


FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** \_\_\_\_\_

**1760/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2024	<p>The appeal of Mr. Mehran Ilyas resubmitted today by Syed Asif Jalal Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 09.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Mehran Ilyas received today i.e on 30.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- ✓ Address of the appellant is incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- ✓ Annexures of the appeal are unattested.
- 3- Appeal has not been signed by the appellant.
- 4- Annexure-A, B and I of the appeal are illegible be replaced by legible/better one.
- 5- The authority whose order is challenged has not been arrayed a party.
- 6- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 849 /Inst./2024/KPST,

Dt. 01/10 /2024.

*Amal Pilleh*  
ADDITIONAL REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Asif Jaha Adv.  
High Court at Peshawar.

*Sid*  
*Resubmitted after compliance*

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Mehran Ilyas S/o Hamid Ilyas R/o Mehran Raod, KDA, House No. 50, Sector-10, Kohat

S.A # 1760/2024

Appellant

Versus

Election Commission Khyber Pakhtunkhwa through its representative Civil Secretariat,  
Peshawar, Khyber Pakhtunkhwa

Respondent

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Appellant  
Through

*Asif*  
Syed Asif Jalal & Associates  
ADVOCATES, ATTORNEYS & CORPORATE COUNSEL  
No.1, Fifth Floor, 6- Saddar Road,  
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①

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Mehran Ilyas S/o Hamid Ilyas R/o Mehran Road, KDA, House No. 50, Sector-10, Kohat

S.A # 1760/2024

Appellant

Versus

1. Government of Khyber Pakhtunkhwa through the Chief Secretary.
2. Secretary Establishment Government of Khyber Pakhtunkhwa.
3. Election Commission Khyber Pakhtunkhwa through its representative Civil Secretariat, Peshawar, Khyber Pakhtunkhwa

Respondent

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF THE ELECTION COMMISSION OF PAKISTAN DATED 02-09-2024 WHEREBY PENALTY AND REDUCTION WAS IMPOSED AND ORDER DATED 01-08-2024 WHEREBY THE APPEAL/ REVIEW HAS BEEN REJECTED**

Without prejudice to the rights of the Appellant under the law, the Appellant respectfully submits as under:

1. That the Appellant is a law-abiding citizen of Pakistan and was serving in BPS-17 as PMS Officer. That the Appellant was appointed as Returning Officer for 07 Village Councils-VCs in TakhtiNasrati, District Karak, for the Local Government Election held on 19-12-2021 and due to law-and-order situations on various polling stations, phase II on 13-02-2022 and the Appellant dispensed with his duties in accordance with law and with diligence.

(Copy of notification is attached as Annex A)

2. That after the election, the Appellant as returning officer (RO), prepared provisional result on 14-02-2022 and consolidated results on 19-02-2022, while observing all the codal formalities and submitted the same to the worthy Election Commission of Pakistan.
3. That on 17-02-2022, before consolidation of results (as testified by the complainants in inquiry statements), the runner up candidates went to Election Commission of Pakistan against the Appellant for rechecking and revisiting the election results.
4. That, consequently, the consolidated result submitted by the Appellant dated 19-02-2022 was withheld vide order dated 30-03-2022 after initial hearing at Election Commission of Pakistan, Islamabad and the Appellant was put under suspension for fact finding inquiry.

(Ordered dated 30-03-2022 Annexed as annex B)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Mehran Ilyas S/o Hamid Ilyas R/o Mehran Raod, KDA, House No. 50, Sector-10, Kohat,  
Presently Tehsildar waiting for Posting as Assistant Secretary Board Of Revenue.

Petitioner

Versus

1. Government of Khyber Pakhtunkhwa through its Chief Secretary.
2. Secretary Establishment Government of Khyber Pakhtunkhwa.
3. Election Commission Of Pakistan through its Secretary Office at Constitutional Avenue Islamabad.

Respondent

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT, 1974 AGAINST THE ORDER OF THE ELECTION**  
**COMMISSION OF PAKISTAN DATED 02-09-2024 WHEREBY PENALTY AND**  
**REDUCTION WAS IMPOSED AND ORDER DATED 01-08-2024 WHEREBY**  
**THE APPEAL/ REVIEW HAS BEEN REJECTED**

Without prejudice to the rights of the Petitioner under the law, the Petitioner respectfully submits as under:

1. That the Petitioner is a law abiding citizen of Pakistan and was serving in BPS-17 as PMS Officer. That the Petitioner was appointed as Returning Officer for 07 Village Councils-VCs in TakhtiNasrati, District Karak for the Local Government Election held on 19-12-2021 and due to law and order situations on various polling stations, phase II on 13-02-2022 and the Petitioner dispensed with his duties in accordance with law and with diligence.  

(Copy of notification is attached as Annex A)
2. That after the election the Petitioner as RO prepared provisional result on 14-02-2022 and consolidated results on 19-02-2022, while observing all the codal formalities and submitted the same to the worthy Election Commission of Pakistan.
3. That on 17-02-2022, before consolidation of results (as testified by the complainants in inquiry statements), the runner up candidates went to Election Commission of Pakistan against the Petitioner for rechecking and revisiting the election results.
4. That consequently, the consolidated result submitted by the Petitioner dated 19-02-2022 was withheld vide ordered dated 30-03-2022, after initial hearing at Election Commission of Pakistan, Islamabad and the Petitioner was put under suspension for fact finding inquiry.

(Ordered dated 30-03-2022 Annexed as annex B)

- 5. That the result prepared by Appellant as RO was set aside by appointing District Election Commissioner Karak as the New RO for preparing the result in light of Form XVII approved by the Presiding officer by order dated 09-08-2023. A disciplinary action and final inquiry was also ordered against the Appellant in the order dated 09-08-2022.

(Copy of Order dated 9-8-23 is attached as Annex C)

- 6. The subsequent result in the light of order 09-08-2023 was published in official gazette on dated 22-08-2023.

(Copy of Order dated 22-8-2023 is attached as Annex D)

- 7. That thereafter, the ECP issued letter No. F.3. (4) 2023-ESTT-DL&CP dated 18<sup>th</sup>December 2023 to the Appellant intimating the Appellant that an inquiry has been initiated against him for manipulating, tempering and fabricating the Local Government results in the SVCs of Karak, held on 19-12-2021. In response whereof, the Appellant submitted a detailed reply to the letter dated 18<sup>th</sup>December, 2023 issued by the ECP. Subsequently, the Appellant also appeared before the inquiry committee.

(Copy of Notice dated 18-12-2023 is attached as Annex E)

- 8. That thereafter a show cause notice dated 15<sup>th</sup>March, 2024 was issued to the Appellant, to which the Appellant submitted a detailed reply, and also requested to be heard in person. The Appellant, therefore, appeared in person dated 25-04-2024 and answered all the questions of the inquiry officer.

(Copy of Show Cause Notice is attached as Annex F)

(Copy of reply to Show cause Notice is attached as Annex G)

- 9. That to the utter dismay of the Appellant, after providing all the defence as well as the documentary evidence in support of his stance to the Inquiry Officer ("I/O") as well as to the worthy Election Commission, the Election Commission in assuming capacity as the 'Competent Authority' accused the Appellant for the charges leveled against him and unilaterally and arbitrarily found him guilty of inefficiency & misconduct by conducting proceedings in terms of section 55 of the Election Act 2017 read with relevant provisions of the KP Government Servants Efficiency and Discipline Rules 2011 ('E&D Rules'). It is worth mentioning here that mere statements and allegations of complainants was taken as undoubted proof and while the Appellant tried to cross examine the complainants, the I/O stopped the same again and again and brushed off his defiance in flagrant violation of E&D Rules and procedure. Similarly, when Appellant tried to question the presiding officers the same I/O again interjected and did not let the Appellant avail of his right. On the last day of inquiry when Departmental Representative tried to look into the matter as if Appellant as RO was present in public, the I/O stopped him as well.

10. That the Election Commission imposed a major penalty of reduction to lower grade and post on the Appellant vide order dated 17-05-2024 for a period of three years thus subjecting the Appellant to an illegal penalty and causing great harm to his service and reputation.

Copy of Order dated 17-5-2024 is attached as Annex H

11. That the Appellant feeling aggrieved of the Order dated 17-05-2024 filled a review petition before the Hon'ble Election Commission on grounds inter-alia, the jurisdiction of the Hon'ble Commission in the matter, which was rejected on 01-08-2024 and communicated to the Appellant on 02-09-2024. Hence, the instant appeal on the following grounds:

(Copy of Review Petition is attached as Annex I)

(Copy of Order dated 01-08-2024 is attached as Annex J)

(Copy of Order communicated to Appellant is attached as Annex K)

## GROUNDS

- a. That the Order of the Election Commission is arbitrary and without jurisdiction as the Appellant ceased to be an election official upon publication of the result 22-08-2023 and therefore, not amenable to proceedings under section 55 of Election Act, 2017. The result was published on 23-08-2023 whereas, inquiry for disciplinary action was initiated on 18-12-2023 while the Election Commission became *functus officio* with regard to the Appellant and he no longer remained an election official. Any proceedings, therefore, would have to be conducted by his parent department.
- b. The failure to refer the matter to the parent department violates the Appellant's right to a fair inquiry as laid down in the E&D Rules and principles of natural justice.
- c. The Election Commission, acting as both the prosecutor and judge, inherently compromised the impartiality of the proceedings, infringing on the appellant's fundamental rights as guaranteed under Articles 4, 10-A, and 25 of the Constitution of Pakistan, 1973.
- d. That the inquiry was conducted in a slipshod manner, in which, the worthy Election Commission acted as Judge, Jury and executioner is against the spirit of the law. It is worth mentioning that the inquiry committee did not place on record the facts and proofs

put forward by the Appellant. The same was not entertained by the commission on 25-04-2024.

- e. That the Order dated 17-05-2024 suffers heavily from factual and legal infirmities.
- f. That the entire proceedings were conducted in flagrant disregard of the Civil Servants (Efficiency & Discipline) Rules, and without subscribing to the law and procedure on the matter.
- g. The Appellant reserves the right to agitate other grounds at the time of the hearing.

