

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1409/2023

BEFORE: MRS. RASHIDA BANO MEMBER(J)
MR. FAREEHA PAUL MEMBER(E)

Mr. Irfan Alam S/o Alam Khan, Assistant, P&D Department, Peshawar, KP.

.... (Appellant)

VERSUS

1. Government of KP through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary P&D, Civil Secretariat, Peshawar.
3. Chief Minister, Chief Minister Secretariat, Peshawar.
4. Additional Secretary LGE & RDD/Inquiry Officer, Civil Secretariat, Peshawar.
....(Respondents)

Mr. Syed Haziq Ali Shah
Advocate For appellant

Mr. Muhammad Jan
District Attorney For respondents

Date of Institution..... 20.06.2023
Date of Hearing..... 12.02.2024
Date of Decision..... 12.02.2024

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“It is, therefore, humbly prayed that on acceptance of this appeal the impugned notification/order dated 07.02.2023 may kindly be set aside and the appellant may be reinstated into service with all back benefits.”

2. Brief facts of the case as given in the memorandum of appeal are that appellant joined the respondent department in the year 2004 and was performing


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Peshawar

his duty with zeal and zest. That appellant while serving as Assistant in CPEC Cell, was issued charge sheet alongwith summary of allegations, which was replied by him. Thereafter appellant was awarded major penalty of compulsory retirement from service. Feeling aggrieved, he filed departmental appeal, which was not responded, hence the present service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Deputy District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that that the impugned order dated 07.02.2023 is illegal, unlawful, against the law and fact hence liable to be set aside. He further that appellant had never committed any act or omission which could be termed as in-efficiency, corruption or misconduct warranting the major penalty imposed upon him. He further argued that penalty awarded to the appellant is completely disregarding and ignoring the findings of the inquiry officer. He submitted that imposition of penalty awarded to the appellant is harsh and against the norms of justice and also against the principle of proportionality.

5. Conversely, learned District Attorney contended that appellant had been treated in accordance with law and rules. He further contended that when the appellant was serving in CPEC Section P&D Department, various complaints were lodged against him on involvement of issuance of fake recruitment orders and taking money from the complainants, therefore, as per rules disciplinary proceedings were initiated against him. He further contended that acts/omission of the appellant fall in the ambit of misconduct, which warranted imposing of major penalty upon him.



6. Perusal of record reveals that appellant was appointed as Assistant BPS-14 in 2012 whose service was regularized at the strength of the Khyber Pakhtunkhwa Employees Regularization of Service Act, 2018 vide notification dated 08.06.2018. Appellant was transferred to CPFC Section of P&DD vide order dated 14.01.2020 of P&D Department. Appellant was issued with charge sheet and statement of allegation on the charges mentioned below:

- i. *That out of five, four number of offers of appointments (copies enclosed) under signature of Chief. CPEC Cell were orbiting on social media i.e. WhatsApp.*
- ii. *That a Fact Finding inquiry was conducted and during the course of statement of record, the appointees confirmed that their offers of appointments were issued with your collaboration in lieu of taking monetary gratification/bribe by you.*
- iii. *That one Mr. Ismail Shah, resident of Village Musa Zai, Peshawar alleged that you took 5 lac rupees as bribe from him in lieu of appointment of his two sons in CPEC Cell, however, you returned the money on 04.03.2021 to Mr. Ismail.*
- iv. *That it confirmed that you were involved in issuance of offers of appointments and taking illegal gratification in lieu of appointments.*
- v. *That as per statement of Mr. Ismail Shah, you were in contact with him in issuance of offers of appointments of his two sons.*

For the purpose of inquiry against the said accused with the reference to the above allegations, Mr. Muhammad Masood PMS-19 was appointed as inquiry officer, who after conducting inquiry submitted his inquiry report to authority.

After issuing final show cause notice on 11.05.2022, vide impugned order, the

competent authority imposed upon appellant compulsory retirement from service on 07.02.2023.

7. Appellant in very clear words during inquiry stated to the inquiry officer that appointment orders of sons of Ismail Shah were given/handed over to him by the then Director Mr. Abdul Aziz Abbasi. In such a situation it was incumbent upon the inquiry officer to record statement of Mr. Abdul Aziz Abbasi and provides chance of cross examination to appellant in case of his denial. Moreover, inquiry officer referred to the written statement of Mr. Ismail Shah but upon him no chance of cross examination was provided to the appellant, otherwise too, inquiry officer referred to the fact finding inquiry which is not legal way because at this stage too, no chance of cross examination was provided to appellant.

8. Record is silent that whether the main culprit Mr. Abdul Aziz Abbasi was proceeded against or not? Whether he was held responsible for issuing of appointment orders or not? If he was held responsible, then the case of appellant being subordinate will be looked in some other perspective. Appellant was awarded major penalty of compulsory retirement from service without providing opportunity of cross examination which means he was condemned unheard.

9. It is a well settled legal proposition, that regular inquiry is must before imposition of major penalty, whereas in case of the appellant, no such inquiry was conducted. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice require that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper

disciplinary proceedings, the appellant was condemned unheard, whereas the principle of "*audi alteram partem*" was always deemed to be embedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

10. For what has been discussed above, we are unison to set aside impugned orders and reinstate appellant into service for the purpose of de-novo inquiry with direction to provide chance of cross examination upon Mr. Abdul Aziz Abbasi and Ismail Shah which is foremost requirement of fair trial and conclude the inquiry within sixty days from the receipt of this order. Costs shall follow the event. Consign.

11. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of February, 2024.*


(FAREEHA PAUL)
Member (E)


(RASHIDA BANO)
Member (J)


ORDER


12.02.2024 1

Learned counsel for the appellant present. Mr. Mohammad Jan learned District Attorney alongwith Mehar Muhammad, S.O (Litigation) for the respondents present.

2. Vide our detailed judgment of today placed on file, we are unison to set aside impugned orders and reinstate appellant into service for the purpose of de-novo inquiry with direction to provide chance of cross examination upon Mr. Abdul Aziz Abbasi and Ismail Shah which is foremost requirement of fair trial and conclude the inquiry within sixty days from the receipt of this order. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of February, 2024.*



(FARLEHA PAUL)
Member (E)


(RASHIDA BANO)
Member (J)

17.08.2023 1. Clerk of counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Written reply not submitted. Learned AAG seeks time for submission of written reply. To come up for written reply/comments on 29.09.2023 before S.B. P.P given to parties.

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(Rashida Bano)
Member (J)

*Kaleem Ullah

29-9-23


Due to Public Holy day
therefore case is adjourned to
25-10-23
Reader

25th Oct, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan learned Assistant Advocate General alongwith Meher Mohammad, S.O for the respondents present.

2. Written reply on behalf of respondents submitted which is placed on file. A copy of the same is handed over to learned counsel for the appellant. To come up for rejoinder if any, as well as arguments on 12.02.2024 before D.B. P.P given to the parties.

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Peshawar

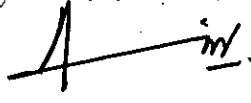
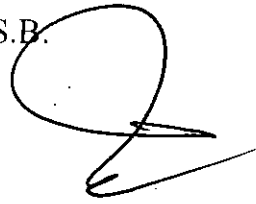

(Rashida Bano)
Member (J)

*Kaleem Ullah

FORM OF ORDER SHEET

Court of _____

Appeal No. 1409/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/06/2023 SCANNED KPST Peshawar	<p>The appeal of Mr. Irfan Alam resubmitted today by Syed Haziq Ali Shah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 5.7.23</p> <p>By the order of Chairman  REGISTRAR</p> <p>5th July, 2023</p> <p>SCANNED KPST Peshawar</p> <p>Counsel for the appellant present and submits that against the impugned order dated 07.02.2023, the appellant filed departmental appeal on 15.02.2023 and awaiting ninety days statutory period when no reply was received from the respondents, he filed this appeal on 20.06.2023 which is slightly barred by limitation. The appeal is admitted to full hearing subject to all just and legal objections including limitation by the other side. The appellant is directed to deposit security fee within 10 days. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 17.08.2022 before S.B.</p> 

(Kalim Arshad Khan)
Chairman

The appeal of Mr. Irfan Alam son of Alam Khan Assistant P&D Department Peshawar received today i.e. on 20.06.2023 is incomplete on the following score which is returned to the attorney for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Check list is not attached with the appeal.
- 3- Annexures of the appeal are unattested
- 4- Copy of impugned order dated 07.02.2023 is not attached with the appeal.
- 5- The paper used in printing of grounds of appeal is low standard.
- 6- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1820 /S.T.

Dt. 24/6 /2023.

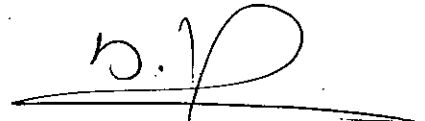


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Haziq Ali Shah Adv.
High Court Peshawar.

Note

Objection Rera


22/6/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 1409/2023

Irfan Alam

....Appellant

...VERSUS...

Government of KP through Chief Secretary & Others

.....Respondents

SCANNED
KPST
Peshawar

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1973 AGAINST THE ORDER DATED 07.02.2023, WHEREBY THE APPELLANT/ IRFAN ALAM, ASSISTANT HAS BEEN AWARDED THE MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE.

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Through

Appellant

Syed Haziq Ali Shah
Advocate Supreme Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 1409 2023

10

Irfan Alam S/o Alam Khan
Assistant, P&D Department,
Peshawar, KP.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6121

Dated 20/6/2023

...Appellant

...VERSUS...

1. Government of KP through Chief Secretary, Civil Secretariat Peshawar
2. Secretary P & D, Civil Secretariat Peshawar
3. Chief Minister, Chief Minister Secretariat, Peshawar
4. Additional Secretary LGE & RDD/ Inquiry Officer, Civil Secretariat Peshawar.

