

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 2209/2023**

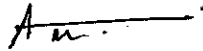
Muhammad Adnan

V/S

Govt:of KP & others.


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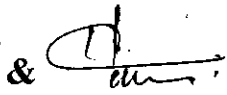
  
APPELLANT

Muhammad Adnan

THROUGH:-

  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT  
OF PAKISTAN.

  
(SYED NOMAN ALI BUKHARI),  
ADVOCATE HIGH COURT

  
(HILAL ZUBAIR)  
ADVOCATE PESHAWAR.

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 0335-8390122

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 2209/2023**

Muhammad Adnan

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**REJOINDER ON BEHALF OF THE APPELLANT**

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**ON FACTS:**

- 1-4. Admitted as correct by the respondent department.
5. As per Judgment of the Superior Courts cited as 2010-PLC (C.S) 435 13-SCMR-714, 2023 PLC (C.S) 341 & 19-SCMR-640 any material produce/represented before the inquiry officer shall be subject to cross examination otherwise the same has no evidentiary value in the eye of law, it is pertinent to mention here that on perusal of the inquiry report. It is clearly provided that the Departmental representative alongwith record appeared before the Inquiry Officer but the same was not subject to cross examination by the appellant. Further it is added that the two officials Sami Ullah & Mati Ullah also present before the Inquiry Officer but the statement of the same was neither recorded in front of appellant nor opportunity of cross examination was provided to the appellant.
6. Incorrect , hence denied. While Para-6 of the appeal is correct. Moreover the competent authority before imposing the major punishment removal from service. Not properly perused the inquiry report and reply of the appellant to show cause notice.
7. Incorrect, already explained in above Para.
8. Incorrect, already explained in above Para.

**GROUND:**

- A. Incorrect. While Para-A of the appeal is correct.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12209

Dated 13-05-24

B. Incorrect. While Para-B of the appeal is correct.

C. Incorrect. While Para-C of the appeal is correct. Moreover, as per Judgment of Supreme Court cited as \_\_\_\_\_ the competent authority must be show reason for disagree with the inquiry officer but in the instant case. The competent authority does not give any reason to disagree with the inquiry officer and the same is in violation of Principle set by Superior Court.

D. Incorrect, hence denied. While Para-De of the appeal is correct. Moreover the statements of two Officials Mr. Matiullah & Samiullah while recording during the inquiry clearly denied the allegations leveled against the appellatant in the charge sheet. Copy of the statements is attached as Annex-R1.

E&F. Incorrect. While Para-E &F of the main appeal is correct.

G. Incorrect. While Para-G of the main appeal is correct.

H. Incorrect. While Para-H of the main appeal is correct.


I. Incorrect. While Para-I of the main appeal is correct.

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

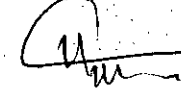
  
APPELLANT

Muhammad Adnan

THROUGH:

  
(M. ASIF YOUSAFZAI)  
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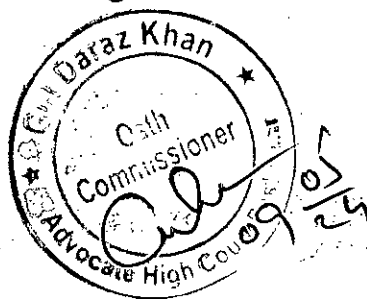
  
(SYED NOMAN ALI BUKHARI),  
ADVOCATE HIGH COURT

&   
(HILAL ZUBAIR)  
ADVOCATE PESHAWAR.

**AFFIDAVIT:**

It is affirmed on oath that the contents of this rejoinder are true and correct and nothing has been concealed from this Tribunal.

  
DEPONENT





GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMPUTERIZATION OF LAND RECORDS (PMU)  
BOARD OF REVENUE  
Revenue Academy Hayat Abad  
Office: 9219242, 9219243  
Email: [computerization.phase2@gmail.com](mailto:computerization.phase2@gmail.com)

3  
"R1"

PD/PMU/CLR: 3/199

Dated: 25-01-2024.

