


FORM OF ORDER SHEET

Court of _____

Appeal No. 1383/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26-Aug-24	<p>The appeal of Mr. RASHID ZUBAIR presented today by Mr. Amjad Ali Mardan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 20-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1383 /2024

Rashid Zubair (Ex- Lecturer in Computer Science [BS-17] GDC Garhi Kapura Mardan) S/O Zubair Muhammad
R/O Mohallah Kati Khel Village Shah Dand, Lund Khwar
Tehsil Takht Bhai District Mardan

..... Appellant

VERSUS

Govt of KP through Secretary Higher Education
Department, Civil Secretariat Peshawar and others

..... Respondents

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Through

Appellant

Amjad Ali (Mardan)

Advocate

Dated: 23.08.2024

Supreme Court of Pakistan

①

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1383 /2024

Rashid Zubair (Ex- Lecturer in Computer Science
[BS-17] GDC Garhi Kapura Mardan) S/O Zubair
Muhammad R/O Mohallah Kati Khel Village Shah
Dand, Lund Khwar Tehsil Takht Bhai District Mardan
..... Appellant

VERSUS

1. Govt of KP through Secretary Higher Education
Department, Civil Secretariat Peshawar
2. Chief Secretary KP, Civil Secretariat Peshawar
3. Chief Minister KP through Principal Secretary, Chief
Minister Secretariat Peshawar
..... Respondents

**Appeal under Section 4 of Service
Tribunal Act 1974 against original
Notification/order dated 13th May
2024 passed by respondents
wherein major penalty of removal
from service has been imposed
upon the appellant and thereafter
departmental appeal dated
27.05.2024 diarized vide diary No
647 dated 27.05.2024 remained un-
responded despite lapse of 90x
days is illegal against law and
facts.**

(2)

Respected Sir,

Appellant humbly submits as under:

- 1. That appellant is bonafide resident of District Mardan as evident from CNIC and domicile (Copy of the CNIC and domicile is attached as Annexure A)**
- 2. That appellant is equipped with qualification such as SSC, HSSC, Gold Medalist in BS Computer Science and MS Computer Science in Telecommunication and Networking (Copy of the academic documents is attached as Annexure B)**
- 3. That posts of Lecturers were advertised wherein petitioner is recommended for appointment by the KP Public Service Commission after successfully passing written test and interview.**
- 4. That at serial no 53 of notification dated 4th November 2010, appellant is appointed as Lecturer of Computer Science on adhoc basis and posted at GDC Gandaf Swabi (Copy of the notification dated 4th November 2010 is attached as Annexure C)**
- 5. That at serial No 174 of the Notification dated 15th December 2014, the services of the appellant are regularized w.e.f 26.05.2014 (Copy of the Notification dated 15th December 2014 is attached as Annexure D)**
- 6. That appellant is charge sheeted and statement of allegation is issued in the year 2023 which is properly replied by the appellant wherein he denied the allegations levelled against him (Copy of the charge sheet, statement of allegations and reply is attached as Annexure E)**
- 7. That without associating appellant with any inquiry proceedings, a show cause notice is**

issued to the appellant (Copy of the show cause notice is attached as Annexure F)

8. That appellant filed an application dated 15.01.2024 for provision of inquiry report which is conducted at the back of the appellant, without associating him with any inquiry proceedings (Copy of the application dated 15.01.2024 is attached as Annexure G)
9. That so-called inquiry report is provided to the appellant wherein appellant is recommended for minor penalty of withholding of one increment for one year without cumulative effect which is illegal against law and facts (Copy of the inquiry report is attached as Annexure H)
10. That appellant submitted proper written reply to the show cause notice wherein he denied all the allegations levelled against him (Copy of the reply to show cause notice is attached as Annexure I)
11. That vide notification dated 13th May 2024, major penalty of removal from service is imposed upon the appellant (Copy of the impugned notification dated 13th May 2024 is attached as Annexure J)
12. That appellant preferred departmental appeal dated 27.05.2024 through proper channel duly diarized vide diary no 647 dated 27.05.2024 which remained un-responded despite lapse of 90x days (Copy of the departmental appeal dated 27.05.2024 is attached as Annexure K)
13. That finding no other efficacious remedy, appellant approaches this Honorable Tribunal on the following grounds:

GROUNDS:

- A. Because appellant is innocent and falsely charged.

(4)

- B. Because impugned penalty of removal from service imposed vide notification dated 13th May 2024 is illegal, against law and facts.
- C. Because appellant is not associated with any inquiry proceedings nor any witness is examined in presence of the appellant nor opportunity of cross examination of witness is afforded to the appellant as per rule 7 of the KP Govt Servants (E&D) Rules 2011.
- D. Because no opportunity of personal hearing is given to the appellant.
- E. Because appellant has got 15 years of long satisfactory service and there is no complaint against the appellant in his entire service career.
- F. Because appellant has got a bright student career as well as service career wherein appellant remained gold medalist in his University.
- G. Because the impugned notification is passed by incompetent authority.
- H. Because it is also strange, that neither the respondent no 1 nor respondent no 2 has signed the impugned removal notification.
- I. Because strangely enough, in para 6 of the impugned removal notification, respondent no 1 who has not signed the same, has written as under:

"6. AND WHEREAS the inquiry Officer after having examined the charges, evidence on record and explanation of the accused officer has recommended that the officer has committed the act of omission and irresponsibility by depriving a meritorious candidate from appointment"

There is no such allegation of illegal or irregular appointment in the charge sheet, statement of allegation, inquiry report and show cause notice and the respondents have devised a unique & strange way of penalizing the appellant for no fault.

(5)

- J. Because the so-called inquiry report conducted at the back of the appellant also recommended as under:

“Recommendation

It would be appropriate that minor penalty of “withholding of one increment for one year without cumulative effect” may be imposed upon the accused officer under rule 4(ii) of the KPK Govt Servants (Efficiency & Discipline) Rules 2011.”

- K. Because in violation of the recommendation of the inquiry officer appointed by the respondents, who recommend minor penalty, a major penalty of removal is imposed without holding of de-novo inquiry which is violative of rule 14(6) of the KP Govt Servants (Efficiency & Discipline) Rules 2011.

- L. Because rule 14(6) of the KP Govt Servants (Efficiency & Discipline) Rules 2011 reads as under: (Copy of the KP Govt Servants E&D Rules 2011 is attached as Annexure L)

“14(6). Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee 1 [subject of sub-rule (7) of rule 11].”

- (6)
- M. Because no regular inquiry has been conducted in the instant case.**
- N. Because the issue is a belated matter and activation of the same due to malafide after 07 years is illegal against law and facts.**
- O. Because appellant has put in satisfactory service of long 15 years and prosecution of appellant on such trivial charge which too is false after 07 years is illegal and against the rules.**
- P. Because the KP Government Servants E&D Rules 2011 provides time-frame for issuance of charge sheet and holding of inquiry on day to day basis and show cause notice which as per wisdom of the rule-framer is to be completed within months immediately and the belated procedure after lapse of seven years is unwarranted in the facts and circumstances of the case.**
- Q. Because the inquiry officer has recommended for minor penalty of withholding of one increment for one year and imposition of major penalty is against the recommendation of the inquiry officer and the authority cannot enhance the penalty than the one recommended and proposed by the inquiry officer.**
- R. Because even after 2016, appellant has performed satisfactory service with the Department as well as with the Board of Intermediate and Secondary Education Mardan.**
- S. Because there is not even an iota of evidence of reception of money from students and neither the statement of any student has been recorded in the inquiry nor opportunity of cross examination any student has been provided to the appellant, thereby the allegation is baseless, hence denied.**
- T. Because there is neither any complaint nor any complainant is examined or cross examined.**

- (7)
- U. Because appellant has got no agent what to speak of un-authorized agent. Even otherwise, the so-called agent namely Zubair Shah is an employee of Education Department who has not been proceeded departmentally by his Department or Board, thereby the allegation is baseless, hence denied.
- V. Because appellant has awarded marks to students purely on merit and those marks have been confirmed by the Board and no objection or challenge to the same has been raised by either the students or the Board, therefore the allegation is baseless, hence denied.
- W. Because appellant has not given any confessional statement.
- X. Because appellant having served for 15 long years was in line for promotion and the PSB was due in 2024, however, his colleagues/bad-wishers due to ulterior motives came up with a time-barred issue with no legal or factual basis just to achieve their illegal motives.
- Y. Because the principle of natural justice are deemed to be enshrined in every statute as per PLD 1964 SC 410, 2006 SCMR 1023, 2007 SCMR 330, 2009 PLC (C.S) 161, 2010 PLD 623, 2017 PLD 173 whether specifically provided or not.
- Z. Because appellant has been condemned unheard thereby infringing the famous maxim "AUDI ALTERAM PARTEM"
- AA. Because appellant has not been dealt with in accordance with law thereby infringing Article 4 of the Constitution of Pakistan 1973
- BB. Because appellant has been discriminated qua other employees especially Zubair Shah who has been let free whereas appellant is targeted and singled out for no fault thereby infringing Article 25 and 27 of the Constitution of Pakistan 1973.

CC. Because the Elementary and Secondary Education Department has not taken any action against said Zubair Shah and the solitary trial/inquiry against appellant is against the rules and procedure. As per rule 2(f)(ii) proviso of KP Government Servants E&D Rules 2011, the competent authority of the senior govt servant shall be authority for junior accused as well which shows that both the accuseds are to be tried together.

DD. Because appellant is jobless and entitled to all back benefits.

It is therefore humbly prayed that on acceptance of this service appeal, impugned notification dated 13th May 2024 whereby major penalty of removal from service has been imposed upon the appellant may please be set aside and appellant may please be reinstated in service with all back-benefits. Any other relief deemed fit in the circumstances of the case and not specifically asked for may also be graciously granted.

Through

Appellant

Amjad Ali (Mardan)
Advocate

Dated: __.08.2024 Supreme Court of Pakistan

AFFIDAVIT

I, Rashid Zubair (Ex- Lecturer in Computer Science [BS-17] GDC Garhi Kapura Mardan) S/O Zubair Muhammad R/O Mohallah Kati Khel Village Shah Dand, Lund Khwar Tehsil Takht Bhai District Mardan (appellant) do hereby solemnly affirm and declare that all the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.

Deponent



Annex-A

(9)



عثمان

دستور العمل کارڈ

حکومت پاکستان

قومی شناختی کارڈ
18102-1711508-7

نام: عبدالعزیز

عثمان یوسف بھٹو
تاریخ پیدائش: 27/03/1987

دستور العمل کارڈ



قومی شناختی کارڈ نمبر: 16102-1711508-7

فائدہ اٹھانے والی نمبر: U288GY
گواہی حاصل کرنے کے لیے، گاؤں شاہ وٹھنڈ، لوہے ٹورن، کسبیل تخت جہاڑی
ضلع مردان

مشکل پتہ: ایبٹ آباد

12987897082

تاریخ اجراء: 05/06/2015

تاریخ منسوخ: 05/06/2025
گمشدہ کارڈ پر قریبی لیٹر بکس میں ڈال دیں



DOMICILE CERTIFICATE

Ann-B

(10)

I, Rasheed-Zubair Son/Daughter of Mukhammad Rasheed-Zubair hereby declare that I was born of parents who are permanently domiciled in North-West Frontier Province having been born / settled in this Province.

I was born at Village Mohallah Kandi Khawar w. J. Shakh-Dhawal Tehsil Talata Bhatta Division Mardan.

Signature of the Applicant
Rasheed Z.

Date :-

Pursuance to the declaration dated 11 - 6 - 2001 filed

by Mrs. Rasheed-Zubair Son/Daughter of Mukhammad Rasheed-Zubair

domiciled in North - West Frontier Province, it is hereby certified that the

Said Rasheed-Zubair born of parents who are permanent residents of

North - West Frontier Province having been born / settled within it. I have satisfied myself from personal knowledge & verification that the above declaration is true and certify accordingly.

This 11th day of June 2001

Name :- Abul Kasim Khan
Designation: MAGISTRATE, F.C.M.
TEHSIL, TAKHT - I - BHAI



(Seal)

(Strike out which ever is not applicable)
I.C. Dated 15-6-01

DISTRICT MAGISTRATE
MARDAN

COUNTERSIGNED

MAZALIM
TEHSIL TAKHT - I - BHAI
S. No. 2744

No. 14658

17.6.2001

RECEIVED

RECEIVED

17/6/01

17/6/01

17/6/01

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RECEIVED
G.P.S. No. 2
17/6/01

[Handwritten text]

[Handwritten signature]

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S.No. 61757

Roll No.

