

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 1074/2024

Abdur Rehman..... Appellant

V E R S U S

The Director, E&SE Office, & others..... Respondents


I N D E X

S. No	Description of documents	Annexure	Pages
1.	Reply with Affidavit		1-4
2.	Copies of Inquiry Reports, Letter dated 18.09.2024 and Order dated 27.11.2023	A, B, C & D	5-27
3.	Copy of Arrival Report	E	28
4.	Copy of Judgment dated 13-06-2023	F	29-35

Dated:- 03-10-2024

Through


Respondent No. 3


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 1074/2024

Diary No. 16347

Dated 07-10-24

Abdur Rehman, Junior Clerk (BPS-11), O/O Sub Divisional Education Officer, District Charsadda **Appellant**

V E R S U S

1. The Director, Elementary & Secondary Education Office, Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (Female) Charsadda.
3. Mr. Faiz ur Rehman, Junior Clerk (BPS-11), O/O SDEO (Female), Charsadda..... **Respondents**

REPLY ON BEHALF OF IMPEADED PRIVATE
RESPONDENT NO.3

Respectfully Submitted:-

Preliminary Objections

1. That the appellant has no Locus Standi and cause of action to file instant appeal, as the appellant is not aggrieved by any order.
2. That the appeal is incompetent and not maintainable in its present form.
3. That as per Section 10 of the KP Civil Servants Act, 1973, every Civil Servant has to serve anywhere.
4. The appeal is barred by law and limitation.
5. That the appeal is infructuous and thus not tenable.
6. This honorable Tribunal has got no jurisdiction to entertain the titled appeal, as the appellant wants posting against the post of his choice.
7. That the appellant is estopped by his conduct to file instant appeal.

8. That the appellant has not come to this honorable Tribunal with clean hands, having suppressed material facts.
9. That the appeal is bad for misjoinder and non-joinder of necessary parties.

PARAWISE REPLY/COMMENTS ON FACTS:

1. Para No 1 pertains to record however it is submitted that the appellant has checkered service record.
2. Para under reply is correct with detail that the appellant was removed from service on the ground of processing fake case of PSHTs under the fake signature of Assistant Director Establishment and was transferred on various administrative grounds as well.
3. Para under reply pertains to record however, upon appeal, the appellant was reinstated in service.
4. Reply has been given in para. Keeping in view the involvement of the appellant in fake cases and signature, the appellant was recommended to be banned by the inquiry officer from posting. Even the SDEO (Female) Charsadda vide Letter dated 18-09-2024 requested respondent No 2 to keep the appellant away from her office in the larger public interest. Further the replying respondent has also not completed his tenure as per law. **(Copies of Inquiry Reports, Letter dated 18-09-2024 & Order dated 27-11-2023 is enclosed as Annexure A, B, C & D).**
5. In reply to para 5 it is stated that number of complaints were against the appellant besides most of the Officers and Heads of the Schools were reluctant to retain the appellant under their administration due to his past involvement in fake cases involvement. The appellant also exerted political pressure for his posting which is an act of misconduct under the law. **(Copy of Arrival Report is enclosed as Annexure E).**

6. Para under reply pertains to record however it is added that after the issuance of Orders dated 24-04-2024 and Order dated 30-04-2024, the appeal has become infructuous and as such liable to be dismissed on this score alone, besides the appellant cannot be posted at the posts from which he was removed as per the Judgment of this honorable Tribunal dated 13-06-2023 passed in Service Appeal No 381/2023. **(Copy of Judgment dated 13-06-2023 is enclosed as Annexure F).**
7. Para under reply is legal, however after the issuance of Orders dated 24-04-2024 and Order dated 30-04-2024, the service appeal is not tenable and liable to be dismissed.

REPLY TO GROUNDS:

- A. Para under reply incorrect as the impugned Order is in accordance with law, rules and principles of natural justice and no right of the appellant has been violated hence he has got no cause of action.
- B. Para under reply is incorrect, as the impugned Order have been issued by the authority in accordance with law and rules and no law and rules have been violated.
- C. Para under reply is incorrect, as explained above, the appellant nor only exerted political pressure and no malafide is there, pertinent to mention that most of the Officers are reluctant to accept him due to his checkered service record.
- D. Para under reply is incorrect there no malice nor the replying respondent is blue eyed, rather the appellant is using means for his posting which are defined as misconduct.
- E. Para under reply incorrect, the order is in line with the stated policy of the Govt. and no violation is there.


F. The replying respondent also seek leave of this honorable Tribunal to raise additional points at the time of hearing of titled appeal.

It is therefore prayed that appeal of the appellant may kindly be dismissed with heavy costs.

Dated:- 03-10-2024


Respondent No.3

Through



Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

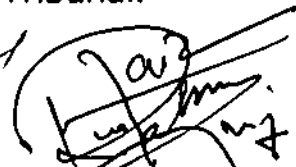
AFFIDAVIT

I, Faiz Ur Rehman, Junior Clerk, Office of SDEO (Female), Charsadda, do hereby solemnly affirm and declare on oath that the contents of accompanying **Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

It is further stated on oath that the answering respondents have neither been placed on-notice nor their defence struck off/costs




03/10/2024


DEPONENT

INQUIRY REPORT**INTRODUCTION:**

The Director Elementary & Secondary Education Khyber Pakhtunkhwa was pleased to nominate the u/signed as inquiry officer to conduct inquiry against the following teachers being involved in preparing of fake letter of the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for retirement on Standing Medical Board vide his office Notification No.5579-82 dated 6/7/2023.

S.No.	Name of Teacher & Designation	School	Fake letter No & date
1	Noor Ullah Jan PSHT	GPS Mian sahib Gul Qilla Tangi	No. 1278 dated 5/5/2023
2	Muhammad Tayyeb PSHT	GPS Gul Khitab Koroona Charsadda	No. 1271 dated 5/5/2023

(Annexure-1 & 2 & 3)

PROCEEDINGS:

1. Soon after the receipt of notification regarding inquiry, the u/signed adopted his own modus operandi i.e. a letter was written to District Education Officer (Male) Charsadda vide DEO (M) Mohmand No 8544 dated 8/7/2023 which was shared on the personal WhatsApp No of the DEO (M) Charsadda No 0331-9512981 with the request to direct all the concerned stake holder, through a proper letter to appear for the instant inquiry at his office on 11/7/2023 before the inquiry officer and make ready all the relevant record in proper order (Annexure-4). The DEO (M) Charsadda shared a letter in response to the said letter addressed to the SDEOs (M) Tangi & Charsadda vide his office No 6732 dated 8/7/2023 in which he directed them to attend the instant inquiry on 11/7/2023 at 10 am. (Annexure-5). The u/signed visited the said office on the scheduled date and time in order to follow the principle of Audi alteram partem and also to observe the soul of Article 10A of the Constitution of Pakistan which related to the right of a person of fair trial & gathered the following statements and record.
2. Mr. Noor ullah Jan PSHT GPS Mian Gul Sahib Gul Qila Tangi stated that he has been working as PST since 1087 and promoted to PSHT. He stated that he is suffering from different diseases and he applied for pension on Medical Board. He said that he handed over this task to his nephew, Mr. Muhammad Ibrar s/clerk at SDEO (M) Charsadda who has assigned this task to his friend Abdur Rehman JC at SDEO (F) Charsadda in his presence. He further stated that Muhammad Ibrar shared the letter in question (Fake letter as mentioned above against his name as Annexure-2) & the same letter was handed over to SDEO (M) Tangi. The statement was recorded in presence of the SDEO (M) Tangi & he attested. (Annexure-6).