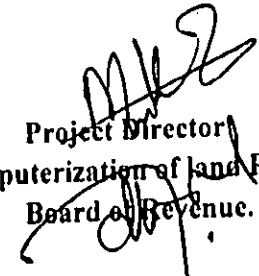
To,

The Secretary  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa.

Subject: **SUBMISSION OF INQUIRY REPORT.**

Reference to the E&SED notification no. So(inq) E&SED /1-17/2023/Mr. Sami Ullah & Mati Ullah/SS/ Kohat dated on 8 November 2023 wherein the inquiry committee comprising of Muhammad Khalid Zaman (Project Director) & Muhammad Sheraz (DEO) has been constituted.

In this regard, the same inquiry has been completed and the report is submitted for further necessary action please.

  
Project Director  
Computerization of Land Records  
Board of Revenue.

  
ATTESTED

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**1. Introduction:**

The Chief Secretary Khyber Pakhtunkhwa had appointed the following inquiry committee comprising of Mr. Muhammad Khalid Zaman (PD Computerization of Land Records) and Mr. Muhammad Sheraz (DEO awaiting posting) (ANNEX: A) Vide Elementary and Secondary Education Department Khyber Pakhtunkhwa Notification No. SO(Inq) E&SED/1-17/2023/Mr. Sami Ullah & Mr. Mati Ullah/SS/Kohat Dated the November 8<sup>TH</sup> 2023.

**2. The charge sheet and statement of allegations against the accused officers state that:**

1. The accused officer Mr. Sami Ullah SS Chemistry GHSS Nandraka Kohat has paid Rs: 60000/ as bribe to Mr. Muhammad Adnan Senior Scale Stenographer (BPS-16) E&SED for issuance of posting/transfer order despite ban on all kinds of posting/transfers.
2. The accused officer Mr. Mati Ullah SS Physics GHSS Nandraka Kohat has paid Rs: 60000/ as bribe to Mr. Muhammad Adnan Senior Scale Stenographer (BPS-16) E&SED for issuance of posting/transfer order despite ban on all kinds of posting/transfers.
3. By the reason of the above, both officers have appeared to be guilty of inefficiency misconduct and misuse of authority under Rule-3 of the Khyber Pakhtunkhwa government servants (Efficiency and Discipline) Rules 2011 and have rendered themselves liable to all or any of the penalties specified in Rule-3 of the Rule ibid.

**3. Inquiry Proceedings:**

1. The Inquiry Committee proceeded with the inquiry vide letter No. PMU/CLR/PD Phase-1: 34006 Dated 23/11/2023 (ANNEX: F) requesting the Secretary E&SED, Khyber Pakhtunkhwa, to depute his representative well versed with the case and directed to appear before the inquiry committee on Friday, 24<sup>th</sup> November 2023 at 11:00AM in the office of Project Director Phase-1, CLR, PMU.
2. All the stake holders attended the inquiry proceedings on 24/11/2023 on the given venue and time.
3. Mr. Sami Ullah SS Chemistry GHSS Nandraka Kohat, Mr. Mati Ullah SS Physics GHSS Nandraka Kohat appeared before the inquiry committee on 23/11/2023(ANNEX: G) and submitted their written statements. (ANNEX: G&H)
4. Mr. Farid Ullah Shah Principal GHSS Jandrai Karak, Mr. Akhtar Mehmood Principal GHSS Nandraka Kohat and Mr. Muhammad Adnan Senior Scale Stenographer E&SED also appeared before the inquiry committee and submitted their written statements (ANNEX: I).
5. Mr. Bilal Khan Section Officer Inquiry also provided a copy of the inquiry report conducted by Mr. Abdul Haq Section Officer E-III against Mr. Muhammad Adnan senior scale stenographer.

