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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____

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ABDUL HADI vs GOVT OF K.P

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Cyul
Muharrir Compilation 21/7/24

[Signature]
Incharge Judicial Branch 5/7/24

17

Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs. Government of KP & others", Service Appeal No.7660/2021 titled "Rizvan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", "Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Mr. Bakhtiar (at serial No.4 of the panel for consideration, wherein the names of the appellants also figured) for promotion, who was also deferred with the appellants. The DPC was stated to be held on 13.01.2022 and vide Notification No.SO(E)/IRRI:/4-3/DPC/2019/Vol-IX: dated 28.03.2022, Mr. Bakhtiar was promoted.

13. At this juncture it seems necessary to observe regarding the above referred advice sought by the DPC. As regards first query, whether the amended rules notified on 25.06.2012 were applicable to the employees who were appointed in the year 2011 on acting charge basis or the present Service Recruitment rules will be applicable in the instant case, it is observed that the administrative rules cannot be given retrospective effect. As regards the second query whether the junior officers could be promoted when the seniors already appointed on acting charge basis could not qualify either of departmental B&A examinations, it is in this respect found that the basic qualification for eligibility to be considered for promotion to the post of Assistant Engineer (BPS-17), is passing of departmental B&A examinations and when the seniors could not get through the both or any of them, they are not eligible and obviously next in the line were to be considered.

14. As to the observation of the Establishment Department:-

- (i) Why the employees were appointed on acting charge basis under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989?

15/4/22

Attested

Section Officer (Litigation)
Irrigation Department Peshawar

ATTESTED

Section Officer (Litigation)
Irrigation Department Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT
CAMP COURT SWAT

Service Appeal No. 7351/2021

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

Abdul Hadi S/O Said Gulab, R/o Maminzo P/O & Tehsil Khar, District
Bajaur. (Appellant)

VERSUS

1. Secretary, Higher Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director, Higher Education, Khyber Pakhtunkhwa, Rano Ghari near Chamkani Mor, Peshawar.
3. Deputy Director (Establishment), Higher Education, Khyber Pakhtunkhwa, Rano Ghari near Chamkani Mor, Peshawar.
4. District Education Officer (DEO), Bajaur.
5. District Accounts Officer, Bajaur.
6. Principal, Government Degree College, Nawagai, Bajaur.
7. Mr. Abdul Haq, Ex-Principal, Govt. Degree College,
8. Mr. Khaista Rehman, Ex-DEO, District Bajaur, presently Principal, GHS Khar No. 1, Bajaur R/o Village Inam Khwaro Chinagai, Tehsil Wara Mamond, P.O Inayat Kalay, District Bajaur.
9. Mr. Ilyas Ex-Head Clerk, DEO Office, District Bajaur, presently Assistant, GHSS Gardai, District Bajaur, R/o Naro Oba, Gulo Shah, Tehsil Salarzai, P.O Raghagan, District Bajaur.

... (Respondents)

Mr. Abdullah Qazi
Advocate ... For appellant

Mr. Muhammad Jan
District Attorney ... For respondents

Date of Institution.....25.08.2021
Date of Hearing.....06.05.2024
Date of Decision.....06.05.2024



SCANNED
KPST
Peshawar

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:

“On acceptance of this appeal, the impugned orders dated 18.03.2021 and 02.08.2021 issued by respondents may kindly be cancelled/carried/set aside and the appellant may kindly be reinstated into service with all back benefits.”

2. Brief facts of the case, as given in the memorandum of appeal, are that appellant was appointed as Junior Clerk against the deceased son quota vide order dated 29.10.2018. He took the charge of the post on 01.11.2018 and his salary was started. During service, a fact finding inquiry was initiated against him by issuing charge sheet and statement of allegation. Thereafter, major penalty of removal from service alongwith recovery of salaries drew by the appellant was imposed upon him vide order dated 18.03.2021. Feeling aggrieved, he preferred departmental before respondent No.1 which was filed vide order dated 02.08.2021, hence the instant 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 District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for appellant argued that the impugned order is against the law, facts, norms of justice, hence liable to be set aside; that appellant has not been treated in accordance with law and rules; that allegations against the appellant are illegal, unjust, against the facts and law,

hence the impugned orders are required to be cancelled; that a valid appointment order of the appellant has been termed to be fake and shown to have no record in their office, which is against the facts and record, hence the allegations against appellant are based on malafide; that no chance of cross examination was provided to the appellant.

5. Conversely, learned District Attorney contended that appellant has been treated in accordance with law and rules; that appellant produced two fake appointment orders dated 28-10-2018 and 29-10-2018. He initially claimed appointment order dated 28-10-2018 but during the visit of inquiry officer to District Education Office, it transpired from Diary/ Dispatch Register that it was Sunday on 28-10-2018 and not a single letter has been issued on that date. On query, the appellant produced another appointment order dated: 29-10-2018 but again, no such order was issued from District Education, Officer, rather the Diary/ Dispatch register showed that letter No. 1527 was issued on 29-10-2018 in respect of Mr. Saleh Muhammad, GP fund case; that father of the appellant was Headmaster and died during the service and after his death, his son namely Fazal Hadi (brother of the appellant) was appointed as Junior Clerk against deceased Son quota at Govt; High School, Kamadara, Barang Bajour vide order dated: 15.02.2011. As per section 10(4) of APT, Rules one of the children of the deceased is entitled for appointment which is already availed by the brother of the appellant.

6. Perusal of record reveals that appellant was appointed as Junior Clerk against the deceased son quota vide order dated 29.10.2018. He took the charge of the post on 01.11.2018 and his salary was started. During service, a fact

finding inquiry, followed by formal inquiry, was initiated against him by issuing charge sheet and statement of allegation. Thereafter, major penalty of removal from service alongwith recovery of salaries drawn by the appellant was imposed upon him vide order dated 18.03.2021. He was issued charge sheet on the following allegation;

“i. That son was not entitled for appointment under deceased son quota as your brother had already availed the said quota, hence your appointment order is not legal.

ii. That your produced two appointment orders as junior clerk from DEO Office dated 28.10.2018 and 29.10.2018 having no diary/dispatch registered number.

iii. Moreover, you took over charge on 01.11.2018 while your salary was initiated from DAO on 29.10.2018 with a different personal number which makes doubtful your appointment order.”

Main allegation was that the appellant applied under deceased son quota despite knowledge of the fact that such quota/opportunity had already been availed by his brother Mr. Fazal Hadi in the year 2011 as he was appointed as Junior Clerk on deceased son quota. Fact of appointment of his brother on deceased son quota was admitted by the appellant himself.


7. Perusal of appointment order of appellant reveals that he was appointed against the deceased son quota, when brother of the appellant availed deceased son quota, which is available only for one son/daughter of the deceased employee and not for all the children, therefore, no other/second son could be appointed against the deceased son quota of the same deceased employee.


8. Moreover, if appellant had reservations upon appointment of his younger brother then he must have challenged it the year 2011 just after his appointment but he kept mum, therefore, now he could no agitate it on the plea of elder son. It is admitted fact that appellant had performed his duty from the

date of appointment till the date of passing impugned order, therefore, order of recovery of salaries from the appellant of the period during which he performed duties is injustice and the same came within the definition of past and close transaction. So order to effect is not in accordance with law on the subject and hereby set aside to this extent.

9. For what has been discussed above, the appeal in hand is partially allowed to extent of recovery from the appellant of the period during which he served the department. Cost shall follow the event. Consign.

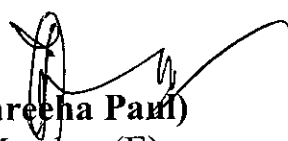
10. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 6th day of May, 2024.*



(Fareeha Paul)
Member (E)
Camp Court Swat


(Rashida Bano)
Member (J)
Camp Court Swat

ORDER
06.05.2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.
2. Vide our detailed judgment of today placed on file, the appeal in hand is partially allowed to extent of recovery from the appellant of the period during which he served the department. Cost shall follow the event. Consign.
3. *Pronounced in open court in Swat and given under our hands and seal of the Tribunal on this 6th day of May, 2024.*


(Fareeha Paul)
Member (E)
Camp Court Swat


(Rashida Bano)
Member (J)
Camp Court Swat

05th January, 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Record mentioned in previous order sheet dated 07.12.2023, has not been produced by the respondents so far nor any representative on their behalf is present. Learned District Attorney shall intimate the respondents to positively produce the record and to come up for arguments on 06.03.2024 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

(Salah-ud-Din)
Member (J)
Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

Naeem Amin

06th March, 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Fazle Hadi, Associate Professor and Mr. Zakiullah, Assistant Accounts Officer for the respondents present.

2. Learned counsel for the appellant seeks some time for preparation of arguments. Adjourned. To come up for arguments on 06.05.2024 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

(Salah-ud-Din)
Member (J)
Camp Court Swat

(Kalim Arshad Khan)
Chairman
Camp Court Swat

Naeem Amin


SA 7351/2021


20th Oct., 2022

Appellant present in person. Mr. Muhammad Jan,
District Attorney for the respondent present.

Appellant requested for adjournment on the ground that
his counsel is busy before the Hon'ble Peshawar High Court
today. Adjourned. The appeal pertains to Malakand Division,
therefore, to come up for arguments on 07.12.2023 before the
D.B at camp court, Swat. PP given to the parties.

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KPST
Peshawar


(Fareeha Paul)
Member (E)



(Rashida Bano)
Member(J)


Fazle Subhan

07.12. 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan,
learned District Attorney for the respondents present.
2. Respondents are directed to produce relevant record in respect of
the appellant as well as his brother. Adjourned. To come up for
production of record and arguments on 05.01.2024 before D.B at camp
court Swat. P.P given to the parties.

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KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)
Camp Court Swat


(Rashida Bano)
Member (J)
Camp Court Swat

kamranullah

31st July, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney alongwith Muhammad Sohrab, Law Officer for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 20.10.2023 before D.B. P.P given to parties.

SCANNED
PESHAWAR

KaleemUllah

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

20th Oct., 2022

Appellant present in person. Mr. Muhammad Jan, District Attorney for the respondent present.