ATTESTED

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4. ~~Mr~~ Muhammad Ibrar S/Clerk SDEO (M) Charsadda recorded his statement in the presence of the SDEO (M) Charsadda. He said that he received letter No 1278 dated 5/5/2023 (fake letter of the Directorate) from Abdur Rehman J/C SDEO (F) Charsadda and shared with Mr Noor ullah Jan PSHT at his whatsapp No on 5/6/2023 at 6:13 pm. (Annexure-8) He attached the screen shot of the whatsapp with his statement. (Annexure-9)
5. Mr. Abdur Rehman J/Clerk SDEO (F) Charsadda recorded his statement in which he said that he has not shared the fake letter in question with any one. He said that it is a scanned copy and anyone can scanned easily in order to malign his name. He blamed Mr. Fakhre Alam s/clerk DEO (M) Charsadda who is working as ADEO (Pry) Charsadda had a money deal with him that he would do the retirement cases in hand. He said that he gave him the money for the said task. He further stated that Fakhre Alam shared the fake letter with Mr. Anwer Ali Shah AD Establishment in the Directorate through his Class IV to malign his name through these fake letters. He said that he can present a witness regarding the said deal/bribe. (Annexure-10).
6. Mr. Sheraz ADEO (Pry) Establishment and Fakhre Alam dealing clerk jointly recorded their statement. The gist of their statement is that the o/o the DEO (M) Charsadda received the fake letters in question from the concerned SDEOs i.e. SDEO (M) Tangi letter No 2570 dated 12/6/2023 & SDEO (M) Charsadda No 1678 dated 20/6/2023. (Annexure-11 & 12 & 13)
7. Mr. Shams ul Islam SDEO (M) Charsadda & Mr Muhammad Ibrar s/clerk jointly stated that the photo copies fake letter No 1271 dated 5/5/2023 & other relevant documents were received from Muhammad Tayyeb PSHT and sent to DEO (M) Charsadda vide his office No 1678 dated 20/6/2023. (Annexure-14)
8. In order to verify the Standing Medical Board letters, the u/signed visited the Medical Superintendent Services Hospital Peshawar on 13/7/2023 and met with the concerned Medical Superintendent Mr. Dr. Niaz Muhammad (MS & Chairman SMB) and wrote a letter with the request for verification of SMB in r/o Mr. Noor Ullah Jan PSHT vide his office No 6645-46 dated 3/7/2023 and SMB in r/o Mr Muhammad Tayyeb PSHT vide his office No 8750-51 dated 14/4/2023 and the same were verified vide his office No 2614 dated 13/7/2023. (Annexure-15 & 16). The Medical Superintendent narrated the story of fake & fabricated SMBs retirement in the DEO (F) Charsadda & also handed over copies of two letters i.e. one letter the MS wrote to the Secretary Govt of Khyber Pakhtunkhwa Health Department vide his office No 564-69 dated 18/8/2022 in which he stated that most of the SMBs cases of DEO (F) Charsadda were fabricated and bogus. (Annexure-17) while another letter enclosing the said letter of the MS & Chairman of SMB Services hospital Peshawar addressed to the Secretary to Govt of Khyber Pakhtunkhwa E&SED. Peshawar vide Govt of Khyber Pakhtunkhwa Health Department No SOG/HD/1-49/M.A.R/2022 dated 29/9/2022 with the request for inquiry. (Annexure-18)
9. In order to verify the Directorate letters No 1278 dated 5/5/2023 & 1271 dated 5/5/2023, the u/signed visited the Establishment section of the Directorate of E&SE KP Peshawar on 13/7/2023 and obtained the statement of concerned Assistant Directors. They jointly stated that the letters in question are fake & fabricated and the Despatched Nos recorded on the letters are also fake. In fact as per Directorate of E&SE KP Peshawar Depatched Register No 1278 dated 5/5/2023 was addressed to the Section Officer for retirement Grant & No 1271 dated 5/5/2023 is not existed but No 1270-76 dated 28/4/2023 existed which was issued in r/o Rizwan ullah J/C (Annexure-19 & 20 & 21)

15/7/2023
 15/7/2023
 15/7/2023

ATTESTED

4. **Muhammad Ibrar S/Clerk SDEO (M) Charsadda** recorded his statement in the presence of the SDEO (AM) Charsadda. He said that he received letter No 1278 dated 5/5/2023 (fake letter of the Directorate) from **Abdur Rehman J/C SDEO (F) Charsadda** and shared with **Mr Noor ullah Jan PSHT** at his whatsapp No on 5/6/2023 at 5:13 pm. (Annexure-8). He attached the screen shot of the whatsapp with this statement. (Annexure-9).
5. **Mr. Abdur Rehman J/Clerk SDEO (F) Charsadda** recorded his statement in which he said that he has not shared the fake letter in question with any one. He said that it is a scanned copy and anyone can scanned easily in order to malign his name. He blamed **Mr. Fakhre Alain s/clerk DEO (M) Charsadda** who is working at **ADEO (Pry) Charsadda** had a money deal with him that he would do the retirement cases in hand. He said that he gave him the money for the said task He further stated that **Fakhre Alam** shared the fake letter with **Mr. Anwer Ali Shah AD Establishment** in the Directorate through his **Class IV** to malign his name through these fake letters. He said that he can present a witness regarding the said deal/bribe. (Annexure-10).
6. **Mr. Sheraz ADEO (Pry) Establishment** and **Fakhre Alam** dealing clerk jointly recorded then statement. The gist of their statement is that the o/o the **DEO (M) Charsadda** received the fake letters in question from the concerned SDEOs i.e. **SDEO (M) Tangi** letter No 2570 dated 12/6/2023 & **SDEO (M) Charsadda** No 1678 dated 20/6/2023. (Annexure-11 & 12 & 13)
7. **Mr. Shams ul Islam SDEO (M) Charsadda** & **Mr. Muhammad Ibrar s/clerk** jointly stated that the photo copies fake letter No 1271 dated 5//2023 & other relevant documents were received from **Muhammad Tayyeb PSHI** and sent to **DEO (M) Charsadda** vide his office No 1678 dated 20/6/2023. (Annexure-14)
8. In order to verify the Standing Medical Board letters, the u/signed visited the Medical Superintendent Services Hospital Peshawar on 13/7/2023 and met with the concerned Medical Superintendent **Mr. Dr. Niaz Muhammad (MS & Chainman SMB)** and wrote a letter with the request for verification of SMB in r **Mr. Noor Ullah Jan PSHT** vide his office No 6645-46 dated 3/4/2023 and SMB in r/o **Mr. Muhammad Tayyeb PSHT** vide his office No 8750-51 dated 14/4/2023 and the same were verified vide his office No 2614 dated 13/7/2023. (Annexure-15 & 16). The Medical Superintendent narrated the story of fake & fabricated SMBs retirement in the **DEO (F) Charsadda** & also handed over copies of two letters i.e. one letter the MS wrote to the Secretary Govt of Khyber Pakhtunkhwa Health Department vide his office No 564-69 dated 18/8/2022 in which he stated that most of the SMBS' cases of **DEO (F) Charsadda** were fabricated and bogus. (Annexure-17) while another letter enclosing the said letter of the MS & Chairman of SMB Services hospital Peshawar addressed to the Secretary to Govt of Khyber Pakhtunkhwa E&SED, Peshawar vide Govt of Khyber Pakhtunkhwa Health Department No SOG/HD/1-49/M.A.R/2021 dated 29/9/2022 with the request for inquiry. (Annexure-18)
9. In order to verify the Directorate letters No 1278 dated 5/5/2023 & 1271 dated 5/5/2023, the u/signed visited the Establishment section of the Directorate of E&SE KP Peshawar on 13/7/2023 and obtained the statement of concerned Assistant Directors. They jointly stated that the letters in question are fake & fabricated and the Despatched Nos recorded on the letters are also fake. In fact as per Directorate of E&SE KP Peshawar Depatched Register No 1278 dated 5/5/2023 was addressed to the Section Officer for retirement Grant & No 1271 dared 5/5/2023 is not existed but No 1270-76 dated 28/4/2023 existed which was issued in r/o **Rizwan ullah J/C** (Annexure-19 & 20 & 21)

ATTESTED

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10. RECORD/DOCUMENTS RECEIVED FROM THE O/O THE DEO (M) CHARSADEA

- ❖ SMB letters of Chairman SMB MS Police Service Hospital Peshawar to the Assistant Director Directorate of E&SE KP Peshawar vide his office No 6645-46 dated 3/4/2023 in r/o Mr Noor Ullah Jan PSHT & SMB No 8750-51 dated 14/4/2023 in r/o Mr. Muhammad Tayyeb PSHT. (Annexure-22 & 23)
- ❖ A letter of DEO (M) Charsadda to the Directorate for verification of SMB & fake letter in question in r/o Muhammad Tayyeb PSHT GPS Gul Khitab Korona Charsadda vide his office No 6515 dated 27.4.2023. Annexure-24)
- ❖ Note sheet copy regarding retirement case of Mr. Muhammad Tayyeb PSHT is attached as Annexure-25.

11. FINDINGS: The prima facie evidences & statements prout patet per recordum unveil the following facts and findings.

- i. That the Directorate of E&SE KP Peshawar letters No 1278 dated 5/5/2023 & 1271 dated 5/5/2023 were fabricated, scanned & bogus and the two clerks i.e. Mr Muhammad Ibrar S/clerk SDEO (M) Charsadda and Abdur Rehman J/Clerk SDEO (E) Charsadda were involved in this bargain and scanned letters as both of them deal with the concerned teachers for money especially Mr. Abdur Rehman is the main character of this whole drama and the hub of these fake & fabricated letters. The past track record of Abdur Rehman J/clerk is also tainted as he was transferred on administrative ground from SDEO (M) Charsadda to GIS Shabqadar by the then DEO (M) Charsadda vide DEO (M) Charsadda No 13232-37 dated 24/9/2021 upon the recommendation of the inquiry report. (Annexure-26)
- ii. That there was contradiction in the verbal statement and written statement of Mr. Abdur Rehman J/C as verbally he admitted that he handed over the fake and scanned fabricated letter to Mr. Muhammad Ibrar but subsequently he denied the same in his written statement which indicates his dual nature and deceitful personality. He tried to hide facts from the inquiry officer.
- iii. That Mr. Abdul Malik (DEO (M) Charsadda) issued the Retirement Notification in respect of Mr. Noor Ullah Jan PSHT GPS Mian Sahib Gul Qila Tangi in haste astonishingly inspite of the fact that ADEO (Establishment) clearly wrote in the note sheet that the letter needs to be verified from the Directorate. However, there is also doubt about one line of the note sheet & it may be written afterwards by the concerned ADEO as the font size is slightly smaller than the whole Para and also two ideas were put up to the DEO concerned in the same Para i.e. the other is retirement notification. However, it is also worth mentioning that dealing Assistant put up the case on 14/6/2023 and ADEO Establishment also wrote his Para on 14/6/2023 and DEO (M) Charsadda approved the Para of the ADEO concerned on 14/6/2023 while DDEO concerned was bypassed in the said case. The DEO (M) Charsadda signed and issued the Retirement Sanction on medical ground on 15/6/2023 in r/o Mr. Noor ullah Jan PSHT vide his office No 6155-59 dated 15/6/2023 without bothering to verify the scanned copy received from the SDEO (M) Tangi. (Retirement Notification on SMB in r/o Mr. Noor ullah Jan PSHT is attached as Annexure-27 & Note sheet copy is attached as Annexure-28)