**4. Findings.**

  
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1. Fake transfer Notification NO.SO(SM) E&SED/5-17/2022/PT/SS Dated the August 31, 2022, was issued in respect of Mr. Sami Ullah SS Chemistry GHSS Nandraka Kohat. (ANNEX:M).
2. Fake transfer Notification NO.SO(SM) E&SED/5-17/2022/PT/SS Dated the August 31, 2022, was issued in respect of Mr. Mati Ullah SS Physics GHSS Nandraka Kohat. (ANNEX: N).
3. Both the transfer Notifications were issued with the same No.SO (SM) E&SED/5-17/2022/PT/SS dated 31 August 2022.
4. It may be added that another inquiry in the subject case has already been completed wherein the senior scale stenographer Mr. Muhammad Adnan has been proven guilty and the correspondence between the two accused subject specialists and Mr. Adnan has been established resulting in issuing of the above-mentioned fake transfer orders.
5. Another person involved in issuing these fake transfer orders is Mehboob Ur-Rehman. As per the inquiry report of Mr. Abdul Haq Mr. Mehboob Ur-Rehman is a private person/party worker associated with the Ex Minister of education Mr. Shahram Tarakai. As per the statement of Mr. Adnan, as reported by inquiry officer Mr. Abdul Haq in his inquiry report, the amount received by Mr. Muhammad Adnan from the two accused subject specialist had been handed over to Mr. Mehboob Ur- Rehman. Mr. Abdul Haq in his inquiry report has recommended FIR under section 162/417/419 of the Pakistan Penal Code.
6. Transaction history of the alleged amount made by two subject specialists to Mr. Muhammad Adnan senior scale stenographer through Easy Paisa Account is not available on the record.

**5. Conclusion:**

From the perusal of the produced record and statements of the concerned officials it has been established that the subject transfer orders were fake. And Mr. Adnan has already been punished in the subject case. The two subject specialists also have established correspondence with Mr. Muhammad Adnan which negate their innocence. The third person involved in this case is Mr. Mehboob Ur-Rehman, who by virtue of his political clout had been able to extract bribe from departmental official Mr. Muhammad Adnan.

**6. Recommendations:**

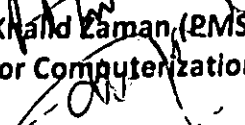
1. It is recommended that the department proceed to initiate proceedings under the relevant section of laws against Mr. Mehboob Ur- Rehman so as to discourage such touts.
2. It is also recommended that the department of E&SED should issue a notification barring all irrelevant person's entry and discussing official matters with the officials of the department.

  
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3. The departmental officials must be directed in unequivocal terms not to engage/share official information with any political person/tout, ~~until he or she has been officially notified.~~
4. The department of E&SED needs to frame the clear-cut transfer/posting policy to avoid such like cases in future.
5. Penalty of Stoppage of two annual increment for a period of two years be imposed on Mr. Sami Ullah SS Chemistry GHSS Nandraka Kohat and Mr. Mati Ullah SS Physics GHSS Nandraka Kohat.

  
Muhammad Khalid Zaman, (BMS-19)  
Project Director Computerization of Land Records.  
Mohamend.  
Chairman of inquiry committee.

  
22/11/24  
Mr. Sheraz Ahmad (BPS-19) Member  
District Education Officer (M)

  
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The secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

Subject: INQUIRY

Reference to the E&SE notification no. So(inq) E& SED /1-17/2023/ Mr. Sami Ullah & Mati Ullah/SS/ Kohat dated on 8 November 2023 wherein the undersigned has been nominated as inquiry officer.

In this regard it is requested that a departmental representative (well versed with the case) may please be nominated & directed to appear before the inquiry officer on Friday, 24<sup>th</sup> November 2023 at 11:00 PM in the office of the Project Director Phase-I, CLR, PMU.

Project Director  
Computerization of Land Records

Endst: of even No. & Date: 34006(1-6)

1. Muhammad Shiraz (DEO) Elementary & Secondary Education, Kp
2. Ex Deputy Secretary (Rehmat Ali) Elementary & Secondary Education, Kp.
3. EX Section Officer (M) Elementary & Secondary Education, Kp.
4. Senior Steno Grapher (Adan) Establishment, Kp
5. Principal Fareed Ullah Shah GHSS ( Jandrai) district Karak, Kp.
6. Principal GHSS Akhtar Mehmood ( Nandraka), district Kohat, Kp.