Appellant requested for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court today. Adjourned. The appeal pertains to Malakand Division, therefore, to come up for arguments on 07.12.2023 before the D.B at camp court, Swat. PP given to the parties.

(Fareeha Paul)
Member (E)

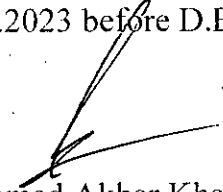
(Kalim Arshad Khan)
Chairman


Fazle Subhan

11th April, 2023 Appellant in person present. Mr. Muhammad Jan, District Attorney alongwith Mr. Rehmanullah, SST for the respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Appellant is directed to ensure presence of her counsel to argue the case on the next date positively. To come up for arguments on 01.06.2023 before D.B. P.P given to the parties.

SCANNED
PST
Peshawar

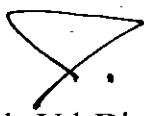

(Muhammad Akbar Khan)
Member (Executive)



(Kalim Arshad Khan)
Chairman

1st June, 2023 1. Junior to counsel for appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

2. Junior to counsel for appellant requested for adjournment as senior counsel for appellant is not available today. Adjourned. To come up for arguments on 31.07.2023 before D.B. P.P given to the parties.

SCANNED
PST
Peshawar


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

(U)

15.09.2022

Appellant alongwith counsel present.

Naseer Uddin Shah, learned Assistant Advocate General alongwith Muhammad Latif, Superintendent for respondents present.

Representative of the respondent Department is directed to produce relevant record in respect of the appellant as well as his brother. Adjourned. To come up for production of record and arguments on 28.11.2022 before D.B.

D

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

28/11/22

Deleted from list to come up for the same on 7/2/23

07.02.2023

Appellant alongwith counsel present. Umair Azam, Learned Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 11.04.2023 before D.B.

SCANNED
KPST
hawal

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

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SA7351/21

22nd June, 2022

12
Counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. A.G alongwith Farhan Ahmad, Asstt. for the respondents present.

Respondents have submitted reply/comments, which is placed on file. To come up for arguments on 08.09.2022 before the D.B.



(Kalim Arshad Khan)
Chairman

08.09.2022

Appellant alongwith his counsel present.

Muhammad Jan, learned District Attorney for respondents present.

Partial arguments heard. For the just decision of case, brother of appellant who was appointed against deceased son quota be summoned alongwith relevant record on 15.09.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member(J)

12th June, 2022

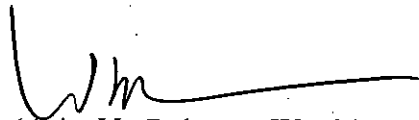
Couns. For the applicant present and Mr. Hassarup
Shah, Asst. A.C. for the respondents present.

Respondent has not submitted any documents
despite the chance; therefore, it is not to submit reply and
stuck off. The case up for arguments on 08.09.22 through the
C.A.

Justice A. K. Jaiswal,
Chairman

19.01.2022 Appellant with counsel present. Mr. Muhammad Adeel Butt; Addl. AG for respondents present. Respondents No. 6 & 7 in person present.

Reply/comments on behalf of official respondents as well as private respondents are still awaited. Learned Additional Advocate General as well as private respondents No. 7 sought time for submission of reply/comments. Last opportunity is granted. To come up for reply/comments before the S.B. on 16.03.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)


16.03.2022 Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09.06:2022 for the same as before.


Reader

09.06.2022 Junior to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Farhan Assistant for official respondents No.1 to 5 present. Private respondent No.7 in person present.

Reply on behalf of respondents was not submitted. Respondents requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 22.06.2022 before S.B.


(Rozina Rehman)
Member (J)

Abdul Hadi, 7351/2021

20.10.2021 Learned Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant is aggrieved of impugned order dated 18.03.2021 whereby major penalty of "removal from service alongwith recovery of salaries drawn by him in the capacity of Junior Clerk" was awarded to him. The appellant preferred departmental appeal against the impugned order, on 26.05.2021. His departmental appeal was filed on 2.08.2021, hence, the instant service appeal was filed in the Service Tribunal on 25.08.2021. Moreover, the impugned orders were passed not only in violation of the prescribed procedure but are also based on malafide intention when the appellant was denied the right of cross-examination. The impugned orders are not tenable and may therefore be set aside and appellant be reinstated in service with all back benefits.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 19.01.2022 before the D.B.

Appellant Deposited Security & Process Fee

[Signature]
20/10/21

[Signature]

(Mian Muhammad)
Member(E)

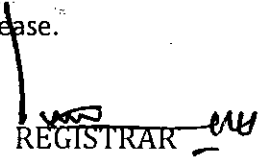

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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7351 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/08/2021	<p>The appeal of Mr. Abdul Hadi resubmitted today by Mr. Abdullah Qazi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>20/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

SCANNED
PESHAWAR

The appeal of Mr. Abdul Hadi, District Bajaur presented today i.e. on 25.08.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- ✓ 1- Annexures of the appeal may be attested.
- ✓ 2- Certificate be given to the effect that the appellatant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- ✓ 3- Check list is not attached with the appeal.

No. 1681 /S.T,

Dt. 26/08 /2021

[Handwritten Signature]

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdullah Qazi Adv., Pesh.

*Resubmitted after doing it
necessary.*
[Handwritten Signature]
31/8/2021

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**CHECK LIST**

Abdul Haadi
..... Appellant

Versus

Secretary K.P.S. Khuzdar
..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Advocate</u> <u>Court</u>	✓	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3.	Whether appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to AG/DAG?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Abdullah Qazi

Signature:- [Signature]

Dated:- 07/01/2021

(K)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

Service Appeal No. 7351 /2021

**SCANNED
KPST
Peshawar**

Abdul Hadi. **APPELLANT**

VERSUS

Secretary, Higher Education & others. . . . **RESPONDENTS**

I N D E X

S.#	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the Parties		8-9
4.	Copy of Appointment Order dated 29.10.2018, Charge Report and Medical Certificate	A	10-13
5.	Copy of Service Book	A/1	14-17
6.	Copies of Charge Sheet, Statement of Allegations, Reply, Inquiry Report and Show Cause Notice	B	18-27
7.	Copy of Removal Order dated 18.03.2021	B/1	28
8.	Copy of Departmental Appeal	C	29-31
9.	Copy of Impugned Order dated 02.08.2021	D	32
10.	Copy of Diary and Dispatch Register And Applications & letters	E	32/A-36
11.	Wakalatnama		37

Abduli
Appellant

Through

Abdullah Qazi
ABDULLAH QAZI
Advocate High Court
Cell: 0333-9038270

Dated: 25.08.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. 7351/2021

Abdul Hadi S/o Said Gulab R/o Maminzo, P.O & Tehsil
Khar, District Bajaur. **APPELLANT**

**Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Diary No. 7489

1. Secretary, Higher Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director, Higher Education, Khyber Pakhtunkhwa, Rano Ghari near Chamkani Mor, Peshawar.
3. Deputy Director (Establishment), Higher Education, Khyber Pakhtunkhwa, Rano Ghari near Chamkani Mor, Peshawar.
4. District Education Officer (DEO), Bajaur.
5. District Accounts Officer, Bajaur.
6. Principal, Govt. Degree College, Nawagai, Bajaur.
7. Mr. Abdul Haq, Ex-Principal, Govt. Degree College, Nawagai, Bajaur.
8. Mr. Khaista Rehman, Ex-DEO, District Bajaur, presently Principal, GHS Khar No.1, Bajaur R/o Village Inam Khwaro Chinagai, Tehsil Wara Mamond, P.O Inayat Kalay, District Bajaur.
9. Mr. Ilyas Ex-Head Clerk, DEO Office, District Bajaur, presently Assistant, GHSS Gardai, District Bajaur, R/o Naro Oba, Gulo Shah, Tehsil Salarzai, P.O Raghagan, District Bajaur. **RESPONDENTS**

Dated 25-8-2021

Filed today
[Signature]
Registrar

Re-submitted to - day
on

[Signature]
Registrar
31/8/2021

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 READ WITH RELEVANT RULES, AGAINST THE ORDER BEARING ENDST NO.6259-61/GDC, NAWAGAI, DATED 18.03.2021, WHEREBY MAJOR PENALTY

OF REMOVAL FROM SERVICE ALONGWITH RECOVERY OF SALARIES DRAWN IN THE CAPACITY OF JUNIOR CLERK WAS IMPOSED UPON THE APPELLANT AND THE ORDER DATED 02.08.2021, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS FILED.

Respectfully Sheweth:

1. That the appellant was appointed as Junior Clerk, vide order dated 29.10.2018 against the employee's son quota. (Copy of Order is annexure "A").
2. That in compliance of the above, the appellant submitted his arrival report and took charge of his duties on 01.11.2018, as such since his appointment, the appellant performed his duties efficiently and with the entire satisfaction of his superiors. It is pertinent to mention here that the salary of appellant was started/released w.e.f 01.11.2018. (Copy of Service Book is attached as annexure "A/1")
3. That during his service, a fact finding inquiry was conducted and consequently a so-called former inquiry was ^{and} ordered/conducted and imposition of major penalty of removal from service was recommended against the appellant. (Copies of Charge Sheet, Statement of Allegations, Reply, Inquiry Report and Show Cause Notice are annexure "B").

3 (20)
upon

inquiry

4. That in line with the recommendation of the above order, the major penalty of removal from service alongwith recovery of salaries drawn by the appellant in the capacity of Junior Clerk was imposed upon the appellant, ^{vide order dated 18/3/21} with immediate effect. *copy of the order is attached as Annex - B/1.*
5. That the appellant submitted a departmental appeal/representation before respondent No.1, against the order dated 18.03.2021 (annexure "B"/1) which was filed, vide order dated 02.08.2021, copy of which was received by the appellant on 24.08.2021. (Copy of Departmental Appeal and Impugned Order are annexure "C" & "D").
6. That being aggrieved from the impugned orders dated 18.03.2021 & 02.08.2021, the appellant approaches this Hon'ble Tribunal on the following amongst other grounds:-

GROUND S:

- A. That the both impugned orders passed by respondent No.1 & 2 are against the law and facts on record, hence liable to be set aside/cancelled/ varied.