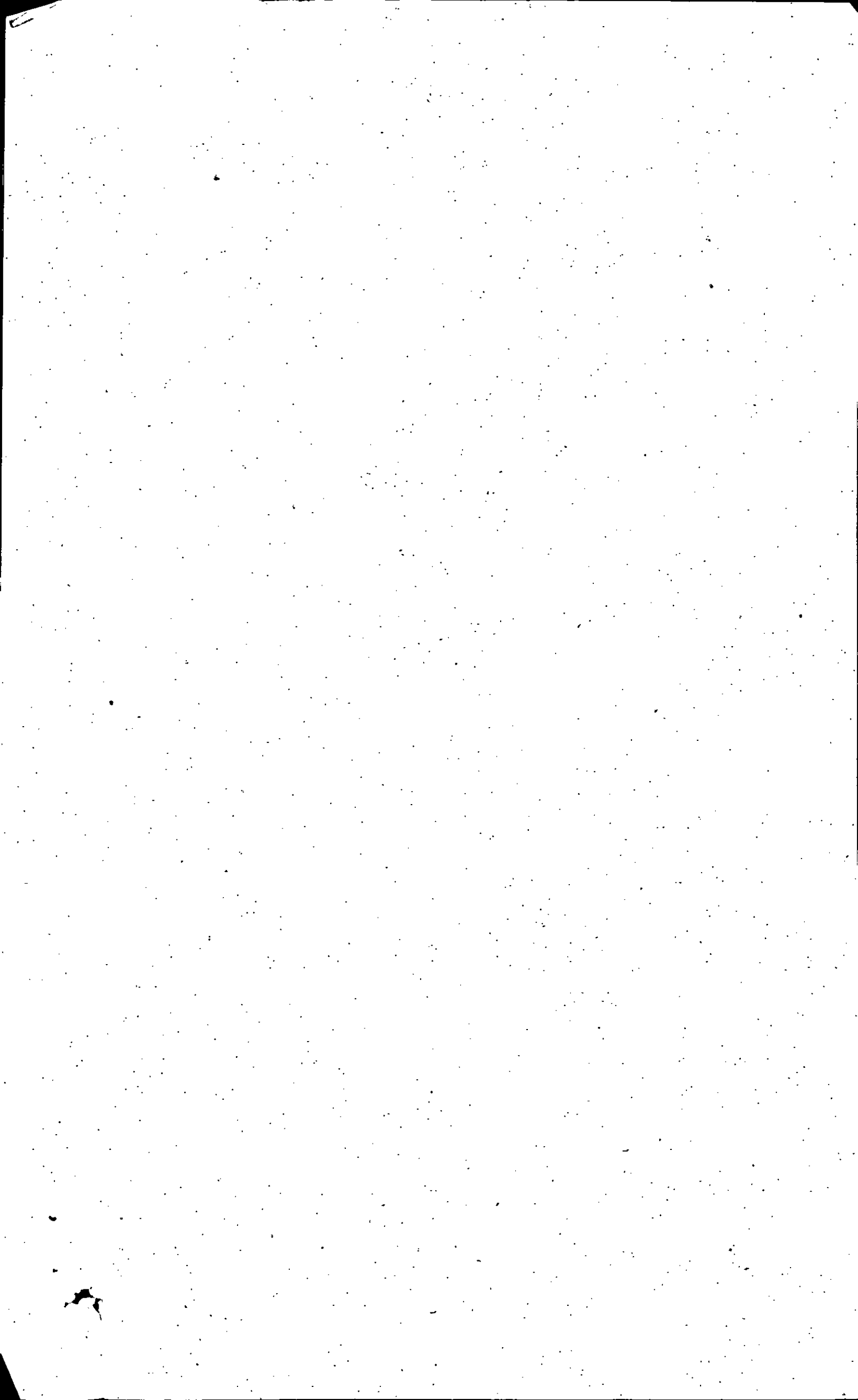
.....Respondents

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1973
AGAINST THE ORDER DATED 07.02.2023, WHEREBY THE APPELLANT/
IRFAN ALAM, ASSISTANT HAS BEEN AWARDED THE MAJOR
PENALTY OF COMPULSORY RETIREMENT FROM SERVICE.

~~Monday~~
20/06/23
Respected Sir,

1. That Appellant besides having an unblemished service career also belong to a respectable family of Peshawar.
2. That the Appellant joined Planning & Development (P&D) Department in the year 2004 and his services were regularized in the year 2009 and ever since the Appellant appointment he has been performing his duties with honesty, zeal and devotion.
3. That the Appellant services were transferred to the CPEC Cell in February, 2019 as an Assistant.
4. That while serving as an Assistant in the CPEC Cell, Appellant was issued with a charge sheet and statement of allegations whereby disciplinary action was initiated against him.
5. That Mr. Muhammad Masood (PMS-19), Additional Secretary, Local Government Department was appointed as an Inquiry Officer to conduct an inquiry into the above mentioned allegations levelled against Appellant.

(Copies of Charge Sheet and Statement of Allegations are annexed herewith marked as A and B)



①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 1409 / 2023

Irfan Alam
Assistant, P&D Department,
Peshawar, KP.

....Appellant

...VERSUS...

1. Government of KP through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary P & D, Civil Secretariat Peshawar.
3. Chief Minister, Chief Minister Secretariat, Peshawar
4. Additional Secretary LGE & RDD/ Inquiry Officer, Civil Secretariat Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1973
AGAINST THE ORDER DATED 07.02.2023, WHEREBY THE APPELLANT/
IRFAN ALAM, ASSISTANT HAS BEEN AWARDED THE MAJOR
PENALTY OF COMPULSORY RETIREMENT FROM SERVICE.

Re-submitted to -day
and filed.

Registrar
Respected Sir,

1. That Appellant besides having an unblemished service career also belong to a respectable family of Peshawar.
2. That the Appellant joined Planning & Development (P&D) Department in the year 2004 and his services were regularized in the year 2009 and ever since the Appellant appointment he has been performing his duties with honesty, zeal and devotion.
3. That the Appellant services were transferred to the CPEC Cell in February, 2019 as an Assistant.
4. That while serving as an Assistant in the CPEC Cell, Appellant was issued with a charge sheet and statement of allegations whereby disciplinary action was initiated against him.
5. That Mr. Muhammad Masood (PMS-19), Additional Secretary, Local Government Department was appointed as an Inquiry Officer to conduct an inquiry into the above mentioned allegations levelled against Appellant.

*(Copies of Charge Sheet and Statement of Allegations are annexed herewith marked as
A and B)*

6. That the Inquiry Officer conducted an inquiry into the allegations and gave the following findings:
- i. "Findings in respect of Charge No. 1: It has been proved on the basis of available record and details presented during the personal hearing that Mr. Irfan did not upload the fake appointment orders. Signatures on the appointment orders do not belong to him or to Mr. Abbasi. As a corollary to these findings, it is also proved that the appointment orders are fake. However, option of recourse to scientific means i.e. forensic science laboratory is available to P&DD
 - ii. Findings in respect of Charge No.2: Findings with reference to this charge are recorded under Charge No.3 below.
 - iii. Findings in respect of Charge No.3: The charge of taking bribe/ monetary gratification in lieu of appointment is not proved.
 - iv. Findings in respect of Charge No.4: The charge is proved to the extent of handing over fake appointment orders to Mr. Ismail Shah by Mr. Irfan.
 - v. Findings in respect of Charge No.5: Charge-5 stands proved to the extent that he was in contact with Mr. Ismail Shah and handed over fake orders of appointment to him."

(Copy of Inquiry Report is annexed herewith marked as C)

7. That upon the findings given in the Inquiry Report the Appellant was issued a Show Cause Notice dated 11.05.2022, whereby he was asked to show cause as to why the major penalty of Compulsory Retirement from Service should not be imposed upon the Appellant on account of inefficiency, misconduct and corruption. Appellant duly replied to the Show Cause Notice on 17.05.2022, wherein Appellant once again refuted the allegations against him and requested to be heard in person.

(Copies of Show Cause Notice and Reply to the Show Cause Notice are annexed herewith marked as D and E)

8. That the reply to the show cause notice submitted by Appellant was not considered and finally the impugned order/notification dated 07.02.2023 was issued to Appellant whereby the major penalty of Compulsory Retirement from Service was imposed upon Appellant without taking into account the findings mentioned in the Inquiry Report.

(Copies of Impugned Order/Notification dated 07.02.2023 is annexed herewith marked as F)

9. That the Appellant therefore filed Departmental Representation on 15.02.2023, however, the Departmental Representation has not been replied by the Respondent, hence the present Appeal.

(Copies of Departmental Representation is annexed herewith marked as G)

10. That the impugned order/notification dated 07.02.2023 whereby major penalty has been imposed upon Appellant is illegal unlawful against the law and facts hence is liable to be set aside on the following amongst other grounds:

GROUND S:


- A. Because the impugned notification/ order imposing major penalty is clearly in contradiction to the true facts and law.
- B. Because Appellant has never committed any act or omission which could be termed as inefficiency, corruption and/ or misconduct warranting the major penalty imposed upon him.
- C. Because the Appellant has an unblemished and spotless service career of 25/26, which speaks about Appellant's honesty and devotion towards his duties.
- D. Because the major penalty has been awarded to Appellant by completely disregarding and ignoring the findings of the Inquiry Officer.
- E. Because the imposition of major penalty of Compulsory Retirement from Service is harsh and against the norms of justice and most certainly against the principles of proportionality.
- F. Because the allegation that Appellant has received money from Muhammad Ismail for the appointment of his sons is based on a misunderstanding. Infact Appellant know Muhammad Ismail since long and Appellant had taken Rs. 500,000/- loan from him which Appellant have returned to him (Muhammad Ismail) and in this respect he has furnished an affidavit clarifying the whole situation.
- G. Because the allegation of issuing fake appointment letters and then circulating the same on social media has also not been proved against Appellant.
- H. Because no reasons have been provided for making departure from the findings of the Inquiry Officer.
- I. Because additional grounds may be taken by the Appellant at the time of arguments of the instant appeal

It is, therefore, humbly prayed that on acceptance of this Appeal the impugned notification/ order dated 07.02.2023 may kindly be set aside and the Appellant may be reinstated into service with all back benefits.

Any other remedy deemed appropriate in the circumstances of the case may also be granted.


Appellant

Through


Syed Haziq Ali Shah
Advocate Supreme Court

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No ____ / 2023

Irfan Alam

....Appellant

...VERSUS...

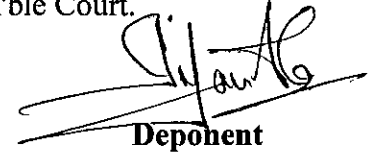
Government of KP through Chief Secretary & Others

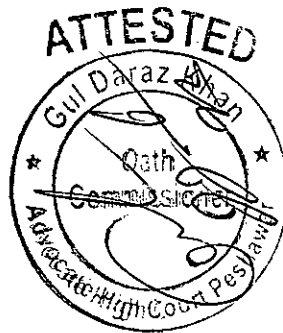
.....Respondents

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1973 AGAINST THE ORDER DATED 07.02.2023, WHEREBY THE APPELLANT/ IRFAN ALAM, ASSISTANT HAS BEEN AWARDED THE MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE.

AFFIDAVIT

I Irfan Alam S/o Muhammad Alam R/o Jhagra, Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent



(S)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No ____ / 2023

Irfan Alam

....Appellant

...VERSUS...

Government of KP through Chief Secretary & Others

.....Respondents

**APPLICATION FOR SUSPENSION OF THE IMPUGNED ORDER DATED 07.02.2023
ON THE BASIS OF WHICH THE APPELLANT HAS BEEN COMPLUSARY RETIRED
FROM SERVICE MAY KINDLY BE SUSPENDED TILL THE FINAL DECISION
OF THE SERVICE APPEAL.**

Respectfully Sheweth:


1. That the above noted Service Appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the Appellant has got a good prima facie case in their favor, and is sanguine about its success.
3. That the balance of convenience also lies in favor of the Appellant.
4. That if the Impugned Order dated 07.02.2023 is not suspended, the Appellant would suffer irreparable loss.
5. That the facts and grounds of the Appeal may kindly be read as an integral part of this application.

6

It is, therefore, respectfully prayed that on acceptance of this application, the relief as prayed for in the heading of the Application may kindly be allowed in favor of the Appellant, till the final decision of the case.