To appear before  
the inquiry office on  
Friday, 24<sup>th</sup> Nov  
2023 in the office of  
the Project Director  
Phase-I CLR, PMU

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Project Director  
Computerization of Land Records



RB  
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BEFORE THE WORHTY INQUIRY COMMITTEE.

Ref: No Notification No. SO (Ing) E&SED/1-17/2023 DATED 08/11/2023.

subject:- Written Reply to the charge on behalf of Mati Ullah Subject Specialist (Physics) , BPS-17, GHSS Nandraka, Kohat presently Subject Specialist GHSS Kando Khel Tehsil & District, Karak.


Respected Sir,

Written reply is submitted on behalf of the above said Mati Ullah.

1. That the allegations leveled against the undersigned is illegal, against law and baseless.
2. That the undersigned has not paid a single penny to the so called Muhammad Adnan Senior Scale Stenographer (BPS-16).
3. That payment of Rs. 60,000/- as bribe is mere and mere allegations leveled against the undersigned.
4. That before the constitution of inquiry committee the undersigned was forced and blacked mailed by the some maneuvering persons and pressurized to give statement before Deputy Secretary Education (Establishment) and Section Officer (Male) Schools. The undersigned was pressurized that if you are not ready to give such like statement then you will be dismissed from service and you will be sent to jail. So I the undersigned have given a statement as they wished.
5. That the undersigned has blatantly denied the allegations of payment of bribe given to Mr. Adnan.
6. That the transfer order of the undersigned was not issued during ban period but it was issued before imposing of ban on transfer & posting on 31/08/2022 and the ban was imposed on 01/09/2022.
7. That with permission of the inquiry committee any other ground for defense will be taken during personal hearing.

It is, therefore, most humbly and respectfully prayed that undersigned is not guilty of Inefficiency and committed no mis-conduct, may be honourably exonerated

Dated:- 20/11/2023

  
Mati Ullah Subject Specialist  
(Physics) BPS-17 GHSS  
Kando Khel, Karak.  
Cell No. 0334-9006475

  
**ATTESTED**

BEFORE THE WORHTY INQUIRY COMM

Ref: No Notification No. SO (Ing) E&SED/1-17/2023 DATED 08/11/2023.

subject:- Written Reply to the charge on behalf of Sami Ullah Subject Specialist (Chemistry), BPS-17, GHSS Nandraka, Kohat presently Subject Specialist GHSS Dabli Lawaghar Tehsil & District, Karak.

Respected Sir,

Written reply is submitted on behalf of the above said Sami Ullah.

1. That the allegations leveled against the undersigned is illegal, against law and baseless.
2. That the undersigned has not paid a single penny to the so called Muhammad Adnan Senior Scale Stenographer (BPS-16)..
3. That payment of Rs. 60,000/- as bribe is mere and mere allegations leveled against the undersigned.
4. That before the constitution of inquiry committee the undersigned was forced and blacked mailed by the some maneuvering persons and pressurized to give statement before Deputy Secretary Education (Establishment) and Section Officer (Male) Schools. The undersigned was pressurized that if you are not ready to give such like statement then you will be dismissed from service and you will be sent to jail. So I the undersigned have given a statement as they wished.
5. That the undersigned has blatantly denied the allegations of payment of bribe given to Mr. Adnan.
6. That the transfer order of the undersigned was not issued during ban period but it was issued before imposing of ban on transfer & posting on 31/08/2022 and the ban was imposed on 01/09/2022.
7. That with permission of the Inquiry committee any other ground for defense will be taken during personal hearing.

It is, therefore, most humbly and respectfully prayed that undersigned is not guilty of Inefficiency and committed no mis-conduct, may be honourably exonerated

Dated: 20/11/2023

*Sami Ullah*  
 Sami Ullah Subject Specialist  
 (Chemistry) BPS-17 GHSS  
 Dabli Lawaghar, Karak.  
 Cell No. 0333-9713635

*[Signature]*  
**ATTESTED**