- B. That the impugned orders are in violation of the procedure prescribed regarding the matter in hand, hence not tenable.
- C. That the allegations against the appellant are illegal, unjust, against the facts/circumstances and law, hence the impugned orders are required to be cancelled/varied/set aside.
- D. That the bias and malafide of the respondents as against the appellant is apparent from the very record as the diary and dispatch register has been tampered with which is evident from the record attached with the instant appeal.
- E. That the diary and dispatch register has been tampered/reconstructed illegally, malafidely and unjustly to make a room for passing/supporting an illegal order against the appellant.
- F. That a valid appointment order dated 29.10.2018 of the appellant has been tried/shown to have no record, which is against the facts and record, hence the allegations against the appellant are totally wrong, against facts and based on malafide.

- G. That the appellant has unblemished service record and despite a valid and legal appointment dated 29.10.2018, the appellant has been removed from service on an ambiguous and vague inquiry.
- H. That a Photostat copy of the alleged order dated 28.10.2018 has been relied malafidely and a legal and correct order dated 29.10.2018, which has been acted upon in all the relevant/concerned offices, has been done away with and has been falsified wrongly.
- I. That despite the fact that tampering in the dispatch register is very much clear and evident, the same has not been considered by the inquiry committee/officers and thus have come to a wrong conclusion while submitting a so-called inquiry report. It is pertinent to mention here that the dispatch register has been shown to have closed (and that too by a Clerk of the DEO Office) at Serial No.1527, dated 29.10.2018 and have shown to have started from Serial No.1542-46 dated 30.10.2018.
- J. That the appellant has not been treated in accordance with law and has been condemned unheard.

K. That no chance of cross-examination has been provided to the appellant.

L. That the appellant seeks leave of this Hon'ble Tribunal to raise further points at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned orders dated 18.03.2021 & 02.08.2021 issued by respondents may kindly be cancelled/varied/set aside and the appellant may kindly be re-instated into service with all back benefits.

Any other remedy which is deemed fit by this Hon'ble Tribunal in the interest of justice, may also be granted in favour of appellant.

Through

Ahmed
Appellant

ABDULLAH QAZI
Advocate High Court

Dated: 25.08.2021

CERTIFICATE:

It is certified as per instruction of my client that no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

ADVOCATE

7 (25)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Abdul Hadi. **APPELLANT**

VERSUS

Secretary, Higher Education & others. . . . **RESPONDENTS**

AFFIDAVIT

I, Abdul Hadi S/o Said Gulab R/o Maminzo, P.O & Tehsil Khar, District Bajaur, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Handwritten signature and date: 25-8-21

Handwritten signature: Abdul Hadi

DEPONENT
NIC: 21103-6497174-3
Cell: 0302-8196968

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Abdul Hadi. **APPELLANT**

VERSUS

Secretary, Higher Education & others. . . . **RESPONDENTS**

ADDRESSES OF PARTIES

APPELLANT:

Abdul Hadi S/o Said Gulab R/o Maminzo, P.O & Tehsil
Khar, District Bajaur.

RESPONDENTS

1. Secretary, Higher Education, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
2. Director, Higher Education, Khyber Pakhtunkhwa,
Rano Ghari near Chamkani Mor, Peshawar.
3. Deputy Director (Establishment), Higher Education,
Khyber Pakhtunkhwa, Rano Ghari near Chamkani
Mor, Peshawar.
4. District Education Officer (DEO), Bajaur.
5. District Accounts Officer, Bajaur.
6. Mr. Abdul Haq, Ex-Principal, Govt. Degree College,
Nawagai, Bajaur.

- 7. Mr. Khaista Rehman, Ex-DEO, District Bajaur, presently Principal, GHS Khar No.1, Bajaur R/o Village Inam Khwaro Chinagai, Tehsil Wara Mamond, P.O Inayat Kalay, District Bajaur.
- 8. Mr. Ilyas Ex-Head Clerk, DEO Office, District Bajaur, presently Assistant, GHSS Gardai, District Bajaur, R/o Naro Oba, Gulo Shah, Tehsil Salarzai, P.O Raghagan, District Bajaur.

Abdullah

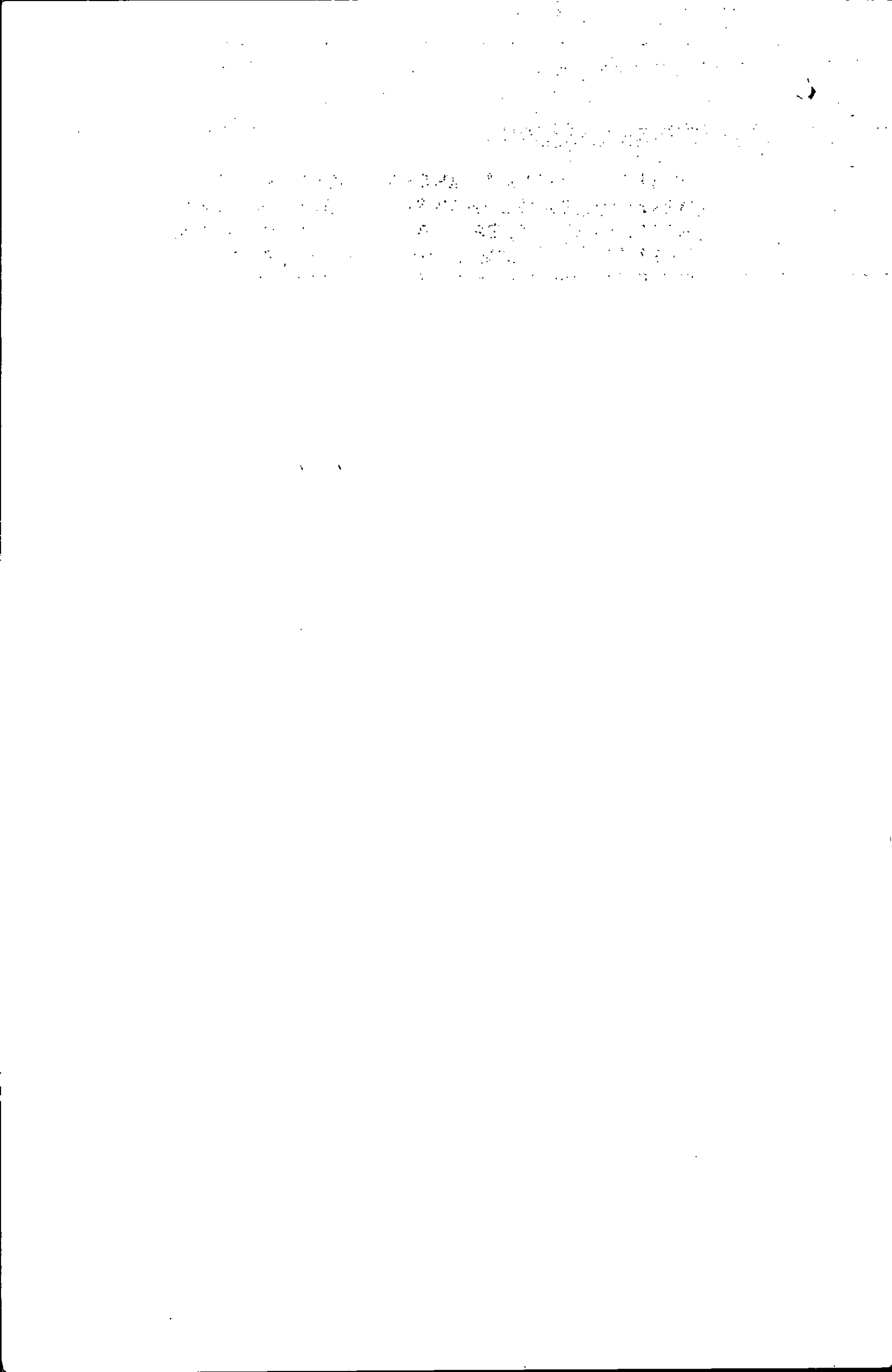
Appellant

Through

AM

ABDULLAH QAZI
Advocate High Court

Dated: 25.08.2021





10

28
Amman - A

OFFICE OF THE DISTRICT EDUCATION OFFICER
DISTRICT BAJAUR AT KHAR.

APPOINTMENT ORDER

Mr, Abdul Hadi s/o Late Said Gulab is hereby appointed against the vacant junior clerk post (Deceased) at Govt Degree college nawagai District Bajaur purely on temporary base in BPS 11 (12570- 880-38970) plus usual allowances as admissible under the rules in the light of establishment division islamabad letter No: 7/40/2005-E2, dated 13/6/2006 and FATA secretariat Directorate of Education Peshawar letter No: 7839-85, Dated 26/07/2016 in the interest of public service.

TERMS/ CONDITIONS:

1. The appointment of the candidate is made purely on temporary basis & liable to termination at any time without assigning any reason.
2. Charge report should be submitted to all concerned in duplicate.
3. All kind of documents should be verified from the concerned institution before the drawl of his salary.
4. Health and age certificate produced to this office to be obtained from the agency surgeon concerned.
5. His age should be according to the Govt policy.
6. If the failed charge report of the arrival within 15 days the appointment order will be automatically considered as cancelled.

(AMRULLAH WAZIR)
District Education Officer
District Bajaur

Endst: No 1527-31 Dated 29/10/2018

Copy of the above is forwarded to the:

1. Director of education newly merge districts Peshawar.
2. District accounts officer bajaur tribal district.
3. Accountant of the local office.
4. Principal GDC Nawagai District Bajaur.
5. Official concerned.

As per sent,
attached to the copy
Amman

Amman
District
Education Officer Bajaur.

29
①
CHARGE REPORT

I Mr. Abdul Hadi S/O Said Gulab took over charge of duty against the vacant junior clerk post at GDC nawagai district bajaur on 01/11/2018 vide district education officer bajaur Endst: no 1527-31 dated 29/10/2018 in the interest of public service.