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10. RECORD/DOCUMENTS RECEIVED FROM THE O/O THE DEO (M) CHARSAJDA

- ❖ SMB letters of Chairman SAIB MS Police Service Hospital Peshawar to the Assistant Director Directorate of E&SE KI Peshawar vide his office No 6645-46 dated 3/4/2023 in r/o Mr. Noor Ullah Jan PSHT & SMR No 8750-51 dated 14/4/2023 in r/o Mr. Muhammad Tayyeb PSHT. (Annexure-22 & 23)
- ❖ A letter of DEO (M) Charsadda to the Directorate for verification of SMB & fake letter question in r/o Muhammad Tayyeb PSHT GPS Gul Khitab Korona Charsadda vide his office No 6515 dated 27 0 2023 (Annexure-24)
- ❖ Note sheet copy regarding retirement case of Mr. Muhammad Tayyeb PSHT is attached as Annexure-25.

11. FINDINGS: The prima facie evidences & statements prout patet per recordum unveil the following facts and findings.

- i. That the Directorate of F&SE KP Peshawar letters No 1278 dated 5/5/2023 & 1271 dated 5/5/2023 were fabricated, scanned & bogus and the two clerks i.e. Mr. Muhammad Ibrar S/clerk SDEO (M) Charsadda and Abdur Rehman J/Clerk SDEO (F) Charsadda were involved in this bargain and scanned letters as both of them deal with the concerned teachers for money especially Mr. Abdur Rehman is the main character of this whole drama and the hub of these fake & fabricated letters. The past track record of Abdur Rehman J/clerk is also tainted as he was transferred on administrative ground from SDEO (M) Charsadda to GIS Shabqadar by the then DEO (M) Charsadda vide DEO (M) Charsadda No 13232-37 dated 24/9/2021 upon the recommendation of the inquiry report. (Annexure-26)
- ii. That there was contradiction in the verbal statement and written statement of Mr. Abdur Rehman J/C as verbally he admitted that he handed over the fake and scanned fabricated letter to Mr. Muhammad Ibrar but subsequently he denied the same in his written statement which indicates his dual nature and deceitful personality. He tried to hide facts from the inquiry officer.
- iii. That Mr. Abdul Malik (DFO (M) Charsadda) issued the Retirement Notification in respect of Mr. Noor Ullah Jan PSHT GPS Mian Sahib Gul Qila Tangi in haste astonishingly inspite of the fact that ADEO (Establishment) clearly wrote in the note sheet that the letter needs to be verified from the Directorate. However, there is also doubt about one line of the note sheet & it may be written afterwards by the concerned ADEO as the font size is slightly smaller than the whole Para and also two ideas were put up to the DEO concerned in the same Para i.e. the other is retirement notification. However, it is also worth mentioning that dealing Assistant put up the case on 14/6/2023 and ADEO Establishment also wrote his Para on 14/6/2023 and DEO (M) Charsadda approved the Para of the ADEO concerned on 14/6/2023 while DDEO concerned was bypassed in the said case. The DEO (M) Charsadda signed and issued the Retirement Sanction on medical ground on 15/6/2023 in r/o Mr. Noor ullah Jan PSHT vide his office No 6155-59 dated 15/6/2023 without bothering to verify the scanned copy received from the SDEO (M) Tangi. (Retirement Notification on SMB in r/o Mr. Noor ullah Jan PSHT is attached as Annexure-27 & Note sheet copy is attached as Annexure-28)


ATTESTED

- iv. That the DEO (M) Charsadda withdrew the retirement order issued vide his office No 6135-59 dated 15/6/2023 in r/o Mr. Noor ulah Jan PSIT vide his office No 6191-95 dated 15/6/2023 (Annexure 29) but astonishingly no action was initiated against wrong decision. However, at last the fake & fabricated scanned letter No 1278 dated 5/5/2023 was sent to the Directorate for verification vide his office No 6305 dated 21/6/2023. (Annexure 30)
- v. Both Mr. Shams ul Islam (SDEO (M) Charsadda) & Mr. Wisal (SDEO (M) Tangi) committed the mistake of forwarding the cases for retirement on medical ground on the basis of a fake scanned copy of the letter and not verifying the letter from the DEO (M) Charsadda as the letters were addressed to the Director.

12. RECOMMENDATIONS: In view of the above, it is recommended:

- 1) That both the clerks i.e. Mr. Muhammad Ibrar S/clerk SDEO (M) Charsadda & Mr. Abdul Rehman J/clerk SDEO (F) Charsadda may be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 & stringent action may be taken against Mr. Abdul Rehman because he is the main actor in this play and all the characters are revolved around him in this fraudulent drama.
- 2) That Mr. Abdul Rehman J/clerk may also be transferred immediately from the SDEO (F) Charsadda and may be posted in a male school and his transfer to offices may be banned forever.
- 3) The reports of Standing Medical Board in r/o of both the teachers may be sent to the SMB for review as both the teachers look healthy and also they used money for the said purpose.
- 4) That both the teachers may also be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the said action in the play.
- 5) The Mr. Abdul Malik DEO (M) Charsadda, Mr. Wisal SDEO (M) Tangi & Mr. Shams ul Islam SDEO (M) Charsadda may be warned not to repeat such mistake in future.
- 6) A full-fledged inquiry may be conducted to probe all the cases of SMB in the DEO (F) Charsadda or a self request may be sent to the Secretariat of E&SED KP Peshawar by enclosing the said letters of the Medical Superintendent Services Hospital, Peshawar as annexed 17 & 18 above.

The report is submitted for further necessary action please.

(Signature)
 (LIQAT ALI)
 District Education Officer
 (Male) Mohmand
 15/7/2023

(Signature)
ATTESTED

- iv. That the DEO (M) Charsadda withdrew the retirement order issued vide his office No 6155-59 dated 15/6/2023 in the Mr. Noor allah jan PSHT vide his office No 6191-05 dated 15/6/2023 (Annexure-29) but astonishingly no action was initiated against wrong deeds. However, at last the fake & fabricated scanned letter No 1278 dated 5/5/2023 was sent to the Directorate for verification vide his office No 6305 dated 21/6/2023. (Annexure-30)
- v. Both Mr. Shams of Islam (SDEO (M) Charsadda) & Mr. Wisal (SDEO) (M) Tangi) committed fraud by forwarding the cases for retirement on medical ground on the basis of a fake scanned copy of the Directorate letter and not verifying the letter from the DEO (M) Charsadda as the letters were addressed to DEO (M) Charsadda.

12. RECOMMENDATIONS: In view of the above, it is recommended:

- 1) That both the clerks i.e. Mr. Muhammad Ibrar S/clerk SDEO (M) Charsadda & Mr. Abdur Rehman J/clerk SDEO (F) Charsadda may be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 & stringent action may be taken against **Mr. Abdur Rehman** because he is the main actor in this play and all the characters are revolved around him in this fraudulent drama.
- 2) That Mr. Abdur Rehman J/clerk may also be transferred immediately from the SDEO (F) Charsadda and may be posted in a male school and his transfer to offices may be banned forever.
- 3) The reports of Standing Medical Board in r/o of both the teachers may be sent to the SMB for review as both the teachers look healthy and also they used money for the said purpose.
- 4) That both the teachers may also be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the said action in the play.
- 5) The Mr. Abdul Malik DEO (M) Charsadda, Mr. Wisal SDEO (M) Tangi & Mr. Sham sul Islam SDEO (M) Charsadda may be warned not to repeat such mistake in future.
- 6) A full-fledged inquiry may be conducted to probe all the cases of SMB in the DEO (F) Charsadda or a soft request may be sent to the Secretariat of E&SED KP Peshawar by enclosing the said letters of the Medical Superintendent Services Hospital, Peshawar as annexed 17 & 18 above.

The report is submitted for further necessary action please.