Appellant

Through


Syed Haziq Ali Shah
Advocate Supreme Court

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No ____ / 2023

Irfan Alam

....Appellant

...VERSUS...

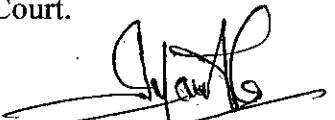
Government of KP through Chief Secretary & Others

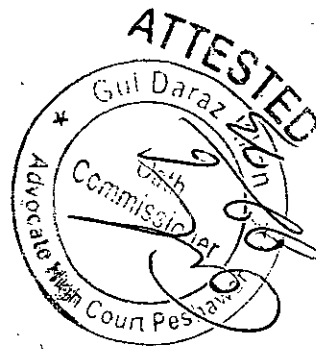
.....Respondents

**APPLICATION FOR SUSPENSION OF THE IMPUGNED ORDER DATED 07.02.2023
ON THE BASIS OF WHICH THE APPELLANT HAS BEEN COMPLUSARY RETIRED
FROM SERVICE MAY KINDLY BE SUSPENDED TILL THE FINAL DECISION
OF THE SERVICE APPEAL.**

AFFIDAVIT

I Irfan Alam S/o Muhammad Alam R/o Jhagra, Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent



8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No _____ / 2023

Irfan Alam

....Appellant

...VERSUS...

Government of KP through Chief Secretary & Others

.....Respondents

**APPLICATION FOR CONDONATION OF DELAY IF ANY IN FILING OF THE
ABOVE TITLED SERVICE APPEAL**

Respectfully Sheweth:

1. That the Applicant has filed the above noted Appeal before this Hon'ble Tribunal against the impugned order dated 07.02.2023, whereby the penalty of compulsory retirement has been imposed upon him.
2. That accompanied Appeal ought to have been filed within 120 days, however due to the illness of the Appellant he was unable to file the Appeal within the stipulated time.
3. That the inability to file the Appeal within the stipulated time is neither deliberate nor intentional, hence the delay if any may kindly be condoned.
4. That the grounds of the accompanying Service Appeal may be read as an integral part of this application.
5. That valuable rights of the Appellant/ Applicant are involved, the same would be defeated, if the delay in filing of the Appeal is not condoned.
6. That even otherwise law tilts in favour of adjudication on merit rather than on technicalities.

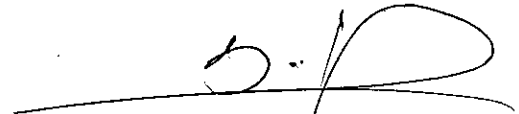
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It is therefore, most humbly prayed that on acceptance of this application, the delay, if any, in filing the above titled Service Appeal may kindly be condoned in the interest of justice.


Applicant/ Appellant

Through

Dated: 20.06.2023


Syed Haziq Ali Shah
Advocate Supreme Court

10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No _____ / 2023

Irfan Alam

....Appellant

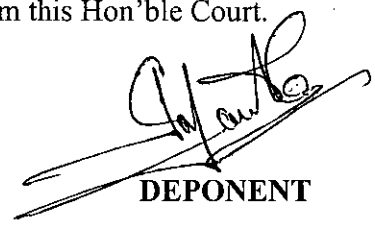
...VERSUS...

Government of KP through Chief Secretary & Others

.....Respondents

AFFIDAVIT

I, **Irfan Alam S/o Muhammad Alam R/o Jhagra Peshawar**, do hereby solemnly affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

ATTESTED
Gul Daraz Khan
Oath Commissioner
Advocate High Court Peshawar

10A

Irfan Alam
57 Years

14/6/2023

Diabetic

↳ On Insulin

CAD (+)

↳ Post CABG.

- Chest Pain

150/80

Uncontrolled sugar level.

Endocrinologist Review

Advised Bed rest for
10 days

Tab. Plavix 75g - ① ع

Tab. Concor 5g - ① ع

Tab. Rolip 10g - ①
(L)

Tab. Cordit 2.6g - 1+1

A+H

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

CHARGE SHEET

1. Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa as competent authority, hereby charge you, Mr. Irfan Alam (BS-16), the then Assistant, CPEC Cell, Planning & Development Department as follows:

2. That you, while posted as Assistant in CPEC Cell, P&D Department, committed the following irregularities:

- i. That out of five, four number of offers of appointments (copies enclosed) under signature of Chief, CPEC Cell were orbiting on social media i.e. WhatsApp.
- ii. That a Fact Finding inquiry was conducted and during the course of statement of record, the appointees confirmed that their offers of appointments were issued with your collaboration in lieu of taking monetary gratification/bribe by you.
- iii. That one Mr. Ismail Shah, resident of Village Musa Zai, Peshawar alleged that you took 5 lac rupees as bribe from him in lieu of appointment of his two sons in CPEC Cell, however, you returned the money on 04.03.2021 to Mr. Ismail.
- iv. That it confirmed that you were involved in issuance of offers of appointments and taking illegal gratification in lieu of appointments.
- v. That as per statement of Mr. Ismail Shah, you were in contact with him in issuance of offers of appointments of his two sons.

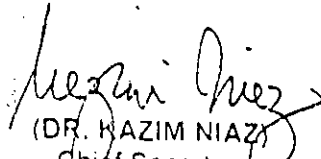
3. By reasons of the above, you appear to be guilty of in-efficiency and misconduct under Rule 3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

4. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the Inquiry Officer/Inquiry Committee, as the case may be.

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

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

7. A statement of allegations is enclosed.


(DR. KAZIM NIAZI)
Chief Secretary
Khyber Pakhtunkhwa

Mr. Irfan Alam (BS-16),
Assistant, under report to Establishment Section,
P&D Department.

~~APPEARED~~



DISCIPLINARY ACTION

1. Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa as competent authority, am of the opinion that Mr. Abdul Aziz Abbasi (PPS BS-18) the then Chief, CPEC Cell, Planning & Development Department (now OSD in P&D Department) has rendered himself liable to be proceeded against as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS.

- i. That out of five, four number of offers of appointments (copies enclosed) under his signature as Chief, CPEC Cell were orbiting on social media i.e. WhatsApp.
- ii. That a Fact Finding inquiry was conducted and during the course of statement of record, few appointees confirmed that their offers of appointment were issued in lieu of taking monetary gratification/bribe by Mr. Irfan Alam, the then Assistant of his office/CPEC Cell.
- iii. That after getting offers of appointments, they approached his office but instead of telling them that these offers of appointment were fake, he kept on making false promises to them that he will start paying their salaries soon and will appoint them on better positions.
- iv. That it confirmed that he was aware of the issuance of offers of appointments and were issued with his collaboration.
- v. That as per WhatsApp conversation record, he was in contact with Mr. Abdul Samad father of Mr. Ismail Shah, resident of Mosa Zai, Peshawar, Cell # 0314-7700476 which proves his involvement in issuance of offers of appointment.

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

- i. Mr. Muhammad Marood (PPS-19)
- ii. _____
- iii. _____

3. The inquiry officer/inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty (30) days of the receipt of this order, recommendations as to punishment or other appropriate actions against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.

Kazim Niaz
(DR. KAZIM NIAZI)
Chief Secretary,
Khyber Pakhtunkhwa.

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

C/13

SHOW CAUSE NOTICE

I, **Mahmood Khan**, Chief Minister, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve upon you, **Mr. Irfan Alam**, (BS-16), the then Assistant, CPEC Cell, P&D Department, now under report to Establishment Section, P&D Department as follow:

- i. that consequent upon the completion of inquiry conducted against you by the Inquiry Officer/Inquiry Committee for which you were given opportunity of hearing vide communication No. PA/ASE/LGE&RDD/Inq P&DD/2021, dated 07.06.2021 and 14.06.2021.
- ii. on going through the findings and recommendations 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 said rules:

- (a) Inefficiency in performing your official duties/ responsibilities.
- (b) Guilty of misconduct.
- (c) Guilty of corruption.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Compulsory Retirement from Service under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

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

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

5. A copy of the findings of the Inquiry Officer is enclosed.

(**MAHMOOD KHAN**)
Chief Minister, Khyber Pakhtunkhwa

MR. IRFAN ALAM,
(BS-16), the then Assistant, CPEC Cell,
now under report to Establishment Section, P&D Department.

Afo
ATTESTED

	rupees as bribe from him in lieu of appointment of his two sons in CPEC Cell, however, you returned the money on 04-03-2021 to Mr. Ismail Shah	lies. The undersigned could not even think of such a shameful act what to speak of its performance.
4	That it confirmed that you were involved in issuance of offers of appointments and taking illegal gratification in lieu of appointments.	5. That the allegations of Muhammad Ismail are based upon a misunderstanding, the amount of Rs.5 lac were borrowed from him in the form of a loan, whereas he misunderstood it as a bribe for facilitating in the appointment of his sons, which was later on clarified to him at the time of returning the said amount.
5	That as per statement of Mr. Ismail Shah, you were in contact with him in issuance of orders of appointments of his two sons.	6. That I have never been involved in issuance of appointment letters in lieu of any monetary consideration. as admittedly I was not the competent authority to issue the appointment letter rather the chief CPEC Cell was the competent authority for the same. 7. That I never approached one Muhammad Ismail or his son for demanding any illegal gratification and thus such like all ancillary and auxiliary allegations made against me are absolutely incorrect and thus the same have been made on the basis of a serious misunderstanding.

(14)

8.1 Analysis of the reply of Mr. Irfan, ex Assistant (BPS-16) CPEC Cell P&DD and findings thereof

Charge No.1

During personal hearing Mr. Irfan reiterated that he has neither any information/knowledge of the fake orders nor have they been initiated by him nor uploaded from his cell phone. He also stated that signature on the fake appointment orders were not of Mr. Abbasi. Other parties to the case also could not present any proof to ascertain that the orders were signed or uploaded on WhatsApp by Mr. Irfan or Mr. Abbasi.

Finding in respect of charge No-1: It has been proved on the basis of available record and details presented during the personal hearing that Mr. Irfan did not upload the fake appointment orders. Signatures on the appointment orders do not belong to him or to Mr. Abbasi. As a corollary to these findings, it is also proved that the appointment orders are fake. However, option of recourse to scientific means i.e. forensic science laboratory is available to P&DD.

~~APPEALED~~

Charge No.2

15

During personal hearing he reiterated his written statement and denied the charge that he could not even think of such a shameful act what to speak of its performance. When confronted with the conclusion of FFI and statement of Mr. Ismail Shah contained in the FFI that he handed over fake appointment letters to Ismail Shah in a petrol pump at Ring Road, he nodded in positive with the clarification that the letters were not written or signed by him. When asked that how did he lay hands on those fake appointment orders, he told that Mr. Abbasi gave those letters to him. Mr. Abbasi denied the charge and asked for evidence to prove his assertion but Mr. Irfan could not put forth any proof to prove the allegation. (Mr. Irfan was charged)

Findings in respect of Charge No.2: Findings with reference to this charge are recorded under Charge No.3 below.