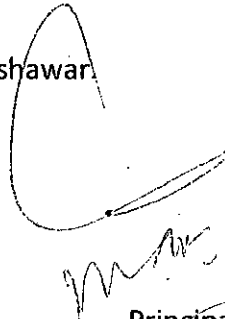
Signature  01-11-2018
(F.N.)

Abdul hadi JC

NO 862 Dated 8/11/2018

Copy of the above is forwarded to the:

1. Director of education newly merge districts Peshawar.
2. District accounts officer bajaur tribal district.
3. Principal GDC Nawagai District Bajaur.
4. Official concerned.


Principal
GDC nawagai district bajaur

PRINCIPAL
G.D.C Nawgai
Bajaur Agency

*attested to
by Mr. SSP
AMM*

30

12

MEDICAL CERTIFICATE

Name of Official Mr. Abdul Hadi

Caste or race Muslim/Pakistan

Father's Name S/O/W/O Said Gulab

Residence Village: Maminzo Tehsil Khar Bajaur

Date of Birth 02/05/1986

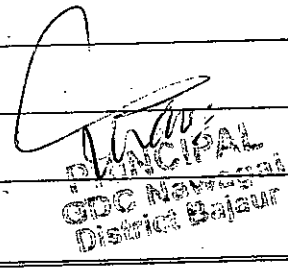
Exact height by measurement 5-4"

Personal mark of identification _____

Signature of the official *Abdul Hadi*

Signature of head of office _____

Seal of office



I do hereby certify that I have examined Mr. Abdul Hadi a candidate for employment in the office of the District Education Officer Bajaur, Tribal District Bajaur and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except _____

I do not consider this as disqualification for employment in the office of _____
District Education Officer, Tribal District, Bajaur

His age according to his own statement is 02/05/1986 years and by appearance about 02/05/1986 years.

*attention to be
made by
MM*

[Signature]
MEDICAL SUPERINTENDENT
DHQ Hospital Khar Bajaur
DHQ Hospital Khar
Bajaur *Hef*

LEFT HAND THUMB AND FINGER IMPRESSIONS

31
 Government of Pakistan
 District Accounts Office Bajaur at Khar
 Monthly Salary Statement (February-2019)

(13)



Personal Information of Mr ABDUL HADI d/w/s of SAID GULAB

Personnel Number: 50439500 CNIC: 2110364971743
 Date of Birth: 02.05.1986 Entry into Govt. Service:

NTN:
 Length of Service: 00 Years 00 Months 000 Days

Employment Category: Active Temporary

Designation: JUNIOR CLERK 00000016-Min. Of K.A & N.A & S.F.R
 DDO Code: BJ0038-UNIVERSITY AND COLLEGES
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: Yes GPF Balance: 5,160.00
 Vendor Number: -
 Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 11 Pay Stage: 1

Wage type		Amount	Wage type		Amount
0001	Basic Pay	13,450.00	1000	House Rent Allowance	1,853.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1528	Unattractive Area Allow	1,700.00	2148	15% Adhoc Relief All-2013	395.00
2199	Adhoc Relief Allow @10%	455.00	2211	Adhoc Relief All 2016 10%	1,051.00
2224	Adhoc Relief All 2017 10%	1,345.00	2247	Adhoc Relief All 2018 10%	1,345.00

Deductions - General

Wage type		Amount	Wage type		Amount
3011	GPF Subscription - Rs1290	-1,290.00	3701	Benevolent Fund(Exchange)	-180.00
3705	R. Ben & Death Comp(Exch)	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till FEB-2019: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 25,950.00 Deductions: (Rs.): -2,070.00 Net Pay: (Rs.): 23,880.00

Payee Name: ABDUL HADI
 Account Number: 7900866603
 Bank Details: HABIB BANK LIMITED, 220386 KHAR BAJAUR AGENCY, KHAR BAJAUR AGENCY, BAJAUR

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: EDUCATION DEPARTMENT Domicile: - Housing Status: No Official
 Temp. Address:
 City: Email: abdulhadij24@gmail.com

altered to this copy.

(For use in Police Department only).

Annex-A-1 Note:

Heirs,

1. passed SSC examination from BISE malakand under the Roll no 6855 session 2007(S) mark obtained 421/900
- 2.
- 3.

Verification Roll No. _____ dated _____ received back _____

1) passed HSSC examination from BISE malakand under the Roll no 37744 session 2009 marks obtained 538/1100

Left Thumb Impression

1) passed B.A Examination from university of malakand under the Roll no 23261 Session 2013 marks obtained 214/550 Result declared on 09-sep-2013.

English	First Arts
---------	------------

1) passed M.A Examination from university of malakand under the Roll no 1673 Session 2017 (A) Result Declared on 4/12/17 obtained 542/1100.

Plan-drawing	Training School Final examination
--------------	-----------------------------------

Finger Print	Other qualifications
--------------	----------------------

PRINCIPAL
G.D.C Nawgal
Bajaur Agency

Drill Instructing	
-------------------	--

attached to be true copy

Court Duties	
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Reserve Duties	
----------------	--

All entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: Abdul Hadi

Race: Islam

Residence: vil maninza khaz p/o and Tehsil khaz District Bajaur

Father's name and residence: Said Gulab



Date of birth by Christian era as nearly as can be ascertained: 02-05-1986
Two may nineteen hundred eighty six

Exact height by measurement: 5-4"

Date

Personal marks for identification: nil

Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

attested by the
Principal

9. Signature of Government Servant: Abdul Hadi

10. Signature and designation of the Head of the office, or other Attesting Officer.
M. V. V.
PRINCIPAL
G.D.C Nawgal
Bajaur Agency

1	2	3	4	5	6	7	8
Name of Post	Substantive Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
<u>Junior/Clark</u>							
BPS-11 (12570-880-		38970)	Rs=	12570/pm	1 ¹¹ / ₂₀₁₈		<u>[Signature]</u>
110			Rs=	12570/pm	1 ¹² / ₂₀₁₈		<u>[Signature]</u>
			Rs=	13450/pm	01 ¹² / ₂₀₁₉		<u>[Signature]</u>
		all the	to	copy	AM		

PRINCIPAL
G.D.C Nawgar
Bajaur Agency

re an
head
of the
a/tes
ilum

No of Servant	9 Name and Designation of head of the office or attesting officer (columns 1 to 8)	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer.	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to Which debitable
	<i>[Signature]</i> Principal GDC Nawagai District Bajaur	30/11/2018	Service Leave 6 months	<i>[Signature]</i> Principal GDC Nawagai District Bajaur			Appointed Against the vacant g/c post at GDC Nawagai district Bajaur on BPS-11 (12570-890-387) vide DEC ENDSTING NO 1527-31 dated -29-10-2018		
	<i>[Signature]</i> Principal GDC Nawagai District Bajaur	30/11/2019	(A)MC	<i>[Signature]</i>					
	<i>[Signature]</i>						<i>[Signature]</i> Principal G.D.C Nawagai Bajaur Agency		
							T-92 17-11-18 S-1		
							pay period 01-11-201		
							appl. Fresh wiring the following documents already		
							<ol style="list-style-type: none"> 1) Appl. order 2) medical certificate 3) 100 local copy N.C. 4) photostatic copy etc. 5) S-1 		
							<i>[Signature]</i>		
							Service verified with effect from 1-11-2018 to 30-11-2018 in college record.		
							<i>[Signature]</i> Principal District Bajaur		

attached to
the
SPR
[Signature]

[Signature]
[Signature]

CHARGE SHEET 36

(18)

Amir

I, Mr. Zahoor Ul Haq, Director, Higher Education, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Abdul Hadi, Junior Clerk, Government Degree College Nawagai, (Bajaur) as follows:

That you, while posted as Junior Clerk, Government Degree College Nawagai, (Bajaur) committed the following irregularities: -

- i. That you produced two appointment orders as Junior Clerk from DEO Office dated 28-10-2018 and 29-10-2018 respectively having no record on the diary/dispatch register. Moreover, you took over charge on 01-11-2018 while your salary was initiated from DAO Office on 29-10-2018 with a different personnel number which further raised doubts over the validity of appointment orders.
 - ii. That you were not entitled for appointment under deceased quota as you yourself admitted that your brother had already availed the said quota, hence your order even if allegedly true is not legally right.
 - iii. Perusal of the record revealed that your name was nowhere found in the list of appointment orders issued by DEO under Deceased Quota which further falsified your claim.
 - iv. That your alleged appointment order was issued on 28-10-2018 falling on "Sunday" but you produced another appointment order carrying date 29-10-2018 which unveils your ulterior designs.
1. By reason of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa, Peshawar Govt; Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 04 of the Rule ibid.
 2. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the inquiry officer/committee, as the case may be.
 3. Your written defense, if any, should reach the inquiry officer/committee within the specific period, failing which it shall be presumed that you have no defense to put in and you shall be proceeded exparte.
 4. Intimate whether you desire to be heard in person or otherwise?
 5. A statement of allegations is enclosed.

*attested
by me*

AM

DIRECTOR HIGHER EDUCATION
KHYBER PAKHTUNKHWA

37

19

I, Mr. Zahoor Ul Haq, Director, Higher Education, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Abdul Hadi, Junior Clerk, Government Degree College, Nawagai (Bajaur) has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt; Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That he produced two appointment orders as Junior Clerk from DEO Office dated 28-10-2018 and 29-10-2018 respectively having no record on the diary/dispatch register. Moreover, he took over charge on 01-11-2018 while his salary was initiated from DAO Office on 29-10-2018 with a different personnel number which further raised doubts over the validity of appointment orders.
- ii. That he was not entitled for appointment under deceased quota as he himself admitted that his brother had already availed the said quota, hence his order even if allegedly true is not legally right.
- iii. Perusal of the record revealed that his name was nowhere found in the list of appointment orders issued by DEO under Deceased Quota which further falsified his claim.
- v. That his alleged appointment order was issued on 28-10-2018 falling on "Sunday" but he produced another appointment order carrying date 29-10-2018 which unveils his ulterior designs.

