

BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.2596/2023

Mr. Sardar Ali District Mohmand

.....Appellant

Versus

Director Elementary and Secondary Education Khyber Pakhtunkhwa & others.

.....Respondents

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Deponent

1-4-23
District Education Officer
District Mohmand

08.04.2024
Peshawar

BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.2596/2023

Mr. Sardar Ali

Appellant

**Khyber Pakhtunkhwa
Service Tribunal**

Versus

Govt. of Khyber Pakhtunkhwa & others.

Case No. 12078

Dated 01-04-2024

Respondents

Para-wise comments on behalf of respondents No.1,2&3.

Respectfully Sheweth.

Preliminary objections.

- I. That the Appellant has no cause of action, locus standi to file the instant Appeal.
- II. That the Appellant has not come to this court with clean hands.
- III. That the Appellant has concealed material facts from the Honorable Tribunal.
- IV. That the Appeal is barred by law and limitation.
- V. That the appellant is neither a civil servant nor employee of the answer respondents. The alleged appointment order and the subsequent notifications/letters/orders are completely fake with bogus signatures of the respondents. Further, the appellant has not performed any duty. The alleged amount has been fraudulently obtained by appellant from Accounts department through procuring fake signatures. Therefore, the appellant is not an aggrieved person/civil servant.

ON FACTS.

1. Incorrect and denied, a report received from the SDEO (M) Lower Mohmand vide his office No.514-21 dated 28/02/2023 reported eight persons were getting the salaries from his office MG 6013 but not performing duties at any school under his jurisdiction. So an inquiry committee comprising of Mr. Aslam Khan Principal (BS-19) GHSS Ghallanai and Mr. Israr s/clerk of this office was constituted vide this office No.8065-69 dated 29/05/2023 and office of the DEO (M) Mohmand received its report on 9/8/2023 with the recommendation that the order of the five persons including Sardar Ali fake chowkidar may be disowned due to the reasons that their names have not been reflected in the working papers, minutes, merit and appointment orders in the record of this office. So under the mandatory provisions and powers conferred under sections No 20 and 21 of the General Clauses Act 1897 amended in 1956, the DEO (M) Mohmand disowned the appointment orders of the five persons including Sardar Ali as Fake & Fabricated Chowkidar and declared him along four others as bogus liable to be proceeded as per PPC 419 and 420 by the law enforcing agencies in the interest of public service vide No.8824-31 dated 16/08/2023.(Annexure-A,B,C,D)
2. Incorrect and denied, as elaborated at Para 1 of the fact.
3. Incorrect and denied, as elaborated at Para 1 of the fact.
4. As explained at Para 1 of the facts above.
5. As elaborated at Para 1 of the fact.
6. Pertains to record. However, detail is explained in Para 1 of the facts above.
7. As elaborated at Para 1 of the fact.

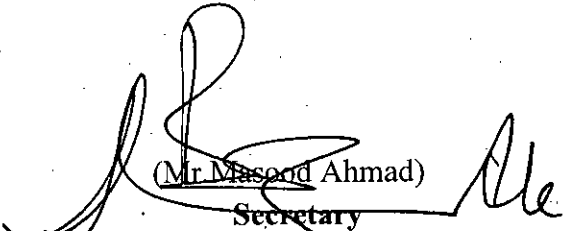
GROUND.

- A. That the order dated 16/8/2023 passed by the Respondents was in accordance with law.
- B. As elaborated in Para 1 of the Facts above.
- C. Already explained in Para 1 of the facts above.
- D. As elaborated in Para 1 of the Facts above.
- E. As elaborated in Para 1 of the Facts above.
- F. As elaborated in Para 1 of the Facts above.
- G. As elaborated in Para 1 of the Facts above.

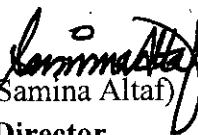
- H. That the respondent department acted as per law, rules & regulations.
I. That the respondents also seek permission to advance other grounds & proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may kindly be dismissed with cost.

