.01.2019 the applicant was appointed as Librarian BPS (17) after coddle formalities by the competent authority.
2. That the applicant was innocently charged in FIR NO.678 dated 30.10.2020 U/S 302/304/148/149 PPC P.S Domei-Bannu.
3. That on 01.12.2020 fact finding inquiry was conducted on the direction of Directorate of Higher Education and nominated Mr. Muhammad Iqbal Associate professor of Political Science from Govt; College Peshawar wherein the inquiry officer prepared the fact finding report on 3.12.2020 and submitted on 09.12.2020. The inquiry officer in recommendation suggested to suspend the applicant from the service.
4. That on 03.05.2021 the competent authority has suspended the applicant w.e.f from 01.11.2020.
5. That on 05.05.2021 the directorate has issued against the applicant absentia notice from duties. The same was received to the applicant on 14.05.2021 whereby the applicant joined the service immediately on 15.05.2021.
6. That on 28.06.2021 the applicant was reinstate in service. It is pertinent to mentioned here that on the same day the competent authority has issued corrigendum order on suspension dated 02.03.2022 to be counted or read as 28.06.2021 instead of 01.11.2020.
7. That on 12.10.2022 the inquiry report was prepared by the inquiry officer and recommended minor penalty and show cause notice 26.12.2022 was issued and lastly on 25.06.2022 the minor penalty

was awarded by the competent in shape of "WITH HOLDING OF THREE INCREMENTS FOR THREE YEARS".

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8. That being aggrieved from the order dated 26.06.2023 of the secretary Higher Education K.P, Peshawar, the applicant file the instant departmental appeal, inter alia, on the following grounds;

GROUNDS

- A. That the order is against the law and facts of the record hence, untenable because the applicant was suspended on 03.05.2021 with effect from 01.11.2020, the validity period of the suspension is 120 days whereby the corrigendum was issued by the authority on 02.03.2022 that the suspension order may be read as 28.06.2021 instead of 01.11.2020 which is clear cut contradict the version of the authority and has already been implemented by the applicant.
- B. That the department has acted with irregularities which come in the ambit of illegalities hence need reversal in shape of this appeal thus, to set aside the impugned order dated 26.06.2023.
- C. That both inquiries are against the norms of justice being not providing due opportunity to the applicant on behalf of his innocent in the whole proceedings conducted by the authority on the basis of malice mind to damage the upcoming career of the young thorough gentleman applicant.
- D. That all proceedings taken by the authority is violation of laws and basic principal of service laws and E&D rules hence to be set at naught.

It is, therefore, most humbly requested that on acceptance of this appeal, the order dated 26.06.2023 may kindly be set aside for the best interest of justice.

Applicant  
*Zahid*  
Zahid Nawaz Khan  
Librarian BPS-17  
G.P.G.C, Bannu  
Mb#0333-5371904

14/07/2023

ATTESTED

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**THROUGH REGISTERED POST**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**HIGHER EDUCATION, ARCHIVES AND**  
**LIBRARIES DEPARTMENT**

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Phone No. 9213501-2 Ext.20 Fax #091-9210368

Dated Peshawar the, **February 14, 2024**

**NOTIFICATION**

**NO.SO(C-IV) HED/8-11/Zahid Nawaz/2022**

204-7

**WHEREAS**, Mr. Zahid Nawaz, Librarian (BPS-17), Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa, was proceeded against under Rule 14 (5)(ii) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011 for the charges mentioned in the charge sheet and statement of allegations.

**AND WHEREAS** the competent authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, and in exercise of powers conferred upon him in term of the Rule 14 (5)(ii) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011, has imposed minor penalty of "**withholding of three increments for three years**" upon the accused officer. The said penalty was accordingly imposed on the accused officer vide this department's Notification of even No. dated 26.06.2023.

**AND WHEREAS** Mr. Zahid Nawaz Librarian (BPS-17), submitted departmental appeal to the appellate authority (Chief Minister, Khyber Pakhtunkhwa) for setting aside the order of penalty and exonerating him of the charges leveled and penalty imposed upon him by the Competent Authority.

**NOW THEREFORE**, the Chief Minister Khyber Pakhtunkhwa being Appellate Authority after having considered the Departmental Appeal of the Librarian, in exercise of the powers under Rule-17(2)(a) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rule, 2011, is pleased to uphold the order of penalty of "**withholding of three increments for three years**" upon Mr. Zahid Nawaz, Librarian (BPS-17), Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa and "**reject the appeal**".

-Sd-  
**SECRETARY**  
HIGHER EDUCATION DEPARTMENT

**ENDST: NO. & DATE EVEN.**

**Copy forwarded to the:-**

1. Director, Higher Education, Khyber Pakhtunkhwa Peshawar with the direction to inform the officer concerned accordingly, please.
2. Deputy Director (HEMIS) Cell Higher Education Department.
3. Principal, Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa with the direction to inform the officer concerned accordingly, please.
4. Mr. Zahid Nawaz, Librarian (BPS-17), Govt. Postgraduate College, Bannu, Khyber Pakhtunkhwa.
5. PS to Secretary, Higher Education Department.
6. Master File

Copy of the order/Notification was received from the office of the Principal on dated 22-03-2024

14/2/24

Zahid Nawaz  
Received on  
22-03-2024  
11-0235864-3

(ZAHID KAMAL)  
SECTION OFFICER (C-IV)

Annex K/3

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**OFFICE OF THE PRINCIPAL, GOVT. POST-GRADUATE COLLEGE BANNU**  
**OUTSIDE MIRYAN GATE BANNU CITY**

PIA FAK 0328 00011, E-mail: [principal@pocbannu.edu.pk](mailto:principal@pocbannu.edu.pk)  
<http://www.pocbannu.edu.pk> Web Site: [www.pocbannu.edu.pk](http://www.pocbannu.edu.pk)






Dated: 22.03.2024

**TO WHOM IT MAY CONCERN**

Certified that Mr. Zahid Nawaz Khan, Librarian, Govt Post Graduate College, Bannu received hard copy of Notification vide No. So (C-IV) HED/8-11 Zahid Nawaz/2022/204-7 dated 14.02.2024 today on 22.03.2024 (Friday).

**PRINCIPAL**  
**PRINCIPAL**  
GOVT POST GRADUATE COLLEGE BANNU

Annex

قیمت 50 روپے	پشاور بار ایسوسی ایشن، خیبر پختونخواہ 25421
ایڈوکیٹ: محمد انور بار کونسل ایسوسی ایشن نمبر: BC-10-7667 رابطہ نمبر: 0334-9081124	  

بعدالت جناب:

منجانب: <b>امجد علی</b>	دعویٰ:
	علت نمبر:
<b>زائدہ نواز خاں بلال موصوف</b>	مورخہ:
	جرم:
	تھانہ:

**بابت تحریر آئکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام **کنسٹبل کیلئے محمد انور** کو وکیل مقرر کیا گیا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالثت و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق زریں پر دستخط کرہنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل گزرائی و نظر جانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے تفریق اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سہ ماہیہ پر داخست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوالی مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم 30103 120/11

العبد **کنسٹبل** العبد

مقام **کنسٹبل**

لئے منظور ہے۔

11101-8235866-3