1. For the purpose of Formal Inquiry against the said accused with reference to the above allegations, the following Inquiry Officers are hereby nominated under rule 10(1)(a) of the ibid rules.

- i. Dr. Muhammad Nisar,
Professor, Govt: Postgraduate College, Timergara (Dir Lower)
- ii. Saeed Ullah Jan,
Assistant Professor, Govt: Postgraduate College, Timergara (Dir Lower)

- 2. The Inquiry Officer shall, in accordance with the provisions of the Rules, ibid provide reasonable opportunity of hearing to the accused; record his findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
- 3. 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.

alleged to be true
[Signature]

[Signature]
(ZAHOOR UL HAQ)
DIRECTOR, HIGHER EDUCATION
KHYBER PAKHTUNKHWA

To

Zahoor Ul Haq
 Director Higher Education Khyberpakhtunkhwa
 Rano Ghari Near Chamkani Mor Peshawar.

In reference to your office **letter no.15370-74** I humbly submits as under.

**Para Wise Comment Reply on Behalf on Mr. Abdul Hadi Junior Clerck
 GDC Nawagai District Bajaur**

1. With due respect and honor I have produced only one appointment order dated:29/10/2018 in original to the inquiry committee officer the same is on the record of the dispatch register, I have no information and knowledge about the order dated:28/10/2018 nor I have produced the same before the DEO office or any other authority, I also deny the same. Moreover I took charge on dated:01/11/2018 and received the salary from dated:01/11/2018 and only one personel number have been issued to me by DAO office, furthermore I deny the different personal numbers.
2. I being the elder brother and family head been appointed on the deceased sons' quota and was eligible for the same.
3. It is correct that I have been appointed on the deceased son's quota, to this effect the DEO office is testimony to it and my personal file is available in the DEO Office.
4. I deny the allegations leveled against me in the present para. I have no knowledge about the order dated:28/10/2018 which is wrong. I have been appointed vide order dated:29/10/2018 which is correct and the original document is still in my possession, I can produce the same anywhere and whenever required to your good self.

Your's Obedient

Abdul Hadi
 22/09/2020
 Abdul Hadi S/O Said Gulab
 Junior Clerck GDC Nawagai

39 (21)
بکھور جناب انکوائری آفیسر بشیر صاحب اینڈ انکوائری کمیٹی ہائر ایجوکیشن خیبر پختونخواہ پشاور

چارچ شیٹ مورخہ 10-09-2020 موصول مورخہ 21-09-2020

انگریزی چارجوابات کے علاوہ مزید جوابات

جناب عالی!

سائل حسب ذیل عرض گزار ہے

- 1- سائل عبدالہادی جونیر کلرک GDC ناواگنی ضلع باجوڑ یہ قرار کر کے لکھ دیتا ہو کہ میرا تقرری بمورخہ 29-10-2018 کو ہوئے ہیں۔ اور میں نے بمورخہ 01-11-2018 پر چارج سنبھالا ہے اور میں نے 01-11-2018 سے بمطابق ایک پرسنل نمبر پر 50439500 پر تنخواہ وصول کیا ہے۔ مذکورہ آرڈر اور مذکورہ پرسنل نمبر کے علاوہ میرا تقرری آرڈر اور پرسنل نمبر نہیں ہے۔ جو کہ سروس بک رکارڈ پر موجود ہے۔ Pay Roll اور سروس بک کے فوٹو سٹیٹ لف ہے۔
- 2- جب DEO خاستہ رحمن نے بمورخہ 22-10-2019 مجھ سے میرے تمام اسناد پرسنل فائل بھرتی آرڈر سروس بک وغیرہ طلب کیے۔ تو پرسنل GDC ناواگنی نے میرے ساری کاغذات مذکورہ بمطابق لیٹر نمبر 1648 مورخہ 30-10-2019 کو DEO خاستہ رحمن کو بھیجوا دیئے ہے۔ فوٹو سٹیٹ لف ہے۔
- 3- یہ کہ DEO خاستہ رحمن اور پرسنل GDC ناواگنی عبدالحق نے باہمی ملی بھگت سے مجھ سے بالترتیب ایک لاکھ اور 60000 ہزار روپے بطور رشوت وصول کئے ہیں۔ موبائل ریکارڈنگ میرے ساتھ محفوظ ہے۔ جو کہ ریکارڈ پر موجود ہے۔
- 4- یہ کہ میرا بھرتی آرڈر نمبر 31-1527 مورخہ 29-10-2018 جو کہ صحیح اور درست ہے۔ جب کہ DEO خاستہ رحمان نے انڈوسمنٹ نمبر میں ردوبدل Tempering کیا ہے۔ یعنی 1/1/2018 کے بعد اس نے اڈالا ہے جو کہ غلط ہے۔
- 5- یہ کہ جو 28-10-2018 والا آرڈر فوٹو سٹیٹ کاپی DEO خاستہ رحمن کا جعلی طور پر تیار شدہ ہے۔ اگر یہ صحیح ہے تو اس کے اصل کاپی یعنی اور بجٹل کاپی مجھے دکھائے۔
- 6- یہ کہ بمورخہ 11-07-2020 میرے رپورٹ پر انکوائری ہوئے ہیں جس کو DEO خاستہ رحمن حاضر نہیں ہوا ہے۔ پس DEO خاستہ رحمن حاضر ہو کر بیان حلفی دیں۔ اور قرآن پر قسم اور طلاق ثلاثہ دیں کہ میں نے انڈوسمنٹ نمبر میں ردوبدل نہیں کیئے ہیں۔ جعلی طور پر خود تیار کئے ہیں۔
- 7- یہ کہ خاستہ رحمن نے 1527 سے لیکر 1542 تک 14 نمبروں کو ڈسٹریج رجسٹر میں خالی چھوڑا ہیں۔ یعنی 14 نمبروں کو درمیان میں منس کیا ہے جو کہ ڈسٹریج رجسٹر کو انکوائری آفیسر بشیر صاحب نے اور انکوائری کمیٹی نے چیک کئے ہیں۔ ڈسٹریج رجسٹر کے فوٹو سٹیٹ لف ہے۔
- 8- یہ کہ میں اپنے بھائیوں میں سب سے بڑا ہوا اور مرحوم کوٹہ پر میں نے 2010 سے لیکر 2018 تک درخواست جمع کئے ہیں۔ جو کہ دفتری ریکارڈ میں ڈسٹریج کوٹہ کے فائل پر موجود ہے۔ اور یہ بھرتی پہلا میرا حق بنتا ہے۔ لہذا انصاف کا خواستگار ہوں۔

attested to
be true
AMM

عبدالہادی جونیر کلرک گورنمنٹ ڈگری کالج ناواگنی ضلع باجوڑ

21103-6497174-3

شناختی کارڈ نمبر

Date: 23-09-2020

0302-8196968

موبائل نمبر



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

E-mail:- dhekpesh@gmail.com Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1

No. / CA-VII/Estt: Branch/GDC, Nawagai

Dated Peshawar the 10 / 9 / 2020

To

1. Professor Dr. Muhammad Nisar,
Govt: Postgraduate College, Timergara (Dir Lower).
2. Assistant Professor Mr. Saeed Ullah Jan,
Govt: Postgraduate College, Timergara (Dir Lower).

SUBJECT: INQUIRY AGAINST MR. ABDUL HADI, JUNIOR CLERK (BPS-11), GOVT: DEGREE COLLEGE, NAWAGAI, BAJAUR.

Respected Sir, السلام عليكم

I am directed to refer to the subject cited above and to enclose herewith charge sheet and statement of allegations in r/o Mr. Abdul Hadi, Junior Clerk Government Degree College, Nawagai (Bajaur) to be served on the accused official and to state that Director, Higher Education, Khyber Pakhtunkhwa is pleased to appoint you as Inquiry Officer/Inquiry committee in the captioned case.

It is, therefore, requested to conduct a formal inquiry in the matter and Inquiry report thereof alongwith clear cut recommendations be sent to this office within a week positively

(Muhammad Iftikhar)

DEPUTY DIRECTOR

Endst. No 15370-74 / CA-VII/Estt: Branch/GDC Nawagai

Copy of the above is forwarded for information to the:

1. Principal, Government Degree College, Nawagai (Bajaur).
2. Mr. Abdul Hadi, Junior Clerk, Government Degree College, Nawagai (Bajaur) alongwith a copy of charge sheet/statement of allegations with the direction to appear before the inquiry committee on the date, time and venue fixed by the inquiry committee.
3. PA to Directorate of Higher Education, Khyber Pakhtunkhwa, Peshawar.
4. Assistant Director (Litigation), Local Directorate.
5. Superintendent Promotion Cell, Local Directorate.

attested to
by the copy
AMJ

Received on 21-09-2020

[Signature]
21-09-2020

(Muhammad Iftikhar)

DEPUTY DIRECTOR

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To,

The Director Higher Education
Khyber Pakhtunkhwa Peshawar.

Subject: **INQUIRY AGAINST MR. ABDUL HADI JUNIOR CLERK (BPS-11)
GDC NAWAGAI ,BAJAQUR.**

Respected Sir, Assalamu Alakum,

Reference to your office letter No.15368-69 CA-VII/Estt: Branch/GDC, Nawagai Dated Peshawar the 10.09.2020. The undersigned visited GDC Nawagai, office of the District Education Officer Khar Bajour, District Accounts Office Khar Bajour on 22.9.2020 and conducted fact finding inquiry against Mr. Abdul Hadi Junior Clerk of GDC Nawagai District Bajour. Report of the inquiry is hereby submitted for your kind perusal and further necessary action please.