Group. 51283

Science

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Board of Intermediate and Secondary Education

Mardan N.W.F.P. Pakistan

SECONDARY SCHOOL CERTIFICATE

SESSION 2003 - ANNUAL

Attested

[Signature]

LECTURER

Government (Gadoon)
Mardan Swabi

This is to certify that

RASHID ZUBAIR

Son of

ZUBAIR MUHAMMAD

and student of Govt. Higher Secondary School Hathian Mardan

has passed the Secondary School Certificate Examination of the

Board of Intermediate & Secondary Education Mardan, held in March/April, 2003 as a Regular candidate. He obtained 577 marks out

of 850 and has been placed in Grade B representing Very Good. The candidate passed the following subjects:

1. English
2. Urdu
3. Islamiyat (Comp)
4. Pakistan Studies
5. Mathematics
6. Physics
7. Chemistry
8. Biology

His date of birth according to admission form is (in Figures)

21-03-87

(in Words)

21st March N/H Eighty Seven.

[Signature]
Asstt. Secretary

[Signature]
Secretary

This Certificate is issued without alteration or erasure.

S.No. 160240

Roll No. 52538

Group. General Science



Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION

SESSION 2005-ANNUAL



Attested
[Signature]
LECTURER
G.D.C Gandaf (Gadoun)
District Swabi

This is to Certify that Rashid Zubair Son of Zubair Muhammad
and a student of Brains Degree College Peshawar Registered No. 019-B/BN-2033
has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar
held in May, 2005 as a Regular candidate. He obtained 705 Marks out of 1100 and
has been placed in grade B Representing Very Good. The examination was taken as a whole.

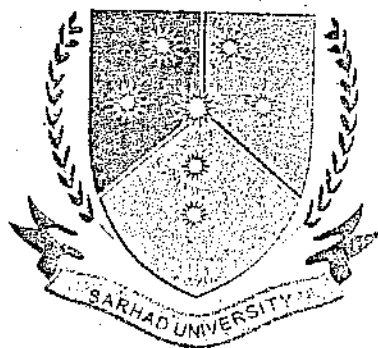
Asstt Secretary
[Signature]

[Signature]
Secretary

This certificate is issued without alteration or erasure.

Registration No. SU/05-01-01012

S No. 000803



SARHAD UNIVERSITY
OF SCIENCE & INFORMATION TECHNOLOGY, PESHAWAR

Merit Certificate

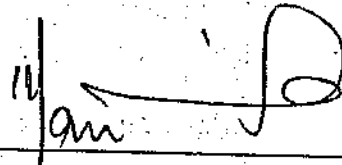
Attested
by
LECTURER
G.D.C Gandaf (Gadoon)
District Swabi

This is to certify that Mr. / Ms. Rashid Zubair


son/ daughter of Mr. Zubair Muhammad, a student of BS Computer Science

has been awarded this certificate for Being Gold Medalist of Fall - 2005 Batch

on 10th April, 2010



Dean/ Director



Vice-Chancellor

(14)



SARHAD UNIVERSITY

OF SCIENCE & INFORMATION TECHNOLOGY, PESHAWAR

TRANSCRIPT

Transcript No. SU/09786

Name: Rashid Zubair
Father's Name: Zubair Muhammad
Degree: Bachelor of Science in Computer Science
Faculty: Computer Science & Information Technology

Reg. No: SU/05-01-01012
Roll No: 05-FA/03535
Batch: Fall 2005
Completion Date: 21 Dec, 09

Fall Semester 2005				Cr	Marks	Grade	GPs	Remarks
CS	116	Programming in C++	1-1	94	A	12		
MA	101	Calculus & Analytical Geometry	3-1	85	A	12		
CS	110	Introduction to Computer Science	2-1	88	C+	7.5		
GS	111	Physics	3-2	71	B	9		
ENG	121	Communication Skills	3-2	65	C+	7.5		
Cum Cr: 15.0				GPA: 3.206	Cum GPA: 3.20	Status: PTD		

Spring Semester 2006				Cr	Marks	Grade	GPs	Remarks
CS	235	Object Oriented Programming in C++	2-1	100	A	12		
CS	232	Data Structures	2-1	98	A	12		
MA	105	Multivariable Calculus	3-0	75	B	9		
EE	104	DC Circuit Analysis	2-1	90	A	12		
GS	123	Islamic Studies	2-0	76	B	6		
Cum Cr: 29.0				GPA: 3.643	Cum GPA: 3.41	Status: PTD		

Fall Semester 2006				Cr	Marks	Grade	GPs	Remarks
COM	201	Data Communication	3-0	85	A	12		
EE	216	Electronics-I	2-1	87	A	12		
MGT	106	Principles of Management	3-0	79	B+	10.5		
MA	203	Probability & Statistics	3-0	97	A	12		
GS	128	Pakistan Studies	2-0	81	B+	10.5		
Cum Cr: 44.0				GPA: 3.800	Cum GPA: 3.55	Status: PTD		

Spring Semester 2007				Cr	Marks	Grade	GPs	Remarks
MA	125	Applied Linear Algebra	-0	88	A	12		
ACC	121	Fundamentals of Accounting	-0	63	B+	10.5		
COM	213	Computer Networks & Internet Working	-1	88	A	12		
CS	236	OOP Using Java	-1	66	C+	7.5		
CS	251	Digital Logic Design	-0	97	A	12		
Cum Cr: 59.0				GPA: 3.600	Cum GPA: 3.56	Status: PTD		

Fall Semester 2007				Cr	Marks	Grade	GPs	Remarks
CS	222	Operating Systems	3-0	85	A	12		
IT	212	Database Concepts	2-1	94	A	12		
MA	207	Numerical Analysis	3-0	91	A	12		
Cum Cr: 74.0				GPA: 3.800	Cum GPA: 3.61	Status: PTD		

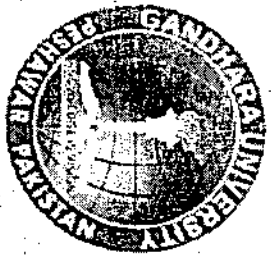
Affected
beg
LECTURER
G.D.C Gandaf (Gadoon)
District Swabi

Mazhar Shariq
Dean
Results and notices are subject to subsequent rectification

Zain
Controller of Examinations

(15)

Savitribai Phule Sanshodhan Mandal Gandhara University Amnir



Handwritten No. CU 002918

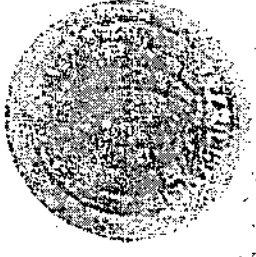
Notified that **Debid Dabir SP/O Dabir Akhond**
and a student of the Executive Development Centre Gandhara University, having met all the
requirements under the semester system during the
Session 2011-12 is this day admitted to the Degree of

M.S (D.S) Telecommunication & Networking

Registration No. 2011-MS-80
Awarded on 15th April, 2013

Roll No. 4

[Signature]
Registrar



[Signature]
Vice Chancellor



**HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the November 04th, 2010.

Aux - C
Rashid Zubair
Serial No. 53
(16)

NOTIFICATION

No.SO(COLLEGES)2-5/2010. Consequent upon the recommendations of Departmental Selection Committee, the Competent Authority is pleased to appoint the following Male lecturers (BPS-17) on adhoc basis as a stop gap arrangements for a period of one year or till the availability of selectees of Khyber Pakhtunkhwa Public Service Commission whichever is earlier and to post / adjust them in the colleges mentioned against each:

S#	Name & Address	Subject	Zone	Posted at	Remarks
1.	Amir Dost Khan S/o Muhammad Sultan, Village & P/o Bar Shawar Shamkanra, Tehsil Matta, District Swat.	Computer Science	Disable Zone-III Swat	GPGJC Saidu Sharif, Swat.	A.V.P
2.	Tanveer Usman S/o Usman Ghani, Mohalla Shaban, Village & P.O. Khairabad, Nowshera.	Maths	Disable Zone-II Nowshera	GPGC Mardan	A.V.P
3.	Ubaid Ali S/o Abdul Ghafoor, Moh. Badnam Khel, V.P.O Gojar Garhi, Tehsil & District Mardan.	Economics	Disable Zone-II Mardan	GPGC Nowshera	A.V.P
4.	Muhammad Waris S/o Fazli Mabood, MOhallah Shah Dhand, Village & P/o Lund Khwar, Tehsil Takht Bhai, District Mardan.	Computer Science	Disable Zone-II Mardan	GPGC Mardan	A.V.P
5.	Syed Harnid Ali Shah S/o Muhammad Shah, Village Sunigram, Dagger, Buner.	Pak Study	Disable Zone-III Buner	GDC Dagger, Buner.	A.V.P
6.	Muhammad Siraj S/o Muhamad Zarin, Village Kotha, Tehsil Barikot, Swat.	Law	Disable Zone-III Swat	GDC Madyan.	A.V.P
7.	Ihsan Ullah S/o Niamat Ullah, P/o Serai Gambela, Village Kotka Mahmood Lakki Marwat.	Physics	Disable Zone-IV Lakki Marwat	GDC Dera Township No. 3, D.I. Khan.	A.V.P
8.	Abdul Khaliq S/o Rasool Jalal, Village & P/o Tabbi Khawa, Tehsil & District, Karak.	Biology	Merit-I Zone-IV Karak	GDC Takht-e-Nasrati, Karak	A.V.P
9.	Nazif Ullah Khan S/o Taklim Khan, Department Micro Biology, Faculty Biological Sciences, Quaid-e-Azam University, Islamabad.	Biology	Zone-1 N.W.Agency	Services placed at the Disposal of Director Education (FATA)	A.V.P
10.	Muhammad Naeem Khan S/o Muhammad Sareer Khan, Village Qilla Anwar Mahal, PO Utmanzai, Tehsil & Distirct Charsadda.	Biology	Zone-2 Charsadda	GDC Garhi Kapoora, Mardan.	A.V.P
11.	Qaisar Zaman S/o Haider Shah, Gul Muqam Zarif Khan Koroonia, P.O. & Tehsil Dargai, District Malakand.	Biology	Zone-3 Malakand	GDC Dagger	A.V.P
12.	Asmat Ullah Khan S/o Rasool Badshah, C/o Rasool Badshah, SET, GHS No.2, Kohat City.	Biology	Zone-4 Karak	GPGC Haripur	A.V.P

Section Officer (Colleges)
Govt. of Khyber Pakhtunkhwa
Higher Education Department
Peshawar

	Ishtiaq Ahmad S/o Shafiq Ahmad, Mohallah Saeed Abad, Matta, Swat.	Botany	Merit-I Zone-3 Swat	GDC Chitral	A.V.P
14.	Rafi Ullah S/o Hazrat Imran, Aman Traders Mohallah Bacha, Village Amankot, Swat.	Botany	Merit-II Zone-3 Swat	GDC Gulabad	A.V.P
15.	Muhammad Usman Khan S/o Noor Ali Khan, Village Fazal Haq, Malwana, Surrani Bannu.	Botany	Zone-I F.R. Bannu	Services placed at the Disposal of Director Education (FATA)	
16.	Muhammadi Israr Khan S/o Lal Zada, Village Tordher, District Charsadda, P.O. Tangi, Shakh No. 6.	Botany	Zone-II Charsadda	GDC Akora Khattak, Nowshera.	A.V.P
17.	Sabtain Adil S/o Sami Ullah, Ittehad Ghee Store, TAJ Chowk, Mingora, Swat.	Botany	Zone-III Swat	GPGC No. 1, Abbottabad.	A.V.P
18.	Taseer Ullah Shah S/o Muhammad Ghaus Ali Shah, Abu Bakar Medical & Pansar Store, Chowk Bazar Bannu.	Botany	Zone-IV Bannu	GDC No. 3, Dera Township, D.I. Khan.	A.V.P
19.	Muhammad Aamir S/o Muhammad Afsar, House No. C-70, adjustant to Bungalow of Master Abdur Razaq, near Umar Masjid, Naryan, Abbottabad.	Botany	Zone-V Abbottabad	GDC Sherwan.	A.V.P
20.	Murad Ali S/o Ali Said, Village & PO Sheikh Yousaf, Tehsil Mardan.	Chemistry	Merit-I Zone-II Mardan	GDC Zaida, Swabi.	A.V.P
21.	Asif Khan S/o Idat Shah, Village Mehmandi P/o Khadar Khel, Tehsil Lachi, District Kohat.	Chemistry	Merit-II Zone-IV Kohat	GDC Thall, Hangu.	A.V.P
22.	Majid Ali S/o Khwaja Abdur Rashid, C/o H. Shafiq, LM-372 Lower Malik Pura, Abbottabad.	Chemistry	Merit-III Zone-V Abbottabad	GDC Takht Bhai, Mardan	A.V.P
23.	Muhammad Kashif Raza, S/o Daulat Khan, Village Shakarpura, P.O Nahqai Daudzai, Tehsil & District Peshawar.	Chemistry	Merit-IV Zone-II Peshawar	GDC Gandai, Swabi.	A.V.P
24.	Muhammad Imran S/o Rab Nawaz, Village & P.O Parova, Tehsil Parova, District D.I. Khan.	Chemistry	Merit V Zone-IV D.I. Khan	GDC Paharpur, D.I. Khan.	
25.	Shehryar S/o Sangtyaz Khan, Shaheer Yar S/o Prof. Santyaz Khan, Govt. Degree College, Ahmadabad, Karak.	Chemistry	Zone-I F.R. Bannu	Services placed at the Disposal of Director Education (FATA)	
26.	Ibrahim Khan S/o Said Bilal, Mohalla Bilal Abad, Lalma Village Karimo, P.O Shakoor Tehsil Tangi, Distirct Charsadda.	Chemistry	Zone-I Mohmand Agency	GPGC Khat, Bajaur Agency.	Vol. S. No. 07 of below adjustment
27.	Ahmad Khan S/o Muqarab Khan, C/o Karim Ullah Al-Faisal Hostel No. 2, Arbab Road Staff Hostel, Office.	Chemistry	Zone-I N.W. Agency	Services placed at the Disposal of Director Education (FATA)	
28.	Fazal Dad S/o Sher Ali Khan, Village Urmur Bala Street Daudi Khel, P.O Urmur Payan, Peshawar.	Chemistry	Zone-II Peshawar	GDC Zarabi, Swabi.	A.V.P