Charge No.3

hearing

Mr. Irfan vehemently denied the charge during personal/by reiterating his written reply. Mr. Ismail Shah and his sons submitted statement on oath, (attached as Annex-XVII, XVIII, XIX in original) inter alia clarifying that in view of their long-standing cordial relationship with Mr. Irfan, Mr. Ismail gave an amount of Rs.500000/- (Rupees five lac only) to Mr. Irfan purely as a loan and not as a bribe in lieu of appointment and the complaint they lodged against Mr. Irfan was based on misunderstanding as Mr. Irfan returned the loan even without being demanded. Mr. Ismail Shah further clarified that his statement on oath is based on his own free will without any external pressure. Their statements on oath were presented and read out during the personal hearing in front of all the parties to the case in the presence of Mr. Ismail Shah and his two sons and they reaffirmed their statements on oath. Their statement on oath is different than their statement recorded in FFI to the extent that they denied, on oath, the charge of paying money in lieu of recruitment.

Finding in respect of charge No.3. The Charge of taking bribe/ monetary gratification in lieu of appointment is not proved.

Charge No.4

During the personal hearing he was reminded of the discussions and conclusions recorded in the FFI about this charge and Mr. Irfan reiterated his written reply. Mr. Ismail Shah and his sons, though stated

(Page 12 of 13)

~~ATTESTED~~

on oath that they did not pay money in lieu of appointment but as loan, yet they did not deny receiving the fake orders of appointment. Mr. Irfan also did not deny that he had not delivered the fake appointment orders. (16)

Finding in respect of charge No.4

The charge is proved to the extent of handing over fake appointment orders to Mr. Ismail Shah by Mr. Irfan.

Charge No.5

As stated above in analysis of charge-2&4 and reply thereof, he could not deny the fact that he handed over the fake appointment orders of two sons of Mr. Ismail Shah at Ring Road Peshawar, however he clarified that he neither wrote nor signed the appointment orders. He tried to accuse Mr. Abbasi of giving the fake appointment orders to him but simultaneously stated categorically that signatures on the fake appointment orders were not of Mr. Abbasi—thus contradicting himself. He also conceded that he had contacts with Mr. Ismail Shah since long which are based on decade old acquaintance and not on financial considerations. Mr. Ismail Shah also conceded that he has long standing relationship with Mr. Irfan and did not deny receiving the fake appointment letter from him but with the clarification that they were not in lieu of money.

Finding in respect of charge No.5

Charge-5 stands proved to the extent that he was in contact with Mr. Ismail Shah and handed over fake orders of appointment to him.



12/07/2021

(Muhammad Masood)
Addl: Secy LGE&RDD/Inquiry Officer

~~ATTESTED~~



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

D/17

SHOW CAUSE NOTICE

I, **Mahmood Khan**, Chief Minister, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve upon you, **Mr. Irfan Alam**, (BS-16), the then Assistant, CPEC Cell, P&D Department, now under report to Establishment Section, P&D Department as follow:

- i. that consequent upon the completion of inquiry conducted against you by the Inquiry Officer/Inquiry Committee for which you were given opportunity of hearing vide communication No. PA/ASE/LGE&RDD/Inq P&DD/2021, dated 07.06.2021 and 14.06.2021.
- ii. on going through the findings and recommendations 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 said rules:

- (a) Inefficiency in performing your official duties/ responsibilities.
- (b) Guilty of misconduct.
- (c) Guilty of corruption.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Compulsory Retirement from Service under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

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

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

5. A copy of the findings of the Inquiry Officer is enclosed.

(MAHMOOD KHAN)
Chief Minister, Khyber Pakhtunkhwa

MR. IRFAN ALAM,
(BS-16), the then Assistant, CPEC Cell,
now under report to Establishment Section, P&D Department.

ATTACHED

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To THE HONOURABLE CHIEF MINISTER
KHYBER PUKHTUNKHWA.

Through: The Secretary Planning & Development Department (P&D),
Khyber Pukhtunkhwa,
Civil Secretariat, Peshawar.

[Handwritten signature]
18/5/22-

Subject: Reply to the Show Cause notice dated 11.05.2022.

Respected Sir,

Most respectfully it is stated that I have received a Show cause notice dated 11.05.2022. alongwith 3 pages of inquiry report, wherein an inquiry has been conducted in respect of charges leveled against me.

In order to explain my position in response to the charge sheet dated 11.05.2022, my reply is as under.

1. That initially, I was appointed in the Agriculture Department in the year 1994, and then in the PLANNING & DEVELOPMENT DEPARTMENT, (P&D) in the year 2010, I was later on inducted in the CPEC cell in february 2019, and am since then performing my duty with all devotion, dedication and high degree of commitment, and no complaint whatsoever has ever been made against me from any quarters and that I have a clean slate and unblemished record for the last 26/27 years of my service.
2. In one of the allegations it has been stated that while posted in CPEC cell I received two sealed envelopes from chief CPEC cell with the instructions to handover the same to 02 persons who were coincidentally Mr. Ismail and his sons who hail from a nearby village and personally known to me.
As per instructions from my chief the envelopes were handed over to them by me, without being aware of their content.
Later on when the inquiry was started I came to know that the two envelopes were of appointment orders.
Besides that I was accused of receiving gratification/bribe of Rs. 05 lacs, in lieu of appointments.
3. In this respect it is stated that neither I am the appointing authority nor there exists any evidence of receiving bribe/gratification from M Ismail. I have personal relations with M Ismail and had taken a personal loan of Rs0.5 million, which was returned to him and in this respect proper affidavit on stamp paper has also been submitted which is attached with the show cause supporting documents.
4. As per the inquiry report nothing was proved in charge no 2, 3 and 4 which means that I have been exonerated from the charges, whereas in respect of charge no 05, I have never

ATTESTED
[Handwritten signature]

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denied that I was in contact with M Ismail, (because he and his sons were regular visitors to the chief Abbas's office and a mutual acquaintance to us both.) that I handed over the sealed envelopes to M Ismail on the orders of the then chief CPEC, and I was not aware that the envelopes contained fake or any appointment orders.

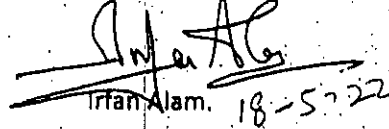
5. More over I would like to state that keeping a cordial and civilized contact with someone is not a misconduct.
6. Nothing is proved in the fact finding inquiry against me that could be considered as inefficiency, misconduct or corruption. hence I may not be held responsible.
7. As far as the imposition of penalty is concerned, I feel that the penalty recommended is a harsh one. As No penalty of any kind can be imposed in the circumstances of the instant proceedings.

It is therefore , most kindly requested that the show cause notice dated 11.05.2022 may very generously be withdrawn and I may be exonerated from the charges leveled against me:

I may very graciously be allowed to be heard in person.

Dated:

Applicant


Irfan Alam. 18-5-22

Assistant

P&D Department

Civil Secretariat

KPK PESHAWAR.

~~ATTESTED~~



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, February 07, 2023.

F/20

NOTIFICATION.

NO.SO(E)P&D/087/PF/1004/2020: WHEREAS, Mr. Irfan Alam (BS-16), the then Assistant, CPEC Cell, Planning & Development Department, now awaiting posting in P&D Department was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Charge Sheet & Statement of Allegations.

AND WHEREAS, Muhammad Masood (PMS BS-19), Additional Secretary, Local Government Department was appointed Inquiry Officer to conduct inquiry against the accused official.

AND WHEREAS, the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused submitted the report.

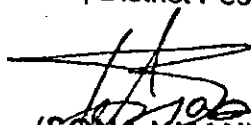
NOW, THEREFORE, the Competent Authority (Chief Minister Khyber Pakhtunkhwa), after having considered the charges, evidence on record, the explanation of the accused officer and personal hearing findings of the Inquiry Officer and exercising powers under Section-4 read with Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011, has been pleased to impose major penalty of "Compulsory Retirement from Service" upon Mr. Irfan Alam (BS-16), the then Assistant, CPEC Cell, now awaiting posting in Planning and Development Department, Khyber Pakhtunkhwa with immediate effect.

Chief Secretary
Khyber Pakhtunkhwa.

Endst: NO & Date even.

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa.
4. Chief, CPEC Cell, P&D Department.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Additional Chief Secretary, P&D Department.
7. PSs to Secretary/Special Secretary, P&D Department.
8. PAs to Additional Secretaries-I&II/Chief Economist, P&D Department.
9. PA to Deputy Secretary-II, P&D Department.
10. Mr. Irfan Alam, resident of Ghari Rasheeda, Jhagra, Tehsil Chamkani, District Peshawar.


(SONAKHAN) 7/2/23
Section Officer (Estt:)

ATTESTED


Date 10.02.2023

The Worthy Chief Minister,
Khyber Pakhtunkhwa,

Through

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 07.02.2023, WHEREBY THE APPELLANT/ IRFAN ALAM, ASSISTANT HAS BEEN AWARDED THE MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE.**

Respected Sir,

I very humbly submit the following for your kind and sympathetic consideration:

1. That I besides having an unblemished service career also belong to a respectable family of Peshawar.
2. That I joined Planning & Development (P&D) Department in the year 2004 and my services were regularized in the year 2009 and ever since my appointment I have been performing my duties with honesty, zeal and devotion.
3. That my services were transferred to the CPEC Cell in February, 2019 as an Assistant.
4. That while serving as an Assistant in the CPEC Cell, I was issued with a charge sheet and statement of allegations whereby disciplinary action was initiated against me.
5. That Mr. Muhammad Masood (PMS-19), Additional Secretary, Local Government Department was appointed as an Inquiry Officer to conduct an inquiry into the above mentioned allegations levelled against me.

(Copies of Charge Sheet and Statement of Allegations are annexed herewith marked as A and B)

6. That the Inquiry Officer conducted an inquiry into the allegations and gave the following findings:
 - i. "Findings in respect of Charge No.1: It has been proved on the basis of available record and details presented during the personal hearing that Mr. Irfan did not upload the fake appointment orders. Signatures on the appointment orders do not belong to him or to Mr. Abbasi. As a corollary to these findings, it is also proved that

~~ATTESTED~~

the appointment orders are fake. However, option of recourse to scientific means i.e. forensic science laboratory is available to P&DD.

- ii. Findings in respect of Charge No.2: Findings with reference to this charge are recorded under Charge No.3 below.
- iii. "Findings in respect of Charge No.3: The charge of taking bribe/ monetary gratification in lieu of appointment is not proved.
- iv. "Findings in respect of Charge No.4: The charge is proved to the extent of handing over fake appointment orders to Mr. Ismail Shah by Mr. Irfan.
- v. "Findings in respect of Charge No.5: Charge-5 stands proved to the extent that he was in contact with Mr. Ismail Shah and handed over fake orders of appointment to him."

(Copy of Inquiry Report is annexed herewith marked as C)

7. That the findings given in the Inquiry Report were not considered and I was issued with a Show Cause Notice dated 11.05.2022, whereby I was asked to show cause as to why the major penalty of Compulsory Retirement from Service should not be imposed upon me on account of inefficiency, misconduct and corruption. I duly replied to the Show Cause Notice on 17.05.2022, wherein I once again refuted the allegations against me and requested to be heard in person.