ATTESTED

Sd/-
(LIAQAT ALI)
District Education Officer
(Male) Mohmand

Additional

9

A

I Mr. Tariq Shah SS GISS No 2 Peshawar City received a Notification No SO(IQ)/E&SED/2024/1-1/Retirement on Medical Ground Case Dated Peshawar the 15th May 2024. In mean while my flight was scheduled to Saudi Arabia for Performing Hajj. (my leave sanction is attached). Due to this reason I could not join the process of inquiry in time. The detail inquiry has already been conducted by the chairman inquiry committee. In the sack of more transparency I decided to visit the DEO (Female) office Charsadda.

HISTORY OF THE CASE:-

Mr. Abdul Aziz S/O Ghulam Rehmani Chowkidar at GGPS khabari Korona charssadda applied for retirement on medical Ground. A Senior Clerk named Fazli Elahi took his case and told that he will process this case till obtaining certificate of incapacitation. The DEO (F) Charssadda issued his retirement order without verifying his case from concerned SMB. After getting pension and all other payments Mr. Abdul Aziz applied for the appointment of his daughter Kalsoom spogmay as per Govt. allotted quota. The DEO (F) Charssadda reluctant to appointment his daughter. On this stage of the case DEO (F) decided to send his certificate of incapacitation to concerned SMB for verification. The medical superintendent Police and services Hospital Peshawar returned the same case unverified and declared as fake & bogus vide no 524 dated 10-08-2022.

Mr. Abdul Aziz chowkidar filed a writ petition No. 3860 P/2022 vs District Education officer (Female) charssadda which was decided on 24-08-2022 on sending the case to Grievance Redressed Committee of E&SE Department for its consideration according to law and rules within one month period. After no satisfactory result Mr. Abdul Aziz filed contempt of court case No. 129-P/2023

The Honorable court directed that the authority passing the order of retirement has also not been questioned in any manner that how such an order had been passed without verifying from concerned Medical Board. In such circumstances we should like to direct Secretary Elementary & secondary Educational KP Peshawar to conduct facts finding inquiry first and then if

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needed, further inquiry against concerned officials including competent authority, which had passed retirement order in such as casual manner, without verifying the said certificate from the concerned hospital or convenor of medical board. (Dated of hearing & announcement of judgment 19-02-2024.) (Annexure A)

PROCEEDINGS:-

I visited the DEO (Female) office Charsadda ,on 02-07-2024 my arrival day in her office. I Told Mr.Saeed (Daftari) to inform the officials / Officers i.e Dealing Assistant, Superintendent, ADEO (Estab) DDEO, DEO (F) regarding my purpose of visit (inquiry). He replied that no officer is present / available in office. Then I told him to inform employees /ex-employees who had applied for retirement on medical Ground since 2022 uptill now to appear for inquiry as well as officials / officers of DEO (F) office charsadda along with all relevant record on 04-07-2024 at 10:00am.

On my second visit on 04-07-2024 at 10:00 am I notice that DEO (F) charsadda was again not available in her office. Astonishingly the DDEO & ADEO Female (Estab) were also not present there. No official is ready to appear to give statement for inquiry .On the same day employees Ex-employees were present in the office. They told that all of them have submitted their statement to the Chairman of this inquiry committee Mr. Jehangir sh. They were very dishearted and show their miserable situation.They told that this office of DEO Female charsadda & SDEO (Female) office charsadda is the center of this fabricated game.Mr. Khan Badshah ex - chowkidar told that the then SDEO(Female) Charsadda Miss Hamim demanded RS.20,0000 /- and directed my to hand over this amount to Mr. Mohammad Hashir Junior clerk for retirement on medical ground. I handed over the amount to Mr. Hashir by sold out my daughters gold rings.

Two (02) employees said that they handed over the amount not less than Rs.250000 (Two hundred & fifty thousands) to Mr. Abdur Rahman.

Some employees told that they handed over amount not less than Rs.250000/- (Two hundred & fifty thousand) to Mr. Hashir Ex-Chowkidar.

Some employees disclosed that Mr.Fazli Ilahi received amount for retirement on Medical Ground along with all documents.

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They further stated that we request DEO (F) Charsadda to take strict action against the officials but she didn't so. (1)

The DEO (F) Charsadda issued their retirement order without verification just in casual manner. She didn't fulfill his responsibilities being competent authority.

After retirement & getting their commutation (payments) all the retired employees on medical ground applied for appointment of their son/daughter according to the specified Govt. Quota.

The DEO (F) Charsadda reluctant to appoint their son/daughter. As a tool for delaying tactics DEO (F) Charsadda sent their cases to concerned medical standing board for verification. At that point the whole dirty picture of the case brought out when the forwarded cases for verification were returned and declared as fake & bogus. These innocent low earning employees became victim because of such dishonest officials /officers. Now their salaries / monthly pension are stopped and they are also not eligible to apply for the appointment of their children due to producing fake and bogus certificate of incapacitation handed over to them by the officials of DEO (F) Charsadda and SDEO (F) Charsadda.

The questionnaire for concerned officials /officers were handed over to Mr. Saeed and told him that I will revisit regarding inquiry and collection of questionnaire on 06-07-2024. I paid visit to DEO (F) office Charsadda on 06-07-2024 for the third time and noticed that DEO (F) Charsadda was once again absent from inquiry proceedings. Mr. Saeed told that she is ill for the last three weeks but her medical leave sanction was not available. The statement of ex-employees retired on medical ground were already submitted to chairman inquiry committee which was confirm by Jehangir sb. DEO (F) not attend the inquiry proceeding. She even didn't replied for the questionnaire served to her. (Annexure C)

I came to know through an officials serving in this office that Mst.Surayya Begum DEO (F) Charsadda don't care about the secretariat level / Directorate level inquiry as two months ago another inquiry notification No. 4225-27/F.No-A-12/PF Sofia Tabbasum DEO (F) Swabi KPK Peshawar 02-04-2024 DEO(F) Charsadda refused to appear /reply of the questionnaire. (Annexure D)

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I also text & called DEO (F) Charsadda on her cell phone also but she didn't reply. These act shows her inefficiency & Mis-conduct.

All the three SDEOs (F) Charsadda, Shabqadar and Tangi submitted their replies as under.

- 1:- SDEO (F) Charsadda replied that 38 No of cases for retirement on medical ground has been forwarded to DEO (F) Charsadda. (Annexure E)
- 2:- SDEO (F) Shabqadar described in her statement that only one case of retirement on Medical ground from Sub division (F) Shabqadar has been forwarded to DEO (F) Charsadda and found verified. (Annexure F)
- 3:- SDEO (F) Tangi stated in her reply that her office forwarded 08 No. of cases for retirement on medical ground and all the cases found correct. (Annexure G)

I reach to the conclusion that SDEO (F) Office charsadda has become a stronghold of evil such like lotting innocent people, deceiving, Illegal activities, fraudulent, fake appointments fabricated & bogus Medical cases incapacitation certificates on fake signatures.

Further added that there are huge difference in the number of forwarding of retirement of Medical Ground cases, which are indicated in below table.

S.no	Office name	Cuse for retirement of medical ground	Fake/bogus	verified
1	SDEO(F) Charsadda	38	15	23
2	SDEO(F) Shabqadar	01	00	01
3	SDEO(F) Tangi	08	0	08

The main culprits indicated by the innocent victim's /ex-employees were also belong to SDEO (F) office charsadda

A:- Mr. Mohammad Hashir Ex-J/clerk who was already been removal from service on the recommendation of inquiry committee under chairpersonship of Mst. Shaista Sohail SDEO (F) Shabqadar declared him as inefficient, Mis-conduct

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Here worth mentioning that Mst. Hamim Begum the then SDEO (F) Charsadda presently working as SDEO (F) Lower Mohmand also involved in the above mentioned case of fake appointment but the Department (Directorate and Secretariat E&SEI) did nothing against her

B:- Abdur Rahman the then J/C office of SDEO (F) Charsadda has also removed from service under rule 4(b) (iii) of rules vide Directorate of E&SEI Department notification Endst.No 5611-15F.No/c-333/Estab(M-1) dated Pesh the 08-11-2023 (Annexure J). Later on he was reinstated through a department appeal.

It is also pertinent to state that DDEO (F) Charsadda forwarded the fake medical board case to directorate of E&SEI Department, why the provincial level office is silent on these shameful cases which is a stigma for our department.

C:- The Dealing Assistant (retirement case) DDEO (F) office Charsadda disappeared and didn't submit his reply.

D:- ADEO female (Estab) Naz Gul didn't submit her reply.

E:- The Officials /officer didn't provide the issue register on the day of inquiry.

F:- Mr. Saeed give a statement that he delivered all the questioners to concerned official/officer. (Annexure J).

G:- The statement of the Superintendent Mr. Ghafoor shah is suprising and unbelievable. He stated in his statement that he is serving at DDEO (F) office Charsadda since 01-09-2022 but I have not forwarded any case of retirement on Medical Ground. It is beyond comprehension that how this office is functioning. (Annexure K)

The ADC Charsadda also conducted an inquiry regarding retirement on Medical Ground and recommend that DDEO (F) Charsadda take strict action against the ministerial staff in her office but DDEO (F) deliberately ignored that recommendations.