### QUESTIONS OF LAW

Among others, the following questions of law arise out of the matter:

- a. Whether the Appellant was an Election Official when the inquiry was initiated dated 18-12-2023
- b. Whether after the publication of the result in terms of section 55(I) of the Election Act 2017 the Appellant had not cease to become an election official and the Election Commission too had become functus officio with regard to the functions of the
- c. Whether the Order dated 17-05-2024 is not without jurisdiction.
- d. Whether the Hon'ble Election Commission has not stepped beyond and encroached into the domain of the parent/ lending department of the Appellant by imposing a major penalty against the spirit of rule 16 (2) of the Khyber Pakhtunkhwa Efficiency and Discipline Rule 2011.

### PRAYER

In light of the above, it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to:

- I. Declare the showcase notice dated 15.03. 2024 of no legal effect.
- II. Declare the penalty of reduction to a lower grade imposed by Respondent No.1 vide order/judgement dated 17.05.2024 as illegal, without jurisdiction, and void ab initio;
- III. Set aside the disciplinary proceedings conducted by the Respondent No.1;



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- IV. Restore the appellant to his original position in Grade-17 with all consequential benefits, including seniority and back pay;
- V. Grant any other relief as this Hon'ble Tribunal deems fit and proper in the circumstances of this case.

Appellant  
Through  
Syed Afif Jalal, Adv.

Inayatullah Khan, Adv.

Amir Ejaz Khan, Adv.

ADVOCATES, ATTORNEYS & LEGAL COUNSEL  
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(6)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Mehran Ilyas S/o Hamid Ilyas R/o Mehran Raod, KDA, House No. 50, Sector-10, Kohat

Appellant

Versus

Election Commission Khyber Pakhtunkhwa through its representative Civil Secretariat,  
Peshawar, Khyber Pakhtunkhwa

Respondent

**AFFIDAVIT**

I, Mehran Ilyas S/o Hamid Ilyas R/o House No. 50, Sector 10, Kohat, do hereby solemnly affirm and declare on oath that the content of the instant appeal is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by

*Amir*  
Amir Ejaz, Adv.

*ITA*  
Deponent  
CNIC 14301-3537664-7  
Cell 0336 0035177

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**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Mehran Ilyas S/o Hamid Ilyas R/o Mehran Raod, KDA, House No. 50, Sector-10, Kohat

Appellant

Versus

Election Commission Khyber Pakhtunkhwa through its representative Civil Secretariat,  
Peshawar, Khyber Pakhtunkhwa

Respondent

**ADDRESSES OF THE PARTIES**

**APPELLANT**

Mehran Ilyas S/o Hamid Ilyas R/o Mehran Raod, KDA, House No. 50,  
Sector-10, Kohat

**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa through its Chief Secretary.
2. Secretary Establishment Government of Khyber Pakhtunkhwa.
3. Election Commission Khyber Pakhtunkhwa through its representative Civil Secretariat, Peshawar, Khyber Pakhtunkhwa

Appellant  
Through

Syed Asif Jalal, Adv.

Inayatullah Khan, Adv.

Amir Ejaz Khan, Adv.

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**ELECTION COMMISSION OF PAKISTAN**

**NOTIFICATION**

Islamabad, the 25<sup>th</sup> October, 2021

Subject:- **APPOINTMENT OF DISTRICT RETURNING OFFICERS, RETURNING OFFICERS & ASSISTANT RETURNING OFFICERS IN CONNECTION WITH THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS IN KHYBER PAKHTUNKHWA PROVINCE.**

No.F.7(2)/2021-LGE-KP(Vol-I):- In exercise of powers conferred upon it under Articles 140A (2) and 219(d) of the Constitution of the Islamic Republic of Pakistan, Sections 50, 51 & 224 of the Elections Act, 2017, Rules 46 & 47 of the Elections Rules, 2017, Sections 75 & 86 of the Khyber Pakhtunkhwa Local Government Act, 2013, read with Rule-10 of the Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules, 2021 and all other powers enabling it in that behalf, the Election Commission of Pakistan is pleased to notify herewith for general information District Returning Officers, Returning Officers & Assistant Returning Officers appointed in connection with the conduct of Local Government Elections in Seventeen (17) Districts (1<sup>st</sup> Phase) for each category of seats in City /Tehsil Councils and Village/ Neighbourhood Councils in Khyber Pakhtunkhwa Province as shown against each:-

S.No.	District Returning Officer	S.No.	Returning Officer	S.No.	Assistant Returning Officer	Jurisdiction
1	2	3	4	5	6	7
<b>PESHAWAR</b>						
1	Captain (R) Khalid Mahmood Deputy Commissioner, Peshawar	1	Ms. Gul Bano, Additional Deputy Commissioner, Peshawar	1	Mr. Muhammad Taj, Tehsildar City, Peshawar	Tehsil Peshawar City
				2	Arbab Zia Ul Allah, Sub Divisional Education Officer, Town-I, Peshawar	
		2	Mr. Anwar Akbar, Additional Assistant Commissioner, Shah Alam, Peshawar.	3	Mr. Imtiaz Khan, Assistant Sub Divisional Educational Officer, Daud Zia, Peshawar	Mathra Tehsil
				4	Mr. Shamsul Arifeen, ADEO, PND, Office of DEO, Peshawar.	
		3	Mr. Umar Awais Kiyani, Assistant Commissioner, Shah Alam, Peshawar.	5	Mr. Jehangir Khan, Deputy Director, HR Elementary & Secondary Education, Hayatabad, Peshawar.	Tehsil Shah Alam
				6	Mr. Wakif Khan, Tehsildar, Peshawar	

ATTESTED

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9	Mr. Tanveer Ur Rehman, Deputy Commissioner, Karak	190	Mr. Abdul Qayyum Khattak, Additional Assistant Commissioner-I Karak	225	Mr. Abdullah Khan, ADEO Secondary (Male) Karak	VC Dhand Idal Khel
						VC Sabir Abad
						VC Deli Mela
						VC Palosa Sar
						VC Chani Khel
						VC Ghundi Mirkhan khel
						VC Tarki Khel
						VC Esak Chontra
						VC Kandu Khel
						VC Mitha Khel
						VC Laki Ghundaki
						VC Kanda Karak
				VC Mandawa		
				VC Latamber Sharqi		
				VC Latamber Gharbi		
				VC Surdog		
				VC Warana Latamber		
				VC Takht Nasrati Bala		
				VC Takht Nasrati Payan		
				VC Bogara		
				VC Sarki Lawagher		
				VC Siraj Khel		
				VC Ganderi Khattak		
				VC Shahidan Banda		
				VC Nara		
				VC Kari Dhand		
				VC Shah Salim		
				VC Jahangiri		
				VC Yaghi Mosakan		
				VC Khojaki		
		191	Mr. Muhammad Sultan, Principal GHSS Karak	226	Mr. Abdul Tawab, SS GHS Kandu Khel	
		192	Mr. Mehran Ilyas, Additional Assistant Commissioner-II Karak	227	Mr. Qadir Shah, SDEO (Male) Takht-e-Nasrati	
		193	Mr. Insaf ur Rehman, Social Welfare Officer, District Karak	228	Mr. Abdul Waheed, Vice Principal GHSS Bogara	

*Muz*

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I. Copy forwarded for information to the:-

1. Secretary to the President, Aiwan-e-Sadar, Islamabad
2. Secretary to the Prime Minister, Prime Minister, Secretariat, Islamabad
3. Secretary, Cabinet Division, Islamabad
4. Secretary, Ministry of Interior Government of Pakistan, Islamabad
5. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar
6. The Secretary, Local Government Department, Pakhtunkhwa, Peshawar
7. The I.G Police Khyber Pakhtunkhwa

II. Copy also forwarded for information and necessary action to the:-

- i. The Provincial Election Commissioner Khyber Pakhtunkhwa, Peshawar
- ii. All District Returning Officers
- iii. All Returning Officers
- iv. All Regional Election Commissioner
- v. All District Election Commissioner

Through PEC, Khyber Pakhtunkhwa,  
Peshawar.

III. Copy forwarded to the:-

- i. Director to the Hon'ble CEC.
- ii. PSs / PAs to the Hon'ble MEC-I & II.
- iii. Staff Officer to the Secretary
- iv. Staff Officer to the Special Secretary.
- v. Additional Secretary (Admn).
- vi. Director General (Law).
- vii. Director General (IT)
- viii. Additional Director General (PR)
- ix. Additional Director General (Electoral Rolls).
- x. Additional Director General (TR&E).
- xi. Additional Director General (Budget).
- xii. Additional Director General (Elections-I & II).
- xiii. Additional Director General (Gender Affairs)
- xiv. Deputy Director (LGE-S)
- xv. Deputy Director (LGE-Punjab)
- xvi. Deputy Director (Cord)
- xvii. Deputy Director (GS)
- xviii. Deputy Director (PR)
- xix. Deputy Director (Budget)
- xx. Deputy Director (Monitoring)
- xxi. Deputy Director (Web) for uploading the same on ECP's website.
- xxii.

  
(Abdul Hafeez)  
Director (LGE)

  
ATTESTED

**BEFORE THE ELECTION COMMISSION OF PAKISTAN****PRESENT:**

MR. NISAR AHMED DURRANI, MEMBER  
MR. SHAH MOHAMMAD JATOI, MEMBER

**Case No. 23(37)/2022-Law**

In Ref: ELECTION PETITION UNDER RULE 54 OF THE KP LOCAL COUNCILS (CONDUCT OF ELECTIONS) RULES, 2021 READ WITH ALL OTHER ENABLING PROVISIONS OF LAW ON THE SUBJECT AGAINST THE CONSOLIDATED RESULTS ISSUED BY THE RESPONDENTS

Yousaf Khan s/o Mir Sahab Khan r/o Ganderi Khattak, P/O Takht-e-Nasrati Mianki Banda, Tehsil Takhat-e-Nasrati, Karak, KPK  
....Petitioner (s)

**VERSUS**

District Returning Officer, Karak and 23 others.