FINDINGS

- 1 Mr. Said Gulab (the Late) Father of Mr. Abdul Hadi Junior Clerk was working as Head Master at Govt: High School Topmandal (Bajour) and died on 28.06.2006 during Government service. His son Mr. Fazal Hadi was appointed as Junior Clerk in BPS-07 against the deceased quota by the Agency Education Officer Bajour Agency Vide Endst: No.10779-84 Dated 15.02.2011, and now serving as Junior Clerk at GGDC Jandool District lower Dir.(Page:1-3)
- 2 Mr. Abdul Hadi submitted an application to the Political Agent Bajour on 23.1.2018 for appointment as Junior Clerk against the deceased quota. He also admitted that his younger brother i.e. Mr. Fazal Hadi has already availed the said quota. The Political Agent forwarded his application to the Agency Education Officer Bajour with a covering letter No.793/2/4/ Acctt Dated 03.01.2018 for necessary action as per rules(Page:4-5)
- 3 Consequently, Mr. Abdul Hadi was appointed as Junior Clerk against the deceased quota by Mr. Amrullah Wazir District Education Officer District Bajour Vide Endst: No.1527-31 Dated 28.11.2018(Sunday). It is worth mentioning that another appointment order of Mr. Abdul Hadi as Junior Clerk against the deceased quota has also been issued on 29.10.2018 bearing the same Endst No. with the same signature which make the case ambiguous, complicated and fake(Page: 6-7)
- 4 It was observed that the above mentioned Endst:No.i.e.1527-31 dated 29.10.2018 was allotted to the GPF case of another employee of the education Department namely Saleh Muhammad in the dispatch register of District Education Office Bajour and no record of Mr. Abdul Hadi's appointment as Junior Clerk was traced in any document of DEO office Bajour(Page:8-11)
- 5 The undersigned also visited and checked the District Accounts Office Bajour and carefully examined the available record in computer section. It was disclosed by

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alleged to be true copy

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Handwritten signature/initials

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Copy # Page #

Mr. Hasham Ali Senior Auditor that the salary of Mr. Abdul Hadi Junior clerk was released from 29.10.2018 and punched on 23.11.2018 by Mr. Biland Assistant Accounts Officer under a single personal no.50439500. On the other hand Mr. Abdul Hadi has taken the charge against the vacant post of Junior Clerk at GDC Nawagai on 1.11.2018 Vide District Education Officer Bajour Endst: No.1527-31 dated 29.10.2018(Page:12-19)

- 6 Mr. Abdul hadi has submitted a written defense before the inquiry committee against the charges leveled against him and claimed that his appointment order was issued on 29.10.2018 and took over the charge on 1.11.2018. He blamed Mr. Khaista Rahman DEO Bajour for tempering in his service documents but could not produce solid proof in support of his claim. Moreover, he admitted that his younger brother i.e. Mr. Fazal Hadi has already utilized the deceased quota(Page:20-21)

CONCLUSION

It may be concluded from findings that:

- 1 Mr. Fazal Hadi S/O Said Gulab (the Late)/Brother of Mr. Abdul hadi has already availed the deceased quota in 2011 and presently serving as Junior Clerk at GGDC Jandool District Lower Dir.
- 2 There are two appointment orders of Mr. Abdul Hade's appointment as Junior Clerk bearing the same Endst:No .i.e. 1527-31 and same signature with different dates i.e. 28.10.2018(Sunday) and 29.10.2018 respectively .However ,the said Endst: No. and date i.e.29.10.2018 in the dispatched register has been allotted to the GPF case of Mr. Saleh Muhammad and his name is not existed in the dispatched register of DEO office. Moreover, Mr. Abdul Hadi's name is not included in the list of appointment made under deceased quota during 2018.
- 3 As per record of District Accounts Office Bajour, the pay of Mr. Abdul hadi was released from 29.10.2018 while he had taken his charge of duty with effect from 1.11.2018.Hence; there is a contradiction between the date of taking over charge and release of pay.

RECOMMENDATIONS

In the light of the findings of the present inquiry and documentary evidences, all charges leveled against the accused Abdul Hadi have been proved to be true. He has violated E&D rules 2011 and is guilty of misconduct.

He is therefore, recommended for major penalty under the efficiency and discipline rules 2011.

Saeedullah Jan
Assistant Professor
GPGC Timergara Lower Dir

attended to GPF.
be true GPF.

(Prof: Dr. Nisar Ahmad)
GPGC Timergara Lower Dir

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SHOW CAUSE NOTICE

I, Zahoor Ul Haq, Director Higher Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Abdul Hadi, Junior Clerk Government Degree College, Nawagai, (Bajaur), as follows: -

- (i) (iii) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing.
- (ii) (iv) Ongoing through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the said Committee.

I am satisfied that you have committed the following acts/omissions specified in Rule, 4 of the said rules:

- c) Mis-conduct.
d) In-Efficiency.

6. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of REMOVAL FROM SERVICE under rule 4(b) (iii) of the said Rules.
7. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
8. 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 defense to put in and in that case, an ex-parte action shall be taken against you.
9. A copy of the findings of the inquiry Officer is enclosed.

(ZAHOOOR UL HAQ)
DIRECTOR HIGHER EDUCATION

attached to
copy - [Signature]

Received on

23-11-2010

Abdul Hadi

Abdul Hadi Junior Clerk

G.P.C Nawagai District Bajaur

بخدمت جناب ڈائریکٹر ہائیر ایجوکیشن KP پشاور (جناب ظہور الحق صاحب)

جواب شوکا ز نوٹس

جناب عالی!

زیر دستگی حسب ذیل عرض گزار ہے۔

- ۱۔ یہ کہ آپ صاحبان کا شوکا ز نوٹس انٹرو سمٹ نمبر Nil من مسائل کو سمورہ 23/11/2020 موصول ہوئی۔
- ۲۔ یہ کہ شوکا ز نوٹس ہیرا نمبر (iii) اس حد تک درست ہے کہ من مسائل کو صرف دو دن مختصر وقفہ ساعت کا موقع بمعد تحریری جواب دو دیگر ثبوت دیا گیا ہے۔ جو کہ مسائل کو سوچ اور لیٹل مشورے کا کافی موقع نہیں ہے۔ جو کہ مسائل کیساتھ نا انصافی ہے۔
- ۳۔ یہ کہ ہیرا نمبر (iv) اور (D) کے مطابق مسائل نے کسی قسم کا مس کا ٹکٹ اور In efficiency نہیں کیا ہے۔ کیونکہ مسائل نے قانون کے مطابق جواز اتھارٹی کو بھرتی کا درخواست دیا تھا اور سمورہ 29/10/2018 کو مسائل بھرتی ہو کر سمورہ 01/11/2018 پر چارج سنبھالا تھا جو کہ درست اور صحیح ریکارڈ ہے اور مسائل کو تنخواہ بھی چارج رپورٹ کے مطابق اور سروس بک کے مطابق ایک نومبر 2018 سے ملی ہے۔ حریض عرض ہے کہ Mis-Conduct اور In Efficiency مسائل سے نہیں بلکہ ٹکٹ نے کیا ہوگا۔ اس آفسر سے پوچھنا چاہیے۔ اور مسائل کے تمام اسناد اور بھرتی آرڈر سروس بک وغیرہ وغیرہ مکمل درست اور صحیح ہے جعلی وغیرہ نہیں ہے۔
- ۴۔ یہ کہ ہیرا نمبر (6) آپ صاحبان نے من مسائل کے خلاف KP (E&D Rules) رول نمبر (4) (b) (iii) کے مسائل کو سروس سے برطرف کرنے کا وارنٹک دیا ہے جو کہ مسائل کے حقوق پر کا اہم اور غیر موثر، غیر قانونی اور غیر شرعی ہیں۔
- ۵۔ یہ کہ ہیرا نمبر 7 کے مطابق مسائل کو ذاتی طور پر سنا ضروری ہے درست ہے۔
- ۶۔ یہ کہ مسائل کی جواب ہیرا نمبر (8) کے مطابق آپ صاحبان کو بذریعہ رجسٹر ڈاگ بیٹوایا جاتا ہے۔
- ۷۔ یہ کہ ہیرا نمبر (9) انکو آری آفسر نے مسائل کے تمام کاغذات وغیرہ کا non Reading, mis reading کا مطالعہ کیا ہے اور حقائق کے برعکس رپورٹ مرتب کیا ہے جو کہ قابل منسوخی اور کا اہم ہیں اور مسائل کے حقوق پر غیر موثر ہیں۔ نیز انکو آری آفسر نے جو ڈیٹیل مائنڈ استعمال نہیں کیا ہے۔
- ۸۔ یہ کہ مسائل کے ساتھ بہت ظلم اور زیادتی ہوئی ہے کیونکہ جس طرح D.E.O خائنہ رحمن نے ڈسچارج رجسٹر میں Tempring کیا ہے یعنی رو بدیل کیا ہے تو اس طرح کہ ہمارے اور جیل آرڈر کاپی بھرتی میں بھی Tempring کیا ہے اس کے تحصیل مندرجہ ذیل ہے جب D.E.O خائنہ رحمن نے میرے نوکری کے سارے کاغذات اور جیل آرڈر بھرتی کاپی چارج رپورٹ وغیرہ وغیرہ لیٹر آفس نمبر: 9374 پر طلب کیے تو پرنسپل عبدالحق صاحب نے میرے نوکری کے سارے کاغذات اور جیل آرڈر بھرتی کاپی چارج رپورٹ کالج میں ہمارا پرسنل فائل اور نوکری کے سارے کاغذات وغیرہ وغیرہ آفس لیٹر نمبر: 1648 پر بھیج دیا اور D.E.O خائنہ رحمن اور پرنسپل نے مجھ سے بالترتیب ملی بھگت (160000) ایک لاکھ ساٹھ ہزار روپے بطور رشوت وصول کیا ہے۔ اس کے ٹھوس ثبوت میں نے ڈائریکٹر آپ ہائیر ایجوکیشن میں انکو آری آفسر بشیر صاحب کے ساتھ مسائل نے جمع کئے ہیں۔ پھر اس کے بعد D.E.O خائنہ رحمن نے میرا اور جیل آرڈر کاپی میں بھی Tempring کیا ہے کیونکہ میرا صحیح اور درست آرڈر بھرتی کاپی کا صحیح تاریخ 29/10/2018 ہے D.E.O خائنہ رحمن نے Tempring کر کے رو بدیل کیا ہے۔ یعنی تاریخ 29/10/2018 کو 28/10/2018 بنا دیا ہے پھر اس آرڈر بھرتی کاپی سے فوٹو ٹیٹ نکالا ہے۔ اور پھر سازش گیم پلاننگ کے لیول پر میرے سروس بک میں رکھا تھا۔ جب انکو آری آفسر بشیر صاحب نے مجھ کو فون کیا اور مجھے پشاور بولایا تو بولانے میں صرف اور صرف دو دن دیا اس وقت ہمارا بھرتی آرڈر کاپی کم ہو گیا تھا اور کالج کے آرڈر بھرتی کاپی D.E.O خائنہ رحمن کو ارسال ہوا تھا۔ جب میں نے D.E.O خائنہ رحمن سے اپنا سروس بک حاصل کیا تو اس میں فوٹو ٹیٹ کاپی 28/10/2018 والا تھا۔ کیونکہ نام نہیں تھا اور میں نے بالکل صحیح طور پر چیک نہیں کیا ہے۔
- ۹۔ یہ کہ میں اپنے بھائیوں میں بڑا ہوں اور میں نے 2010 سے لکر 2018 تک ڈیپسین کوٹ میں درخواستیں جمع کئے ہیں۔ جو کہ دفتری ریکارڈ میں ڈیپسین کوٹ کے فائل پر موجود ہے۔ جو ہمارا چھوٹا بھائی بھرتی ہوا ہے اس کے تعلیم FSC ہے اور میرا تعلیم MA ہے میں نے پہلے نوکری کیلئے درخواستیں جمع کیا ہے۔ فوٹو ٹیٹ لفٹ ہے۔ اور میں Estia Code ڈگری کے مطابق میں بڑا بھائی ہوں۔ اور یہ بھرتی پہلا قانون میں میرا حق بنتا ہے۔