(Copies of Show Cause Notice and Reply to the Show Cause Notice are annexed herewith marked as D and E)

- 8. That the reply to the show cause notice submitted by me was not considered and finally the impugned notification dated 07.02.2023 was issued to me whereby the major penalty of Compulsory Retirement from Service was imposed upon me without taking into account the findings mentioned in the Inquiry Report.
- 9. That the impugned notification dated 07.02.2023 whereby major penalty has been imposed upon me is illegal unlawful against the law and facts hence is liable to be set aside on the following amongst other grounds:

GROUND

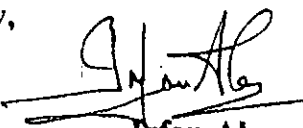
- A. That the impugned notification/ order imposing major penalty is clearly in contradiction to the true facts and law.
- B. That I have never committed any act or omission which could be termed as inefficiency, corruption and/or misconduct warranting the major penalty imposed upon me.
- C. That I have at my credit an unblemished and spotless service career of 25/26; which speaks about my honesty and devotion towards my duties.

~~ATTACHED~~

- (23)
- D. That the major penalty has been awarded to me by completely disregarding and ignoring the findings of the Inquiry Officer.
- E. That the imposition of major penalty of Compulsory Retirement from Service is harsh and against the norms of justice and most certainly against the principles of proportionality.
- F. That the allegation that I have received money from Muhammad Ismail for the appointment of his sons is based on a misunderstanding. Infact I know Muhammad Ismail since long and he I had taken Rs. 500,000/- loan from him which I have returned to him and in this respect he has furnished an affidavit clarifying the whole situation.
- G. That the allegation of issuing fake appointment letters and then circulating the same on social media has also not been proved against me.
- H. That no reasons have been provided for making departure from the findings of the Inquiry Officer.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned notification/ order dated 07.02.2023 may kindly be set aside and I may be reinstated into service with all back benefits.

Yours obediently,


Irfan Alam,
Assistant,
P&D Department,
Civil Secretariat,
Peshawar.

~~10/16~~
ATTESTED



ایڈوکیٹ: سید ہارون علی شاہ
 بار کونسل ایسوسی ایشن نمبر: 10-6830
 رابطہ نمبر: 02005908460

پشاور بار ایسوسی ایشن، خیبر پختونخوا

SCANNED
 KPST
 Peshawar

سید ہارون علی شاہ

بعدالت جناب:

منجانب: مدنی	دعوی:
	علت نمبر:
	مورخ:
	جرم:
	تھانہ:

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام کے لیے سید ہارون علی شاہ کیلئے سید ہارون علی شاہ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے 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:

مقام
 Peshawar کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی تاحال قبول ہوگی۔

Syed Harizy Ali Shah
 (ASC)

Md. Saad Waris
 (AHC)

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1409/2023

SCANNED
KPST
Peshawar

Mr. IRFAN ALAM.

.....APPELLANT

VERSUS

Govt: of Khyber Pakhtunkhwa & Others

.....RESPONDENTS

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DEPONENT

Through

M. A. Khan
SECTION OFFICER (LIT-II)

①

SCANNED
KPST
Peshawar 27/9/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1409/2023.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7958

Dated 27/9/23
APPELLANT

MR. IRFAN ALAM

VERSUS

Govt: of Khyber Pakhtunkhwa

.....RESPONDENTS

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

- 1- The appellant has got no locus standi to file the instant appeal.
- 2- The appellant has not come to the Tribunal with clean hands.
- 3- The appellant is not maintainable due to mis-Joinder and non-Joinder of necessary parties.
- 4- The appellant concealed the material fact from the Honorable Tribunal.
- 5- The appellant is estopped by his own conduct to file the present appeal.
- 6- The appeal is barred in law and limitation.
- 7- The appeal is not maintainable in its present form.
- 8- The Tribunal has got no jurisdiction to entertain this appeal.

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS.

- 1) No comments.
- 2) Incorrect, hence expressly denied. The appellant was appointed as Office Assistant (BPS-14) in the project Planning and Implementation cell under the project directorate, "capacity building" project, P&DD in the year 2012 on contract basis and his services was regularized in the year 2018 under the Khyber Pakhtunkhwa employees (Regularization of services) Act, 2018 (Annexure I & II).
- 3) Correct. That the appellant was transferred to the CPEC Section of P&DD vide letter dated: 14-01-2020 of P&D department (Annex-III).
- 4) Correct. Various complaints were received against the appellant for his corruption and corrupt practices, therefore, as per rules, disciplinary proceedings were initiated against the appellant (Annex-IV).
- 5) Correct.
- 6) Incorrect. In almost all the findings, involvement of the appellant in the issuance of fake recruitment orders were proved as he did not deny taking of money and handing over fake letters/orders to the complainants. Furthermore, during

personal hearing, he was found guilty of the charges levelled against him (Annex-V).

- 7) Partially correct to the extent that a show cause notice dated 11-05-2022 was issued to the appellant in which the appellant was given an opportunity of hearing vide communication dated: 14-06-2021 of Local Govt: Department. Although the appellant responded the show cause notice vide reply dated: 18-05-2022 yet the reply was found unsatisfactory, vexatious and frivolous, hence not considered (Annex-VI).
- 8) Incorrect, hence expressly denied. Reply of the appellant to the show cause notice was thoroughly examined in light of available record/facts as well as the opportunity of personal hearing of the appellant as well as other witnesses were also given and keeping in view all the material facts the major penalty of compulsory retirement from service was imposed upon him.
- 9) Correct. The representation of the appellant was processed and regretted as the appellant has given no solid reasons for his exoneration and has merely repeated his earlier stance which were already regretted by the Inquiry Officer.
- 10) Incorrect. The notification dated: 07-02-2023 is legal, lawful and in accordance with the law and facts which is the outcome of facts finding as well as formal inquiry against the appellant. Therefore, the appellant has no right to file service appeal.

GROUND S:

- A. Incorrect. The Notification/Order imposing major penalty is in accordance with rule/law and true facts of the case.
- B. Incorrect. The acts/omission of the appellant fall in the ambit of misconduct which warranted imposing of major penalty upon him.
- C. Incorrect. The appellant was appointed against a project post in the year 2012 and his services were regularized in 2018 and has only 05 years' regular service at his credit.
- D. Incorrect. The major penalty was imposed upon the appellant after fulfilling all codal formalities i.e. conducting of fact finding/formal inquiry, provision of full opportunity for defending his case in writing personally and provision of an opportunity of personal hearing by competent authority before imposition of major penalty.
- E. Incorrect. The Inquiry Officer in his finding did not absolve the appellant from the charges. During the inquiry proceedings, the appellant admitted taking money from the appointees and provision of fake letters/orders to them.

- F. Incorrect. Keeping in view the WhatsApp conversations pointed out during personal hearing granted by the competent authority before imposition of penalty, taking money from the father of the appointees and providing fake letters / orders to them, the claim of the appellant is not justified.
- G. Incorrect. As explained at Para E above.
- H. Incorrect. As explained at Para E above.
- I. The respondents also seek leave of this honorable Tribunal to raise further points at any time during arguments before this Honorable Tribunal.

P R A Y E R:

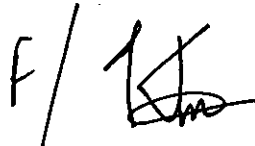
Keeping in view of the above reasonable & just grounds, it is very humbly prayed that the Service Appeal may graciously be dismissed with cost on the appellant.



SECRETARY
Govt. of Khyber Pakhtunkhwa,
P&D Department
(Respondent No. 2).



**ADDITIONAL SECRETARY/
INQUIRY OFFICER**
Govt of Khyber Pakhtunkhwa
LGE &RD Department
(Respondent No. 4).



CHIEF SECRETARY
~~XXXXXXXXXXXX~~
Govt. of Khyber Pakhtunkhwa,
(Respondent No. 01)

4

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1409/2023

Mr. IRFAN ALAM.

.....APPELLANT

VERSUS

Govt: of Khyber Pakhtunkhwa & Others

.....RESPONDENTS

AFFIDAVIT

I, Meher Muhammad, Section Officer (Lit-II), Planning & Development Department do hereby solemnly affirm and declare on oath that the contents of Comment are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal, intentionally.

It is further stated on oath that in this appeal, the answering respondent have neither been placed ex-parte nor their defence has been struck-off/cost.

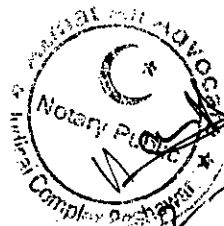
Meher

DEPONENT

CNIC No. 17101-0385053-7

Cell # 0315-0527955

ATTESTED





5

Annex-I

GOVERNMENT OF KHYBER PAKHTUNKHWA
CAPACITY BUILDING PROJECT
PLANNING & DEVELOPMENT DEPARTMENT

Dated: Peshawar the March 30, 2012

ORDER

No. AO(CBP)/P&D/2011-12/657-64. Consequent upon the recommendation of the Selection Committee, the Competent Authority is pleased to appoint **Mr. Irfan Alam S/O Mohammad Alam R/O 32-C, Circular Road, University Town Peshawar** against the post of **Office Assistant (BPS-14)** in the Project Planning & Implementation Cell under the Project Directorate, Capacity Building Project, Planning & Development Department, Government of Khyber Pakhtunkhwa.

Terms & Conditions

1. His appointment is purely on contract basis for one year to be extended on satisfactory performance till the expiry of the Project.
2. He will be entitled for fixed pay as per approved PC-1 of the project.
3. His services are liable to be terminated on fifteen (15) days notice if not required or found unsatisfactory.
4. He has to produce Medical Fitness Certificate from the Medical Superintendent, Services Hospital Peshawar before joining duty.
5. In case he wishes to resign at any time, one month notice will be necessary or in lieu thereof one month pay will be forfeited.
6. He will be governed by Rules & Regulations applicable to the project employees of the Government of Khyber Pakhtunkhwa.
7. He will have to execute Contract Agreement with the project authorities.
8. He will have to join duty within 15 days from the issuance of this order failing which the offer will be treated as withdrawn.

Attested.
[Signature]

-----Sd-----
Project Director CBP
P&D Department

No. AO(CBP)/P&D/2011-12/657-64

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Secretary Finance Department.
4. PS to Secretary Establishment Department.
5. PA to Secretary, P&D Department.
6. PA to Project Director, Capacity Building Project, P&D Department.
7. PF of the officer concerned.

Attested.
[Signature]

(Fast Baz Khan)
Accounts Officer CBP

EXTRAORDINARY
GOVERNMENT



Annex-II
REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 29th JUNE, 2018.

GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated Peshawar, the 08th June, 2018.