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POINTS:-

- i. All the case of retirement on Medical Ground have not been routed through proper channel on file.
- i. DEO (F) Charsadda Mst. Surayya Begum is seemed an irresponsible & inefficient officer.
- ii. This unlawful, illegal and Bribery Business was done under the nose of DEO (F) Charsadda.
- iii. DEO (F) Charsadda didn't submit reply to the questionnaire which shows her negligence.
- iv. Dealing Assistant Mr. Amjad didn't submit reply to the Questioniare nor he provide date record at the time of inquiry.
- v. Mr. Ghafoor Shah, Superintendent, O/o DEO (F) Charsadda stated that he has not forwarded any retirement case on medical Ground.
- vi. The then DDEO (F) Charsadda Laila Ali didn't submit her reply to the questionnaire.
- vii. DEO (F) Charsadda sent several letters to various forums but the matter would have been suppressed.
- viii. All the ministerial staff (a) Abdur Rahman J/Clerk, Mohmmad Hashir Ex-J/clerk, Fazali Elahi Senior clerk and SDEO (F) Hamim Begum fully involved is this shameful bribery game, cause for the defaming of Department.
- ix. The presently serving official / officers who deal the retirement cases i.e Mr. Amjad Dealing Assistant, Mr. Ghafoor Shah Superintendent, Miss Naz Gul ADEO (Estab), Miss Laila Ali the then DDEO & Miss Surayya Begum DEO (F) Charsadda are inefficient.
- x. It was seem chaos atmosphere in DEO (F) Office Charsadda, found lack of Administration, coordination, responsibility and availability of record.
- xi. SDEO (F) Charsadda Miss Sabrina Fayyaz and her office has also become the center of wrong doing. All the raw material are preparing behind the scene in SDEO (F) office Charsadda.
- xii. Head of the Department / officers are not paying full attention to cease these illegal practice by making strong communication.

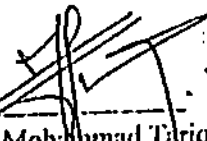
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RECOMMENDATIONS:-

A Chance for Re-medical Examination may be granted to all suffered employees on humanitarian Grounds.

ii. All the involved officers/ officials i.e. DEO (F) Charsadda Madam Surraya Begum, the then DDEO Madam Laila Ali, the then SDEO (F) Charsadda Mst. Hamim Begum, SDEO (F) Charsadda Madam Sabrina Fayaz, ADEO (Estab) Madam Naz Gul, Superintendent Local Office Charsadda Mr. Ghafoor Shah, Dealing Assistant Local Office Charsadda Mr. Amjid, Senior Clerk Mr. Fazle Elahi, Junior Clerk Mr. Abdur Rehman, Junior Clerk Mr. Zawar and Ex-Junior Clerk Muhammad Hashir may be proceeded under Khyber Pakhtunkhwa E&D Rules, 2011.

Sign:  24/7/2024
 Syed Mohammad Tariq Shah
 SS GISS No. 02 Peshawar City

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Dated Peshawar the 15th May, 2024

NOTIFICATION

No.SOCIO/E&SED/2024/1-1/Retirement on Medical Grounds Case

In partial modification of this Department's Notification bearing the same number dated 7th May, 2024 and in pursuance to the inquiry conducted in compliance with the judgment of Hon'ble Peshawar High Court, Peshawar in the COC No.129-P/2023 in WP No.3860-P/2023, and its recommendations, the following inquiry committee is hereby constituted to conduct fact finding inquiry into the cases of retirement on medical grounds in office of District Education Office (Female), Charsadda:-

- I. Mr. Jehangir Khan (TC BPS-19), Principal, GHS Khweshgi Bala, Nowshera
- II. Syed Muhammad Tariq Shah, Subject Specialist Physics (BPS-17), GHSS No.02, Peshawar City.

ToRs

- I. To check all medical cases materialized during 2022 and onwards
- II. To check all medical cases in light of instructions issued by the Provincial Government from time to time.

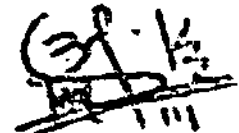
02. The inquiry committee shall submit report within 15 days, positively.

SECRETARY
E&SE DEPARTMENT

Ends: of Even No. & Date:

Copy of the above is forwarded to:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. Mr. Abdur Raqeeb, Principal (BPS-20), RPDC (Male), Peshawar
3. Mr. Fazle Wahid (MC BPS-18), awaiting posting.
4. Mr. Jehangir Khan (TC BPS-19), Principal, GHS Khweshgi Bala, Nowshera
5. Syed Muhammad Tariq Shah, Subject Specialist Physics (BPS-17), GHSS No.02, Peshawar City.
6. District Education Officer (Female), Charsadda with the direction to extend full cooperation with the inquiry committee.
7. PS to Secretary, E&SE Department



(Bilal Khan)

Section Officer (Inquiries)

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OFFICE OF THE PRINCIPAL GOVERNMENT HIGH SCHOOL KHESHGI BALA NOWSHERA.

No. 11930 /facts finding Enquiry/ dated Nowshera the 15/07/2024.

Preamble:-

I Mr. Jehangir Khan Principal B-19 GHS Khshgi Bala Nowshera and Mr Tariq Shah SS GISS No 2 Peshawar City, received a letter from the S.O (Inquiries) O/O the Secretary to Govt. E&SE Deptt. of even No dated Peshawar the 15th May, 2024. I received the letter on 31/05/2024 in my school. I deemed it necessary to inform the DEO(F) Charsadda regarding the extended enquiry. So I informed her PA through telephone that shall visit her office on 03/06/2024 and requested to inform DEO(F) to be present on that very day to probe into the matter and do the needful. Her PA informed that all would be ready on the day of enquiry including DEO(F) Charsadda. DEO(F) really cooperated in this facts finding inquiry. I tried to contact Mr Tariq Shah SS but was proceeding for the performance of Hajj this year. When he came back then he visited the above mentioned office and recorded his own findings. Then we both sat and developed the instant report jointly. His findings were almost the same, which were mine with a little bet difference. I incorporated his finding in this report.

Procedure: I selected the methodology of collecting authentic primary data from the respondents through an open ended questionnaire. I prepared questionnaires for all the respondents i.e. DEO(F) Charsadda, Abdul Aziz Chowkidar and other officials of that office or any subordinate offices and other sufferers if any. The questionnaires were consisting of different Numbers of questions for different respondents. The tool for analysis of this data was percentage of responses and it was decided that this data will be presented in the form of tables. It was planned that Secondary data would be collected from the official record of the office concerned. All the supporting documents would also be submitted for getting a clear and real picture of the scenario.

Process:- I reached the office of the DEO(F) Charsadda at 10:20 AM. All were present. I handed over the questionnaires to all the respondents and briefed them about the nature of questions and made them understand to provide authentic responses. I sat them in separate places. The concerned ministerial staff was told to bring all the relevant record of the case. They provided all the record. While checking the record it was found that Mr Abdul Aziz is not the only victim of such fabricated/fake/hogus and fraudulent Standing Medical Board Certificates of incapacitation. There was record of other officials including Class IVs and teachers of all cadres and after going through that record I invited them too to fill up the questionnaires. Some of them came on the same day and provided their input in the form of questionnaires. All the accused officials also filled up their questionnaires and handed over to me. Then I made the analysis of data collected through questionnaires and the following facts were found:-

analysis of data:

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A questionnaire was prepared for all the officials including teachers/class IVs and clerks to get an accurate data and to cross check their responses. There were 12 questions in the questionnaire. The total No of the respondents were 15 including Abdul Aziz.

Q. No: 1. Was your application for retirement on Medical grounds forwarded through proper channel?

Total Respondents	Yes	No	Do not Know	Remarks
15	15	0	0	100% respondents know about it

Q. No 2. Was it routed through Director E&SE Deptt; or through DC Charsadda?

Total Respondents	Yes	No	Do not Know	Remarks
15	15	0	0	100% respondents knew about it.

Q. No; 3. Have you received any call letter from D.G. Health Services or MS services Hospital Peshawar regarding your date of appearance before the Standing Medical Board?

Total Respondents	Yes	No	Do not Know	Remarks
15	0	15	0	100% respondents do not know about it

Q. No. 4. Have you appeared before the SMB at Services Hospital Peshawar or DHQ Charsadda?

Total Respondents	Yes	No	Do not Know	Remarks
15	0	15	0	100% respondents did not appear before the SMB

Q. No. 5: How you received your incapacitation certificate form concerned Hospital? Through mail or through an official of SDEO(F) Charsadda or DEO(F) Charsadda.

Total Respondents	Through an Official	Through Mail	Still not received	Remarks
15	15	0	0	100% received through an official

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Q. No. 6. Have you been retired on medical ground and you received all your dues like pension and commutation?

Total Respondents	Yes	No	Do not Know	Remarks
15	14	01	15	90% respondents have received. One MrRahmanGul had tempered his DOB So his case is pending due to that.