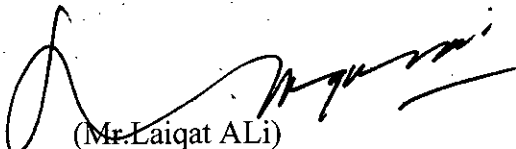
Respondent No.1


(Mr. Masood Ahmad)
Secretary
Elementary and Secondary Education Department,
Government of Khyber Pakhtunkhwa

Respondent No.2


(Mst. Samina Altaf)
Director
Elementary and Secondary Education Department,
Government of Khyber Pakhtunkhwa

Respondent No.3


(Mr. Laiqat ALi)
District Education Officer (M)
District Mohmand
Ⓟ

BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.2596/2023

Mr. Sardar Ali District Mohmand

.....Appellant

Versus

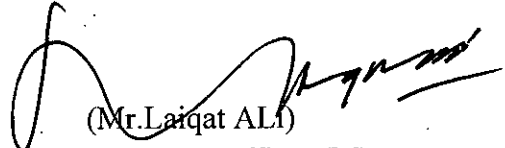
Director Elementary and Secondary Education Khyber Pakhtunkhwa & others.

.....Respondents

AFFIDAVIT

I Mr. Laiqat ALi District Education officer Mohmand do hereby declare and affirm on oath that above comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon, rabble Tribunal.

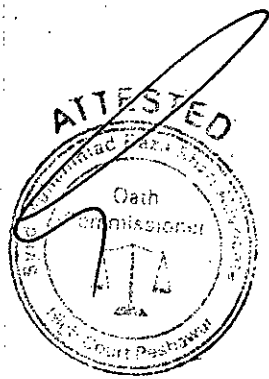
It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense is struck off.



(Mr.Laiqat ALi)

Distinct Education officer (M)

District Mohmand



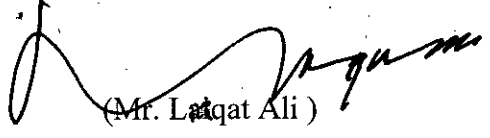
01 APR 2024

DISTRICT EDUCATION OFFICE DISTRICT MOHMAND


AUTHORITY LETTER

I Mr Liaqat Ali District Education officer (Male) District Mohmand do hereby authorize Mr. Noor Bad shah Assistant (litigation) of this District Education office Mohmand to attend the Khyber Pakhtunkhwa Service Tribunal in connection with filing of Para wise comments in service Appeal No 2596/2023 Titled Sardar ALi VS Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department.

Dated.



(Mr. Liaqat Ali)
District Education officer (Male)
District Mohmand


District Education Officer
Tribal District Mohmand

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER
(M) LOWER MOHMAND SUBHAN KHWAR
MOHMAND TRIBAL DISTRICT
Email : adaomlowermohmand@gmail.com



Annexure - A

To: The District Accounts Officer,
Mohmand Tribal District

Subject: STOPPAGE OF PAY.

Memo: Reference to the subject noted above and to state that the following C/iv servants are absent from duties and drawing their salary in wrong cost Center MG6013 (Primary) SDEO Male Lower Mohmand. Therefore, you are hereby requested to stop the pay of the following C/iv Servants w.e.f 01.03.2023, till further order.

1)	985866	MUHAMMAD ARIF	HASSAN JAN	CHOWK:	1710116781355	1435	4109807761	HBP SHABQADAR	21566
2)	985862	FAZLI HADI	MALANG JAN	CHOWK:	2140252508785	1123	10089112910 014	ABL GHALLANAI	22399
3)	985835	IHSAN ULLAH	PATI KHAN	CHOWK:	3740599661603	80153	3003812951	KHYBER BANK GHALLANAI	21639
4)	963038	IKRAM KHAN	AMIR BADSHAH	CHOWK:	2140215503541	80153	15300000338 3001	KHYBER BANK GHALLANAI	26195
5)	960248	MUHAMMAD MANZAR	BASHIR KHAN	CHOWK:	2140646410337	251123	10074630730 010	ABL GHALLANAI	25695
6)	960246	SARDAR ALI	ISMAIL KHAN	CHOWK:	2140201060825	251123	10076372400 014	ABL GHALLANAI	25695
7)	960247	NASEER ALI	AZAM KHAN	CHOWK:	2140697016205	241849	12366158310 01274	MCB Ghallanai	26395
8)	962330	Mansoor Khan	Taj Munir	PST	2140290993347	251123	00100740753 90010	ABL Ghallanai	35265

Sub-Divisional Education Officer,
Male Lower Mohmand Tribal District

Endst.No. 514-21 /dated: 28 /02/2023.