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	Ibrahimi Khan S/o Khaista Gul, New Kakshal Tariq Abad No. 1, Mohallah Jhangir Abad, House NO. 233 Peshawar City.	Chemistry	Zone-II Peshawar	GPGC Mardan.	A.V.P
30.	Mansoor Ali S/o Yousaf Khan, Village Attaki P/o Tehsil Shabqadar, District Charsadda.	Chemistry	Zone-II Charsadda	GPGC Mardan.	A.V.P
31.	Naseeb Rawan S/o Akbar Ali, Al-Huda Public High School, Mohallah Sarajabad, Nawakalay, Mingora.	Chemistry	Zone-III Swat	GDC Matta, Swat	A.V.P
32.	Asad Ali S/o Sardar Ali, Village & P/o Tatalai, Via Swabi Mohalla Lata Khel, Tehsil Dagger, District Buner.	Chemistry	Zone-III Buner	GDC Dagger, Buner.	A.V.P
33.	Sajjad Hussain S/o Gul Amin, Village & P.O Koper Malakand Agency Tehsil Dargai, District Malakand.	Chemistry	Zone-III Malakand	CDC Thana, Malakand Agency.	A.V.P
34.	Hazrat Ali S/o Rehmat Ullah Khan, Village & P.O Kot Khasmir District & Tehsil Lakki Marwat.	Chemistry	Zone-IV Lakki Marwat	GDC Iachi Kohat.	A.V.P
35.	Kamran Saeed S/o Noor Said, C/o Noor Said, Lab Technician, HCC Health Care Centre (Pvt) 43/44 Shah Sahibzada Abdul Qayum Road, University Town.	Chemistry	Zone-IV Karak	GDC Dara Adam Khel, (FR Kohat)	Vide S. No. 05 of below adjustment
36.	Muhammad Aamir S/o Muhammad Ishaque, H. No. 132, Mohalla Pir Colony, Jail Road, P/o Centre Jail Haripur.	Chemistry	Zone-V Haripur	GDC Havelian, Abbottabad	A.V.P
37.	Nasir Shehzad S/o Waris Khan, Village Tanakki, P/O Muslimabad, Tehsil & District Abbottabad.	Chemistry	Zone-V Abbottabad	GPGC No. 1, Abbottabad.	A.V.P
38.	Sabir Ullah S/o Zaver Din, Room # 35, Bari Band, 02 nd Floor Chitri Plaza Gulberg No. 1, Peshawar Saddar.	Computer Science	Merit-I Zone-II Charsadda	GDC Mathra, Peshwar.	A.V.P
39.	Alam Jan S/o Jaffar Ali, Mohallah Yaqoob Khel, Village Bazar P/o Rustam, District & Tehsil, Mardan.	Computer Science	Merit-II Zone-II Mardan	GDC Bakhshali, Mardan.	A.V.P
40.	Imran Khan S/o Fazal Rahman, Tariq Karyana Store, Moh Al-Huda, Landi Kass, Mingora, Swat.	Computer Science	Merit-III Zone-III Swat	GDC Totakan, Malakand Agency.	A.V.P
41.	Syed Huzaifa Tashfeen S/o Syed Shakeef Ahmad, Village & PO Dara, Swabi.	Computer Science	Merit-IV Zone-II Swabi	GPGC No. 1, Abbottabad.	A.V.P
42.	Shah Nawaz Khan S/o Muhammad Ibrahim, Tehsil Tangi, District Charsadda, Village & P/O Amirabati.	Computer Science	Merit-V Zone-II Charsadda	GPGC Nowshera	A.V.P
43.	Bakht Sultan S/o Gullistan, Usmania Public School Village & P.O Toerwarsak, Dagger, Buner.	Computer Science	Merit-VI Zone-III Buner	GDC Dagger, Buner.	A.V.P
44.	Muhammad Adnan S/o Yar Muhammad, Almadina Colony, Nasrat Zai, Tangi, P/o Tangi, Charsadda.	Computer Science	Merit-VII Zone-II Charsadda	GDC Garhi Kapoora, Mardan.	A.V.P
45.	Khwaja Muhammad Saqib S/o Anwar Ahmad Khwaja, C/o Anwar Ahmad Khawa, Project Director, Employees Education Foundation, Govt. College, Peshawar.	Computer Science	Merit-VIII Zone-II Peshawar	GC Peshawar.	A.V.P

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	Rana Saad S/o Ashoor Khan, Village Palosa Talazai, P.O. Peshawar University, District & Tehsil Peshawar.	Computer Science	Plant IX Zone-II Peshawar	GDC Ghoswa, Swabi.	A.V.P
47.	Javed Akhtar S/o Javed Akhtar, House No. 224, Sector 174, Phase-7, H-8, Islamabad, Peshawar.	Computer Science	Zone-I Mohmand Agency	Services placed at the Disposal of Director Education (FATA).	
48.	Rekhan ud-Din S/o Akmalzeb, C/O Kamal, Assistant Manager, B-D and RLC ZTBC, Khair Branch, Bagram Agency.	Computer Science	Zone-I Bajaur Agency	Services placed at the Disposal of Director Education (FATA).	
49.	Khalaq Khan S/o Mir Alta Khan, Dabazak Road, Patkia Ghulam Pul Mohand Abad, Peshawar.	Computer Science	Zone-I Mohmand Agency	Services placed at the Disposal of Director Education (FATA).	
50.	Abid Khan S/o Ghulam Haider, Village & P/O Amirabad, Tehsil Tangi, District Charsadda.	Computer Science	Zone-I Mohmand Agency	Services placed at the Disposal of Director Education (FATA).	
51.	Muhammad Rafiq S/o Ali Haider, Village Masooka P/o Shabqadar, Tehsil Tangi, District Charsadda.	Computer Science	Zone-I Mohmand Agency	Services placed at the Disposal of Director Education (FATA).	
52.	Inam Ullah S/o Nageeb Khan, Village & P/O Khuley Via Sardheri, Distrit & Tehsil Charsadda.	Computer Science	Zone-I Mohmand Agency	Services placed at the Disposal of Director Education (FATA).	
53.	Rashid Zubair S/o Zubair Muhammad, Moh Kali Khai, Village Shah Daud, P.O Lund Khwar, Takht Bhat, Mardan.	Computer Science	Zone-II Peshawar	GDC Gandaf, Swabi.	A.V.P
54.	Ittikhar Hussain S/o Fazal Dayan, Moh Khan Sher Garhi, Near Spon Jamat, Village & P/o Box Pabbi, Tehsil Pabbi, Distrit Nowshera.	Computer Science	Zone-II Nowshera	GDC Zarda, Swabi.	A.V.P
55.	Rafi Ullah S/o Shafi Ullah Khan, House No. 3A (4) Jamrud Lane, University Town, Peshawar.	Computer Science	Zone-II Peshawar	GDC Tajori, Lakki Marwat.	A.V.P
56.	Jawad Ali S/o Wahid Zaman, Moh: Civil Hospital, Village & P.O Lundkhwar, Tehsil Takht Bhat, District Mardan.	Computer Science	Zone-II Mardan	GDC Isak Pled, Lakki Marwat.	A.V.P
57.	Muhammad Altaf Hussain S/o Fazal Muhammad, Village & P/O Chor Chor, District & Tehsil, Mardan.	Computer Science	Zone-II Mardan	GDC Paniala, D.I. Khan.	A.V.P
58.	Ittikhar Muhammad S/o Yousaf Muhammad, Flat No. 4, Block No. 22, Category S, I-9/4 Islamabad.	Computer Science	Zone-II Mardan	GDC Paharpur, D.I. Khan.	A.V.P
59.	Fazli Rahim S/o Fazli Khalid, Innova Institute of sciences Flat 104 Near Bilal Majid Abdara Road, University Town, Peshawar.	Computer Science	Zone-III Malakandi	GDC Parova, D.I. Khan.	A.V.P

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	S/O Bacha Khan GDC Shah Vill & PO Sarara Dist Malakand	Zoology	Zone-III Malakand	Services placed at the Disposal of Director Education (FATA).	
350.	Jamat Ullah Khan S/O Rasool Badshah C/O Rasool Badshah SET GHS No Kohat city	Zoology	Zone-IV Karak	GPGC Karak.	A.V.P
351.	Insan Ullah S/O Rashood Khan Vill Mianki Banda PO Inzer Banda Teh takht Nasrati dist Karak	Zoology	Zone-IV Karak	GDC Latamber, Karak.	A.V.P
351.	Muhammad Faiz Khan S/o Muhammad Afzal Khan Moh Choinian Vill Sikandur Pur Haripur	Zoology	Zone-V Haripur	GDC Khanpur, Haripur.	A.V.P
352.	Khalid Mehmood S/O Ghulam Rasool Vill Bandi Sarara PO Chamiali Teh & Dist Abbottabad	Zoology	Zone-V Abbottabad	GDC Zarabi, Swabi.	A.V.P

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ADJUSTMENT:-

Consequent upon the above, the following posting / transfer of lecturers is also made in the best public interest:-

S. #	Name / Designation / present posting	Posted at	Remarks
1.	Attique uz Zaman, lecturer in Statistics, GDC Oghi, Mansehra.	GPGC Haripur.	Against vacant post
2.	Sajjad Ahmad, lecturer in Maths, GDC Samarbagh, Dir Lower.	GPGC Timergara, Dir Lower.	Against vacant post
3.	Ijaz Ahmad, lecturer in Economics, GDC Ahmadabad, Karak.	GPGC Kohat	Against vacant post
4.	Ikrum Ullah, lecturer in Political Science, GDC Totakan, Malakand Agency.	GPGC Timergara, Dir Lower.	Against vacant post
5.	Dilawar Khan, lecturer in Chemistry, GDC Dara Adam Khel, FR Kohat.	GDC Hangu	Against vacant post
6.	Rashid Ahmad, lecturer in Pak Study, GDC Pura, Shangla.	GDC Matta, Swat.	Against vacant post
7.	Murad Ali, lecturer in Chemistry, GPGC Khar, Bajaur Agency.	GPGC Timergara, Dir Lower.	Against vacant post

The appointment of the above lecturers from S. No. 01 to 352 will be subject to the following terms and conditions:-

TERMS AND CONDITIONS

- i. The appointment of the above candidates will be on Adhoc basis for a period of one year upto 4.11.2011 or till the arrival of the selectees of the Khyber Pakhtunkhwa Public Service Commission, whichever is earlier.
- ii. They will get pay and allowances in BPS-17.
- iii. No TA/DA will be allowed for their first appointment.
- iv. The appointment of the candidates mentioned in Para.1 above is subject to the condition that they bear the Domicile of Khyber Pakhtunkhwa.

They shall not terminate their contract before expiry of the term; they will have to give 30 days notice in advance failing which they will have to deposit one month pay in lieu of such notice in the Govt. Treasury.

They shall not make any request for transfer from the college where they are posted. In case of such occurrence, their services shall stand terminated.

They shall join their post within 15-days of the issuance of this Notification. The Director Higher Education, Khyber Pakhtunkhwa Peshawar, should furnish a certificate to the effect that the candidates have joined the post or otherwise after 15-days of the issuance of this Notification.

They shall execute an agreement with the Government before taking over charge to be signed by the Director Higher Education Khyber Pakhtunkhwa, on behalf of the Government.

They shall not be entitled to any pension or gratuity for the service rendered by them on Adhoc basis.

x. Charge report in duplicate should be submitted to all concerned.

xi. Their service shall be terminated if they violate any provision of the terms & conditions specified in the Agreement Bond.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Encls: No. & Date Even.