...Respondent (s)/-

For the Petitioner : Mr. Hazrat Ali, Advocate  
For the Respondent No. 6 : Mr. Muhammad Farooq Malik, AHC  
For the Respondent No. 20 : Mr. Mujahid Islam Asif, AHC  
Date of Hearing : 14.03.2022

**ORDER**

Mr. Nisar Ahmed Durrani, Member.—Petitioner as many as 19 other contested the local bodies election (1<sup>st</sup> Phase) for the seat of General from constituency Local Council Ganderi Khattak Tehsil Takhat-e-Nasrati, district Karak. Petitioner being aggrieved with the result has filed the instant petition for recounting of votes on the solitary ground that Forms XVII prepared by the Presiding Officers and provided to the polling agents are manipulated/fabricate by the Returning Officer concerned.

2. On receipt of petition, parties were put on notice to hear their stance. Learned counsel for the petitioner appeared and emphatically contended that petitioner infact attained 597 votes as per Form-XVII prepared and provided by the Presiding Officers on polling day to the polling agents but his votes are deliberately

reduced in Form XX from 597 to 537 by the Returning Officer. He while criticizing the conduct of Returning Officer -192 emphasized that he has changed and manipulated Form (s) XVII with malafide intention and ulterior motives. That principle of fairness and impartiality have been brushed aside by the Returning Officer to bless his favourites. Further added that form XVII is a basic document for preparation and publication of consolidated results but the same have been changed illegally and without any justification. That an application for recounting of votes was made to the Returning Officer but he rejected the same without cogent reasons. He prayed for recounting and rechecking of votes in the interest of justice and fair play.

3. On the other hand learned counsel for the respondent while opposing the petition and contentions of learned counsel for the petitioner contended that no extra forms XVII was provided to the Returning Officer to believe the contention that Returning Officer has prepared new Form XVII and changed the result by himself to favour anyone. That now there are three different Forms XVII, which one can be considered true and correct, it can better be determined by the Election Tribunal after recording of numerous evidence for such determination. That Presiding Officers have even denied from their signatures on Forms XVII submitted by RO which makes the matter more disputed. He while referring sub rule 2 and 3 of rule 9 of Khyber Pakhtunkhwa (Conduct of Elections) Rules, 2021 contended that statutory period has elapsed to dispose of the matter and disputed questions of fact are involved as well, therefore, the matter may be entrusted to the Election Tribunal to probe into the matter.

*Amir*

ATTESTED



4. In rebuttal Farooq Khattak, learned counsel for the petitioner came forward and contended that instant matter does not relate to bogus or fake polling but it relates to manipulation qua change of result where figures are changed on Form XVII to increase/decrease votes and thereafter consolidation has been made. He vociferously contended that this Commission inherits the powers to inquire and decide such like matter by itself.

5. We have heard the arguments of learned counsel for the parties and perused the record carefully. Report was sought from Returning Officer vide order dated 22.02.2022. Returning Officer on 02.03.2022 appeared and submitted his report along with copies of Forms XVII. It was found on examination that Forms XVII submitted by the petitioner and annexed with the report Returning Officer were different. It is pertinent to note that result of five constituencies and nine different categories (General, Youth, Peasant) conducted by the same Returning Officer i.e. RO 192 (respondent) has been challenged before us. All the cases were heard on same dates and same situation qua manipulation of Form XVII has been alleged by the petitioners. It transpired on comparison in the instant case that both the aforementioned Forms show different results of some candidates at certain polling stations. For example the votes of Gul Shah Ali Khan as per Form XVII submitted by petitioner at polling station GPS Shobli Banda are 45 but as per Form XVII submitted by the RO, the same are shown 245 therein. Moreover, as per Form XVII submitted by petitioner in respect of above polling station Gul Shah Ali Khan shows 3 votes but as per Form XVII submitted by the RO, the same are shown 103. Similarly, the votes of Shah Jehan as per Form XVII

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submitted by petitioner in respect of aforementioned polling stations shows 71 votes but as per Form XVII submitted by the RO, the same are shown 171. From thorough perusal of both Forms XVII submitted by the petitioner and Returning Officer when put juxtaposed, it transpired that out of 20 contesting candidates, votes of Gul Shah Ali Khan, Maqsood ur Rehman, Rehman Gul, Shah Jehan and petitioner Yousaf Khan do not correlate with each other. In such view of the matter, and circumstances vide our order dated 2.03.2022, matter was referred to District Election Commissioner, Karak with the directions to call all the Presiding Officers to authenticate that which Form XVII is true/genuine which they have provided to polling agents or contesting candidates or submitted by the Returning Officer along with his report.

6. In pursuance of our order dated 02.03.2022, Shahab ud Din, District Election Commissioner, Karak appeared in person on 07.03.2022 and after doing the needful submitted his report. He on appearance contended that he called all the Presiding Officers of Polling Stations No. 1-6 and they submitted certified copies of Forms XVII as well as their respective written statements mentioning the number of votes attained by each contesting candidate. Further submitted that most of the Presiding Officers have denied the Forms which are submitted by the Returning Officer. Further added that comparative statement is prepared as per Forms-XVII & XX submitted by Returning Officer and as per Form-XVII & written statements submitted by concerned presiding officers.

Saf

Amir  
ATTESTED

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7. On comparison of Form(s) XVII submitted by District Election Commissioner along with his report and submitted by RO, huge difference of votes was noticed. The detail is as under:

Gul Shah Ali Khan				
Sr. No.	Name of PS	As per Form XVII & Written Statement result submitted by POs	As per Form XVII & XX submitted by RO	Overall difference
1	Govt. Primary School Wagi Banda (M)	12	112	<u>550</u>
2	Govt. Girls Primary School Wagi Banda (F)	3	103	
3	Govt. High School Ganderi Khattak (M)	5	65	
4	Govt. Primary School Ganderi Khattak (F)	2	92	
5	Govt. Primary School Shobli Banda(Combined)	45	245	
6	Govt. Girs Community Model School Nusrat Abad Combined	4	4	
	Total	71	621	

From perusal of above it reveals that figures 12 is changed to make it 112 by adding figure 1 in the forms submitted by Returning Officer. Similarly, figure (s) 3, 5, 2, 45 are changed in to 103, 65, 92 & 145 respectively in the Forms of RO. Moreover, difference of votes in respect of Maqbool ur Rehman is also noticed as under:

Maqbool ur Rehman				
Sr. No.	Name of PS	As per Form XVII & Written Statement result submitted by POs	As per Form XVII & XX submitted by RO	Overall difference Difference
1	Govt. Primary School Wagi Banda (M)	31	251	<u>380</u>
2	Govt. Girls Primary School Wagi Banda (F)	3	103	
3	Govt. High School Ganderi Khattak (M)	26	69	
4	Govt. Primary School Ganderi Khattak (F)	4	24	
5	Govt. Primary School Shobli Banda(Combined)	132	132	
6	Govt. Girs Community Model School Nusrat Abad Combined	16	16	
	Total	215	595	

From perusal of above *prima facie* it reveals that figures 31, 3, 26 & 4 are changed as 251, 103, 69 & 24 respectively in the Forms submitted by RO. It further transpires, that votes of petitioners are shown less in Form XVII and XX submitted by RO as compared to Form XVII and Statement submitted by PO at Polling station Govt. High School Ganderi Khattak (M). As per Form submitted by RO his votes are shown 250 whereas Forms XVII submitted by Presiding Officer his votes are mentioned 290. Similarly, the votes

(17)

of Shah Jehan depicts different picture when both the Forms are compared to the extent of PS Govt. Primary School Shobli Banda (Combined).

8. As for as the contention of learned counsel for the respondent that sufficient time has elapsed and Election Commission cannot decide the matter now, is discussed and decided first. Admittedly, Election Commission is duty bound to ensure that standards of honesty, justness and fairness are met in the election and to take prompt action if such standards are not met out in letter and spirit. Attention is invited to Article 218 (3) of the Constitution of Islamic Republic of Pakistan, 1973 which is further elaborated by the august Supreme Court of Pakistan in number of cases. Reference is made to case PLD 2012 SC 681 (Workers Party Pakistan Vs. Federation of Pakistan etc). Hence the contention of learned counsel does not bear any weight in the instant matter in the circumstances of the case.

9. Now the foremost and expressive question falls for determination is that which forms XVII are correct/true and which are incorrect. Admittedly during the course of arguments it was *prima facie* found that result has been changed/manipulated by increasing or decreasing of votes of candidates as discussed above. But in order to be more clear and for proper appreciation and validity and correctness of Forms, the District Election Commissioner, Karak was asked to call all the Presiding Officers in person and ascertain that which form is correct. In pursuance of directions he called the Presiding Officers, obtained their statements and verified copies of Forms XVII and ultimately

*Amir*

ATTESTED

submitted his report before this Commission. It reveals from the report of DEC and Forms XVII attached therewith that Forms XVII submitted by petitioner and attached with the report of DEC (submitted before him by the concerned Presiding Officers) are same and tally with each other. However, Forms XVII submitted by Returning Officer are showing different result as discussed above. Needless to reiterate but it is necessary for determination that *prima facie* it reveals that votes of Gul Shah Ali Khan are increased from 71 to 621 by changing and converting figure 12 into 112 at PS Govt. Primary School Wagi Banda (M), figure 3 is changed as 103 at PS Govt. Girls Primary School Wagi Banda (F), 5 is converted to 65 at PS Govt. High School Ganderi Khattak (M), 2 is converted into 92 at PS Govt. Primary School Ganderi Khattak (F) and quite interestingly 45 is converted into 245 by adding figure before 45 at Ps Govt. Primary School Shobli Banda(Combined).