Q. No. 7. Have you entrusted your case to an official of your office?

Total Respondents	Yes	No	Do not Know	Remarks
15	15	0	0	100% respondents had given it to an official

Q. No. 8. Have you paid any amount to that official for your cases as expenses?

Total Respondents	Yes	No	Do not Know	Remarks
15	15	0	0	100% respondents have paid for it

Q. No. 9. How much amount you paid and to whom?

They all had paid different amounts to different officials but it was not less than 250000/- They have named different officials i.e 6 respondents named Muhammad Hasher J/C , 3 have named AbdurRahman J/C and 3 have named FazliElahi S/C,1 has named Zawar Junior Clerk 1 has named Hameem SDEO(F)Charsadda

Q. No. 9. At what stage you came to know that your incapacitation certificate has been declared fake / bogus by Medical Superintendent Services Hospital Peshawar?

Total Respondents	Yes	No	Do not Know	Remarks
15	15	0	0	All the respondent unanimously wrote that when they applied for the appointment of their children on the basis of that SMBC.

Q. No 10. Have you all received your amount back?

Total Respondents	Yes	No	Do not Know	Remarks
15	13	02	0	80% respondents have received their amount

Q. No: 11. Have you submitted any complaint against them to DEO(F) or to any other Government Institution like anti- corruption etc

Total Respondents	Yes	No	Do not Know	Remarks

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15	0	15	0	100% respondents have not submitted any Complaint.
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Q. No. 12. Has the department appointed your son / daughter on the basis of that SMBC?

Total Respondents	Yes	No	Do not Know	Remarks
15	0	15	0	100% respondents denied.

Q: 13. You all the accused clerks and Ex SDEO (F) Charsadda were asked about their involvement and charges leveled against them.

Total Respondents	Yes	No	Do not Know	Remarks
4	0	0	4	All the accused were ask about their involvement in this matter but they totally refused the allegations.

All these respondents remained in service for more than 25 years. They have been deceived by these officials by convincing them not to bother any hardships and they(the officials) would carry out all the process for them as they did not know even the addresses of various offices involved in this process. All the class IVs who are illiterate immediately agreed and made deal with them. The female teachers also became victims as they also unaware of the process of getting incapacitation certificate and thus willingly entrusted their cases along with the demanded amount. All the 15 SMB Certificates were declared bogus / fake and fabricated by the M.S. Services Hospital Peshawar.

While checking the relevant record the following facts were found.

1. Mr. Abdul Aziz s/o GhulamRahmani was chowkidar at GGPS khyberikoroonaUmerzai Charsadda, who applied for retirement on Medical grounds after going through two major surgeries in Kwait Hospital Peshawar as per his verbal / written statement. An enquiry has already been conducted in his case and submitted to the concerned quarter for further necessary action.
2. It is obvious from table no 1 that all the cases were forwarded through proper channel.
3. All the forwarding letters are available on record.
4. All of them received their incapacitation certificate by hand from their concerned clerk with the gap of 5 to 6 days.
5. These incapacitation certificates were submitted to concerned offices by these officials themselves or through these clerks on behalf of these officials.

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6. DEO(F) issued retirement orders in the same category trusting the letters of MS services hospital and their pension papers were properly prepared by SDEO(F) / concerned forum and sent to the DEO(F) who also signed and forwarded them to DAO for the payment of their pension and commutation.
7. After getting pension and other payments they applied for the appointment of their son's / daughter's as per quota allotted for the children of incapacitated persons by the Government.
8. When the scrutiny committee sat for checking the documents of the sons/daughters of the incapacitated employees of the DEO(F) Charsadda, The committee decided to get all these certificates verified from the MS services hospital.
9. DEO (F) sent all these certificates which had been received during the last two years for verification separately.
10. The MS services hospital returned some of them unverified and declared them bogus invalidated vide different letters detail given below.
11. The following are those whose SMB certificates declared bogus / invalidated are:-
 - i. AbidaNasreen's Ex PST BPS-13 GGPS Mia Kalli Prang SMBC (standard Medical Board Certificate) declared bogus by MS services Hospital vide his letter No 1261/MS/Adm/2021-22 dated 05/07/2022.
 - ii. Khan Badshah Ex Chowkidar GGCMS Wardaga's SMBC (standard Medical Board Certificate) declared fake/bogus vide MS services Hospital Peshawar: 559/MS Adm/2022-23 dated 18/08/2022.
 - iii. Qayum shah Ex Behшти GGHSS Turangzai's SMBC (standard Medical Board Certificate) declared bogus vide MS services Hospital peshawar letter No 1261/MS/Adm/2021-22 dated 05/07/2022.
 - iv. Amir Akbar chowkidar GGPS Hayat GulKoroona SMBC (standard Medical Board Certificate) also declared bogus vide MS services Hospital Peshwr letter No 1261/MS/Adm/2021-22 dated 5/7/2022.
 - v. Rahmangul sweeper GGPS NazoKilliChd SMBC (standard Medical Board Certificate) is bogus vide MS services Hospital Peshawar letter No 1207/MS/Adm/2021-22 dated 22/6/2022.
 - vi. Kareem janNaibQasid GGPS SMBC (standard Medical Board Certificate) has been declared bogus vide MS services Hospital Peshawar letter No 1206/MS/Adm/2021-22 dated 22/06/2022.
 - vii. Abdul Aziz chowkidar GGPS khyberykoroonaUmarzai's SMBC (standard Medical Board Certificate) declared fake vide MS services Hospital Peshawar letter No 524/MS/Adm/2021-22 dated 10/08/2022.
 - viii. MStsaminaAKhtar SST (G) School not exactly known has also been declared fake.
 - ix. Mst Nadia C.T GGMS Said GulKoroona has been declared fake/bogus vide MS services hospital Peshawar letter No 558/MS/Adm/2021-22 dated 18/8/2022.
 - x. GulNaz begum PSHT BPS-15 GGPS chitralkoroona declared fake by MS services Hospital Peshawar vide his letter No 782/MS/Adm/2022-23 dated 20/09/2022.
 - xi. Niaz Muhammad chowkidar (Late) declared fake vide MS services hospital letter No 431/MS/Adm/2021-22 dated 28/07/2022.
 - xii. Shabeena Begum SST (G) GGMS Geedarkilli declared fake by MS services hospital Peshawar letter No 430/MS/Adm/2021-22 dated 28/07/2022.

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- xiii. Muhammad Rafceqchowkidar GGPS declared fake by MS services Hospital Peshawar vide his letter No 1313 dated 18/07/2022.
 - xiv. Amir Nawaz chowkidar GGPS declared fake in the above mentioned letter.
 - xv. Saeedullahchowkidar GGHS jumat declared fake by MS services Hospital Peshawar.
12. DEO(F) has written a letter to the Director E & SE having the plea that a large number of Medical Board certificates have been declared fake/bogus by the concerned authorities, so an investigation for facts has been requested in this letter vide DEO(F) No 22295 dated 12/08/2022. But the response in this regard from the Director E&SE is not available on the file.
13. DEO(F) has informed officially all the officialsthrough separate letters whose Medical Board incapacitation certificates have been declared fake by concerned MS, that Department cannot appoint their sons/daughters on such a fake/bogus Medical certificates including Abdul Aziz Chowkidar.
14. DEO(F) approached DC Charsadda also for conducting an enquiry, who assigned the task to ADC who conducted a facts finding enquiry into the retirement of 15 employees on fake Medical Board certificates.
15. The ADC recommended that cases of the 15 employees will not be processed for appointment of their children. Their cases will be referred to the DC Medical Board scrutiny committee for further necessary action and DEO(F) should conduct an enquiry against the officials of her office and her subordinate offices involved in processing the fake medical cases and healso recommended that the enquiry report should be shared with DC Charsadda.
16. DEO(F) constituted an enquiry committee comprising of MstLaila Ali DDEO (F) as Chairperson ,MstsubreenaFayaz SDEO(F) as member , Mr.Ayaz khan B& AO as member.
17. This committee did not enquire about the involvement of officials in processing such cases but has beaten about the bush and recommended that DEO(F) and all these 15 employees should wait for the decision of the honorable high court in the writ petition filed by KolsoomSpoogmay daughter of Abdul Aziz chowkidar. They also suggested that all the 15 cases may be treated in the light of the case filed by KolsoomSpoogmay daughter of Abdul Aziz Chowkidar.
18. Meanwhile the MS services hospital also informed Secretary to Government for health services about the submission of fraudulent cases of standing Medical Board by the office of the DEO(F) charsadda, who requested secretary to Government for Elementary and Secondary Education to conduct an enquiry regarding the submission of such cases vide his letter No SOG/HID/1-49/ M.A.R/2022 Peshawar dated the 29 September 2022. Copy attached.
19. An enquiry has already been conducted in the case of MstKolsoomSpoogmay daughter of Abdul Aziz Chowkidar vide No SO(Inq)1-1/2024/SO(Lit-III)COC No 129-P/2023 in WP 3860-P/2022 and the present enquiry would probably be the compliance of the letter mentioned in fact No 20.