Copy of the above is forwarded to the:-

- 1- Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
- 2- Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- 3- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 4- Secretary to Governor, Khyber Pakhtunkhwa.
- 5- Accountant General Khyber Pakhtunkhwa Peshawar.
- 6- Director Higher Education Khyber Pakhtunkhwa Peshawar, with the request to circulate copies of the Agreement Bond to all Principals of the Government Colleges concerned immediately.
- 7- Director of Education (FATA) Khyber Pakhtunkhwa Warsak Road Peshawar.
- 8- Districts / Agency Accounts Officers, concerned.
- 9- Director Information for wide publicity through media.
- 10- Principals Government Colleges (Male) concerned.
- 11- Section Officer (FATA) Education Wing, Governor's Secretariat (FATA) Warsak Road Peshawar.
- 12- Deputy Director (IT), Planning Cell, Higher Education Department.
- 13- P.S. to Minister of Higher Education, Khyber Pakhtunkhwa Peshawar.
- 14- Officers concerned.

(BASHIR-AHMAD)
SECTION OFFICER (COLLEGES)

04/11/18

Prepared by

M.A. Siddiqi, Higher Education Department
& Principal Asstt. An. Senior Clerk, Directorate of Higher Education



(22) Ann-D

**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the December 15th, 2014.

NOTIFICATION

Rashid Zubair
Serial No (174)

NO. SO(COLLEGES-II)HED/2-5/2010. In pursuance of Section 3 of the Khyber Pakhtunkhwa Adhoc Lecturers (Regularization of Services) Act, 2014, the Competent Authority is pleased to regularize the services of the following lecturers (BS-17) appointed on adhoc basis, w.e.f. 26.05.2014: -

S.#	Name / Designation	Posting Station
1.	Muhammad Iqbal adhoc lecturer in Pashto	GDC Totakan Malakand Agency
2.	Islam ud Din adhoc lecturer in Pak Study	GDC Agra Malakand.
3.	Imtiaz Ahmad Khan adhoc lecturer in Pashto	GDC Darband Mansehra
4.	Siraj Ahmad adhoc lecturer in History	GDC Wari, Dir Upper.
5.	Zafar Iqbal adhoc lecturer in Urdu	GPGC No.1 Abbottabad
6.	Asif Khan adhoc lecturer in Urdu	GDC Lissan Nawab Mansehra
7.	Jamil Ahmad Khan adhoc lecturer in Pashto	GDC Ghari Kapora, Mardan
8.	Zakir Ullah adhoc lecturer in Islamiyat	GDC Babozal Mardan
9.	Liaqat adhoc lecturer in Urdu	GDC Nathiagali Abbottabad
10.	Kalim Ullah adhoc lecturer in English	GDC, Batkela
11.	Muhammad Riaz adhoc lecturer in Urdu	GDC Darazinda F.R D.I. Khan.
12.	Qazi Amjad adhoc lecturer in Urdu	GDC Havelian Abbotabad
13.	Muhammad Amir adhoc lecturer in Chemistry	GDC Havellan, Abbotabad
14.	Naveed Khan adhoc lecturer in Islamiyat	GPGC Haripur
15.	Humayun khan adhoc lecturer in Pak Study	GDC Mirali N.W.A
16.	Abdur Rehman adhoc lecturer in Islamiyat	GDC Matta Swat
17.	Fazli Karim adhoc lecturer in History	GDC Darzinda FR D.I. Khan
18.	Shah Nawaz Khan adhoc lecturer in Computer Science	GPGC Nowshehra
19.	Abdul Ghaffar Khan adhoc lecturer in Islamiyat	GDC Madyan, Swat.
20.	Ubalid Ullah adhoc lecturer in Islamiyat	GDC Hangu
21.	Saud Abbasi adhoc lecturer in English	GDC Nathiagali Abbottabad
22.	Kamran Khan adhoc lecturer in Statistics	GDC Kulachi D.I Khan
23.	Imran Afsar adhoc lecturer in Political Science	GDC Lissan Nawab Mansehra
24.	Noor ul Bashir adhoc lecturer in Pashto	GDC Takht Bhal Mardan
25.	Sohail Naeem adhoc lecturer in Political Science	GPGC Dargal Malakand Agency
26.	Muhammad Humayun adhoc lecturer in Pak Study	GDC Ghari Kapora, Mardan
27.	Muhammad Bilal adhoc lecturer in History	GDC Daggar (Buner)
28.	Nazir Ahmad adhoc lecturer in English	GDC Lund Khwar Mardan
29.	Zahid Ali adhoc lecturer in Geography	GDC Wadpaga Peshawar
30.	Abdul Hameed, adhoc lecturer in English	GDC Sherwan, Abbottabad.
31.	Muhammad Faig adhoc lecturer in Pak Study	GPGC Swabi
32.	Rahim Ullah adhoc lecturer in English	GPGC Khar Bajur Agency
33.	Fazal Said, adhoc lecturer in Physics	GPGC No.1 Abbottabad

Secretary (G-III)
Govt. of Khyber Pakhtunkhwa
Higher Education, Archives
& Libraries Department

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34.	Amir Dost Khan, adhoc lecturer in Computer Science.	GPGJC Saidu Sharif, Swat
35.	Mujib-ur-Rehman adhoc lecturer in History	GDC Bagan Kuram Agency
36.	Shafiq-Ur-Rehman adhoc lecturer in Pak; Study	GDC Bagan, Kurram Agency
37.	Muhammad Karam adhoc lecturer in Islamyat	GPGJC Swat
38.	Muhammad Ayaz adhoc lecturer in Pak Study	GPGC Dargai Malakand
39.	Muslim Shah adhoc lecturer in Urdu	GDC Ghari Kapora, Mardan
40.	Khalid Mehmood Ali adhoc lecturer in Pashto	GDC Paharpur D.I. Khan
41.	Taugir Abbas adhoc lecturer in English	GDC Kulachi D.I Khan
42.	Bakht Kamin adhoc lecturer in English	GDC Batkhela Malakand Agency
43.	Bakht Sultan adhoc lecturer in Computer Science	GDC Dagger Buner
44.	Ishfaq Ahmad adhoc lecturer in English	GDC Panjala D.I Khan
45.	Ijaz Rahim adhoc lecturer in Pak Study	GDC Sada Kuram Agency
46.	Muhammad Siraj, adhoc lecturer in Law.	GDC Madyan, Swat.
47.	Fazli Rahim adhoc lecturer in Computer Science	GDC Totakan Malakand Agency
48.	Muhammad Imran Khan adhoc lecturer in English	GDC Thana Malakand
49.	Zahir Ul Haq adhoc lecturer in Islamyat	GPGC Miranshah N.W.A
50.	Syed Hamid Ali Shah, adhoc lecturer in Pak Study.	GDC Dagger Buner
51.	Imtiaz Hussain adhoc lecturer in Pak Study	GDC Gulabad, Dir Lower.
52.	Zahid Ali Khan adhoc lecturer in English	GDC Balakot Mansehra
53.	Muhammad Ali adhoc lecturer in Pashto	GAKLPG Matta Swat
54.	Nalik Muhammad adhoc lecturer in Islamyat	GDC Zaida Swabi
55.	Muhammad Abid adhoc lecturer in Statistics	GDC Nawagai Bajur Agency
56.	Haji Jawad Ahmad adhoc lecturer in English	GPGC Haripur
57.	Amin Ullah adhoc lecturer in Islamyat	GPGC Karak
58.	Riaz-ud-Din adhoc lecturer in English	GDC Samar Bagh Dir Lower
59.	Muhammad Shakeel adhoc lecturer in Pak Study	GPGC No.1 Abbotabad
60.	Manzoor Ul Hassan adhoc lecturer in Statistics	GDC Zaida, Swabi
61.	Saeed Ahmad adhoc lecturer in English	GSSC Peshawar
62.	Zohalb Ihsan adhoc lecturer in Pak Study	GDC Hangu
63.	Muhammad Rafiq adhoc lecturer in English	GDC Letember (Karak)
64.	Mr. Saeed u Rehman Lecturer in Political Science	GPGC, Timeregara Dir (Lower)
65.	Abid Rehman adhoc lecturer in English	GDC Khanpur Haripur
66.	Tila Muhammad Khan adhoc lecturer in Geography	GPGC Karak
67.	Sharafat Ali adhoc lecturer in Economics	GDC Ekka Ghund Mohmand Agency
68.	Muhammad Nisar adhoc lecturer in Zoology	GDC Hangu.
69.	Muhammad Naeem Khan, adhoc lecturer in Biology	GDC Ghari Kapoora, Mardan.
70.	Naseeb Rawan adhoc lecturer in Chemistry	GDC Matta Swat
71.	Fazal Hayat adhoc lecturer in Computer Science	GPGC Swabi
72.	Aziz Ahmad adhoc lecturer in Pak Study	GDC Nathiagali Abbottabad
73.	Irfan Ullah adhoc lecturer in Economics	GDC Ghari Kapoora Mardan
74.	Mushtaq-ur-Rehman adhoc lecturer in Islamyat	GPGC Dargai Malakand Agency
75.	Hazrat Ali adhoc lecturer in Chemistry	DGC Lachi Kohat
76.	Muhammad Israil adhoc lecturer in Islamyat	GDC Tangi Charsadda
77.	Asad Ullah Khan adhoc lecturer in Geography	GDC Mirali N.W.A
78.	Rafeed Ullah adhoc lecturer in Physics	GDC Sabir Abad Karak
79.	Muhammad Yasin adhoc lecturer in Pak Study	GDC Puran Shangla
80.	Muhammad Anwar adhoc lecturer in English	GDC Agra Malakand
81.	Majid Ali adhoc lecturer in Chemistry	GDC Takht Bhal Mardan

GDC on 10/10/2019
 GDC on 10/10/2019
 GDC on 10/10/2019

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82.	Muhammad Ilyas adhoc lecturer in Political Science	GDC Wadpaga Peshawar
83.	Jawad Akhtar adhoc lecturer in Computer Science	GDC Barkhalozal Bajaur Agency
84.	Muhammad Hanif adhoc lecturer in Economics	GDC Puran, Shangla
85.	Muhammad Sohalb adhoc lecturer in Political Science	GPGC Charsadda.
86.	Abdul Naeem Khan adhoc lecturer in Pashto	GPGC Dargal Malakand.
87.	Aizaz Ullah, lecturer in Statistics	GDC Kotha, Swabi.
88.	Farman Ullah adhoc lecturer in History	GDC Ghari Kapora, Mardan
89.	Mukhtiar Hussain adhoc lecturer in English	GPGC Timargara Dir Lower
90.	Arshad Ali adhoc lecturer in Pak Study	GDC Tangl Charsadda
91.	Amir Talmor adhoc lecturer in Maths	GDC Ekka Ghund Mohmand Agency
92.	Imran Ullah adhoc lecturer in English	GDC Totakan Malakand Agency
93.	Khalil-ur-Rehman adhoc lecturer in Urdu	GDC Paniala D.I Khan
94.	Alam Jan adhoc lecturer in Computer Science	GDC Bakhshali Mardan
95.	Sarfaraz Khan adhoc lecturer in Physics	GDC Havelian Abbottabad
96.	Nazif Ullah adhoc lecturer in Biology	GPGC Miranshah S.W.A
97.	Ambiaz Khan adhoc lecturer in Urdu	GDC Tank
98.	Syed Sultan Zaib Bacha adhoc lecturer in Urdu	GPGC Timargara, Dir Lower.
99.	Ikram Jafar adhoc lecturer in English	GDC Toru, Mardan
100.	Abdul Salam adhoc lecturer in Islamiyat	GPGC Mardan
101.	Rehmat Ullah adhoc lecturer in Urdu	GDC Tank
102.	Zohaib Akhtar adhoc lecturer in Economics	GDC Zalda Swabi
103.	Yasir Ihsan adhoc lecturer in Statistics	GDC Oghi Mansehra
104.	Inam Ullah Khan adhoc lecturer in Economics	GDC Wana S.W.A
105.	Mudassar adhoc lecturer in Physics	GDC Thana Malakand Agency
106.	Muhammad Muslim Khan adhoc lecturer in Physics	GPGC Miranshah N.W.A
107.	Imam-ud-Din adhoc lecturer in English	GDC Sabirabad, Karak.
108.	Qalsar Zaman adhoc lecturer in Biology	GDC Dagger Buner
109.	Nadir Shah adhoc lecturer in English	GSSC Peshawar
110.	Muhammad Tariq adhoc lecturer in English	GDC Zarobi Swabi
111.	Ihsan Ullah, adhoc lecturer in Physics.	GDC No.3 D.I Khan.
112.	Siraj Khan, adhoc lecturer in Physics	GPGC Miranshah N.W.A
113.	Sajid Khan, adhoc lecturer in Physics	GDC Domail Bannu.
114.	Muhammad Tariq adhoc lecturer in English	GDC Bagan Kuram Agency
115.	Abid Saleem adhoc lecturer in English	GPGC Kohat
116.	Lugman Khalil adhoc lecturer in Economics	GPGC Kohat
117.	Ihsanullah, adhoc lecturer in Zoology,	GDC Latambar, Karak.
118.	Shahid Khan adhoc lecturer in Maths	GPGC, Timergara
119.	Sohail Ahmad adhoc lecturer in Urdu	GDC Totakan, Malakand Agency.
120.	Rahim Dad adhoc lecturer in Maths	GDC Thana Malakand Agency
121.	Muslim Khan, adhoc lecturer in Maths	GDC Landi Kotal, Khyber Agency.
122.	Ahmad Khan adhoc lecturer in Chemistry	GPGC Miranshah S.W.A
123.	Hezb Ullah, adhoc lecturer in Zoology	GDC Bagan, Kurram Agency.
124.	Jamil Fazal adhoc lecturer in Geography	GDC Darband Mansehra
125.	Muhammad Asad Khan adhoc lecturer in Statistics	GPGC Dargal Malakand
126.	Muhammad Imran adhoc lecturer in Chemistry	GDC Paharpur D.I Khan
127.	Gul Bahadar adhoc lecturer in Physics	GPGC Kohat
128.	Muhammad Usman Khan adhoc lecturer in Botany	GDC Paniala, D.I. Khan.