10. In such view of the matter and circumstances of the case, we are of the view that Inquiry Committee be constituted to inquire into the matter to meet the ends of justice. Hence, Inquiry Committee comprising of Mr. Muhammad Raziq, Provincial Election Commissioner, Khyber Pakhtunkhwa, Mr. Khuskahl Zada, Director (Elections), Peshawar, KPK and Mr. Adnan Bashir, Regional Election Commissioner, Kohat be appointed under section 55 (4) read with rule 12 (4) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 to conduct fact finding inquiry in the matter under the law with the directions to submit their report in the matter within shortest possible time but

not later than 30 days after the receipt of the Order. The Committee shall highlight the role of accused involved in the corrupt practice including manipulation/ fabrication of Form (s) XVII as well as recommendations for initiating disciplinary or criminal proceedings or both against accused. Moreover, on the receipt of report of inquiry committee, matter be placed before the Commission for further proceedings under the law.

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11. We are further unanimous to direct as under:

- i) Since the conduct of Mehran Ilyas, Returning Officer has become dubious in the matter hence he be suspended as Additional Assistant Commissioner (*wherever he is posted now*) under section 55 (3) of the Elections Act, 2017 read with rule 12 (3) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 till further orders of the Commission and under intimation to this Commission;
  - ii) Notification of Mehran Ilyas as Returning Officer be also withdrawn forthwith under intimation to this Commission;
  - iii) District Election Commissioner, Karak be appointed as Returning Officer under section 55 (8) of the Elections Act, 2017 read with rule 12 (7) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021; &
  - iv) In the meanwhile, result of constituency in question shall remain withheld.
12. Office to take all follow up actions and also the precedence.

*Ammir*  
ATTESTED

*Sd/-*  
(Nisar Ahmed Durrani)  
Member

*Sd/-*  
(Shah Muhammad Jatol)  
Member

Islamabad  
The 30<sup>th</sup> March, 2022

BEFORE THE ELECTION COMMISSION OF PAKISTAN

(20)

Annex-C

PRESENT:

MR. SIKANDAR SULTAN RAJA, CHAIRMAN  
MR. NISAR AHMED DURRANI, MEMBER  
MR. SHAH MOHAMMAD JATOI, MEMBER  
MR. BABAR HASSAN BHARWANA, MEMBER  
MR. Justice (R) IKRAMULLAH KHAN, MEMBER

Case No. C-23(37)/2022/LAW-PF

In Ref: ELECTION PETITION UNDER RULE 54 OF THE KP LOCAL COUNCILS (CONDUCT OF ELECTIONS) RULES, 2021 READ WITH ALL OTHER ENABLING PROVISIONS OF LAW ON THE SUBJECT AGAINST THE CONSOLIDATED RESULTS ISSUED BY THE RESPONDENTS

Yousaf Khan s/o Mir Sahab Khan r/o Ganderi Khattak, P/O Takht-e- Nasrati Mianki Banda, Tehsil Takhat-e-Nasrati, Karak, KPK

....Petitioner (s)

VERSUS

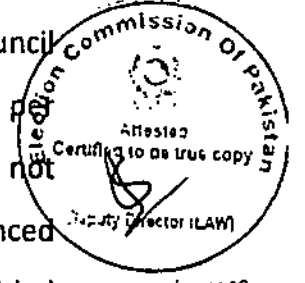
Mehran Ilyas, Returning Officer, Karak and 23 others.

...Respondent (s)/-

For the Petitioners : Mr. Hazrat Ali, Advocate, Yousaf Khan, Qismat Ali, Mr. Shoukat Ullah Khan, Mr. Sajid Ali, Mr. Shoukat Ullah Khan, Mr. Sajid Rehman, Mr. tariq Nawaz  
For the Defendants : Mr. Muhammad Farooq Malik, ASC  
For the Ex-RO : In Person a/w counsel  
Date of Hearing : 20.07.2023

ORDER

Mr. Nisar Ahmed Durrani, Member.— A short statement of facts bearing relevancy to the issue before us requiring a resolution by this Commission is that the petitioner as well as 19 others contested the local bodies election (1<sup>st</sup> Phase) for the seat of General Category from constituency Local Council Ganderi Khattak, tehsil Takhat-e-Nasrati, district Karak. As per consolidated statement of result before us, petitioner could not earn victory. He being aggrieved with said result, so announced by Mehran Ilyas, Ex-Returning Officer had filed the titled petitions on the ground that as per Forms XVII prepared by the



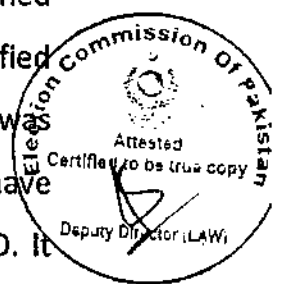
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Presiding Officers and provided to the polling agents, he was returned candidates by a considerable margin but Ex-RO (Mehran Ilyas), manipulated those Forms XVII and consolidated the result on the basis of those manipulated Forms. That by such illegal and unlawful exercise, EX RO converted his victory into defeat. It is worth mentioning that apart from titled matter, results of five constituencies and eight different categories, conducted by the same EX-RO- 192 (Mehran Ilyas) were also challenged before this Commission on same common ground.

2. Before the Election Commission, the matter was extensively argued by the parties. The report was also sought from ex-Returning Officer (Mehran Ilyas) vide our order dated 22.02.2022. In pursuance thereof, he appeared in person and furnished his report on 02.03.2023 alongwith copies of Forms-XVII. Forms XVII submitted by the petitioner and furnished by the Ex-RO were put juxtaposed and it was found that figures of votes of some candidates do not correlate with each other as discussed in paragraph 5 of the order dated 30.03.2022. In such situation, initially the matter was referred to District Election Commission, Karak vide our order dated 02.03.2022 with the directions to call all concerned Presiding Officers to authenticate that which Forms-XVII are correct. He after doing the needful appeared in person on 07.03.2023 and furnished his report. It was contended by him that he called all concerned Presiding Officers and they furnished their respective verified copies of Forms-XVII along with their written statements. It was further contended by the DEC that the Presiding Officers have categorically denied the Forms-XVII furnished by the Ex-RO. It was observed that Forms-XVII furnished by the petitioner and submitted by Presiding Officers before DEC were same having

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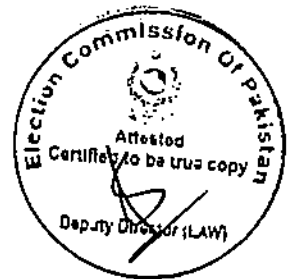


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same figures but Forms-XVII furnished by Ex-RO were different. (24)

3. On evaluation of the rival arguments advanced by the parties, and going through the record meticulously, this Commission came to the conclusion that result has been manipulated by increasing / decreasing votes of some candidates. However, in order to be more clear, vide orders dated 30.03.2022, Inquiry Committee was constituted for submission of detailed report (s) in the titled matters. The operative part of the order dated "supra" is as under:

"10. On hearing the arguments and examining the record before us we are confronted with combating version. However, we are convinced that such a difference of votes as discussed above cannot be termed a human error or typical/clerical mistake. Thus for determination of the matter, we are of the view that Inquiry Committee be constituted to inquire into the matter from all angles to meet the ends of justice under the law and to reach the correct conclusion. Hence, Inquiry Committee comprising of Mr. Muhammad Raziq, Provincial Election Commissioner, Khyber Pakhtunkhwa, Mr. Khuskahl Zada, Director (Elections), Peshawar, KPK and Mr. Adnan Bashir, Regional Election Commissioner, Kohat be appointed under section 55 (4) read with rule 12 (4) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 to conduct fact finding inquiry in the matter under the law with the directions to submit their report in the matter within shortest possible time but not later than 30 days after the receipt of the Order. The Committee shall highlight the role of accused involved in the corrupt practice

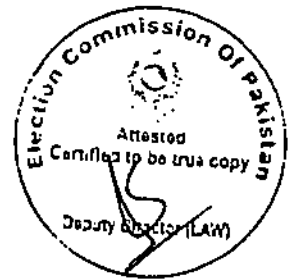


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including manipulation/ fabrication of Form (s) XVII as well as recommendations for initiating disciplinary or criminal proceedings or both against accused. Moreover, on the receipt of report of inquiry committee, matter be placed before the Commission for further proceedings under the law.

11. We are further unanimous to hold and direct as under:

- i) Since the conduct of Mehran Ilyas, Returning Officer has become dubious in the matter hence he be suspended as Additional Assistant Commissioner (wherever he is posted now) under section 55 (3) of the Elections Act, 2017 read with rule 12 (3) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 till further orders of the Commission and under intimation to this Commission;
- ii) Notification of Mehran Ilyas as Returning Officer be also withdrawn forthwith under intimation to this Commission;
- iii) District Election Commissioner, Karak be appointed as Returning Officer under section 55 (8) of the Elections Act, 2017 read with rule 12 (7) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021; &
- iv) In the meanwhile, result of constituency in question shall remain withheld."



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4. In pursuance thereof, Inquiry Committee carried out the inquiry proceedings as required under the law and furnished its report and sent the matter back to this Commission for decision. On receipt of Inquiry report notice were issued to the parties.

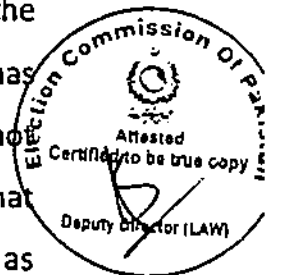
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5. Learned counsel for respondents/defendants put appearance and vociferously contended that after consolidation of result by the RO, Election Commission of Pakistan had no jurisdiction to adjudicate upon the matter and to pass an order dated 30.03.2022. He further contended that respondents have neither been issued notice by Inquiry committee and nor intimated in any manner to hear their stance which is great miscarriage of justice. Contended that on receipt of result from the Presiding Officer, the Returning Officer, immediately prepared the consolidated result and supplied the copies of consolidated result to the candidates. He prayed that matter may be referred to Election Tribunal as required under section 139 of the Elections Act, 2017 read with rule 54 of Khyber Pakhtunkhwa Local Government (Conduct of Elections Rules) 2021. In support of his arguments he placed his reliance on reported judgments i.e. 2022 SCMR 42, PLD 2008 SC730 & PLD 1991 Karachi 396.