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20. DEO (F) has initiated for the re-medical examination on the basis of the application submitted by all these victims and letters have been sent to Director General Health services, Director E&SE, and DC Charsadda in this regard.
21. The responses of DEO (F) has shown that she is intended to resolve this issue once for all as she has made a lot of correspondence in this regard.
22. The officials are victims and they just demand to get one of their offspring appointed on the basis of the incapacitation certificate issued by MS services Hospital Peshawar, as they have been retired on the basis of that certificate and appointment of their sons/daughters have been refused which is awful for these officials or they be allowed to complete their age of superannuation as most of them have some years still to serve.
23. The only mistake / over sight ness on the part of DEO (F) Charsadda was that she did not send these incapacitation certificates for verification before issuing retirement orders on medical grounds and trusted the letters presented to her.
24. A recommendation in respect of DEO (F) has been accepted in the previous enquiry and she would have been reprimanded in strong words by the authorized officer.

Findings:-

1. All the cases have been forwarded not routed through proper channel.
2. All the officials have provided the demanded amount to their concerned agents.
3. Some of them have taken back their amount and some are still wandering for it.
4. DEO (F) Charsadda did not return the questionnaire in spite of several reminders on phone and other mediums as per findings of Mr Tariq Shah SS.
5. DEO (F) has not fully cooperated in this enquiry as per finding of Mr Tariq Shah co-inquiry officer.
6. DEO (F) Charsadda has sent letters to various forums for the settlement of this issue. For example, Deputy Commissioner Charsadda, Director E&SE Deptt: Khyber Pakhtunkhwa Peshawar vide her letter No 6132, dated 20/06/2024 and Director Health Services Khyber Pakhtunkhwa Peshawar vide her letter No 6142 dated 20/2024.
7. DEO (F) is now very careful in sending such cases and carries out proper investigation before sending Medical cases to concerned forums.
8. DEO (F) has retired most of them on Medical grounds.

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9. DEO (F) didn't verify these Standing Medical Board certificates which is her mistake, but she responded when asked in her previous and present questionnaires about this mistake, she responded that she had not gone with such an experience of Fake / fabricated SMB certificate in her entire service previously and sent them for verification later on as they all were pressing hard for the appointment of their sons/daughters. which created doubts.
10. All the clerks namely Abdurahman, Muhammad Hasher, Fazlillahi, Zawar and SDEO (F) Hameem are deady and badly involved in all this drama which is an ugly black mole on the white face of Education Department. They forwarded all these cases out of the routine process and the dealing clerks are unaware of this drama.
11. Laila Ali DDEO (F) Charsadda, Mst Hameem Ex SDEO (F) Charsadda, Mst Naz Gul ADEO (F) and Amjid Dealing Assistant didn't submit their questionnaires after filling up to Mr Tariq Shah The inquiry Officer, which is a clear cut sign of non-cooperation on their part.
12. Most of the cases of Retirement on Medical Grounds have also been sent in that period and a countable percentage has been received verified by the concerned authority in that period.
13. Lack of strong communication among the Heads of various departments is also a loop hole in this system which is en-cashed by such culprits. If there were a system of compulsory verification of all letters, orders certificates etcetera, then no one could dare to get and present fake documents.
14. All the accused officials / officers have totally denied the allegations leveled against them. But their involvement is vivid from the statements of class IVs and other officials.
15. As most of the officials have been deceived by these officers and officials and then retired on Medical Grounds and have been paid up by Government, so they may be extended the full benefits of incapacitation after getting an authentic incapacitation certificate from the concerned authority by sending their cases for re- medical examination to the same authority which has not examined their cases previously.
16. DEO (F) Charsadda has made the mistake of not verifying these SMB certificates well in time be directed to verify all the letters/ orders/ certificates etcetera received in her office immediately to avoid such difficulties in future.
17. Mr AbdurRahman Clerk, Muhammad Hasher Clerk, Fazlillahi Senior Clerk, Zawar Clerk and Miss Hameem SDEO (F) Charsadda they have violated rule No 4 (A) (a) of conduct rule-1987.

Recommendations:-

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As most of the officials have been retired on Medical grounds and have been paid up by Government, so they may be extended the full benefits of incapacitation under the existing quota. They may be given a chance of re-medical examination for an authentic incapacitation certificate from the concerned authority which has not examined their cases previously.

2. The concerned authorities, DG Health services and MIS services Hospital be informed officially to make arrangements for a special Medical Board for these officials on a short notice to bury this issue for ever.

3. The fates of the rest of the characters are left to the well of the authorized officer under the notification / letter No. SOR.V (E&ADY) Instruction/2014 dated 28th March 2014.

Documents Attached:

- 1. Statements of all Victims, 2. Statements of all accused, 3. Letters issued by MIS Services Hospital, 4. Letter issued by DHO (F) to DC, 5. Letter issued to Director I&SSE, 6. Letter's copy to DG Health Services, 7. Application of victims.

Signature: _____
Jehangir Khan Principal
GIS, Khasgi Bala SSR.

Signature: _____
Muhammad Tariq Shah SS
GIS No 2 Feshwar City.

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OFFICE OF THE SUB-DIVISIONAL EDU: OFFICER
(FEMALE) CHARSAJDA
NO. 1154 Dated 18-1-09 /2024

26

C

To

The District Education Officer
(Female) Charsadda

Subject: REPORT/FACTS REGARDING THE CONDUCT OF MR. ABD UR REHMAN EX-JUNIOR
CLERK O/O THE SDEO (FEMALE) CHARSAJDA

Memo:

Kindly refer to the above cited subject and to submit the detail report/ facts regarding role/conduct of Ex- J/Clerk Mr. Abd Ur Rehman.

Mr. Abd Ur Rehman served in this office from Aug; 2021 upto Nov 2023. During his period he was involved in several illegal/ bribery cases. Specially he was the key player of fake medical board cases.

In the instant Fake Medical Board cases an inquiry was conducted by Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Notification bearing; No. 5579-32 Dated 06/07/2023. According to the finding of inquiry report Mr. Abd Ur Rehman was involved in money deal. Subsequently the worthy Director E&SEI imposed major penalty under Rule-4(b) (ii) of the Khyber Pakhtunkhwa Govt. servants (E&D) rules 2011 removal from service.

In another inquiry conducted by Section Officer (Inquiries) Sectriate E&SEI vide Notification No. SO (IQ) /E&SEI/2024/1-1/Retirement on Medical Ground Cases Dated Peshawar the 15th May, 202024.

As per the finding of inquiry Mr. Abd Ur Rehman was found guilty and involved in shameful bribery game.

Further the service record of Mr. Abd Ur Rehman is also tainted as he was also transferred on administrative grounds from SDEO (MALE) Charsadda to Govt. High School Shabqadar on the recommendation of the inquiry report.

Keeping in veiw the above facts I request you to keep away Mr. Abd Rehman from the SDEO (Female) office Charsadda in larger public interest as well as for the integrity of this Department. please.

Endstt No. _____ Dated _____ /2024

Copy for Information to the;

1. PA to Secretary E&SEI KPK Peshawar
2. PA to Director E&SEI KPK Peshawar
3. Deputy Commissioner Charsadda
4. ADC (G) Charsadda
5. C.O Anti Corruption Charsadda
6. Office File

SUB-DIVISIONAL EDUCATION OFFICER
(FEMALE) CHARSAJDA

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SUB-DIVISIONAL EDUCATION OFFICER
(FEMALE) CHARSAJDA

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D

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA

OFFICE ORDER

Mr. Fuz Ur Rahman Junior Clerk BPS 11 GGHS Charsadda Khas is hereby
referred to SDEO (Female) Charsadda against the vacant post of Junior Clerk on his
advice in the best interest of public service.

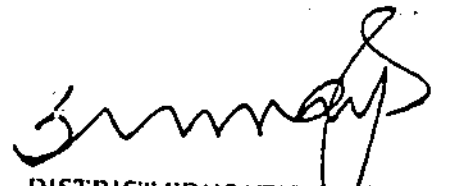
1. No LADA is allowed

Charge report should be submitted to all concern

(SURRAYA BEGUM)
DISTRICT EDUCATION OFFICER
(FEMALE)CHARSADDA

CC/SD No. 2128-35 / Dated 27/11/2023
Copy of information to the:-

1. PA to Director E&SE KPK Peshawar
2. District Account Officer Charsadda.
3. DMO Charsadda.
4. SDEO (Female) Charsadda.
5. Head Mistress Concerned.
6. Official Concerned.
7. Office file.


DISTRICT EDUCATION OFFICER
(FEMALE)CHARSADDA


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THE DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAZZA

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Subject: CERTIFICATE OF DUTY RESUMING/ARRIVAL.

Consequent upon the acceptance of the appeal and reinstatement into Government Service vide worthy Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar Notification No.SO(Inq)ESSED/1-1/2023/Mr.Abdur Rehman Ex-Junior Clerk/SDEO (F) Charsadda Dated Peshawar the March 28th, 2024.

Therefore in the light of the above Notification I beg to submit my arrival, and to resume my duties at the office of the SDEO (F) Charsadda today on 01/04/2024 Forenoon.

Yours Faithfully
Abdur Rahman
Abdur Rahman J/Clerk BPS-11
SDEO (Female) Charsadda

Copy for information & n/action to the:-

- 1- PS to Secretary, E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 2- SO Inquiries E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 3- PA to Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 4- District Account Officer Charsadda.