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129.	Sajid Ali adhoc lecturer in Physics	GDC Toru Mardan
130.	Nazir Muhammad adhoc lecturer In English	GPGC Mardan.
131.	Shafi Ullah adhoc lecturer In Islamyat	GPGC Kohat
132.	Muhammad Ali adhoc lecturer In Economics	GDC Toru Mardan
133.	Asad Ali adhoc lecturer In Chemistry	GDC Dagger Buner
134.	Taseer Ullah Shah adhoc lecturer in Botany	GDC No.3 D.I Khan
135.	Ijaz Ahmad adhoc lecturer In Physics	GDC Totakan Malakand Agency
136.	Farooq Ali adhoc lecturer in English	GDC Khalrabad Mardan
137.	Sajid Ghani adhoc lecturer In Urdu	GDC Dir Upper
138.	Muhammad Ishaq adhoc lecturer in Physics	GDC Dir Upper
139.	Shakoor Jan adhoc lecturer in Urdu	GPGC Charsadda.
140.	Murad Ali adhoc lecturer in Chemistry	GDC Zaida Swabi
141.	Yasir Ali adhoc lecturer In Physics	GDC Nathlagali Abbottabad
142.	Kamran Saeed adhoc lecturer in Chemistry	GDC Jandola F.R Tank
143.	Tehseen Ullah adhoc lecturer In Statistics	GDC Matta Swat
144.	Arif Ullah adhoc lecturer In Economics	GDC Ara Khel FR Kohat
145.	Muhammad Naveed Awan adhoc lecturer in Physics	GDC Balakot Manshra
146.	Abdul Zahir adhoc lecturer In Economics	GDC Ahmad Abad Karak
147.	Farrukh Kamran adhoc lecturer in English	GDC Lachi Kohat
148.	Mohammad Sabill-ur-Rehman adhoc lecturer in Maths	GPGC Mandian Abbottabad
149.	Azhar Qayum adhoc lecturer in Physics	GDC Battagram
150.	Nasir Uddin adhoc lecturer In English	GPGJC Swat
151.	Muhammad Adnan adhoc lecturer In Computer Science	GDC Tangl Charsadda
152.	Jamil Sheraz adhoc lecturer In Physics	GDC Zarabi Swabi
153.	Farhan Ahmed adhoc lecturer in Maths	GDC Darband Mansehra
154.	Abdul Nasir Khan adhoc lecturer in Political Science	GDC Manash Khel Bannu
155.	Ghulam Ullah Khan adhoc lecturer in Islamyat	GDC Totakan Malakand Agency
156.	Naveed Ali Shah adhoc lecturer in Political Science	GDC Kakki Bannu
157.	Ghulam Jalani Khan adhoc lecturer in History	GPGC No.1 Abbotabad
158.	Mansoor Ali adhoc lecturer In Chemistry	GPGC Mardan
159.	Manzoor Akbar adhoc lecturer In Computer Science	GDC Booni Chitral
160.	Asif Khan adhoc lecturer in Chemistry	GDC Thall Hangu
161.	Arshad Muhammad adhoc lecturer in History	GDC Zaida Swabi
162.	Muhammad Ibrar adhoc lecturer In Maths	GPGC Mardan
163.	Sallm Jan adhoc lecturer In Geography	GDC Samar Bagh, Dir Lower.
164.	Yousaf Khan, adhoc lecturer in Physics	GDC Nawagal Bajur Agency
165.	Rab Nawaz Khan adhoc lecturer in Statistics	GDC Garhi Kapoora Mardan
166.	Fahim Ullah Khan adhoc lecturer In Political Science	GDC Totakan Malakand Agency
167.	Rafi Ullah adhoc lecturer In Botany	GDC Gulabad, Dir Lower.
168.	Fahad Haldar Khan adhoc lecturer in English	GDC Ghari Kapoora, Mardan
169.	Syed Waseem Abbas Shah adhoc lecturer In Statistics	GDC Tangl, Charsadda.
170.	Hazrat Ali adhoc lecturer In Statistics	GDC Lahor, Swabi.
171.	Ansar Ullah adhoc lecturer in Statistics	GDC Miranshah N.W.A
172.	Fazal Dad adhoc lecturer In Chemistry	GDC Zarabi Swabi
173.	Fahim Ullah Khan adhoc lecturer in Maths	GDC Kulachi D.I Khan
174.	Rashid Zubair adhoc lecturer in Computer Science	GDC Gandaf, Swabi.

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175.	Muhammad Umair Khan adhoc lecturer in English	GDC Khalrabad Mardan
176.	Inam Ullah adhoc lecturer in Physics	GDC Kakki Bannu
177.	Raza Ullah Khan adhoc lecturer in Statistics	GDC Paniala D.I Khan
178.	Sher Ball Shah adhoc lecturer in Urdu	GPGC Bannu
179.	Zia-ur-Rehman adhoc lecturer in English	GDC Hangu
180.	Sajjad Hussain adhoc lecturer in Chemistry	GDC Thana Malakand Agency
181.	Abid Khan adhoc lecturer in Computer Science	GDC Sada Kuram Agency
182.	Abdul Amin adhoc lecturer in Urdu	GDC Korka Habibullah
183.	Zaki Ullah adhoc lecturer in Computer Science	GDC Latamber Karak
184.	Noor Hassan adhoc lecturer in Physics	GDC Matta Swat
185.	Junaid ur Rehman adhoc lecturer in English	GPGC Charsadda
186.	Farid Ullah Khan adhoc lecturer in English	GDC Domall Bannu
187.	Hamayun Khan adhoc lecturer in Political Science	GDC Gori Wala, Bannu.
188.	Irfan Ullah adhoc lecturer in English	GPGC Miranshah N.W. Agency.

FEMALE

1.	Ms. Shehzadi adhoc Lect; in History	GGC, Thana
2.	Ms. Zakia adhoc lect; in Islamiyat	GGC, Saidu Sharif swat
3.	Ms. Samina Anwar adhoc lect; in Urdu	GGDC, Darazinda
4.	Ms. Najia Tehsin adhoc lect; in Law	GGC, KDA Kohat
5.	Ms. Sadia Manan adhoc lect; in Comp; Sc;	GGC, Panjpir
6.	Ms. Rujia Bano adhoc lect; in Pak; Studies	GGC, Lakki Marwat
7.	Ms. Kalsoom Ilyas adhoc lect; in Botany	GGC, Kanju (Swat)
8.	Ms. Nazia Begum adhoc lect; in English	GGPC, Haripur
9.	Ms. Munaza Ameen adhoc lect. in Zoology	GGC, Maneri (Swabi)
10.	Ms. Shagufta adhoc lect; in Urdu	GGC, Panjpir (Swabi)
11.	Ms. Bibi Hajira adhoc lect; in H. Eco;	GGC, Alizal (K. Agency)
12.	Ms. Sabeha Rasheed adhoc lect; in Pol; Sc;	GPGC for Women, Haripur
13.	Ms. Maria Wahab adhoc lect; in Computer Science	GGC No. 2 Haripur
14.	Ms. Hajira Afridi adhoc lect; in Biology	GGDC, Khar Bajaur
15.	Ms. Fozia adhoc lect; in Geography	GGDC, Wana
16.	Ms. Salma Mehreen adhoc lect; in Comp; Sc;	GGC No. 1 DIKhan
17.	Ms. Kausar Gul adhoc lect; in Pol; Science	GGDC, Timerqara
18.	Zeenat Yasmin adhoc lect; in Comp; Science	GGDC, Wana
19.	Ms. Kashifa Rehman adhoc lect; in Stats	GGC, Mankaral, Haripur
20.	Ms. Salma Batool adhoc lect; in Pol; Science	GGDC, Kalaya
21.	Ms. Shandana Rafique adhoc lect; in English	GGC, Karak
22.	Ms. Sanam adhoc lect; in Statistics	GCGC, Peshawar
23.	Ms. Humera adhoc lect; in Maths	GGC Batkhela, Malakand.
24.	Ms. Quratual Ain adhoc lect; in History	GGC, Panjpir, Swabi.
25.	Ms. Shaheen Bibi adhoc lect; in Biology	GGDC, Parachinar
26.	Ms. Mehreen Gul adhoc lect; in Maths	GGC, S/Sharif, Swat
27.	Ms. Sana Malik adhoc lect; in H. Eco;	GGC, Gulshan-e- Rehman Colony Kohat Road Peshawar
28.	Ms. Amna Rizwana adhoc lect; in Eng;	GGC, Booni Chitral
29.	Ms. Shama Noreen adhoc lect; in Geo;	GGC, Zaida Swabi
30.	Ms. Farzana Bibi adhoc lect; in Zoology	GGC, Takht-e-Nasrati
31.	Ms. Sajida Bibi adhoc lect; in Pashto	GGC, Parhot,
32.	Ms. Tehsin Zuhra adhoc lect; in Comp; Science	GGC, Kulachi (DIKhan)
33.	Ms. Warda Nazneen adhoc lect; in Chemistry	GGC, KDA Kohat
34.	Ms. Gulraiz Sehresh adhoc lect; in Physics	GGC, Kulachi
35.	Ms. Salra Bano adhoc lect; in Chemistry	GGC, Parachinar

(27)

36.	Ms.Salqa Faryal Mehsood adhoc lect;in Computer Science	GGDC, Wana
37.	Ms.Alweena Javeed adhoc lect;in Comp;Sc;	GGC, Booni Chitral

2. **Terms and conditions of their regular appointment will be as under:**

- i. They will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. They will also be entitled to annual increments as per existing policy.
- ii. They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
- iii. They will have all rights / privileges contained in Khyber Pakhtunkhwa Civil Servants Act, 1973 with all amendments made therein including Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 and Rules made there-under.
- iv. Their employments in the department is purely temporary and their services are liable to be terminated without assigning any reason at thirty (30) days notice or on the payment of 30 days salary in lieu thereof. In case they wish to resign at any time, 30-days notice will be necessary or in lieu thereof 30 days pay will be forfeited.
- v. They shall, initially, be on probation for a period of one year extendable upto two years.
- vi. Their seniority shall be determined in the light of the above Notification chronologically in accordance Section-4 of the Khyber Pakhtunkhwa Adhoc Lecturers (Regularization of Services) Act, 2014.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA.
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even.

Copy of the above is forwarded to the: -

1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Secretary (Infrastructure, Coordination & Administration Department, FATA Secretariat, Warsak Road, Peshawar.
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
8. Director Education (FATA), Khyber Pakhtunkhwa, Warsak Road, Peshawar.
9. Director, Information for wide publicity through media.
10. Districts / Agency Accounts Officers concerned.
11. Principals, Government Colleges (Male) concerned.
12. P.S. to Minister for Higher Education, Khyber Pakhtunkhwa.
13. P.S to Secretary, Higher Education Department.
14. Lecturers concerned.

(ZAHID USMAN KAKA KHEL)
SECTION OFFICER (COLLEGES-II)

CHARGE SHEET

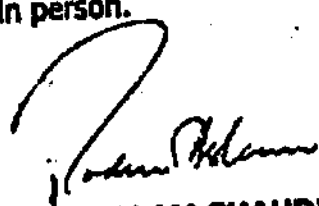
Annex - E

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I, Nadeem Aslam Chaudhary, Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Rashid Zubair, Lecturer in Computer Science (BS-17), Govt. Degree College, Gandaf, Swabi (presently posted at GDC, Garhi Kapura, Mardan) as follows:

That you, while posted at Govt. Postgraduate College, Mardan as Examiner committed the following irregularities:-

- i. That you collected/taken money from the students of Computer Science of Inter Classes for giving them extra marks during the practical examination for the year 2016.
 - ii. That you and your un-authorized Assistant were caught red handed alongwith money in cash taken from the students by the Principal GPGC, Mardan & Controller of Examination.
 - iii. That through a written statement on 02.06.2016, you had confessed your guilt of receiving money from the students.
2. By reason of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servant, (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry officer/ inquiry committee, as the case may be.
4. Your written defence, if any, should reach the inquiry officer/ inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.