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6. Learned counsel for the respondent (Mehran Ilyas, EX-RO) contended that during the inquiry proceedings, respondent was not given an opportunity of cross examination of witnesses. That Presiding Officers were required under sub rules 11, 12 & 13 of rule 45 of to provide Khyber Pakhtunkhwa Local Government (Conduct of Elections Rules) 2021 to provide attested copies of Form-XVII to the polling agents but they failed to do so as per law. Further contended that District Election Commissioner concerned was required to inform the Commission about the incident on polling day that RO has committed such act of misconduct, however he has not reported any such incident. That it is sufficient to believe that respondent has not acted contrary to law in any manner as

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alleged by the petitioners. Carrying forward his arguments he contended that once the Election Tribunal has been constituted, it is exclusive jurisdiction of Election Tribunal to adjudicate upon the matter and if any miscarriage of justice or malpractice is found on the part of RO or election officials, then the tribunal has exclusive jurisdiction to rectify the same.

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7. We have heard the arguments and minutely perused the record as well as reports submitted by the Inquiry Committee. The objection of learned counsel for Mehran Ilyas qua jurisdiction of Election Commission has already been decided vide our order dated 30.03.2022. Reference is made to paragraph 8 of said order. It is further observed that under section 9 of the Elections Act, 2017 Election Commission of Pakistan may take cognizance of the matter *"if from facts apparent on the face of the record and after such inquiry as it may deem necessary, the Commission is satisfied that by reason of grave illegalities or such or such violations of the provisions of the Act or the Rules as have materially affected the result of the poll"*. Moreover, Election Commission in exercise of its powers, under sub section 4 of section 9 of the Elections Act shall be deemed to be an Election Tribunal.

8. Obviously, Election Commission under section 4 of the Elections Act, 2017 is also empowered to adjudicate upon the matter. Said section is reproduced as under for reference:

**"4. Power to issue directions.—(1)** The Commission shall have the power to issue such directions or orders as may be necessary for the performance of its functions and duties, including an order for doing complete justice in any matter pending before it and an order for the purpose of securing the attendance of any person or the discovery or production of

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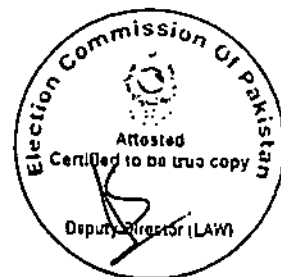
any document.

(2) Any such direction or order shall be enforceable throughout Pakistan and shall be executed as if it had been issued by the High Court.

(3) Anything required to be done for carrying out the purposes of this Act, for which no provision or no sufficient provision exists, shall be done by such authority and in such manner as the Commission may direct.

9. It is also Constitutional mandate of Election Commission under Article-218 (3) of the Constitution of Islamic Republic of Pakistan to ensure that election is conducted honestly, justly, fairly, in accordance with law and that corrupt practices are guarded against. Indeed, Election Commission under Article 218(3) of the Constitution as well as in compliance of directions of the august Supreme Court in "Workers Party" case has to ensure free, fair and transparent election. The august Supreme Court in a landmark judgment of Workers Party Pakistan reported as PLD 2012 SC 681 defined and elaborated the duties of the Election Commission and has set the standards of free, fair and transparent elections which are required to be implemented by the Election Commission in letter and spirit. For ease of reference, the relevant paragraphs of the judgment are reproduced as under:-

"40. A bare reading of Article 218(3) makes it clear that the Election Commission is charged with the duty to 'organize' and 'conduct the election'. The language of the Article implies that the Election Commission is responsible not only for conducting the election itself, but also for making all necessary arrangements for the said purpose, prior to the Election Day. By conferring such responsibility on the Election Commission, the Constitution ensures that all activities both prior, on and



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subsequent to Election Day, that are carried out in anticipation thereof, adhere to standards of justness and fairness, are honest, in accordance with law and free from corrupt practices. This Court in Election Commission of Pakistan v. Javaid Hashmi and others (PLD 1989 SC 396), observed that "(g) enerally speaking election is a process which starts with the issuance of the election programme and consists of the various links and stages in that behalf, as for example, filing of nomination papers, their scrutiny, the hearing of objections and the holding of actual polls. If any of these links is challenged it really (is) tantamount to challenging the said process of election". It interpreted that the phrase 'conduct the election' as having "wide import" and including all stages involved in the election process. These observations subject all election related activities that take place between the commencement and the end of the election process to the jurisdiction conferred on the Election Commission under Article 218(3). The Election Commission therefore has to test all election related activities that are carried out in the relevant period, both individually and collectively, against the standards enumerated therein.

41. The Election Commission may also exercise its powers in anticipation of an ill that may have the effect of rendering the election unfair. In the case titled as In Re: Petition filed by Syed Qaim Ali Shah Jellani (PLD 1991 Jour. 41) the Elections Commission exercised its powers under Article 218(3) pre-emptively, by making all necessary arrangements to ensure that a certain class of people would be allowed to vote. This case implies that where a violation of the standards mentioned in Article 218(3) has not as yet taken place, the Election Commission is legally empowered under Article 218(3) to exercise

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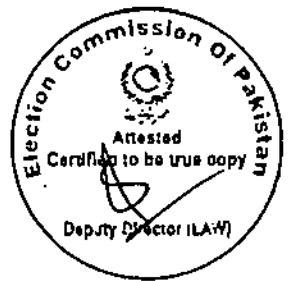
its powers pre-emptively in order to avoid a violation of these standards. Furthermore, Mst. Qamar Sultana v. Public at Large (1989 MLD 360) and In Re: Complaint of Malpractices in Constituency No. NA-57, Sargodha- V (supra) both reinforce the argument that the Election Commission is fully empowered by Article 218(3) to make 'such orders as may in its opinion be necessary for ensuring that the election is fair, honest etc'. These decisions recognize that the Election Commission enjoys broad powers not only to take pre-emptive action but also to pass any and all orders necessary to ensure that the standards of 'honesty, justness and fairness' mentioned in Article 218(3) are met."

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10. Record that reveals that EX-RO has challenged our order dated 30.03.2022 through Writ Petition before Islamabad High Court Islamabad. The Hon'ble High Court dismissed the Writ Petition vide judgment dated 07.07.2022 and also resolved the objections of learned counsel for respondents as argued before us qua jurisdiction with the following observation:

"15. Having examined the case from every angle in the light of submission advanced by learned counsel for the parties, impugned orders and proceedings conducted pursuant thereto appear to be in accordance with the provisions of the Act of 2017 and the Rules 2021 referred above. The ground that after publication of the names of the returned candidates in the official gazette, the respondent No. 1 has become functus officio is misconceived as notification of the subject constituency has since been withheld and this aspect of the matter ousts the jurisdiction of the Election Tribunal in terms of section 142 (1) of the Act of 2017 and Rule 54 (2) of the Rules 2021 wherein it

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is stipulated that an election petition shall be presented to the Election Tribunal appointed by the Commission within forty-five (45) days of the publication in the official Gazette of the names of the returned candidates, unlike the case at hand.

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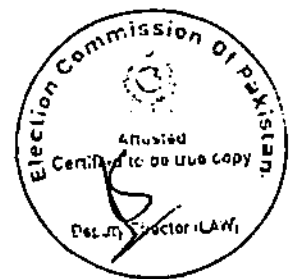
15. In view of above, the petitioners have not been able to make out a case warranting interference in the impugned orders. Consequently, both the petitions fail and are accordingly dismissed."

11. Above provisions of law and judgments quoted above, leave no room for any further interpretation that ECP has jurisdiction & vast powers to adjudicate upon the matter in hand. Thus the Commission in presence of such powers directly vested by virtue Article 218 (3) of the Constitution, cannot and should not compromise, to ensure the standards of transparency and there is no alternate left with us except to pass an order.

12. Now advertng to the Inquiry reports, the observations of Inquiry Committee as well as statements of Presiding Officers are as under for proper appreciation of the matter:

"Statements of the Presiding Offices: The presiding officers concerned i.e. Mr. Waheed Ur Rehman, Sr. Librarian, GHSS, Warana/Presiding Officer, GPS, Wagi Banda (Male), Ms. Bibi Razia, Principal, GGHS, Chowkara/Presiding Officer, GGPS, Wagi Banda (Female), Mr. Wali Khan, Principal, GHS, Khojaki Kala/Presiding Officer, GHS, Ganderi Khattak (Male), Ms. Tasleem Begum, SST, GGHS, Chowkara/Presiding Officer, GPS, Ganderi Khattak (Female), Mr. Wali Dad Khan, Head Master, GHS, Nari Khawara/Presiding Officer, GPS, Shobli Banda (Combined), Mr. Ghulam Rasool, Asstt: Professor, GPGC, Karak/Presiding Officer, GMCS, Nasrat Abad, have stated in their respective statements, placed at (Annexure-D, E, F, G, H & I respectively) that the result on Form-XVII which the RO concerned provided to the Inquiry Committee and shown to each Presiding Officer, is

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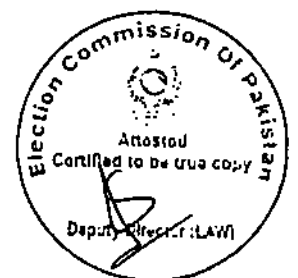
not the result which they had prepared on Form-XVII at the polling stations and instead provided and attached copy of Form-XVII with their respective individual statement which as per their respective statement, is the correct one and they still hold the same and verify and authenticate the same being genuine and correct by putting their signature on the body of Form-XVII in token of having been prepared by them at the polling stations and provided to RO and still owning the same and denied any other Form-XVII as amended or changed, available with the RO concerned. Besides, the presiding officers called for appearing before the inquiry committee also apprised the inquiry committee that the copy of Form-XVII, as available with them were also provided to the candidates/polling agents as available at the polling station and were also affixed at the polling stations.