Copy forwarded for information to the:-

- 1) District Education officer (M) Mohmand Tribal District.
- 2) Manager of NBP Shabqadar w/r to stop his pay for the month of 02/2023 till further order.
- 3) Manager of BOK & MCB Ghallanai w/r to stop their pay for the month of 02/2023 till further order.
- 4) Manger of ABL Ghallanai w/r to stop their pay for the month of 02/2023 till further order.

Sub-Divisional Education Officer,
Male Lower Mohmand Tribal District

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Annex B 6 pages

Subject: Enquiry report of Notification No: 8065-69 Dated 29-05-2023

Authority: The undersigned, Muhammad Aslam Khan Principal GHSS Ghallanai along with Muhammad Israr S/clerk nominated as enquiry officer vide DEO Mohmand notification in subjected cited. (Annexure-A)

Proceedings:

In the start the following steps carried out as the undersigned.

1. Called all the four class-IV and one PST teacher for personal hearing.
2. Questionnaire prepared for each and every one. (Annexure-B)
3. Asked about their 1st appointment order.
4. Asked from the responsible clerk of DEO office. (Annexure-C)
5. Consult the Ex-DEO Mr.Jeddi Khan and Ex-DEO Mr. Noor Hassan. (Annexure-D)
6. Asked about 1st appointment order, source one and source two from DAO Ghallanai. D/1

All the five officials

1. Ikram Khan Chowkedar personal No:963038
2. Muhammad Manzar Chowkedar personal No:960248
3. Sardar Ali Chowkedar personal No: 960246
4. Naseer Khan Chowkedar personal No:960247
5. Mansoor Khan PST personal No:962330

Page 1 of 3

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Were called for personal hearing on 04-07-2023. All the four class-IV and PST give the written statement that they do not have trust on the enquiry officer. So they can neither discuss this issue nor fill the questionnaire. Furthermore they refused for the provision of their appointment orders. They said that they have informed the DEO to change the enquiry officer. They insisted 1st to recognize them government employees then they will talk on this issue. In DEO office, the establishment section asked for the provision of appointment orders of these five officials but they could not. Similarly Mr. Jedd Khan Ex-DEO Mohmand and Mr. Noor Hassan Ex- DEO Mohmand were asked about the factual position. Both they demanded to provide them appointment orders then they will be in the position to decide either their signatures are actual or fake.

District Account Officer (DAO) and his staff members requested for help in this issue. They said that the whole record is burnt previous year. The undersigned checked the working papers where no one of these five of them was found. (The working paper which was handed over by DEO office). (Annexure-E)

After a long investigation, it is crystal clear that they have not performed duty anywhere as per their orders. These names have not found in working papers, minutes and merit. Similarly no one can appoint PST without qualifying the EATA test. Mr. Mansoor Khan did not fulfill the criteria and have come into the system through back door. Furthermore they himself signed the source one and passed it from the DAO office because all the four class-IV and Mansoor Khan PST have interned the system, through back door.

Conclusions:

The undersigned reached at the conclusion that all the four class-IV and One PST are not cooperating, record in the DAO office has been burnt (as per the DAO staff members verbal statement) so how it is possible for the undersigned to fix responsibility on someone without the proper record. However as the Class-IV and PST are not cooperating, do not providing appointment orders, refused for taking questionnaire personal hearing, so that they are himself responsible for their man made orders.

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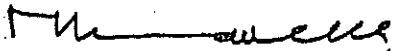
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Handwritten signature and date: 1-11-24

Recommendations:

Keeping in view this over all scenario of the instant case, checking the DEO office record, merit, working papers, DAO office record, it is recommended that DEO (M) Mohmand is suggested to disown these five officials.