(NADEEM ASLAM CHAUDHARY)
Chief Secretary, Khyber Pakhtunkhwa

DISCIPLINARY ACTION

1, Nadeem Aslam Chaudhary, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Rashid Zubair, Lecturer in Computer Science (BS-17), Govt. Degree College, Gandaf, Swabi (presently posted at GDC, Garhi Kapura, Mardan) 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 collected/taken money from the students of Computer Science of Inter Classes for giving them extra marks during the practical examination for the year 2011.
- ii. That he and his un-authorized Assistant were caught red handed alongwith money in cash taken from the students by the Principal GPGC, Mardan & Controller of Examination.
- iii. That through a written statement on 02.06.2016, you had confessed your guilt of receiving money from the students.

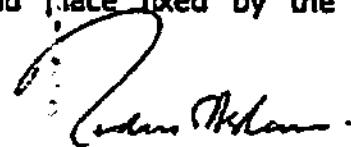
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules.

i. Mr. Habibullah Khan (PMS-19) Add Secy. PWD Deptt

ii. _____

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

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.



(NADEEM ASLAM CHAUDHARY)
Chief Secretary, Khyber Pakhtunkhwa

03139373787

(30)

To
The Additional Secretary (P&D)
Khyber Pakhtunkhwa

Subject: Written Defense

Respected sir,

Reference to your letter no.SO(C-II)/HED/1-55/2023/Rashid Zubair/Lect/CS/9336-37
Dated 14.09.2023 following explanation is hereby submitted to the competent authorities.

1. I have no knowledge of the illegation in para (i) as i did not collect any money from the students of computer science of inter classes for the giving them extra marks during the practical examination for the year 2016.
2. I deny the allegation in para (ii) that i was caught red handed for cash taken from the students, Moreover I had no personal Assistant who might commit such an act. It is hereby clarified that the then principal GPGC Mardan and the controller of Examination took out my personal money from my purse in the principal's office. It is an act of misbehavior. Moreover I condemn such act where an illegation is based on my personal money.
3. As to para (iii) I clearly state that the said statement was dictated to me by the then principal where i was pressurised by the principal and the controller of Examination. I had no idea that this statement would be used as a trap for me.

On the above mentioned basis, I clarify my position as I was trapped in the said illegation. I forwarded the statement by the then principal as I did not want the atmosphere of the office to remain undisturbed. I condemn such acts of misconduct by any person in the authoritative position.

I submit my written defense.

I will be present for personal hearing as per your appointment time.

Thanking you
Rashid Zubair
Lecturer in Computer Science
GDC Garhi Kapura Mardan



Date: 20.09.2023

SHOW CAUSE NOTICE

Annex - F (31)

I, Nadeem Aslam Chaudhary, Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Rashid Zubair, Lecturer in Computer Science (BS-17), Govt. Degree College Gandaf, Swabi (presently posted at Govt. Degree College Garhi Kapura, Mardan) as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer Mr. Habibullah Khan (PMS BS-19), Additional Secretary (Planning) P&D Department for which you were given opportunity of hearing.
- (ii) on going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officer.

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

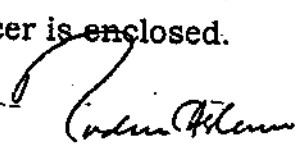
- (a) misconduct;
- (b) guilty of corruption

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule-4 of the said rules.

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

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

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


(Nadeem Aslam Chaudhary)
Chief Secretary
Khyber Pakhtunkhwa

Dated: 15.01.2024

Rashid Zubair
Lecturer in Computer Science (BS-17)
GDC Garhi Kapura Mardan

15/01/2024
[Signature]

Yours Obediently,

It is therefore humbly requested that I may please be provided copy of the inquiry report along with complete inquiry proceedings including statements recorded (if any) in light of rule 14(4)(c) of the KP Government Servants (Efficiency and Discipline) Rules 2011 so as to enable me to submit written defense/reply to the show cause notice.

- (a)
- (b)
- (c) provide a copy of the inquiry report to the accused; and
- (d)

14(4). Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-

- 3. That as per rule 14(4) (c) of the KP Government Servants (Efficiency and Discipline) Rules 2011, the competent authority shall provide a copy of the inquiry report along with show cause notice. Rule 14(4) (c) of the rules ibid reads as under:
- 4. That a show cause notice has been issued which is received by me on 12.01.2024, however, I am unable to submit my defense/reply to the show cause notice in absence of the inquiry report and entire inquiry proceedings including statements recorded (if any).

- 5. That Mr. Habib Ullah Khan (PMS BS-19) was appointed as inquiry officer who conducted inquiry, however, I am not associated with any inquiry nor I am afforded opportunity of cross examining any witness.
- 6. That I have got 14 years of satisfactory service.

7. That I am serving as Lecturer in Computer Science (BS-17) in Govt Degree College Garhi Kapura Mardan.

Applicant humbly submits as under:

Respected Sir,

Subject: Application for provision of inquiry report as well as entire inquiry proceedings including statements recorded (if any)

The Worthy Chief Secretary,
Khyber Pakhtunkhwa.

To

(33)

[Signature]
Fax-G

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Annex-H

(33)

INQUIRY REPORT

Subject:- DISCIPLINARY PROCEEDINGS AGAINST MR. RASHID ZUBAIR, LECTURER-IN-COMPUTER SCIENCE (BS-17) GOVT DEGREE COLLEGE, GANDAF - SWABI (PRESENTLY POSTED AT GDC, GARHI KAPURA, MARDAN).

Appointment Of Inquiry Officer:-

The undersigned has been appointed as enquiry officer by the Chief Secretary, Khyber Pakhtunkhwa vide letter No. SO(C-II)/HED/1-55/2023/Rashid Zubair/Lect./CS/9336-37 to conduct a formal inquiry against Mr. Rashid Zubair, Lecturer in Computer Science (BS-17) under the Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Rules, 2011 for the charges contained in Charge Sheet and Statement of Allegations.

Background:-

Background of the case is that the accused, Mr. Rashid Zubair Lecturer in Computer science was performing his examination duty at GPGC Mardan back in 2016. On May 02, 2016, some students of the college complained to the Principal against the accused taking money in lieu of extra marks.

Thereupon, the controlling examination BISE Mardan and the then Principal, Mr. Fayaz Ali Shah investigated the matter and upon inquiry, recovered the said amount from the accused. The accused also gave a confessional statement of his guilt on the spot.

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(34)

Proceedings:-

Through letters dated 09-10-2023 & -11-10-2023 (Annexure-A) the accused, the departmental representative and the then principal, Mr. Fayyaz Ali Shah were summoned for recording their oral/written statements as well for provision of relevant record. The accused, the departmental representative as well as the then principal attended the office of the undersigned on 16-10-2023 and submitted their oral/written statements.

During the proceedings, sufficient opportunity was given to all for bringing into the notice of the undersigned all the relevant facts connected with the case. The record of the inquiry comprised of statement of then principal (Annexure-B), the complaint of the students (Annexure-C), the confessional as well as the defense statements of the accused (Annexure-D).

2

Findings

From hearing the accused officer and from the perusal of the statements and record available, it is ascertained that the accused was involved in taking bribe from students in lieu of extra marks and all the three charges in the charge sheet are proved.

Recommendation

It would be appropriate that minor penalty of "withholding of one increment for one year without cumulative effect" may be imposed upon the accused officer under Rule 4(ii) of the KPK Govt Servants (Efficiency & Discipline) Rules 2011.



Habibullah Khan
Addl. Secretary (Planning)
(Inquiry Officer)

Ann-I
(35)

To

The Worthy Chief Secretary,
Khyber Pakhtunkhwa.

Subject: Reply to show cause notice

Respected Sir,

Reference to your show cause notice, I humbly submit my reply as under:

1. That I am serving as Lecturer in Computer Science (BS-17) in Govt Degree College Garhi Kapura Mardan.
2. That I have got 14 years of satisfactory service and there is no complaint against me in my entire service career.
3. That I am innocent and falsely charged.
4. That all the allegations leveled against me in the charge sheet/statement of allegation are incorrect and denied specifically. I submit reply to each allegation as under:

Allegation No	Allegation	Reply to allegation
i	He collected/taken money from the students of Computer Science of Inter Class for giving them extra marks during the practical examination for the year 2016.	The allegation is incorrect and denied specifically. I have neither taken money from any student of computer science of Inter Class for the year 2016 of Government Post Graduate College Mardan nor I have given extra marks to any student against money. The record clearly depicts that I have awarded marks to students as per their ability and practical knowledge. None of the student has been examined in the instant case and it is an old matter of 2016 which has been unearthed for ulterior motives in 2023 after lapse of 07 years which is a stale matter and is time-barred and cannot be agitated after lapse of multiple years. This shows that the instant proceedings are based on malafide on the instance of my bad-wishers/colleagues who are in run with me for promotion to the higher grade/post. The solitary witness i.e Principal Fayyaz Ali Shah has not been examined in my presence and on my written request for provision of proceedings of the inquiry and inquiry report, I have been

handed over a statement in the application form which is not signed by the Principal/so-called witness. I was not the subordinate of the Principal of the College namely Fayyaz Ali Shah, rather he was insisting to grant extra marks to his blue-eyed wherein I resisted the same and told him that I will award marks as per the ability of the students and not upon his dictation., upon which became annoyed and threatened me for showing me a lesson.

I was the appointee (examiner) of the BISE Mardan and was answerable to the said Board and the statement of the Principal regarding calling me and recovering amount from my pocket showing to have been received from the students is a white lie and totally false and incorrect. Neither he can call me nor he can search my pockets and it is totally out of question that he has recovered any amount from me which he is showing to be the amount given by the students.

The complaint annexed with the inquiry is also incorrect and false as the same has not been supported by any of the signatory student and had there been any such complaint, it would have been taken to logical conclusion in the year 2016. The complaint has not been supported by any statement of the alleged signatories/students. The complaint is vague as it is not showing as to who has demanded money from them and it is not mentioning my name and mentioning that amount has been received from some students is also a vague allegation as neither the amount has been specified nor the students have been named and is a plethora false allegations. The complaint is not bearing the date. The BISE Mardan was satisfied from my evaluation and the students have been given degrees as per my assessment and the Board as well as the students were satisfied from the said

		<p>marking which was not challenged in any relevant forum. The Board has not taken any action against me which shows the satisfaction of the appointing authority (i.e BISE Mardan)</p>
ii	<p>That you and your un-authorized Assistant were caught red-handed along with money in cash taken from the students by Principal GPGC Mardan & Controller of Examination</p>	<p>This allegation is totally false and incorrect. I have no Assistant what to speak of un-authorized Assistant and even name of the person so posing as un-authorized assistant has not been mentioned in the charge sheet/statement of allegation. Neither the amount has been specified in the charge sheet/statement of allegation nor as to how much amount has been recovered nor the specification of amount from my so-called assistant. The so-called recovered amount has not been shown to the inquiry officer which clearly falsifies the allegations leveled against me. The Principal is biased and personal as I didn't succumb to his desire and the Controller of Examination/Chairman of the Board has not taken any action against me in the year 2016 nor the statement of the Controller of Examination has been recorded in 2016 or even in this inquiry nor the Controller of Examination has been named or specified through designation which shows that it is a false allegation against me at this belated stage.</p> <p>Neither the complaint nor the letters have been exhibited nor the original have been produced from the proper custody i.e BISE Mardan. The photocopy attached with the inquiry as letter dated 03.06.2016 by the Principal GPGC Mardan to the Chairman BISE Mardan is inadmissible in evidence and can't be believed.</p> <p>Similarly, the so-called fabricated complaint at the behest of the Principal is a photocopy and fabricated and is inadmissible in evidence being a photocopy.</p> <p>None of the student has been</p>

		<p>shown to have been affected due to my assessment of marks which was just, fair and similarly, none of the so-affected student has given statement before the inquiry officer or any other authority and none of the signatory of the so-called complaint have supported the instant complaint in the inquiry proceedings, thus the same cannot be relied upon.</p>
iii	<p>That through a written statement on 02.06.2016 you had confessed your guilt of receiving money from the students</p>	<p>The allegation of confessing guilt is incorrect. Denied specifically. I have not submitted any confessional statement before any authority on 02.06.2016. Had there been any such confessional statement, I would have been prosecuted then and there but the long silence of the Department speaks of the fact that all these things are maneuvered and fabricated by the Principal who was not only annoyed on my refusal to his dictations but, he has adopted enimical attitude against me in 2023 for threatening me again to teach me a lesson. None of the so-called witnesses on the so-called confessional statement have been examined by the inquiry officer. Neither the so-called confession is in my handwriting nor signed by me. The signature is visibly different from my admitted signature which needed forensic analysis which has not been conducted and cannot be used against me. I have seen the so-called confession attached with the inquiry report for the first time which has been fabricated. Moreover, the alleged confessional statement on the part of Zubair Shah (P.E.T) shows that the amount of Rs.6550/- has been recovered from him and not from me. The witnesses on said confessional statement of Zubair shah have not been examined in the inquiry. The Elementary and Secondary Education Department has not taken any action against said Zubair Shah and the solitary trial/inquiry against me is against the rules and procedure. As per</p>

		rule 2(f)(ii) proviso of KP Government Servants E&D Rules 2011. the competent authority of the senior accused shall be authority for junior accused as well which shows that, both the accuseds are to be tried together.
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5. That I have not been associated with the inquiry proceedings nor my statement has been recorded.
6. That neither any witness has been examined in my presence nor I have been afforded opportunity of cross examination as per rule 7 of the KP Government Servants E&D Rules 2011.
7. That no regular inquiry has been conducted in the instant case.
8. That it is a belated matter and activation of the same after 7 years is illegal against law and justice.
9. That I have satisfactory service with the Department as well as with the Board after 2016.
10. That I am putting on satisfactory service of long 14 years and prosecution of mine on such trivial charge which too is false after lapse of 07 years is illegal and against the rules.
11. That the KP Government Servants E&D Rules 2011 provides time-frame for issuance of charge sheet and holding of inquiry on day to day basis and show cause notice which as per wisdom of the rule-framer is to be completed within months immediately and the belated procedure after lapse of seven years is unwarranted in the facts and circumstances of the case.
12. That the inquiry officer has recommended for minor penalty of withholding on one increment for one year and issuing show cause notice for removal from service is against the recommendation of the inquiry officer and the authority cannot enhance the penalty than the one recommended and proposed by the inquiry officer.
13. That I request to be heard in person

It is therefore humbly prayed that on acceptance of this reply to show cause notice, I may please be exonerated of the charges leveled against me and the show cause notice/disciplinary proceedings may please be filed without further action.