Checking of Record of the office of DEC, Karak: Since in the matter, under inquiry, the DEC, Karak was earlier ordered for verification and comparison of Form-XVII available with presiding officers and with RO and submit report to the Hon'ble Election Commission which the DEC, Karak after doing the needful and submitted to Hon'ble Election Commission, therefore, the committee also examined the same and obtained copy of the comparative statement which was available on the record of DEC, Karak, who had prepared the same after authenticating Form-XVII, as available with the presiding officers and as available with the RO, in pursuance of the Hon'ble Election Commission Order, dated the 02-03-2022 and had presented the same before the Hon'ble Election Commission on 07-03-2022; and who himself was also present and produced the same before the inquiry committee, and as such, made part of this inquiry and is placed for perusal at (Annexure-K) which also transpired that the record which was in custody of the RO concerned, has been tampered, manipulated, fabricated and maneuvered by the RO."

The Inquiry Committee has further concluded and observed as under:

"CONCLUSION:

14. perusal of the statements recorded and examining and cross checking the record of Form-XVII, produced before the inquiry committee by the Returning Officer concerned and by the presiding officer of the concerned polling stations, as available with them and as per verbal arguments made with all concerned and cross examining them and after hearing the parties to the matter, in length, it is concluded and established to the extent of belief that Forms-XVII (result of the Count) of the category of General Seats of VC Ganderi Khattak, pertaining to five polling stations i.e. GPS, Wagi Banda(M)



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GGPS, Wagi Banda(F),GHS, Ganderi Khattak(M),GPS, Ganderi Khattak(F), GPS, Shobli Banda (Combined) have been altered, changed maneuvered and fabricated by the Returning Officer, namely, Mr. Mehran Ilyas, Additional Assistant Commissioner, Tehsil Takht-e-Nasrati, District Karak, illegally with malafide intention and ulterior motives who was the custodian of the said record, in favour of the candidates as mentioned in the table, under para-11/above. Besides, the comparative statement of DEC, Karak and such manipulation, maneuvering and fabrication of official record by the Returning Officer concerned, misusing his official position for the purpose of influencing the results and fairness of the elections, is the blatant and glaring violation of the essence of Article 28(3) of the Constitution of the Islamic Republic of Pakistan and thus proves the RO concerned guilty of misconduct under Section 55(3)(d) read with Rule 12(3) of the Khyber Pakhtunkhwa Local Councils(Conduct of Elections)Rules, 2021 and guilty of violation of official duty under section 187 of the Elections Act, 2017 that provides that a person in the service of Pakistan is guilty of violation of official duty in connection with an election, if he mis-uses his official position in a manner calculated to influence the result of the election which is punishable with imprisonment for a term which may extend to two years or with fine which may extend to one hundred thousand rupees or with both as envisaged in section 188 of the Act *ibid*.

**RECOMMENDATIONS:**

15. Since the guilt of maneuvering, manipulation, tampering and fabrication of official record i.e. Form-XVII, of General Seats of VC Ganderi Khatta, pertaining to five polling stations GPS, Wagi Banda(M), GGPS, Wagi Banda(F), GHS, Ganderi Khattak(M), GPS, Ganderi Khattak(F), GPS, Shobli Banda (Combined) is proved against Mr. Mehran Ilyas, AAC/RO which is an offence of criminal nature, therefore, the officer concerned is liable to be proceeded against, under Section 55 read with Rule 12(3) of the Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules, 2021, as well as under Section 187 of the Elections Act, 2017."

13. It reveals that the inquiry Committee issued notices to all concerned to appear before the inquiry committee on 18-04-2022, in the office of District Election Commissioner, Karak alongwith record. The EX-RO as well as Presiding Officer appeared before the Inquiry Committee. It further reveals that the Presiding Officers have stated in their respective



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statements before the committee, that the result on form XVII provided by the RO to the inquiry committee, is not the result which they had prepared at the polling stations. All concerned presiding officers of five polling stations provided Form XVII, which they had prepared at their respective polling stations. They all denied any other Form as available with EX-RO concerned. The presiding officers also confirmed that Form XVII prepared by them at close of poll were provided to the contesting candidates and their agents as well as were affixed outside the polling stations under the law. Resultantly, The Committee reached at the conclusion that result prepared by the Presiding Officers on Form XVII was manipulated/fabricated by the Ex-RO (Mehran Ilyas).

14. Comparative statement of result of Presiding Officers and furnished by Mehran Ilyas, Ex-Returning Officer of respective constituencies is as below:

Result prepared by RO			Result submitted by concerned POs to the Inquiry Committee		
Name of contesting candidates	Number of votes obtained	Category	Name of contesting candidates	Number of votes obtained	Category
Mr. Shah Jehan	814	Chairman	Mr. Shah Jehan	714	Chairman
Mr. Gul Shah Ali Khan	621	General	Mr. Yousaf Khan	597	General
Mr. Maqbool Ur Rehman	595	General	Mr. Rehman Gul	582	General

15. From bare look of above comparative statement, it is evident that the petitioner got second position and as such he was returned candidate, however, the Ex-RO concerned (Mehran Ilyas) has changed the result by increasing/ decreasing figures of votes of some candidates and converted the victory of petitioner into defeat for the reasons best known to him.

16. It may pertinently be recalled that Inquiry Committee

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had taken hectic exercise and recorded the evidence. On conclusion of the Inquiry, Inquiry Committee submitted its report along with finding which clearly indicate that Mehran Ilyas, Ex-Returning Officer has manipulated, maneuvered and altered, the official record and changed the results in favor of some candidates as evident from above comparative statement.

17. Now, therefore, Mehran Ilyas, Ex-Returning Officer has been given an opportunity of hearing but he has miserably been failed to prove his innocence qua manipulation of record or rebut the contents of Inquiry report.

18. It is also matter of record that respondent (Mehran Ilyas) had filed an Intra Court Appeal having No. ICA 275/2022 which was pending adjudication before Hon'ble Islamabad High Court, Islamabad wherein ECP has been restrained vide order dated 20.07.2022. Now Hon'ble High Court has disposed off the matter vide order dated 14.06.2023.

19. Resultantly, in view of above discussion, we have arrived at an irresistible conclusion that result of titled constituency be considered true and genuine as per Forms-XVII furnished by the Presiding Officers. However, Form-XVII furnished by the Ex-RO (Mehran Ilyas) as well consolidates statement issued by him are hereby set aside.

20. DEC/RO Karak is directed to furnish the result of above constituency as per Forms-XVII furnished by the concerned Presiding Officers to the Inquiry Committee for notification.

21. The RO/DEC Karak shall furnish the final result immediately but not later than three days after receipt of this order. Office is also directed to issue the notification of returned candidates immediately in the above manner on receipt of final result from RO/DEC, Karak.


SD

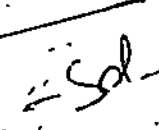
Election Commission of Pakistan  
Attested  
Certified to be true copy  
Deputy Director (L.A.M.)  
09 AUG 2023

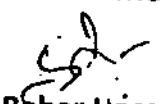
22. As the Ex-Returning Officer namely Mehran Ilyas has failed to discharge his legal duty entrusted to him in accordance with law, therefore, disciplinary proceedings under section 55 of the Elections Act, 2017 read with Rule 12 of the Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules 2021 and under relevant Civil Servants (Efficiency & Discipline) rules, 2020 and all other enabling provisions of law be initiated against him forthwith.

23. Mr. Mehran Ilyas, Ex-RO, has not only betrayed the candidates but also voters of above constituency by way of committing above discussed illegal and corrupt practice, therefore, a complaint be also lodged against him in the court of Sessions Judge having jurisdiction over the matter. Thus, District Election Commissioner, Karak is hereby directed and also authorized to file a complaint in terms of section 190 of the Elections Act, 2017 against Mehran Ilyas, EX-RO in the Court of learned Sessions Judge, Karak under all the relevant provisions of Elections Act, 2017 for committing illegal and corrupt practice.


24. Office to take all follow up actions and the precedence.

  
 (Nisar Ahmad Durani)  
 Member

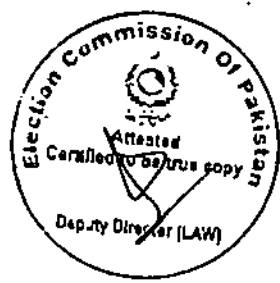
  
 (Shah Muhammad Jatoi)  
 Member

  
 (Babar Hassan Bharwana)  
 Member

  
 (Justice (R) Ikram Ullah Khan)  
 Member

  
 (Sikandar Sultan Raja)  
 Chairman

Islamabad  
The 9<sup>th</sup> August, 2023



09 AUG 2023

Annex - D  
35

**ELECTION COMMISSION OF PAKISTAN  
NOTIFICATION**

Islamabad, the 23<sup>rd</sup> August, 2023

Subject:- NOTIFICATION OF RETURNED CANDIDATES AGAINST THE SEATS OF TEHSIL COUNCIL TAKHT-E-NASRALI AND 05-VCs OF DISTRICT KARAK.