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be true copy.

CNIC NO:21104-6497174-3

ماری: 27/11/2020

27/11/2020

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

E-mail:- dhekpesh@gmail.com Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1

No. 24559 / CA-VII/Estt: Branch/GDC Nawagai

Dated Peshawar the 22 / 12 /2020

To

Mr. Abdul Hadi, Junior Clerk,
Govt; Degree College,
Nawagai (Bajaur).

**Subject: - DISCIPLINARY PROCEEDINGS AGAINST MR. ABDUL HADI, JUNIOR CLERK
GOVT: DEGREE COLLEGE, NAWAGAI (BAJAUR).**

Memo:

I am directed to refer to the subject noted above and to state that consequent upon the charges of malpractice and misleading authorities in the light of inquiry conducted by Prof. Dr. Muhammad Nisar and Assistant Prof. Saeed Ullah Jan against you, your personal hearing has been fixed by the Competent Authority on 01-01-2021 at 02:30 pm.

In view of the same you are directed to appear before the Director, Higher Education Khyber Pakhtunkhwa, Peshawar in his office on 01-01-2021 at 02:30 pm for your defence.

*attested to be
true copy. AM/A*

21/12/2020
(Muhammad Iftikhar)
DEPUTY DIRECTOR

Endst; No. _____ / Govt: Degree College, Nawagai

Copy of the above is forwarded for information/necessary action to the:

1. Principal, Government Degree College, Nawagai (Bajaur), with the request to inform Mr. Abdul Hadi, Junior Clerk to ensure his presence on the date and venue as mentioned above.
2. Deputy Director (Establishment), Local Directorate.
3. Deputy Director (IT), with the request to circulate the same electronically, please.
4. Assistant Director (Litigation), Local Directorate.
5. Superintendent Promotion Cell, Local Directorate.
6. P.A to Director, Higher Education Department, Khyber Pakhtunkhwa, Peshawar.

*Received on
31/12/2020*

(Muhammad Iftikhar)
DEPUTY DIRECTOR

*Abdul
J/c GDC Nawagai district Bajaur*



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**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR**

Tel # 091-9210242 / 9211025 Fax # 091-9211803
E-mail:- dhekpkpesh@gmail.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1

Dated Peshawar the 18/13/2021

OFFICE ORDER

No.CA-VII/Estt: Branch/A-167/Mr. Abdul Hadi/GDC, Nawagai. WHEREAS Mr. Abdul Hadi, Junior Clerk, Govt. Degree College, Nawagai (Bajaur) was proceeded under the Khyber Pakhtunkhwa Government Servants (*Efficiency & Discipline*) Rules 2011, for the charges mentioned in the Charge Sheet and Statement of Allegations, served on the accused official vide Directorate of Higher Education Khyber Pakhtunkhwa Letter bearing Endst No. 15370/74 dated: 10-09-2020.

2. AND WHEREAS a fact finding inquiry was conducted by Mr. Muhammad Bahsir, Deputy Director (Establishment), Directorate of Higher Education, Khyber Pakhtunkhwa followed by formal inquiry conducted by an inquiry committee comprising Dr. Muhammad Nisar, Professor, Govt. Postgraduate College Timergara and Mr. Saeed Ullah Jan, Assistant Professor, Govt. Postgraduate College Timergara against the accused official for the charges levelled in charge sheet and statement of allegations and charges stands established against him.

3. AND WHEREAS, he was afforded the opportunity of personal hearing in the office of the Director Higher Education, Khyber Pakhtunkhwa where he could not defend the charges against him.

4. NOW THEREFORE, the Competent Authority, the Director, Higher Education, Khyber Pakhtunkhwa after having considered the charges evidence on record, personal hearing of the accused and in exercise of the powers conferred upon him under Rule-4 in sub rule (b)(iii) of the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules, 2011 is pleased to impose the major penalty of "Removal from Service alongwith recovery of salaries drawn by him in the capacity of Junior Clerk" upon him with immediate effect.

**DIRECTOR, HIGHER EDUCATION
KHYBER PAKHTUNKHWA**

Endst;No. 6259-61/GDC Nawagai

Copy of the above is forwarded to the: -

1. Principal Govt: Degree College, Nawagai (Bajaur) with the remarks to register an FIR against Mr. Abdul Hadi, Ex-Junior Clerk on account of forgery and fraud and also make recovery of salaries illegally drawn by him at the earliest.
2. District Account Officer, Bajaur
3. Mr. Abdul Hadi, Ex-Junior Clerk, Govt: Degree College, Nawagai (Bajaur).

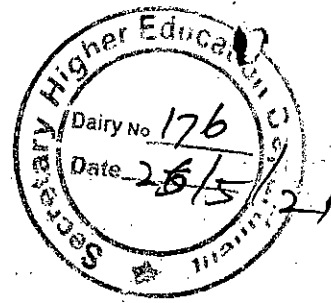
s/ Bahsir / 18/13/2021
DY: DIRECTOR (ESTABLISHMENT)

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Amir B/1

attention to be given
AM

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To
The Secretary Higher Education.
Khyber Pakhtunkhwa
Peshawar

Subject: DEPARTMENTAL APPEAL against the order bearing Endst: 6259-61 / GDC Nawagai dated 18/03/2021 whereby the penalty of "removal from service along with recovery of salaries drawn by him in the capacity of Junior Clerk" was imposed.

Respected Sir,

I very humbly submit the following few lines for your kind and sympathetic consideration.

- 1- That I was appointed as Junior Clerk vide order dated 29/10/2018 against the Employees Sons Quota.
- 2- That in compliance of the above order I submitted my arrival report and took charge of my Duties on 01/11/2018. as such since my appointment I perform my duties efficiently. It is pertinent to mention here that my salary was started/released from 01/11/2018.
- 3- That during my service effect finding inquiry was conducted and consequently a so called former inquiry was ordered /conducted and imposition of major penalty of removal from service was recommended against me.
- 4- That consequently vide the subject cited above order dated 18/03/2021 the major penalty of "removal from service along with recovery of salaries drawn by him in the capacity of Junior Clerk" was imposed against me, with immediate effect.
- 5- That I am innocent and has erroneously been found guilty of misconduct.

- 6- That I have clear cut service record and despite a valid and legal appointment dated 29/10/2018 I have been removed from service on an ambiguous and vogue inquiry.
- 7- That the dairy and dispatch register have been tempered/ reconstructed illegally, malafiedly and unjustly to make a room for passing / supporting and illegal order against me.
- 8- That a Photostat copy of the alleged order dated 28/10/2018 have been relied malafidely and a legal and correct order dated 29/10/2018 (which has been acted upon in all the relevant / concerned offices) have been done away with and has been falsified wrongly.
- 9- That despite the fact that tempering in the dispatched register is very much clear and evident, the same has not been considered by the inquiry committee / officers and thus have come to a wrong conclusion while submitting a so called inquiry report. It is pertinent to mention here that the dispatch register have been shown to have closed (And that too by a clerk of the DEO Office) at Serial No.1527 dated 29/10/2018 and have shown to have started from serial No.1542 -46 dated 30/10/2018.
- 10- That I have not been treated in accordance with law and no chance of proper cross examination of the witnesses provide to me.

(31)

- 11- That the imposition of penalty against me is against the law, rules, regulations, facts and circumstances of my case and therefore, requires the interference of your good office, hence the instant appeal / representation.

It is, therefore, most humbly prayed that on acceptance of the instant departmental appeal, the impugned order dated 18/03/2021 may kindly be set aside/ varied and I may please be exonerated of all the charges leveled against me, so that I could continue my duties.

Dated 26/05/2021

Yours Obediently



Abdul Hadi
Son of Said Gulab
Resident of Maminzo P.O Khar
Tehsil Khar District Bajaur
CNIC # 21103-6497174-3
Cell # 0302-8196968



80
GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES AND
LIBRARIES DEPARTMENT

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

No.SO(C-IV) HED/19-7/Abdul Hadi/Junior Clerk/2021
Dated Peshawar the 2nd August, 2021.