NO. 30(E)P&D/3-1/Reg./Projects/2018: In compliance of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, the Provincial Government is pleased to notify regularization of services of the following (87) employees of the project titled "Capacity Building of Planning & Development" with effect from **02.03.2018** as provided under Section-4 of the Act ibid, subject to the condition that it shall not affect the service promotion quota of all service categories:-

S#	Name of Officer	BPS	Designation
1.	Engr. Asif Shahab	18	Assistant Chief
2.	Amin Khan Bangash	18	Assistant Chief
3.	Miss. Palwasha Rehman	18	Assistant Chief
4.	Dr. Kashif Nazir	18	Assistant Chief
5.	Mr. Rafiq Jan	18	Assistant Chief
6.	Mr. Tehsil Zaman	18	Assistant Chief & J.C.O.
7.	Mr. Muhammad Ayaz	18	Assistant Chief
8.	Mr. Abdul Aziz Abbasi	18	Assistant Chief
9.	Mr. Faaiz Arbab	17	Research Officer
10.	Engr. Najir Khan	17	Research Officer
11.	Engr. Naveed Ishtiaq	17	Research Officer
12.	Mr. Ali Hussain	17	Research Officer
13.	Mr. Waqas Ghaus	17	Research Officer
14.	Engr. Muhammad Tariq	17	Research Officer
15.	Mr. Shahbaz Khan	17	Research Officer
16.	Mr. Juraid	17	Research Officer
17.	Muhammad Irfan	17	Research Officer

Attested
By
Attested
By

18.	Mr. Tahir Amara	17	Research Officer
19.	Pir Bilal Muhammad	17	Research Officer
20.	Mian Ayub Gul	17	Research Officer
21.	Mr. Asim Javed	17	Research Officer
22.	Mr. Tahir Arbab	17	Research Officer
23.	Engr. Yasir Adnan	17	Research Officer
24.	Engr. Qazi Muhammad Zohaib	17	Research Officer
25.	Ms. Zehab Khatoon	17	Research Officer
26.	Engr. Shoaib Ali Shah	17	Research Officer
27.	Muhammad Shoaib	17	Research Officer
28.	Mr. Mukhtar Ahmad	17	Research Officer
29.	Muhammad Tariq	17	Research Officer
30.	Mr. Hizbullah Khan	17	Research Officer
31.	Mr. Ozair Rahim	17	Research Officer
32.	Mr. Arbab Wajid Khan	17	Research Officer
33.	Mr. Ijaz Ali	16	Computer Operator
34.	M. Shahab	16	Computer Operator
35.	Mr. Sajid Ali	16	Computer Operator
36.	Mr. Farhad Ali	16	Computer Operator
37.	Muhammad Rehan	16	Computer Operator
38.	Mr. Sohail Khan	16	Computer Operator
39.	Mr. Irfan Alam	16	Assistant
40.	Mr. Asad Kamran	16	Assistant
41.	Muhammad Kashif	16	Assistant
42.	Mr. Nek Abaz	16	Assistant
43.	Mr. Akhter Ali	7	Telephone Operator
44.	Mr. Asif Khan	6	Driver
45.	Mr. Niaz Ali	6	Driver
46.	Mr. Ajmal Khan	6	Driver
47.	Mr. Khan Ghalib	6	Driver
48.	Mr. Irshad	6	Driver
49.	Muhammad Siyar	6	Driver
50.	Muhammad Kamran	6	Driver
51.	Muhammad Ismail	6	Driver
52.	Mr. Mukamil Shah	6	Driver
53.	Mr. Amjad Ali	6	Driver
54.	Mr. Noor Hassan	6	Driver
55.	Mr. Naik Mali Khan	6	Driver

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[Signature]

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164 17's

56.	Mr. Ghulam Akbar	6	Driver
57.	Mr. Abdul Basir Khan	6	Driver
58.	Mr. Waqas A'Imad	5	Electrician
59.	Mr. Shahzad Khan	7	Generator Operator
60.	Mr. Sulaiman Shah	3	N/Q
61.	Mr. Shahur-Rahman	3	N/Q
62.	Mr. Sabir Khan	3	N/Q
63.	Muhammad Ibrahim	3	N/Q
64.	Mr. Akhtar Gul	3	N/Q
65.	Muhammad Khalid	3	N/Q
66.	Mr. Javed Khan	3	N/Q
67.	Mr. Syed Zulfiqar Ali Jafri	3	N/Q
68.	Mr. NiamatUllah	3	N/Q
69.	Mr. Asim Khan	3	N/Q
70.	Mr. Masood Shah	3	N/Q
71.	Mr. Farooq Ahmad	3	N/Q
72.	Syed Rasool Shah	3	N/Q
73.	Mr. Jawad Ahmad	3	N/Q
74.	Mr. Ahsan Ullah	3	N/Q
75.	Mr. Wajid Ali	3	N/Q
76.	Mr. Haleemullah	3	N/Q
77.	Mr. Haseeb Ahmad	3	N/Q
78.	Mr. Akhtar Sher	3	N/Q
79.	Ms. Farhada	3	N/Q
80.	Mr. Salman Khan	3	N/Q
81.	Mr. MehrabHussain	3	N/Q
82.	Mr. Ijaz Ahmad	3	Chowkidar
83.	Mr. Zahoor Khan	3	Chowkidar
84.	Mr. Iftikhar Khan	3	Chowkidar
85.	Mr. Zar Shah	3	Chowkidar
86.	Mr. FazleElahi	3	Chowkidar
87.	Mr. Sharoon	3	Sweeper

Attested
[Signature]

Attested
[Signature]

ADDITIONAL CHIEF SECRETARY
P&D DEPARTMENT



(9) Annex - III
GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, January 14, 2020.

NOTIFICATION:

NO. SO(ESTT:)P&D/3-4/2020: The competent authority is pleased to transfer Mr. Irfan Alam, Assistant (BS-16), PP&I Cell and post him in CPEC, with immediate effect, in best public interest, till further orders. However, the official concerned will continue to draw his salary from CBP, P&D Department.

SECRETARY
P&D DEPARTMENT.

Endst: No. & date even.

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Chief, CPEC, P&D Department.
3. Chief/ Director, PP&I Cell, P&D Department.
4. Assistant Chief (B&A), P&D Department.
5. PS to Secretary, P&D Department.
6. PA to Additional Secretary, P&D Department.
7. PA to Deputy Secretary (Admn), P&D Department.
8. Official concerned.

(SONA KHAN) 14/1/2020
SECTION OFFICER (ESTT:)

Attested
Ash

Attested
Ash

1. ڈائریکٹر اینٹی کرسٹین K.P. پشاور
 2. جناب چیف منسٹر صاحب خیر بختوانخواہ پشاور
 3. جناب چیف سیکرٹری صاحب خیر بختوانخواہ پشاور
 4. جناب سیکرٹری صاحب جی، اینڈ، ڈی خیر بختوانخواہ پشاور
 عنوان شکایت بر خلاف ڈائریکٹر عزیز عباسی صاحب محکمہ
 جی، اینڈ، ڈی خیر بختوانخواہ پشاور

جناب عالی گزارش اینکہ
 1 یہ کہ سائل نے بحیثیت صدر مدعی تنظیم

شروع کیے باہر میلہ ضلع بنوں سال 2009 میں مدد روزہ بارانی پروجیکٹ
 سے توسطت عزیز عباسی جو اس وقت مقام بھنگو بارانی پروجیکٹ
 کے ڈائریکٹر تھے اپنے عہدے کے فلاح و بہبود، ترقی کے سلسلے
 میں ذیل تین مدعی منہولوں ادارہ بڑا کو پیش کیے تھے۔

1۔ ایبٹاشی ڈگ ویل بنام حاجی ابوالحسن

2۔ ایبٹاشی نیوب ویل بنام سردار غلام

3۔ شنگل روڈ باہر میلہ توٹ سے بیکر لال آمل پیرنگ

4۔ یہ تین ٹھکانے شروع کرنے سے پہلے بحکم عباسی صاحب

100000 ایک لاکھ روپے سائل نے H.B.P. بینک میں سیٹوریٹی جمع کر کے

سائل نے ابتدا میں نیوب ویل پر کام کا آغاز کیا، تو کچھ عرصہ

بعد عباسی صاحب نے منہولے بنیے مبلغ 150,000 روپے لہجورٹی چیک کے

4 یہ کہ اس دوران عباسی صاحب سے مجھے ایبٹاشی ڈگ ویل شروع

کرنے کی اجازت ملی، جس پر میں نے کام کا آغاز کر دیا، اور

اسی سیکم کے سلسلے میں مجھے مبلغ 135,000 روپے کا بارانی پروجیکٹ بینک

چیک دیا گیا۔ جو میں نے وصول کیے۔

5۔ مدد روزہ منہولے جاری تھے کہ مجھے دیکھ ہی میں ایک کو فیر شنگل روڈ

بارانی پروجیکٹ سے منظوری ملی۔ اور میں نے روڈ کی تعمیر شروع کر دیا

اور وقتاً فوقتاً عباسی صاحب سے روپیوں کا مطالبہ بھی کرتا تھا

تین تین عباسی صاحب عرصہ سے بلا کر کام جاری رکھنے کو کہتا تھا۔

کوئی نہ کوئی ایسا نہ کر کے وعدہ کرتا تھا، آخر کار روڈ مکمل ہو گیا۔

مدد روزہ جاری مکمل ہے
 A.S.
 SOE

P.T.O

Attested

ADD: Secy: P&DD
 Dairy No: 6395
 Dated: 26-9-17
 S.O. Esst: (P&D)
 Dairy No: 870
 Date: 28-9-17

یہ کہ سال کے (ذاتی رقم، قرضہ جات، چھ کٹال اراعی کی فروخت) سے فروری سے فروری
منہ بولوں کے اٹھ جانے اور بے گھر، اس ضمن میں متواتر بار بار پیروہیت
ہتھو سے خرچ شدہ رقم کے حصول کے سلسلے میں اتاریا، تاہم کالباڈیشن
کی وجہ سے ہتھو ضلع میں بار بار پیروہیت کا دفتر بند ہوا۔ تو
عباسی صاحب نے ہی دفتر اپنے چھرنے واقع میاں گڑھی کو بھی کویا
منتقل کیا۔ وہاں میں جاتا رہا۔ اور پھر بار چھ انتظار کرتا گیا۔
کہ رقم اکاؤنٹ میں اچانک آئی تو نہیں ادائیگی کر دیتے، عام لیا۔
عباسی صاحب نے تقریباً چار سال ساٹل کیساتھ ٹال مٹول سے عام لیا۔
اسی دوران بھارت درمیان جرتے بھی ہوئے، اور پھر دفعہ وعدہ دیتا رہا۔
آخر کار ساٹل نے پشاور کے ہوا کی بار بار پیروہیت میں شکایت کی۔
اس پر عباسی صاحب نے چھ بلڈیا، تو میں بعد سالہ تاہم نام لیا۔
طبر میں سلسلہ ہتھو عباسی صاحب نے کھرتے جنہوں نے بہت
ناراضگی کر کے کہا کہ اپنے شکایت کیوں لیا۔ اس وقت
دو چھ نہیں تھے۔ اب اکاؤنٹ میں آئے ہیں، خدا اور میں کی قسم
کھا کر وعدہ کیا کہ اسپر پورٹ والیں کر دیں، اور میں نے بعد چھ سے ساری رقم
لے لو۔ اور میں مان لیا۔ اس نے میرے سامنے ایک انگریزی میں لکھی
ہوئی کاغذ رکھی کہ اسپر دستخط کر دو۔ میں انگریزی پڑھ نہیں
سکتا تھا، اسلئے میں نے انکار کر دیا، لیکن اس نے مجھ کو دلا لیا، اور میں نے
دستخط کر دیا۔ تین دن بعد عباسی صاحب چھ سے ٹال مٹول کرتا رہا، تو مجھ کو
اس وقت کے مقامی فلاحی کمیٹی محمد زئی کو فریاد کیا۔ جنہوں نے عباسی صاحب
کمیٹی دفتر طلب کر دیا۔ عباسی صاحب کیساتھ 24 کو خبر گم ہوا۔
نقل کمیٹی لکھی۔ کمیٹی کے سامنے عباسی صاحب نے میرے بیان درست لیا
اور ایک ماہ کے اندر اندر رقم ادائیگی کا وعدہ کیا۔ جو آج تک پورا نہیں ہوا۔
سائل اپنے بے ادبی ہے، عباسی صاحب ایک عالم اور کریم آدمی ہے،
بہت سارے لوگوں کیساتھ اسکا تعلق ہے، جب میں روپیوں لینے
کے لئے جاتا ہوں، تو بجائے روپے چھ دھکیاں دیتے ہیں۔ آخر کار یہ کہاں کا
انصاف ہے۔ میں استدعا کرتا ہوں کہ چھ انصاف چاہئے تاکہ میں اپنے
رقم مل سکے۔ اور ڈائریکٹر نذیر عباسی محکمہ پی، اینڈ ڈی پشاور
کو قانون کا پابند بنائیں۔ میں مشکور ہوں گا۔