I shall pray for your long life!

Yours' Obediently;

Rashid Zubair
Lecturer in Computer Science (BS-17)
GDC Garhi Kapura Mardan

Dated: 01/02/2024



GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Annex-J

(40)

Dated Peshawar the May 13, 2024

NOTIFICATION

No. SO(C-II)/HED/1-55/2023. WHEREAS 7749-56
(BS-17), Govt. Degree College, Gandaf, Swabi (presently posted at GDC, Garhi Kapura Mardan) was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011.

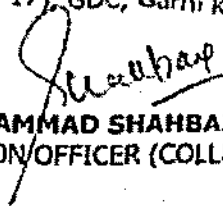
2. **AND WHEREAS** the Competent Authority appointed Mr. Habib Ullah Khan, (PMS BS-19) Additional Secretary, P&D Department as Inquiry Officer to conduct inquiry against the accused officer for the charges leveled against him in accordance with the Law/Rules.
3. **AND WHEREAS** the Inquiry Officer has examined the charges, evidence on record and explanation of the accused officer, submitted his report.
4. **AND WHEREAS** the Competent Authority served the accused officer with Show Cause Notice for tentatively proposing imposition of major penalty of "Removal from Service".
5. **AND WHEREAS** the Competent Authority, upon receipt of the reply to show cause notice submitted by the accused officer, under Rule-15 of the Rules ibid, appointed Mr. Masood Ahmad, Secretary E&SE Department, to afford him the opportunity of personal hearing on his behalf.
6. **AND WHEREAS** the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused officer has recommended that the officer has committed the act of omission and irresponsibility by depriving a meritorious candidate from appointment.
7. **NOW THEREFORE**, the Competent Authority after having considered the charges, evidence on record, report of the inquiry officer, and in exercise of powers under Rule-14(5) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 has been pleased to confirm the major penalty of "Removal from Service" on Mr. Rashid Zubair, Lecturer in Computer Science (BS-17), Govt. Degree College, Gandaf, Swabi, presently posted at GDC, Garhi Kapura Mardan.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director-IT, HEMIS Cell, Higher Education Department.
3. District Accounts Officer, Mardan.
4. Principal, GDC, Gandaf, Swabi.
5. Mr. Rashid Zubair, Lecturer in Computer Science (BS-17), GDC, Garhi Kapura Mardan.
6. PS to Secretary Higher Education Department.
7. Master File.


(MUHAMMAD SHAHBAZ KHAN)
SECTION OFFICER (COLLEGES-II)

To

D/10-64+
27/5/24

The Chief Minister
Khyber Pakhtunkhwa
Peshawar.

Ann-K

(41)

Subject:

Through Proper Channel

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED REMOVAL
FROM SERVICE ORDER

Respected Sir,

With due reverence it is submitted that appellant was appointed as Lecturer BPS-17 in Higher Education Department on 05/11/2010 and served the department up to the satisfaction of authority throughout my career. No departmental action has been taken so far against the appellant except the impugned order.

Having sufficient and satisfactory service on the credit, the appellant was considered for promotion to the post Assistant Professor BS-18 vide recently held PSB in the year 2023. His juniors were promoted but promotion of the appellant was regretted on unknown reasons.

That recently, in the year 2023, the appellant was subjected to an enquiry on baseless allegations. The appellant joined the enquiry proceedings and the enquiry officer recommended minor penalty of withholding one increment. In the personal hearing, the Secretary ES&SE recommended major penalty of removal from service upon the appellant hence the competent authority removed the undersigned from service vide impugned removal from service order No.SO(C-II)/C-2)/HED/1-55/2023 Dated 13 May, 2024

That the enquiry proceedings were carried out in violation of E&D Rules 2011. The appellant was not treated as per provisions of the ibid rules. Departmental representative so deputed could not attend the enquiry proceedings however, another officer represented the department. No opportunity of cross examination of the record and statement of the departmental representative was provided. Fake complaint was produced against me regarding irregularity in performance of duties in Intermediate (practical examination) in the year 2016 based on which disciplinary proceedings were initiated against me in 2023 followed by major penalty vide impugned order. No record of proceedings and connected papers was/is provided to the undersigned. Besides this, fake confession statement under my signature was placed on record which is a blatant violation of the fundamental rights of the appellant. Even the content of the impugned removal order vide para-6 expressly provides that the order was issued in haste. The whole proceedings against the appellant seem to have been based on malice, personal grudges and politically motivated thus unable to stand the test of law.

PRAYER: In view of the above, it is very humbly prayed that the appeal in hand may be accepted, the impugned removal from service order may be withdrawn and the appellant may be placed before the upcoming PSB for consideration of promotion w.e.f the date of previous PSB with all back benefits.

Sincerely Yours,


27/05/2024
Rashid Zubair Ex Lecturer
APPELLANT

GOVERNMENT OF THE KHYBER PAKHTUNKHWA ESTABLISHMENT
AND ADMINISTRATION DEPARTMENT.

Ann-1
(48)

NOTIFICATION

Peshawar dated the 16th September, 2011.

NO.SO(REG-VI) E&AD/2-6/2010.-In exercise of the powers conferred by section 26, of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. **Short title, application and commencement.**—(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "accused" means a person in Government service against whom action is initiated under these rules;
- (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
- (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;
- (e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;
- (f) "competent authority" means-
 - (i) the respective appointing authority;
 - (ii) in relation to a Government servant of a tribunal or court functioning under Government, the appointing authority or the Chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of the competent authority under these rules;

Provided that where two or more Government servants are to be proceeded against jointly, the competent authority in relation to the accused Government servant senior most shall be the competent authority in respect of all the accused ¹[.]

²[Provided further that where Chief Minister is the Appointing Authority, the Chief Secretary shall be the competent authority for the purpose of these rules except rules 14 & 15.]

¹ Full-stop replaced by Notification No. SO (Policies) E&AD/1-41/2017 dated 07.12.2017.

² Added by Notification No. SO (Policies) E&AD/1-41/2017 dated 07.12.2017.

- (g) "corruption" means-
 - (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or
 - (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
 - (iii) entering into ¹[voluntary return or] plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or
 - (iv) possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
 - (v) maintaining a standard of living beyond known sources of income; or
 - (vi) having a reputation of being corrupt;
- (h) "Governor" means the Governor of the Khyber Pakhtunkhwa;
- ²[(h-i) "hearing officer" means an officer, as far as possible, senior in rank to accused, appointed by the competent authority, to afford an opportunity of personal hearing to the accused on behalf of the competent authority;]
- (i) "inefficiency" means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;
- (j) "inquiry committee" means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;
- (k) "inquiry officer" means an officer appointed by the competent authority under these rules;
- (l) "*misconduct*" includes-
 - (i) conduct prejudicial to good order or service discipline; or
 - (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
 - (iii) conduct unbecoming of Government servant and a gentleman; or
 - (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
 - (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or

¹ Inserted by Notification No. SO (Policies) E & AD/2-6/2017 dated 07.12.2017
² Inserted by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021

(44)

- (vi) making appointment or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
- (vii) conviction for a moral offence by a court of law ¹[; or
- (Viii) Avoiding submission of Annual confidential Report / Performance Evaluation Report by a Government Servant, or withholding such report by the Reporting Officer or the countersigning Officer as the case may be, within the required period as provided in the instructions issued by the Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973, from time to time ²[;]

³[(m) "penalty" means a minor or major penalty, as provided under rule 4 of these rules.]

- (2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. Grounds for proceedings.—A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into ⁴[voluntary return or] plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

⁵[**4. Penalties.**— (1) The following shall be penalties under these rules:

- (a) minor penalties:
 - (i) censure;
 - (ii) withholding of increment or increments for a specific period, subject to maximum of three years, without cumulative effect:

Provided that the penalty of withholding of increment shall not be imposed upon a Government servant who has reached the maximum of his pay scale or shall superannuate within the period of penalty;

¹ Added by Notification No. SO(REG-VI) E&AD/2-6/2010 dated 26-05-2014

² Full-stop replaced by semi-colon by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021

³ Added by Notification No. SO (Policies) E&AD/2-6/2021 dated 31-12-2021.

⁴ Inserted by Notification No. SO (Policies) E & AD/2-6/2017 dated 07.12.2017.

⁵ Substituted by Notification No. SO (Policies) E&AD/2-6/2021 dated 31-12-2021.

- (iii) reduction to a lower stage or stages, in pay scale, for a specific period, subject to a maximum of three stages without cumulative effect; and
- (iv) withholding of promotion for a specific period, subject to a maximum of three years, if the accused is otherwise eligible for promotion in accordance with these rules or orders pertaining to the service or post:

Provided that specific period of punishment under this sub-clause shall be counted from the date when a permanent vacancy for promotion in respect of accused is available and the accused is otherwise eligible for such promotion:

Provided further that penalty under this clause shall not be imposed upon a Government servant, who has no further prospects of promotions, or who will superannuate during the period of the said penalty; and

(b) major penalties:

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

¹[Provided that on restoration to original pay scale or post, the penalized Government servant shall be placed below the erstwhile juniors promoted to higher post during subsistence of the period of penalty:]

Provided further that this penalty shall not be imposed upon the accused, who is likely to be superannuated within the period of the penalty ²[:]

³[Provided also that this penalty shall not be imposed upon the Government servant, who has been appointed against the post by initial recruitment.]

- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) The penalty of removal from service shall not but dismissal from service, under these rules, shall disqualify the Government servant for further employment of any kind under Government.

(3) Subject to any restraining orders, passed by any court of competent jurisdiction, any proceedings under these rules shall not be discontinued merely on the ground that the matter is sub-judice before the Court.

(4) Subject to sub-rule (3), where the holding of departmental inquiry during judicial custody is not possible or where holding of such departmental inquiry has effect of impeding the course of justice in criminal proceedings or prejudicing the trial, the competent authority may defer such inquiry till release on bail or termination of criminal proceedings, as the case may be.

¹ Substituted by Notification No. SO (Policies) E&AD/2-6/2022, dated 16th January, 2023.

² Semi-colon replaced by Notification No. SO (Policies) E&AD/2-6/2022, dated 16th January, 2023.

³ Added by Notification No. SO (Policies) E&AD/2-6/2022, dated 16th January, 2023.

(5) In addition to the minor or major penalties, as the case may be, where a Government servant is convicted of any embezzlement or where any pecuniary loss is caused to Government or organization in which he is employed or posted, such embezzled amount and the amount due shall be recovered from such accused from his pay or any other amount payable to the accused in whole or in part, as provided in the financial rules:

Provided that if the amount, due from any such Government servant cannot be wholly recovered from the pay or any other amount payable to him, such amount shall be recovered under the law for the time being in force.]

5. **Initiation of proceedings.**—(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

- (a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) a Government servant is involved in subversive activities; or
- (iv) it is not reasonably practicable to give such an opportunity to the accused; or

- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

- (i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
- (ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

¹6. Suspension and leave.— (1) The competent authority may place any Government servant under suspension or sent him on leave, against whom proceedings are proposed to be initiated for an initial period not exceeding one hundred and twenty days at one time extendable in writing, by the competent authority for such period as it may deem appropriate or till conclusion of the proceedings, if in the opinion of the competent authority, suspension or sending the Government servant on leave is necessary or expedient. If the period of suspension is not extended before the expiry of initial period of suspension, the suspension of such Government servant shall cease to have effect.