1. Ikram Khan Chowkedar personal No:963038
2. Muhammad Manzar Chowkedar personal No:960248
3. Sardar Ali Chowkedar personal No: 960246
4. Naseer Khan Chowkedar personal No:960247
5. Mansoor Khan PST personal No:962330



Mr. Muhammad Aslam Khan
(Enquiry Officer)

Principal Govt. Higher Secondary Ghallanai
District Mohmand



Mr. Muhammad Israr
(Enquiry Member)

Senior Clerk District Education Office
Ghallanai District Mohmand

Page 3 of 3

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OFFICE OF THE DISTRICT EDUCATION OFFICER
DISTRICT MOHMAND

Email:- deomohmand@ecmail.com



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OFFICE ORDER

1. Whereas report submitted by the SDEO (M) Lower Mohmand vide his office No.514 dated 28/02/2023 stated that the following persons were getting the salaries from his office MG 6013 but not performing duties at any school under his jurisdiction.
2. And whereas inquiry committee comprising of Mr. Aslam Khan Principal (BS-19) GHSS Ghallanai and Mr. Israr s/clerk of this office was constituted vide this office No.8065-69 dated 29/05/2023.
3. And whereas the inquiry committee submitted its report on 21/07/2023.
4. And whereas the inquiry report was remanded to the inquiry committee with the direction to revisit its report as the report was not based on as per TORs vide this office No.8657 dated 22/07/2023.
5. And whereas the inquiry committee again submitted its report to this office on 9/8/2023 with the recommendation that the following mentioned five persons may be disowned due to the reasons that their names have not been reflected in the working papers, minutes, merit & appointment orders in the record of this office.

Now therefore, under the mandatory provisions & powers conferred under sections No 20 & 21 of the General Clauses Act 1897 amended in 1956, the DEO (M) Mohmand, as the Competent Authority is pleased to disown ab initio the appointment orders of the following persons and declare them as bogus liable to be proceeded as per PPC 419 & 420 by the law enforcing agencies in the interest of public service.

S.No	Personal No.	Name & Designation	Father's Name
1	963038	Ikram Khan Chowkidar	Amir Badshah
2	960248	Muhammad Manzar Chowkidar	Bashir Khan
3	960246	Sardar Ali Chowkidar	Ismail Khan
4	960247	Naseer Ali Chowkidar	Azam Khan
5	962330	Mansoor Khan PST	TajMunir

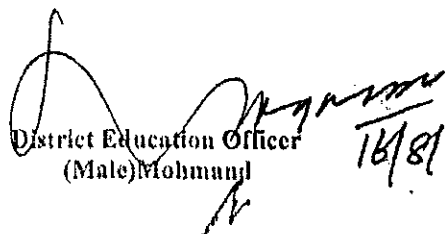
(LIAQAT ALI)
District Education Officer
(Male) Mohmand

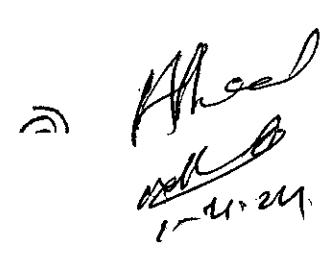
Endst No 8824-31 / Estab (Pry)

Dated 16/8/2023

Copy forwarded to the:

- 1) PS to Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
- 2) Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 3) Accountant General Khyber Pakhtunkhwa, Peshawar with the request to inquire the matter that who & why their salaries were started in DAO Mohmand office.
- 4) Deputy Commissioner Mohmand.
- 5) District Accounts Officer Mohmand.
- 6) DMO Education Monitoring Authority Mohmand.
- 7) SDEO concerned, being DDO for recovery of the total amount drawn illegally & deposit the same into the Govt. Exchequer as per rules & with the direction to send this order to the above disown persons.
- 8) Office Copy.


District Education Officer
(Male) Mohmand
16/8/2023


Ahsan
16/8/2023