ابراہیم خان ولد خدیو غلام
Nic. No. :- 14101 & 400657-9
Mob No. :- 0334 8872950

Attested


اپنے اسم کے ساتھ 3348872950

اپنے اسم کے ساتھ

ابراہیم خان ولد خدیو غلام

تقریباً تین سال تک میں مال منقول کرنا شروع

مقررہ مجلس شہری نے فریقہ دوم کو بلا یا اور اس سے بات چیت کی

تو اسی نے فریقہ اول کو بات تسلیم کر اور شہری کو کھینچ

دلا یا تقریباً ایک ماہ کا اندر یہ رقم اس کو مل جائے گی

لیکن چار مہینے گزرنے کے بعد حاملہ اسے سب سے پہلے

اگر پیش رفت نہ ہو سکی ہے ، دو تین فریقین اور ثالثین کا مابین

کسی وضع بحث و مباحثہ ہوا مگر تا دماغی سعیوں کے بعد اسے جو کچھ

ہمارے روزمرہ رہائشی ہوئیں وہ یہ ہیں یا فی اسے سے آگے ہمارا
سہ نہیں چلتا -

دستور گوئی

طریقہ	کتابت
صحت عام	منہ عام
حسب	کتابت
مدت	پہلے
الک	الک
تاریخ	تاریخ

Attested.
[Signature]

بخدمت جناب سیکریٹری صاحب پی اینڈ ڈی سیکریٹریٹ پشاور

عنوان: درخواست برائے دادرسی / قانونی کارروائی برخلاف سی پیک چیف عبدالعزیز عباسی ولد

عبدالرازق عباسی بوجہ ہڑپ کرنے مبلغ باؤن لاکھ (-/52,00,000) روپیہ

جناب عالی! سائل حسب ذیل عرضی رساں ہے۔

(1) یہ کہ سائل ایک معزز اور بزرگ پاکستانی شہری ہے۔

(2) یہ کہ عبدالعزیز عباسی نے اپنے محکمے کا نام استعمال کر کے سائل کے بیٹوں سے مبلغ باؤن

لاکھ (-/52,00,000) روپیہ بطور نوکریوں کے لیے لیے تھے۔ اور دو (2) ماہ کے اندر اندر آڈٹ

دینے کا وعدہ کیا تھا۔ لیکن آٹھ (8) ماہ گزرنے کے باوجود آڈٹ نہیں دیئے۔ اس بابت مسمیٰ عبدالعزیز

عباسی مذکور نے مذکورہ بالا رقم کی ادائیگی کے لیے سائل کے بیٹوں کو چیک حوالے کیے لیکن وہ بھی بینک

میں پیش ہونے پر باؤنس ہو گئے۔

(3) یہ کہ مسمیٰ عبدالعزیز عباسی مذکور نے سائل اور اس کے بیٹوں کو انتہائی اذیت میں ڈال دیا ہے۔

کیونکہ صاحب موصوف کسی بھی صورت پر سائل کے بیٹوں کو رقم ادا کرنے کے لیے تیار نہیں ہے۔

(4) لہذا آپ صاحبان سے درخواست ہے۔ کہ مسمیٰ عبدالعزیز عباسی مذکور کے خلاف کارروائی کر کے

لسائل کے بیٹوں کو ان کے ادا شدہ رقم مبلغ باؤن لاکھ (-/52,00,000) روپیہ واپس دلانے

جائیں۔

آپ کا دعا گو

سائل: شاہ جہان ولد فیروز خان سکنہ چوک یادگار مکان نمبر 1937 محلہ ڈھکی دا لنگراں پشاور

CNIC NO: 17301-1314047-9

CELL NO: 0311-5928304

15/10
AS-II
SDE

put in
SA

18/10/22

Attended
15/10/22

194

(16)

خدمت جناب ڈی۔ جی۔ ایس۔ ٹریسنگ اے۔ پی۔ سی۔ اور

DATE	25	NOV	2022
2161			
Dated			

ڈی۔ جی۔ عبدالفریز عباسی جناب

0333-1790139

0300-9159992

0314-4111888

0302-5965275

لغالی

گزارش کی جاتی ہے۔ مسائل نے ڈی۔ جی۔

P-and-D کو بارڈ (Script) اولڈ ٹاڈی ٹیڈر سٹیٹ 2 کروڑ

12- لاکھ لکھ جارہا تھا میں دیا گیا۔ بعد میں ڈی۔ جی۔ P-and-D

نال سٹول سے کام لیتے ہیں یہ سٹیٹ کرنا چاہیے۔ اور تیز نہ بتایا

ہے۔ 2 بہ رہے ہیں یہ سٹیٹ کریں اور انڈیشنل سٹیٹ کریں P-and-D کو یہ

نمبر دیا گیا ہے۔ ڈی۔ جی۔ عبدالفریز عباسی نے جو 6 لاکھ سٹیٹ دیے ہیں

جن میں ایک لاکھ میں آپ لکھ بھی لیں گے۔ اسے بعد کو یاٹ کر دیں

صاف گنیں میں گہرے سے سافٹ جو زمین کھیں اسے جو فرد کاغذات ہے اور

ساتھ میں سٹامپ لکھ دیں۔ تاکہ سند رہے۔ سٹامپ میں جب نمبر

اور Amount بھی Mention کیا ہے۔ اور فرد نے ریٹارڈ بھی لکھ دیے ہیں

سٹامپ پر لکھنے وقت اتنا بیٹا واسی جان اور بیوی جنات لکھ اور اعداد و سیم

گواہ کے طور پر لکھنے کے۔ اسلئے آپ صاحبان سے پھر دانہ درخواست ہے

کہ عبدالفریز عباسی کے ساتھ قانونی کارروائی کی جائے۔ یہ مسائل کے

طالب خان ولد فقیر خان (عین توارز شہر) - 19/5/2022 - المرقوم - 0300-9037100

تخل جائے۔

Attested

To,
Section Officer (E)
PADA, Department

Subject: Call up Notice by NAB

Dear Sir,

This is in reference to your letter No. SO(E) PADA/087/1004/2022 dated 10/11/2022 wherein it is requested that I may not be able to attend/participate at the NAB office on account of being ill.

You are requested to inform NAB accordingly and ask for a date in the next week.

Best Regards

Albasir
14/11/22

Abdul Aziz Albasir
PADA, Peshawar

K.C.

All concerned pl.

D.S. Medical Certificate will be submitted at personal hearing

participate
17/11/22

COPY
Attached
[Signature]

Date:

(18)

252

To

My Sister-in-law
Abdullah Al-Mohammed (SM)
NAB (KP) (Performance)

Sincerely, Call up Nabe

Abdullah

This is in reference to your letter

dated November 10th, 2022, wherein, it is
requested that due to illness of my wife
I attend your good office on Nov 15th, 2022.

It is respectfully requested that I may
either be assigned to leave and your
my attendance in writing at your good office
kindly grant me another day and I'll
not work

Thanks & regards

Your sincerely
Abdullah Al-Mohammed
(A.O. Al-Mohammed)

Dated - 14-11-22

C.C.

SO (E) P.M.A.
(Int. Govt - Post)

P.S. medical certificate will be provided.

~~Attached~~
~~Call~~



(19)

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject:- INITIATION OF DISCIPLINARY ACTION AGAINST MR. ABDUL AZIZ ABBASI (PPSBS-18), THE THEN CHIEF, CPEC CELL AND MR. IRFAN ALAM (BS-16), THE THEN ASSISTANT, CPC CELL, P&D DEPARTMENT.

19. Reference directions of Honorable Chief Minister conveyed vide Para 18 of the Summary, the undersigned conducted personal hearing of Mr. Abdul Aziz Abbasi (BS-18) PPS, the then Chief of CPEC Cell, P&D Department and Mr. Irfan Alam the then Assistant of the same office on 01/08/2022.
20. The formal inquiry under E&D Rules was conducted in the background of a fact finding inquiry held in P&D Department after a few fake appointment orders in CPEC cell, came up on social media. The fact finding inquiry established through admitted proof that an amount of Rs. 500,000/- was handed over to the accused Assistant Mr. Irfan Alam by Mr. Ismail whose two sons namely Mr. Roidad and Mr. Abdul Samad were each in receipt of fake appointment letters in their favour. The accused Assistant claimed that the amount was taken on loan and was returned back. On the other hand, it was observed that during the course of the fact finding inquiry that the accused Mr. Abdul Aziz Abbasi, the then Chief CPEC cell, when came to know about the fake appointments, instead of bringing the issue in knowledge of his superiors, chose to give false hopes to the aforementioned wronged father and sons. This fact was established from examination of his WhatsApp conversations and voice messages in the fact finding inquiry. The fact finding inquiry recommended that since forensic examination of the fake appointment letters, technical scrutiny of the WhatsApp record of the accused Chief of Section and the financial transaction of Rs.500,000/- between the accused Assistant and Mr. Ismail is required, the matter may be referred to Anti-Corruption Establishment. However, charge sheet against the two accused officials was extracted from the fact finding inquiry and framed accordingly.
21. During the course of personal hearing, Mr. Abbasi, the accused Chief of Section vehemently refuted the charges against him. He disowned the signatures on the questioned appointment letters, as also determined by the inquiry officer. The inquiry had concluded that he did not take gratification in lieu of appointments however since he failed to provide any plausible explanation to the admitted fact that he offered to pay a sum in salaries to Mr. Ismail Shah's two sons, the fake appointees, from his own pocket besides making fake promise for providing better appointments to them, the charge was proved against him. Mr. Abbasi, could not also justify his WhatsApp chatting with Mr. Abdul Samad, one of the fake appointees, the charge which was partially proved in the inquiry.
22. The other co-accused Mr. Irfan Alam, Assistant at the outset declared that he is totally innocent in the allegation of receiving any gratification. He asserted that he had loaned an amount of Rs. 500,000/- from Mr. Ismail, father of the fake appointees, being his old family friend. He claimed that the transaction had nothing to do with the appointments. The inquiry however, determined that the accused indeed handed over fake appointment letters to Mr. Ismail but disproved charges of taking any gratification.
23. After the subject personal hearing, it has come to light that the accused Mr. Abdul Aziz Abbasi (BS-18) PPS, the then Chief of Section CPEC Cell and his Assistant Mr. Irfan Alam (BS-16) had been in one way or the other associated with the scandal of fake appointment letters. The instant inquiry report has absolved them from the charges of taking gratification from the affected candidates despite proving that the accused