To

The Director,
Higher Education, Khyber Pakhtunkhwa

Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDER BEARING ENDST: 6259-61/GDC NAWAGAI DATED 18.03.2021 WHEREBY THE PENALTY OF "REMOVAL FROM SERVICE ALONG WITH RECOVERY OF SALARIES DRAWN BY HIM IN THE CAPACITY OF JUNIOR CLERK" WAS IMPOSED.**

I am directed to refer to your letter No. 3819/CA-VII/Estt: Branch/A-167/GDC Nawagai dated 07.07.2021 on the subject noted above, and to state that the subject appeal may be filed and criminal procedure may also be initiated under Section-420 of Pakistan Panel code 1860 (copy enclosed), against Mr. Abdul Hadi, Ex-Junior Clerk, Govt. Degree College, Nawagai Bajaur, please.

Encl: as above

SECTION OFFICER (C-IV)

Endst: No.& Date as above.

Copy to the:-

1. PS to Secretary, Higher Education Department.
2. Master file.

SECTION OFFICER (C-IV)

11/11



11/11

REGISTER OF LETTERS DISPATCHED

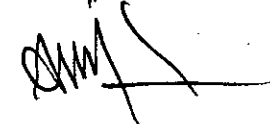
(51) 32/A

(رجسٹرڈ اکا اجراء)

FOLIO (37)
(2)

ISSUE NO. (شماره)	DATE (تاریخ)	NAME & DESIGNATION (نام و سمت)	PLACE (مکان)	SUBJECT (موضوع)	FILE HEAD & NO. (شماره پرونده)	STAMPS RECEIVED (مهر دریافتی)	STAMPS USED (مهر مصرفی)	REMAR (توضیحات)
1527	29/10/18	D.A.O. Bajaur	B)	G.P.E. Mr. Saleh Muhammad				
<p><i>Closed on 29/10/2018</i> <i>Amrullah Khan Wazir</i> <i>Transferred.</i></p> <p style="text-align: right;">District Education Officer Bajaur</p>								

1542-46	30/10/18	To ALL concerned		Charge Report Sultan Muhammad / Amrullah (38)				
1547-52	"	To ALL concerned		Specimen Signatures of DFO-Sultan Muhammad				
1553	"	DE NMD Peshawar		Add. Grant of TA				
1554	31/10/18	" " "		L.P.R. Guljan ul Qasid Badan				
1555-59	31/10/18	To ALL concerned		Reliving chit in R/O Amrullah Khan				
1560	1/11/18	Lubna ADEO (F)		Doc G.P.S Mian Killai				So
1561-66	1/11/18	To ALL concerned		Minutes of meeting Principal / H/M/H / M/struc				
1567	2/11/18	" " "		Release of Salaries for the month of 9/2018				
1568-69	"	" " "		Pension Papers Jan Zada Ex-SST T-Charn				
1570	"	DE NMD KP16	Pesh	" " "				
1571-75	"	To ALL concerned		Transfer Order				
1576-77	"	" " "		Cancellation of mutual Transfer				
1578	"	Shah Ali Khan		Explanation				
1579-82	"	To ALL concerned		-do-				
1583	"	GKramullah		Show Cause				
1584-86	"	To ALL concerned		-do-				
1587	"	Fagir Muhammad		Show Cause				
1588-90	"	To ALL concerned		-do-				
1591-93	5/11/18	To ALL concerned		Cancellation/Withdrawal Order				
1594-97	"	To ALL concerned		Transfer Order Mst Shamim Saeed				
1598	"	DE NMD KP16	Pesh	Staff Statements of School				
1599	6/11/18	" " "	"	Appeal				
1600-01	"	To ALL concerned	"	" " "				F. Rahim

*attested to
be true copy*


خدمت خراب - ایجنس آجوشین آئینہ صاحب باجور

ملوں توڑی PTC پوسٹ

بجائے

موردانہ گزارش ہے۔

آج پندرہ کا والد صاحب کو آجوشین میں ہندو ماہ کے

پوسٹ پر خدمت سرانجام دے رہا تھا۔ چونکہ

بندہ کا والد صاحب پوسٹ کے دوران لہجہ کے الی

فقاہت ہو چکا ہے۔ گو میں دیگر انکم ڈائری میں اور والا نہیں ہے

چونکہ بندہ FA کوائٹسٹا ہے PTC ٹریننگ کے لئے اچھا اور نوجوان

اس لئے آباد سے نکالے۔ اور اس میں کئی کے دور میں روزگار ہے

لہذا آپ صاحبان مہربان کر کے بندہ کو Diseases کے یا پیشہ کو

جوئی کر کے روزگار فراہم کرنا چاہیے۔

صاحب علی محمد عبدالباری ولد سید ظاہر مدوم

سید صاحبان کو

attached to
copy
AGSI
for
complaints
19/2/2019

کدیت حساب پولیسنگل ایجنٹ باجوڑ

حساب

عنوان: درخواست برائے تعیناتی جوئیر کلرک

مودبانہ گزارش کی جاتی ہے۔ کہ بندہ کا والد ایجوکیشن ڈیپارٹمنٹ میں بطور ہیڈ ماسٹر پوسٹ پر جی ایچ ایس ٹی اور ماڈرن میں فرائض سرانجام دے رہا تھا۔ اور دوران سروس وفات پا گیا۔ اور بندہ نے ڈیپنٹی کوٹہ میں رولز کے مطابق 2010 میں نوکری کیلئے درخواست دیا تھا۔ لیکن اس وقت کے AEO نے میرے پھوٹے کھان جو بھرتی کیا۔ جو بندہ کے ساتھ سراسر باغی تھا۔ ESTA کوڈ کے مطابق یہ بندہ کا حق بنتا تھا۔ دو بیٹے ہیں بندہ نے AEO کے مطابق کو اس میں کیا تھا۔ لیکن تاحال ٹوئن کا وہاں عمل میں نہیں لائے گئے۔

لہذا آپ مہربان کر کے بندہ کو جوئیر کلرک پر تعیناتی کا حکم صادر فرمائیے۔

Dated: 23/11/2018

الذریعہ

ایضاً مخلص عبدالباری ولد سید ظاہر غریب سموزی ترغاب تحصیل بزرگ باجوڑ ایجنسی

Enclosed.

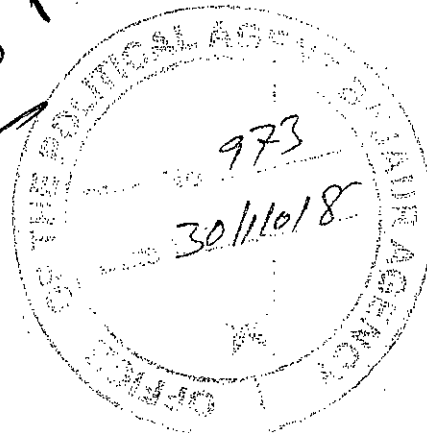
1. Death Certificate.
2. Service Certificate.
3. Application of 2010 TO AEO Bajaur.
4. Documents (Educational).

collected to
be true copy

AMM / Acct

PAB
25/11/18

Proven
as true





59
35

District Education Officer
Bajaur at Khar

No. 9374 Dated 22/10/201
Email deobajaur@gmail.com Voice & Fax 09294212035

To

Principal
GDC Nawagai Bajaur.

Subject: PROVISION SERVICE DOCUMENTS.
Memo;

Reference to the subject cited above, it is **stated that** the service documents i.e appointment order, service **book and** other related documents of Mr. Abdul Hadi Junior **Clerk** working under your jurisdiction may be provided.

*attached to
be true copy
AMM*


District Education Officer
Bajaur

55

BETTER COPY

(35)

**District Education Officer
Bajaur at Khar**

No.9374 Dated 22/10/2019

Email aeobajaur@gmail.com

Voice & Tax +92942220395

To

Principal
GDC Nawagai Bajaur.

Subject: **PROVISION OF SERVICE DOCUMENTS**

Memo;

Reference to the subject cited above, it is stated that the service documents i.e. appointment order, service book and other related documents of Mr. Abdul Hadi Junior Clerk working under your jurisdiction may be provided.

Sd/-
District Education Officer
Bajaur

Handwritten notes:
- alwidi to
- k. Faraz
Signature:
[Signature]

57

36

BETTER COPY

**OFFICE OF THE PRINCIPAL
GOVT. DEGREE COLLEGE**
*Nawagai District Bajaur,
Pakistan*

No.1648
Dated: 30/10/2019

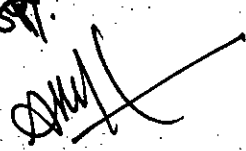
To

The District Education Officer
Bajaur.

Subject: Provision of Service Documents

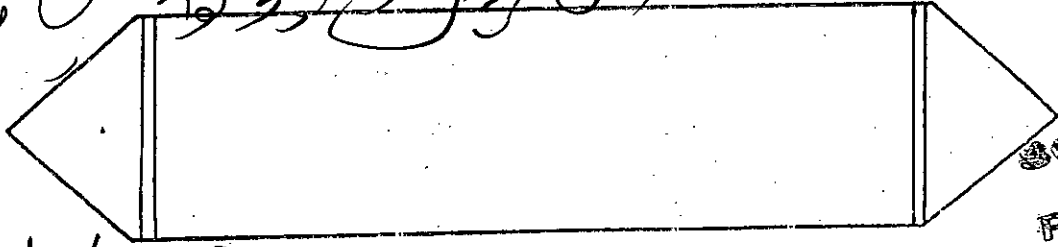
Memo:

Reference to your letter No: 9374 dated 22/10/2019 on the subject cited above, the requisite documents in respect of Mr. Abdul Hadi junior clerk of GDC Nawagai is here by submitted to your office.

*attached to
in this copy.*


Sd/-
Principal
GDC Nawagai
District Bajaur

بعدالت سروس ٹرانسفر کے بعد



SCANNED
KPST
Peshawar

2005ء پنجاب ایڈمنسٹریٹو سروس

بنام سکریٹری عام

عبداللہ

موزعہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام کیلئے عبداللہ کی طرف سے تحریر کیا گیا ہے۔

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثبالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المترقوم 22

ماہ 2005

واہ الع

کے لئے منظور ہے۔

بمقام

attested
received

AMM