No.F.27(1)/2023-LGE-KP: In pursuance of the Orders passed by the Election Commission of Pakistan in cases No.23(37)/2022-Law & No.23(25)/2022-Law, No.23(26)/2022-Law, No.23(27)/2022-Law, No.23(32)/2022-Law, No.23(35)/2022-Law, No.23(50)/2022-Law, No.23(51)/2022-Law & No.23(53)/2022-Law dated 09.08.2023 and, in exercise of the powers under Articles 140A (2) and 219(d) of the Constitution of the Islamic Republic of Pakistan, Section-86 of Khyber Pakhtunkhwa Local Government Act 2013, read with Rule-50(1) of the Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules 2021, and all other powers enabling it in that behalf, the Election Commission of Pakistan is pleased to notify the following returned candidates of Tehsil Council Takht-e-Nasrali and other 05-VCs of District Karak as per detail given below:-

District Karak						
Sr	Name of Tehsil	Name of Council	Category of Seat	Name of Returned Candidate	Father/ Husband's Name	Party/ Independent/ Remarks
1	Takht-e-Nasrali	Tehsil Council Takht-e-Nasrali	General	Muhammad Ayaz	Miqdad Khan	PPPP
2	Takht-e-Nasrali	Tehsil Council Takht-e-Nasrali	General	Tariq Nawaz	Abdul Nawaz	Independent
3	Takht-e-Nasrali	Tehsil Council Takht-e-Nasrali	General	Muhammad Arshad Khan	Dilawar Khan	Independent
4	Takht-e-Nasrali	Tehsil Council Takht-e-Nasrali	General	Shah Jahan	Jan Mir	Independent
5	Takht-e-Nasrali	Tehsil Council Takht-e-Nasrali	General	Sajid Rehman	Mir Qadeem Shah	Independent
1. Takht-e-Nasrali Bala						
6	Takht-e-Nasrali	1. Takht-e-Nasrali Bala	General	Muhammad Ayaz (Chairman)	Miqdad Khan	PPPP
7	Takht-e-Nasrali	1. Takht-e-Nasrali Bala	General	Qamr Zaman	Meer Adam	Independent
8	Takht-e-Nasrali	1. Takht-e-Nasrali Bala	General	Gul Dar Ali Khan	Laali Khan	Independent
9	Takht-e-Nasrali	1. Takht-e-Nasrali Bala	Youth	Zakir Ullah	Umar Niaz Khan	Independent
2. Takht-e-Nasrali Payan						
10	Takht-e-Nasrali	2. Takht-e-Nasrali Payan	General	Tariq Nawaz (Chairman)	Abdul Nawaz	Independent
11	Takht-e-Nasrali	2. Takht-e-Nasrali Payan	General	Rasheed Nawaz	Gul Nawab Khan	Jl Pakistan
12	Takht-e-Nasrali	2. Takht-e-Nasrali Payan	General	Shaukat Ullah Khan	Mir Shah Ali Khan	Independent

36

-2-

Sr	Name of Tehsil	Name of Council	Category of Seat	Name of Returned Candidate	Father/ Husband's Name	Party/ Independent/ Remarks
<b>3. Dogara</b>						
13	Takht-e-Nasrati	3. Dogara	General	Muhammad Arshad Khan (Chairman)	Dilawar Khan	Independent
14	Takht-e-Nasrati	3. Dogara	General	Nazeer Muhammad	Mama Khel	JUI Pakistan
15	Takht-e-Nasrati	3. Dogara	General	Oismat Ali Khan	Rajab Khan	Independent
<b>4. Ganderi Khattak</b>						
16	Takht-e-Nasrati	4. Ganderi Khattak	General	Shah Jahan (Chairman)	Jan Mir	Independent
17	Takht-e-Nasrati	4. Ganderi Khattak	General	Yousaf Khan	Mir Sahib Khan	Independent
18	Takht-e-Nasrati	4. Ganderi Khattak	General	Rahman Gul	Sher Hakeem Khan	Independent
19	Takht-e-Nasrati	4. Ganderi Khattak	Youth	Saqib Javed	Muhammad Qadeem	JUI Pakistan
<b>7. Siraj Khel</b>						
20	Takht-e-Nasrati	7. Siraj Khel	General	Sajid Rehman (Chairman)	Mir Qadeem Shah	Independent
21	Takht-e-Nasrati	7. Siraj Khel	General	Muhammad Rauf	Muhammad Khan	JUI Pakistan
22	Takht-e-Nasrati	7. Siraj Khel	General	Nasrullah Khan	Badshah Gul	Independent
23	Takht-e-Nasrati	7. Siraj Khel	Youth	Rajab Ullah	Gul Sanat Shah	JUI Pakistan
24	Takht-e-Nasrati	7. Siraj Khel	Peasant/ Worker	Naqeeb Ullah Shah	Hassan Wali Shah	Independent

By Order of the Election Commission of Pakistan

(NAVEED-UR-REHMAN)  
Deputy Director (LGE-KP)

To

The Manager,  
Printing Corporation of Pakistan Press,  
Islamabad.

[For publication in the Gazette of Pakistan,  
Extraordinary (Part-II) of today's date]



37

I. Copy forwarded for information to the:-

1. Secretary to the President, Awan-e-Saddar, Islamabad.
2. Secretary to the Prime Minister, Prime Minister's Secretariat, Islamabad.
3. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
4. Secretary, Local Government Department, Government of Khyber Pakhtunkhwa, Peshawar.

II. Copy forwarded for information and necessary action to:-

- i. The Provincial Election Commissioners, Khyber Pakhtunkhwa.
- ii. The District Returning Officer, Karak (for arrangement of oath by 25.08.2023)
- iii. The Returning Officers, concerned (for administration of oath)
- iv. The Regional Election Commissioner, Kohat
- v. The District Election Commissioner, Karak

Through  
PEC-KP

III. Copy forwarded to the:-

- i. Director General (Law)
- ii. Director General (IT)
- iii. Additional Director General (LGE)
- iv. Additional Director General (Election-I & II)
- v. Director to Hon'ble CEC
- vi. Director (LGE)
- vii. Deputy Director (Web) for uploading the same on ECP Website.
- viii. PSs to Hon'ble MEC-I, II, III & IV
- ix. Staff Officer to the Secretary
- x. PS to Additional Secretary (Admn)
- xi. JPA to Special Secretary

ECP's  
Secretariat Islamabad

(NAVEED-UR-REHMAN)  
Deputy Director (LGE-KP)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

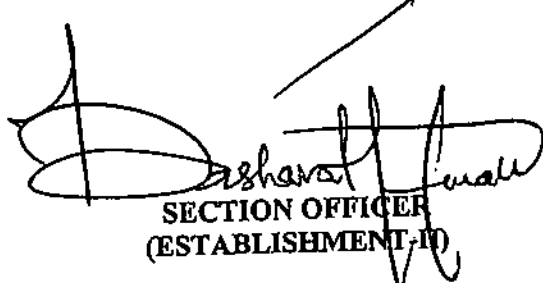
NO.SOE-II(ED)/2(739)2019  
Dated Peshawar the December 27, 2023

To

Mr. Mehran Ilyas, PMS (BS-17),  
ex-Addl. Assistant Commissioner-II Karak/ ex-Returning Officer, Karak,  
under suspension/OSD in Establishment Department.

Subject: ORDER OF INQUIRY

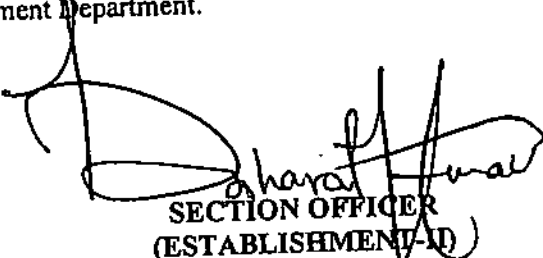
I am directed to refer to the captioned subject and to enclose herewith (in original) letter No.F.4(18)/2023-Est(PEC), dated 20.12.2023, received from Provincial Election Commissioner, Khyber Pakhtunkhwa, Peshawar alongwith Order of Inquiry, bearing NO.F.3(4)/2023-Estt-DL&CP, dated 18.12.2023, which is already addressed to you, for further necessary action, if any, on your part.

  
SECTION OFFICER  
(ESTABLISHMENT-II)

ENDST: NO & DATE EVEN

Copy forwarded to the:-

- 1) Secretary, Election Commission of Pakistan, Sector G-5/2, Constitution Avenue, Islamabad.
- 2) Provincial Election Commissioner, Khyber Pakhtunkhwa, Shami Road Peshawar.
- 3) The Deputy Director (Estt), Office of the Provincial Election Commissioner, Khyber Pakhtunkhwa, Shami Road Peshawar w/r to his letter referred to above.
- 4) PS to Secretary Establishment Department, Khyber Pakhtunkhwa
- 5) PS to Special Secretary (Estt:), Establishment Department.
- 6) PA to Additional Secretary (Estt:), Establishment Department
- 7) PA to Deputy Secretary (Estt:), Establishment Department.

  
SECTION OFFICER  
(ESTABLISHMENT-II)

Most Immediate

No. F.4(18)/2023-Estt(PEC)  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PUKHTUNKHWA

Shami Road, Peshawar Cantt.  
Wednesday December 20, 2023

39

District Election Commissioner,  
Karak.

Subject: - ORDER OF INQUIRY.

I am directed to forward herewith **Order of Inquiry** bearing No. F.3(4)/2023-Estt-DL&CP, dated the 18<sup>th</sup> December, 2023 received from ECP, Secretariat, endorsed to **Mr. Mehran Ilyas**, Additional Assistant Commissioner-II (Under Suspension)/ex-Returning Officer, Karak.

2. It is, therefore, requested that above Order of Inquiry must be delivered to officer concerned under intimation of this office.

Encl: As Above

(Muhammad Saeed)  
Deputy Director (Estt)

Copy forwarded for information to the:-

1. PSO to the Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Regional Election Commissioner, Kohat Division.
3. Deputy Director (DL&CP) in ECP, Secretariat, Islamabad.
4. Deputy Commissioner, Karak.
5. S.O (E-II) Government of Khyber Pakhtunkhwa, Establishment, Peshawar.

*Do the needful  
on immediate basis, plz.*

*[Signature]*  
22/12  
*[Signature]*

(Muhammad Saeed)  
Deputy Director (Estt)

ELECTION COMMISSION OF PAKISTAN  
\*\*\*\*\*

Secretariat,  
Constitution Avenue, G-5/2,  
Islamabad, the 18<sup>th</sup> December, 2023.