²[Provided that in cases where the Chief Minister or Chief Secretary is the competent authority, the Administrative Secretary may suspend the Government servant and submit charge sheet and statement of allegations, forthwith, to the competent authority for signature and initiation of disciplinary proceedings, in accordance with these rules.]

(2) A Government servant, who has been charged for a criminal offence and is committed to prison shall be considered as under suspension from the date of his arrest without the formal approval of competent authority:

Provided that in case such Government servant is not arrested or is released on bail, the competent authority may suspend him by specific order to be notified in this behalf.

(3) During suspension period, the Government servant shall be entitled to his pay, allowance and other benefits in accordance with Fundamental Rule-53.

(4) If a Government servant is sent on leave, in pursuance of an order under sub-rule (1), such period shall be treated as on duty.

(5) If a Government servant is absent from official duty during the disciplinary proceedings under these rules, such period may be treated as extraordinary leave without pay with the approval of competent authority.]

³7. Procedure where inquiry is dispensed with.— If the competent authority decides that it is not necessary to hold an inquiry against the accused, it shall –

- (a) inform the accused, by an order in writing, of the grounds for proceedings against him, clearly specifying the charges therein, along-with apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, which shall not be less than ten days and more than fourteen days, from the receipt of the order or within such extended period, as the competent authority may allow;
- (c) on receipt of reply of the accused, within the stipulated period or after the expiry thereof, if no reply is received, on the basis of available record of facts of the case, as the case may be, determine whether the charges or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused or in case where no reply is received, the competent authority shall, except in such cases where the Chief Minister is the competent authority, decide the case within a period of thirty days;

¹ Substituted by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021.

² Added by Notification No. SO (Policies) E&AD/2-6/2022, dated 16th January, 2023.

³ Substituted by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021.

- (d) afford an opportunity of personal hearing, before passing any order of penalty under clause (f), if the charges or charges have been proved against him;
- (e) exonerate the accused, by an order in writing, if the charge or charges have not been proved against him; and
- (f) impose any one or more penalties, mentioned in rule 4, by an order in writing, if the charge or charges have been proved against the accused.]

8. **Action in case of conviction or plea bargain under any law.**—Where a Government servant is convicted by a court of law on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices, or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude under any law for the time being in force, the competent authority, after examining facts of the case, shall-

- (a) dismiss the Government servant where he has been convicted on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily:

Provided that dismissal in these cases shall be with ¹[.....] effect from the date of conviction by a court of law; and

- (b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

²[9. **Procedure in case of willful absence.**— Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the Administrative Secretary in case the competent authority is Chief Minister or Chief Secretary and in all other cases by the competent authority concerned, through registered acknowledgement on his home address directing him to resume duty within fifteen (15) days of issuance of the notice. If the same is received back as undelivered or no response is received from such Government servant, within stipulated time, a notice shall be published in at least two leading newspapers, directing him to resume duty within fifteen (15) days of the publication of the notice, failing which an ex-parte decision shall be taken by the competent authority against him. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant by the competent authority:

Provided that upon publication of the notice in the newspaper, pay of such Government servant shall be stopped.]

¹ Deleted by Notification No. SO(REG-VI)E&AD/2-6/2010. Dated 18th July, 2012.

² Substituted by Notification No. SO (Policies) E&AD/2-6/2022, dated 16th January, 2023.

(49)

10. Procedure to be followed by competent authority where inquiry is necessary.—

(1) If the competent authority decides that it is necessary to hold an inquiry against the accused, under rule 9 of these rules, it shall pass an order of inquiry in writing. An inquiry order shall include—

- (a) the appointment of an inquiry officer or inquiry committee, subject to sub-rule (2); provided that the inquiry officer or the convener of the inquiry committee, as the case may, shall, as far as possible, be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall, as far as possible, be of a rank senior to the senior most accused;
- (b) the grounds for proceedings, clearly specifying the charges alongwith apportionment of responsibility which shall be communicated to accused within fourteen days, from the date of initiation of proceedings;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit his written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than ten and more than fourteen days from the date of receipt of orders under clause (b) or within such an extended period as the competent authority may allow.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along-with the order of inquiry.

(3) In case where the inquiry officer or any of the members of the inquiry committee is required to be replaced for one reason or the other, the competent authority may appoint another inquiry officer or the inquiry committee, as the case may be.]

11. Procedure to be followed by inquiry officer or inquiry committee.—

(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex-parte.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day and no adjournment shall be given except for reasons to be recorded in writing, in which case it shall not be of more than seven days.

²[(4) Statements of witnesses shall be recorded in the presence of accused and departmental representative.]

¹ Substituted by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021

² .Substituted by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021

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(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

¹[(7) The inquiry officer or the inquiry committee, as the case may be, shall complete the inquiry within sixty days or within such an extended period, which the competent authority may allow on the request of the inquiry officer or inquiry committee, as the case may be, for reasons to be recorded and shall submit his or its report to the competent authority within seven days of the date of completion of inquiry. The inquiry report must contain clear findings as to whether the charge or charges have been proved or not proved and specific recommendations regarding exoneration or imposition of minor or major penalty or penalties upon the accused ²[:]]

³[Provided that the Inquiry Officer, Inquiry Committee or hearing officer, as the case may be, shall record cogent reasons for recommending exoneration of the accused.]

⁴[(8) On receipt of the inquiry report from the Inquiry Officer or Inquiry Committee, as the case may be, the Administrative Department concerned shall submit the case to the Chief Minister or Chief Secretary, if so required, within fifteen (15) days for orders.]

12. Powers of the inquiry officer or inquiry committee.—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

¹ Substituted by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021

² Full stop replaced by Notification No. SO (Policies) E&AD/2-6/2022, dated 16th January, 2023.

³ Added by Notification No. SO (Policies) E&AD/2-6/2022, dated 16th January, 2023.

⁴ Added by Notification No. SO (Policies) E&AD/2-6/2022, dated 16th January, 2023.

(51)

¹[12A. **Provision of record.**— After initiation of order of inquiry, the competent authority shall ensure that relevant record of the case and other related documents shall be supplied to the inquiry officer or the inquiry committee, as the case may be, within seven days or within such an extended period which the competent authority may allow.]

13. **Duties of the departmental representative.**— ²[1] The departmental representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and
- (c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

³[(2) In case of failure to perform duties, assigned under sub-rule (1), the departmental representative shall be liable to departmental proceedings under these rules.]

14. **Order to be passed on receipt of report from the inquiry officer or inquiry committee.**—(1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the competent authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than ⁴[ten] days and more than fifteen days from the day the charge or charges have been communicated to him; provided that the accused shall, in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;

¹ Inserted by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021.

² Re-numbered by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021.

³ Added by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021

⁴ Word substituted by Notification No. SO (Policies) E&AD/2-6/2022. dated 16-01-2023.

- (c) provide a copy of the inquiry report to the accused; and
- (d) direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(58)

(5) After affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defense offered by the accused⁴ during personal hearing, by an order in writing-

- (i) exonerate the accused if charges had not been proved; or
- (ii) impose any one or more of the penalties specified in rule 4 if charges have been proved.

6. Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee ¹[subject of sub-rule (7) of rule 11].

²[(6A) The competent authority may, in a case specified under sub-rule (6), also require the inquiry officer or the inquiry committee, as the case may be, to explain as to why the inquiry has not been conducted in accordance with these rules, or as to why the facts or merits of the case have been ignored. On the receipt of reply from the inquiry officer or the inquiry committee, as the case may be, if it is determined that the omission or commission committed by the inquiry officer or the inquiry committee, as the case may be, was not in good faith and there are reasonable grounds that the competent authority may proceed against the inquiry officer or inquiry committee, as the case may be, under these rules.]

(7) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the competent authority shall decide the case within a period of fifteen days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of fifteen days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

³[15. **Personal hearing.**— The competent authority may, by an order in writing, call the accused and the departmental representative, along-with relevant record of the case, to appear before him, or before a hearing officer, for personal hearing, on the fixed date and time ⁴[:]

⁵[Provided that the hearing officer shall submit the report to the competent authority within twenty one (21) days of affording opportunity of personal hearing to the accused;]

¹ Added by Notification No. SO(REG-VI)E&AD/2-6/2010. Dated 18th July, 2012.

² Inserted by Notification No. SO (Policies) E&AD/2-6/2021 dated 31-12-2021.

³ Substituted by Notification No. SO(Policies)E&AD/2-6/2021 dated 31-12-2021

⁴ Full stop replaced by Notification No. SO (Policies) E&AD/2-6/2022, dated 16-01-2023.

⁵ Added by Notification No. SO (Policies) E&AD/2-6/2022, dated 16-01-2023.

16. Procedure of inquiry against Government servant lent to other governments or organizations etc.—

(1) Where the services of Government servant to whom these rules apply are transferred or lent to any other government department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such Government servant is posted in the borrowing organization may-

- (a) suspend him under rule 6; and
- (b) initiate proceedings against him/her under these rules:

Provided that the borrowing organization shall forthwith inform the authority which has lent his services, (hereinafter referred to as the lending organization) of the circumstances leading to the order of his suspension or the initiation of the proceedings, as the case may be:

Provided further that the borrowing organization shall obtain prior approval of the competent authority in the lending organization before taking any action under these rules against a Government servant holding a post in basic pay scale 17 or above.

(2) If, in the light of findings of the proceedings taken against the accused in terms of sub rule (1), the borrowing organization is of the opinion that a penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under rule 14.

(3) Notwithstanding anything to the contrary contained in sub-rules (1) and (2), the Chief Minister may, in respect of certain Government servant or class of Government servants to whom these rules apply, authorize any officer or authority in the borrowing organization to exercise all the powers of the competent authority under these rules.

¹[16A. **Proceedings before or during training, scholarship and leave.**— (1) In case where a Government servant, who has been nominated for training or scholarship, is required to be proceeded under these rules and the accused has not yet joined the training institute or institution, his nomination shall be withdrawn forthwith by the nominating competent authority under intimation to the training institute or institution concerned.

(2) In case where a Government servant has already joined the training institute or institution he shall be allowed to complete his training or scholarship, and the proceedings against him may be deferred till completion of the training or scholarship.

(3) A Government servant shall not be denied training on account of ongoing proceedings for a period of more than one year.

(4) In case where a Government servant on leave, is required to be proceeded against, his leave shall be cancelled by the competent authority and shall be called back from the leave to join the proceedings.]

¹ Inserted by Notification No. SO (Policies) E&AD/2-6/2021 dated 31-12-2021.

(54)

17. Departmental appeal and review.—(1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-rule (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders or reduce the penalty.

(3) An appeal or review petition preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection in impugned order in a proper and temperate language.

18. Appearance of counsel.—No party to any proceedings under these rules at any stage of the proceedings, except proceedings under rule 19, shall be represented by an advocate.

19. Appeal before Khyber Pakhtunkhwa Province Service Tribunal.—(1) Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Khyber Pakhtunkhwa Province Service Tribunal established under the Khyber Pakhtunkhwa Province Service Tribunals Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within period of sixty days of filing thereof, the affected Government servant may file an appeal in the Khyber Pakhtunkhwa Province Service Tribunal within a period of '[ninety] days of the expiry of the aforesaid period, whereafter, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

20. Exception.—Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively strike work, wilfully absent themselves from duty or abandon their official work, the competent authority in respect of senior most accused may serve upon them through newspapers or any other mean, such notice as may be deemed appropriate to resume duty and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the major penalties prescribed in these rules.

¹ Substituted by Notification No. SO(REG-VI)E&AD/2-6/2010. Dated 18th July, 2012.

21. Indemnity.—No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under these rules or the instructions or directions made or issued there-under.

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¹[.....]

23. Repeal.—(1) The Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 1973 are hereby repealed.

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under these rules.

(3) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any employee under the said repealed rules or under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder, or any other law and rules shall continue under that law and rules, in the manner provided thereunder.

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT.

¹Rule 22 deleted by Notification No. SO(REG-VI)E&AD/2-6/2010. Dated 18th July, 2012.

(56)

بعد التخصیص
روس ٹریڈینول ایس او

23/8/14

محکمہ منجانب ایس او

مورخہ:
مقدمہ:
دعویٰ:
جرم:

اسد سیر - صلح
حکومت KP

روس ٹریڈینول ایس او
تعمیر آنف

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے بیروی و جواب دی وکل کاروائی متعلقہ
آن مقام کیلئے امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان ایس او

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی نقل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ
برحلاف دیے جواب دی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء و سول جیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر
دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری کی طرف یا ایبل کی برآمدگی اور منسوخی نیز دائر کرنے ایبل نگرانی و نظر ثانی و بیروی کرنے کا
اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے اقرار کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارانہ حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ
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 کہ بیروی مذکور کریں۔
لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

المرقوم:

امجد علی ایڈووکیٹ

امجد علی ایڈووکیٹ

امجد علی ایڈووکیٹ

کے لیے منظور ہے۔

Amjad Ali
Advocate
Mardan
Amjad Ali
ADVOCATE
SUPREME COURT