Minister E&SE

Facilitate
him as per
Policy PI

scale and

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Minister for
E&SE Department
Khyber Pakhtunkhwa

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F

Service Appeal No.381-2023 titled "Zulfiqar Ul Mulk versus The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Civil Secretariat Peshawar and others", decided on 13.06.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

**BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
FAREEHA PAUL ... MEMBER (Executive)**

Service Appeal No.381/2023

Date of presentation of Appeal.....15.02.2023
Date of Hearing.....13.06.2023
Date of Decision.....13.06.2023

Zulfiqar Ul Mulk(DEO (M) Mardan) S/O Ihsan Ud Din R/O Mohallah
Ali Garh, post office Khas, Akora Khattak Tehsil and District
Nowshera..

.....*Appellant*

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Civil Secretariat, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa at Chief Minister Secretariat Peshawar.
3. Chief Minister, Khyber Pakhtunkhwa at Chief Minister Secretariat Peshawar.
4. Secretary Elementary and Secondary Education Civil Secretariat Peshawar.
5. Zahid Muhammad (District Education Officer Bannu).

.....(*Respondents*)

Present:

Mr. Amjid Ali, Advocate.....For the appellant

Mr. Muhammad Jan, District Attorney.....For official respondents.

Mr. Muhammad Asif Yousafzai, Advocate.....For respondent No.5

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION/ORDER DATED 20TH JANUARY 2023 PASSED BY THE RESPONDENT NO.3 (I.E COMPETENT AUTHORITY) WHEREIN THE MAJOR PENALTY OF COMPULSORY RETIREMENT IMPOSED THROUGH ORDER DATED 01.12.2022 PASSED BY RESPONDENT NO.4 HAS BEEN REDUCED TO WITHHOLDING OF TWO ANNUAL INCREMENTS

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FOR TWO YEARS ON REVIEW/APPEAL DATED 03.12.2022 OF APPELLANT AND POSTING/TRANSFER ORDER DATED 10.02.2023 WHEREIN RESPONDENT NO.5 IS POSTED AS DEO(M) MARDAN IN CONTRAVENTION OF THE NOTIFICATION/ORDER DATED 20.01.2023 ARE ILLEGAL AGAINST LAW AND FACTS WITHOUT LAWFUL AUTHORITY, VOID AB-INITIO AND LIABLE TO BE SET ASIDE AND APPELLANT IS LIABLE TO BE EXONERATED OF THE CHARGES LEVELED AGAINST HIM.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Brief facts of the case are that appellant was serving as District Education Officer in the respondent-department; that a complaint dated 01.06.2020 was lodged against the appellant by a Member of the Provincial Assembly namely Maulana Hidayat Ur Rehman on his letter pad; that the appellant had not complied with his directions for appointment of Class-IV amongst the land donor in Chitral while serving as District Education Officer (M) Chitral; that a fact finding report was given on 16.11.2020, wherein minor penalty of warning to be careful for negligence in future was recommended against the appellant; that respondent No. 2 issued charge sheet to the appellant; that the appellant submitted a detailed reply to the charge sheet; that the enquiry was conducted; that during disciplinary proceedings, the appellant was posted as District Education Officer (M) Mardan vide order dated 29.11.2021; that a show cause notice was issued to the appellant on 28.02.2022; that the appellant properly replied to the show cause notice; that vide notification dated 1.12.2022, respondent No.3 imposed major penalty of compulsory retirement upon the appellant; that the appellant filed departmental appeal dated 03.12.2022, before respondent No.3, which was partially allowed and



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the major penalty of compulsory retirement was modified into withholding of two annual increments for two years vide order dated 20.01.2023; that the appellant, while performing duties as District Education Officer (M) Mardan, private respondent No.5 was posted as District Education Officer (M) Mardan in place of the appellant vide order dated 10.02.2023, hence, he filed the present service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. On 16.03.2023 official respondents were given last chance for submission of written reply and the case was fixed on 19.04.2023. On 19.04.2023 the respondents failed to submit written reply, therefore, they were placed *exparte* and their right to file reply stands struck off while the private respondent No.5 had submitted written reply vide order sheet dated 22.05.2023. Respondents put appearance and contested the appeal, raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant, learned District Attorney for the official respondents and learned counsel for private respondent No.5.

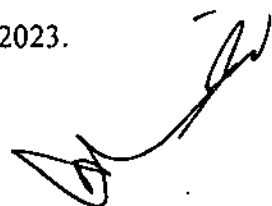
04. Learned counsel for appellant argued that the appellant has not been treated in accordance with law and rules. The appellant had not been afforded proper opportunity of hearing similarly no opportunity of cross examination had been given to the appellant. He further argued that the

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Worthy Chief Minister had ordered appellant to be the DEO(M) Mardan in his order dated 20.01.2023 in the heading of the order, in the second para of the order and even in the last para of the order as DEO(M) Mardan with immediate effect then posting of respondent No.5 by respondent No.4 vide order dated 10.02.2023 against the post of DEO(M) Mardan which was held by the appellant is certainly illegal; that neither the appellant nor respondent had completed his normal tenure of posting as per transfer policy in their respective stations; that according to the transfer/posting policy of the Provincial Government, posting/transfer shall not be misused/abused to victimize a civil servant. He requested that the instant appeal might be accepted.

05. Learned District Attorney and learned counsel for private respondent No.5 controverted the arguments advanced by the learned counsel for the appellant and stated that the prayer of appeal to the extent of order dated 10.02.2023 is not maintainable for the reasons that no Departmental Appeal has been made by the appellant against the transfer order which is mandatory as per Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974; that the appellant could not claim choice posting. Learned counsel for private respondent No.5 argued that prior to the order dated 20.01.2023 (when the appellant was not in service) proper summary of the posting/transfer of respondent No.5 was approved by the worthy Chief Minister, Khyber Pakhtunkhwa on 16.01.2023.



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06. After the fact finding inquiry a regular inquiry was conducted, in consequence of which, major penalty was imposed upon the appellant. They requested that the instant appeal might be dismissed.

07. It appears from the enquiry report of the enquiry committee that charge (i), regarding filling of 23 posts falling in the share of disabled as well as minority candidates were also filled from the candidates of open merit, stood proved. The enquiry committee found that the allegations stood proved and in support of such findings the enquiry committee discussed in detail the entire episode with sound reasons which could not be rebutted by the appellant during the course of arguments. Similar is the situation with regard to charge (ii). As regard charge (iii) regarding appointment at serial No.3 in the merit list against an expected vacancy; again a detailed and well reasoned finding was given by the enquiry committee and the appellant could not utter a single word regarding this allegation in the memo and grounds of appeal or during the course of arguments. Likewise charge (iv) also went unrebutted during the arguments and nothing was said in the memo and grounds of appeal. The appellant had tried to attack the departmental proceedings on totally irrelevant considerations i.e. issuance of charge sheet by worthy Chief Secretary, Khyber Pakhtunkhwa and show cause notice by the worthy Chief Minister, Khyber Pakhtunkhwa. The learned District Attorney though argued that because of the busiest schedule of the worthy Chief Minister, he had delegated his powers to the officers for signatures on such matters; yet neither the learned Law Officer nor the learned counsel for the appellant could place on record any document to

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Service Appeal No.331/2023 titled "Zulfqar Ul Mulk versus The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Civil Secretariat Peshawar and others", decided on 13.06.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Fareeha Pail, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

show or support their respective pleas. Be that as it may, the enquiry appears to have been conducted in accordance with the relevant rules wherein the appellant was duly associated. The allegations against the appellant were proved during the course of enquiry and the penalty imposed by the Reviewing Authority seems to be quite lenient, which does not need any interference.

08. Now coming to the transfer order dated 10.02.2023, which is also impugned in this appeal, it appears that in the entire impugned transfer order the name of the appellant of the appellant is not reflected. In such a situation challenging the transfer order of somebody else would not vest any cause of action or locus standi in the appellant. There is contention of the appellant that once the major penalty of compulsory retirement, awarded to the appellant, on 01.12.2022, was converted into withholding of two annual increments, for two years, vide notification dated 20.01.2023, wherein the designation of the appellant was mentioned as District Education Officer (M) Mardan at more than one places, which meant that the appellant was considered to be still posted as DEO(M) Mardan, no matter he was first compulsorily retired and then reinstated. This contention is not well founded as it is based on surmises and conjectures because by mere writing the words "District Education Officer (M) Mardan" in the impugned order would not of its own mean that the post of DEO(M) Mardan was still occupied by the appellant. The urge of the appellant is thus misconceived also.

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Service Appeal No. 381/2023 titled "Zulfqar Ul Athk versus The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Civil Secretariat Peshawar and others", decided on 13.06.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

09. For the foregoing reasons this appeal fails and is dismissed. Costs shall follow the event. Consign.

10. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 13th day of June, 2023.*



KALIM ARSHAD KHAN
Chairman



FAREEHA PAUL
Member (Executive)

Atham Shah, P.A.

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ATTES