Attested
[Signature]

Attested
[Signature]

sent to them
WhatsApp

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

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SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject:- INITIATION OF DISCIPLINARY ACTION AGAINST MR. ABDUL AZIZ ABBASI PPSBS-18), THE THEN CHIEF, CPEC CELL AND MR. IRFAN ALAM (BS-16), THE THEN ASSISTANT, CPC CELL, P&D DEPARTMENT.

besides making commitments of better positions to them. Likewise, the accused Assistant Mr. Irfan Alam admitted to the fact that he received a hefty amount of Rs. 500,000/- from father of the two fake appointees as business loan which he returned, the supposed fact upon which the charge of gratification was dropped by the inquiry officer. The whole episode, though covered up and diluted by the accused persons during the course of inquiry through such assertions and manipulations, still points to the bitter fact that both of them have been behaving in the most undignified manner which warrants exemplary punishment.

24. In view of the above, it is proposed that the Competent Authority may be pleased to award following major penalty to the full extent upon the accused persons under Rule 4(b)(i) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:

"reduction to a lower post and pay scale from the substantive or regular post, for a specific period, subject to a maximum of three years:

Provided that on restoration to original pay scale or post, the seniority of the accused shall be reckoned from the date on which the penalty was imposed;

Provided further that this penalty shall not be imposed upon the accused, who is likely to be superannuated within the period of penalty"

JK
12/8/2023

(Khushal Khan, PAS, T.St)
Secretary Home and Tribal Affairs Department/Hearing Officer

Secretary Establishment Department

Attested
JK

Attested
JK

JK



21

Government of Khyber Pakhtunkhwa
Planning & Development Department

SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject:- INITIATION OF DISCIPLINARY ACTION AGAINST MR. ABDUL AZIZ ABBASI (PPS BS-18), THE THEN CHIEF, CPEC CELL AND MR. IRFAN ALAM (BS-16), THE THEN ASSISTANT, CPEC CELL, P&D DEPARTMENT.

Reference Para-25 to 27/S

28. Considering the observations of Establishment Department endorsed vide Paras 25-27 of the Summary and given the fact that the accused Mr. Abdul Aziz Abbasi (PPS BS-18) the then Chief CPEC Cell and Mr. Irfan Alam (BS-16) the then Assistant CPEC Cell indulged in misconduct as highlighted in the proceedings, the undersigned is of the opinion that major penalty of compulsory retirement as already imposed tentatively by the competent authority is recommended.
29. Submitted for approval of Honorable Chief Minister, Khyber Pakhtunkhwa, please.

JJK
30/12/2022

(Khusal Khan, PAS, T.St)

Secretary Home and Tribal Affairs Department/Hearing Officer

Secretary Establishment Department

Attended
Attended
Umar

P-10

23

BETTER COPY



**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT
CPEC CELL**

Tel: 9210458
Fax: 9210498

Dated: December 29th, 2020

Conditional Offer of Contract as Office Assistant cum Computer Operator BPS 16.

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Malyaar Khan R/O Village & P.O Jhugian, Tehsil & District Abbottabad for a period of one year extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms, willingness may be submitted on or before Jun 31st, 2021.

Chief CPEC Cell
P&D Department

Copy to: -

1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa.
3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.
4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.
5. Official Concerned.
6. Master File.

.....sd

Accepted
AM

Accepted
AM



Handwritten signatures and initials at the top of the page.

<p>.....sd.....</p> <p>Chief CPEC Cell P&D Department</p> <p><i>Handwritten signature</i></p>	<p>.....sd.....</p>	<p>.....sd.....</p>	<p>.....sd.....</p>
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Conditional Offer of Contract as Office Assistant cum Computer Operator RPS-16
Dated: December 22nd 2020

92291 9210458
92291 9210498



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT
CPEC CELL

Competent Authority is pleased to extend an offer of the subject contract to Mr. Jalal Khan S/O. Mr. Banaras Khan, Village & P.O. Hazar Khwani, Tehsil & District Peshawar for a period of one year, extendable on satisfactory performance. Job responsibilities / TORs would be communicated on acceptance of offer and signing of contract. Acceptance of the forementioned terms, willingness may be submitted on or before Jan 19th 2021.

PS to Additional Chief Secretary, P&D Department, Govt. of Khyber Pakhtunkhwa
PS to Secretary, P&D Department, Govt. of Khyber Pakhtunkhwa
PS to Special Secretary, P&D Department, Govt. of Khyber Pakhtunkhwa
PA to Chief Economist, P&D Department, Govt. of Khyber Pakhtunkhwa
Official Concerned
Master File

25

BETTER COPY



**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT
CPEC CELL**

Tel: (+92 91) 9210458
Fax: (+92 91) 9210498

Dated: December 22nd, 2020

Conditional Offer of Contract as Office Assistant cum Computer Operator BPS 16.

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Jalal Khan S/O Mr. Banaras Khan, Village & P.O Hazar Khwani, Tehsil & District Peshawar for a period of one year, extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms, willingness may be submitted on or before Jan 19th, 2021.

Chief CPEC Cell
P&D Department

Copy to: -

1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa. District Pesh
3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.
4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.
5. Official Concerned.
6. Master File.

.....sd.....

Attended
cbh

Attended
cbh

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BETTER COPY



**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT
CPEC CELL**

Tel: (+92 91) 9210458
Fax: (+92 91) 9210498

Dated: January 13th, 2021

Conditional Offer of Contract as Office Assistant cum Computer Operator RPS 16.

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Abdul Qadeer S/O Said Alam, Moh: Sheikhan, Garhi Qamar Din, Tehsil & District Peshawar for a period of one year, extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms, willingness may be submitted on or before Feb 18th, 2021.

Chief CPEC Cell
P&D Department

Copy to: -

1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa.
3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.
4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.
5. Official Concerned.
6. Master File.

.....sd.....

Attested
AM

Attested
AM



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT
CPEC CELL

Tel: (+92 91) 9210135
(+92 91) 9210498

Dated: December 18th, 2020

Conditional Offer of Contract as Office Assistant cum Computer Operator UPS 16:

The Competent Authority is pleased to extend an offer of the subject contract to Mr. A. Sabir, Additional S/O Mr. Mikhbar, Village & P.O. Khwar Khwail Tehsil & District Peshawar, for a period of one year, extendible on satisfactory performance. Job responsibilities and TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of aforementioned terms, willingness may be submitted on or before Jan 11th, 2021.

Chief CPEC Cell
P&D Department

To:

- PS to Additional Chief Secretary, P&D
- PS to Secretary, P&D Department, Govt. of Khyber Pakhtunkhwa
- PS to Special Secretary, P&D Department, Govt. of Khyber Pakhtunkhwa
- PS to Chief Economist, P&D Department, Govt. of Khyber Pakhtunkhwa
- Official Concerned.
- Other File.

Department, Govt. of Khyber Pakhtunkhwa
Min. Secy. of Planning & Development
P.O. Box 100, Peshawar, Khyber Pakhtunkhwa

Attached
AM

Attached
AM

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT
CPEC CELL



Tel: (+92 91) 9210458
Fax: (+92 91) 9210498

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT
CPEC CELL**

BETTER COPY

Dated: December 18th, 2020

Conditional Offer of Contract as Office Assistant cum Computer Operator BPS 16.

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Aftab Ahmad S/O Mr. Iftikhar, Village & P.O Hazar Khwani, Tehsil & District Peshawar for a period of one year, extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms, willingness may be submitted on or before Jan 11th, 2021.

Chief CPEC Cell
P&D Department

Copy to: -

1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa.
3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.
4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.
5. Official Concerned.
6. Master File.

.....sd.....

Aftab Ahmad
AM

Aftab Ahmad
AM

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BETTER COPY



**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT
CPEC CELL**

Tel: (+92 91) 9210458
Fax: (+92 91) 9210498

Dated: December 28th, 2020

Conditional Offer of Contract as Planning Officer (BPS 17).

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Mumtaz Ali S/O Gul Rehman, District Swat KPK for a period of one year, extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms, willingness may be submitted on or before January 20th, 2021.

.....sd.....

Copy to: -

1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa.
3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.
4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.
5. Official Concerned.
6. Master File.

Chief CPEC Cell
P&D Department

Accepted
AK

Accepted
AK



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT**

No. PA/ASE/LGE&RDD/Inq P&DD/2021
Dated Peshawar the 14th June, 2021

To

Mian Ayub Gul,
Assistant Chief CPEC Cell P&D Department
Government of Khyber Pakhtunkhwa
Peshawar/Departmental representative

Subject:- DISCIPLINARY PROCEEDINGS UNDER KHYBER PAKHTUNKHWA E&D
RULES 2011 AGAINST MR. ABDUL AZIZ ABBASI (PPS BS-18), THE THEN
CHIEF CPEC CELL P&D AND MR. IRFAN ALAM (BS-16), THE THEN
ASSISTANT CPEC CELL NOW WAITING POSTING IN P&DD

Reference P&DD letter No: P&DD/CPEC/2021/7136-40, dated 05-05-2021 and this office earlier letter of even number, dated 27th May, 2021 on the subject noted above.

2. You are directed to attend this office on Friday, 18-06-2021 at 9:30 AM to assist the Inquiry Officer as required under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

/

ASE LGE&RDD/INQUIRY OFFICER

Copy forwarded to:

1. SO(Estt) P&D Department with reference to his letter No.SO(E) P&D/087/1-61/2020, dated 04th May, 2021.
2. Chief CPEC Cell P&D Department with reference to her letter quoted above.
3. PS to Secretary, P&D Department.

/

ASE LGE&RDD/INQUIRY OFFICER

SA

/

14/06/2021

/

Attested.


/



**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT**

AUTHORITY LETTER

Mr. Meher Muhammad, Section Officer (Litigation) of Planning & Development Department is hereby authorized to pursue / defend court cases of Service Tribunal, Khyber Pakhtunkhwa and Civil / District Courts as well as submit Para-wise Comments / Replies in the cases duly sworn on affidavit in the courts on behalf of Additional Chief Secretary and Secretary P&D Department.


**DEPUTY SECRETARY
P&D Department**

**Deputy Secretary (Admin)
Planning & Development
Department**