**ORDER OF INQUIRY**

WHEREAS, it has been brought to the notice of the Hon'ble Election Commission as "Authority" through petitions filed by Tariq Nawaz, Sajjad Rehman, Nageeb Ullah Shah, Saqib Javed, Qismat Ali Khan, Asfandyar Ahmad, Zakir Ullah, Rajab Ullah and Yousaf Khan that, Mr. Mehran Ilyas, Additional Assistant Commissioner (under suspension) / ex-Returning Officer of VC Takht Nasrati Bala, VC Takht Nasrati Payan, VC Bogara, VC Sarki Lawagher, VC Siraj Khel, VC Ganderi Khattak & VC Shahidan Banda, appointed during conduct of 1<sup>st</sup> Phase KPK Local Government Elections-2021-22 has committed the following acts of omissions and commissions constituting inefficiency and misconduct, as defined under Rules 2 (1) (i) & (l) and 3 (a) & (b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with rule 12 of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021:-

- i. It has been observed by the Hon'ble Election Commission that the accused officer, while appointed as Returning Officer of various VCs in District Karak, was found involved in corrupt practices, including tampering / manipulating the results prepared vide Form(s)-XVII submitted by the Presiding Officers by increasing / decreasing votes of some candidates during conduct of 1<sup>st</sup> Phase KPK Local Government Elections-2021-22, for the following seats and constituencies of District Karak:-

S#	Seats	Constituencies
1.	General Councilor	VC Takhat-e-Nasrati Payan, District Karak
2.	General Councilor	VC Siraj Khel, Tehsil Takhat-e-Nasrati, District Karak
3.	Peasant Worker	VC Siraj Khel, Tehsil Takhat-e-Nasrati, District Karak
4.	Youth	VC Ganderi Khattak, Tehsil Takhat-e-Nasrati, District Karak
5.	General Councilor	VC-3 Bogara, Tehsil Takhat-e-Nasrati, District Karak
6.	General Councilor	VC Takhat-e-Nasrati Bala, Tehsil Takhat-e-Nasrati, District Karak
7.	Youth	Takhat-e-Nasrati Bala, District Karak
8.	Youth	VC Siraj Khel, Tehsil Takhat-e-Nasrati, District Karak
9.	General Councilor	VS Ganderi Khattak, Tehsil Takhte Nasrati, Karak

- ii. The above said tampering / manipulation resulted in declaration of losing candidates as returned candidates which comes under illegal and corrupt practices under the Section 55 of Elections Act, 2017 meaning thereby that the accused officer has failed to discharge his duties which were legally entrusted to him in accordance with law.
- iii. The matter was initially fixed for hearing before the Hon'ble Election Commission wherein, a Fact Finding Inquiry Committees were constituted for submission of detailed report in the matters. The observations of Fact Finding Inquiry Committees, statements of concerned Presiding Officers to the Committees and perusal of record clearly indicates that the accused officer had manipulated, maneuvered and altered the official record and changed the results in favor of some candidates which comes under the meaning of corrupt practices under the Section 55 of the Elections Act, 2017.

Contd..P/2

2. WHEREAS, by the reasons above, the accused officer appears to be guilty of inefficiency and misconduct as defined in Rule 2 (i) & (l) and 3 (a) & (b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with rule 12 of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 and is liable to be proceeded under these Rules on the above charges which may involve imposition of major penalty or penalties, including the penalty of dismissal from service.

3. WHEREAS, the Hon'ble Election Commission in its capacity as Authority in exercise of powers conferred under Section 55 of the Elections Act, 2017, rule 10 (1) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with rule 12 (4) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 has appointed Mr. Aziz Bahadar, Joint Provincial Election Commissioner (Elections), KP Peshawar as an Inquiry Officer to hold inquiry and to scrutinize the conduct of the accused officer through formal inquiry proceedings into the above charges. Deputy Director (Establishment) in the office of the Provincial Election Commissioner, KP will act as Departmental Representative under the rule 10 (1) (c) of the Rules *ibid*.

4. AND WHEREAS, under 10 (1) (d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, Mr. Mehran Ilyas, Additional Assistant Commissioner (under suspension) / ex-Returning Officer is directed to submit written defence to the Inquiry Officer within 10 days from the date of receipt of the order as to why one or more penalties including the major penalty of dismissal from service as provided under Rule 4 (1) (b) (iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, read with rule 12 (6) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 may not be imposed upon him.

5. NOW THEREFORE, the inquiry shall be conducted in accordance with the provisions contained in Section 55 of the Elections Act, 2017, read with rule 11 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with rule 12 (5) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 and shall be completed within 30 days and the report to the Authority within 07 days of the completion of inquiry with clear findings as to whether the charges have been proved or not with specific recommendations regarding exoneration or imposition of minor or major penalty or penalties upon the accused.

6. If no reply is received within the stipulated period it shall be considered that the accused has no defence to offer and ex-parte action shall be taken.

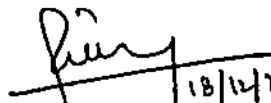
By the order of Authority

  
(Muhammad Khalid Siddiq)  
Additional Director General (HR)

Mr. Mehran Ilyas,  
Additional Assistant Commissioner-II  
(under suspension) / ex-Returning Officer,  
Karak.

Copy also forwarded to the

- i. Chief Secretary, Government of Khyber Pakhtunhwa, Peshawar.
- ii. Director General (Law), ECP Secretariat, Islamabad.
- iii. Provincial Election Commissioner, KP, Peshawar (with the request to serve the order of inquiry to Mr. Mehran Ilyas, Additional Assistant Commissioner / ex-Returning Officer)
- iv. Mr. Aziz Bahadar, Joint Provincial Election Commissioner (Elections), KP Peshawar / Inquiry Officer.
- v. Additional Director General (LGE), ECP Secretariat, Islamabad.
- vi. Director to the Hon'ble CEC, ECP Secretariat, Islamabad.
- vii. Staff Officer to the Secretary, ECP Secretariat, Islamabad.
- viii. Private Secretaries to the Hon'ble Members Election Commission, ECP Secretariat, Islamabad.
- ix. Deputy Director (Establishment) in the office of the Provincial Election Commissioner, KP / Departmental Representative.
- x. Section Officer (E-II), Government of Khyber Pakhtunhwa, Establishment Department, Peshawar w.r.t. his letter No.SOE-II(ED) 2(739)2019 dated 23<sup>rd</sup> October, 2023

  
18/12/2023  
(Ishtiaq Ahmed Khan)  
Deputy Director (DL&CP)

92

No.F.3(4)/2023-Estt-DL&CP  
ELECTION COMMISSION OF PAKISTAN  
\*\*\*\*\*

(43)

Islamabad, the 15<sup>th</sup> March, 2024SHOW CAUSE NOTICE

**WHEREAS**, you, Mr. Mehran Ilyas, Additional Assistant Commissioner (under suspension) / ex-Returning Officer allegedly committed acts of "inefficiency and misconduct" Rules 2 (1) (i) & (l) and 3 (a) & (b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011

**WHEREAS**, inquiry was initiated vide Order of Inquiry No.F.3(4)/2023-Estt-DL&CP dated 18<sup>th</sup> December 2023 and an Inquiry Officer was appointed to hold an inquiry and to scrutinize the conduct of the accused officer. The Inquiry Officer has submitted his Inquiry Report wherein inefficiency and misconduct on part of the accused officer stand proved. Copy of the Inquiry Report, dated 3<sup>rd</sup> March, 2024 alongwith annexures is enclosed.

**AND WHEREAS**, the Hon'ble Election Commission, being the Authority, on considering the recommendations of the Inquiry Committee has reached the conclusion that the charges / allegations contained in the above mentioned Order of Inquiry dated 18<sup>th</sup> December, 2023 regarding inefficiency and misconduct have been established.

**NOW THEREFORE**, you, Mr. Mehran Ilyas, Additional Assistant Commissioner (under suspension) / ex-Returning Officer are called upon to show cause in writing, with additional defence if any, within ten (10) days of the date of receipt of this notice, as to why one or more of the penalties, as provided in rule 4 of the Rules *ibid* including the major penalty of dismissal from service may not be imposed upon you. You are also required to indicate in your reply whether you want to be heard in person or not.

In case, no reply is received within the specified period, it would be presumed that you have no defence to offer, or you have declined to offer the same and accepted the charges and in that case action against you shall be taken ex-parte.

By the order of Authority,

  
(Muhammad Khalid Siddiq)  
Additional Director General  
(Human Resource)

✓  
Mr. Mehran Ilyas,  
Additional Assistant Commissioner-II  
(under suspension) / ex-Returning Officer,  
Karak. (Alongwith copy of inquiry report).

Cont...P/2


43 A

-:2:-

No.F.3(4)/2023-Estt-DL&CP

Copy also forwarded to the:-

- i. Chief Secretary, Government of Khyber Pakhtunhwa, Peshawar.
- ii. Director General (Law), ECP Secretariat, Islamabad.
- iii. Provincial Election Commissioner, KP, Peshawar (with the request to serve the Show Cause Notice to all concerned).
- iv. Additional Director General (LGE), ECP Secretariat, Islamabad.
- v. Director to the Hon'ble CEC, ECP Secretariat, Islamabad.
- vi. Staff Officer to the Secretary, ECP Secretariat, Islamabad.
- vii. Private Secretaries to the Hon'ble Members Election Commission, ECP Secretariat, Islamabad.
- viii. Inquiry Officer and Departmental Representative

  
15/2/2024  
( Ishtiaq Ahmed Khan )  
Deputy Director (DL&CP)



To

The Director General (HR),  
ECP Secretariat, Islamabad.

699

Annex-5

Subject: Reply in Show Cause Notice Ref No. F-3(4)2023-Estt- DC 2 CP Dated 15<sup>th</sup> March, 2024.

Sir refer to the subject noted above, I may state in my defence the following;

1. A mere bird eye view revisit of the statement of the Presiding Officers in earlier inquiries and the recent on brings forward many omissions of duty on their part and thus their statement does not make and accuse guilty during the inquiry the accused was able to ask as much as allowed by chairman of inquiry committee and it seemed that PrOs were only called to testify the form VII already on record with the committee.
2. Many candidates and few PrOs declared that agent of candidates were not allowed but only of Mayor Candidates. This fact was not noted and nor agitation of accused was listened to on this question.
3. At every step of preparation of result, a copy of provisional as well as final result was sent to DEC Office and DRO Office but this fact is not given weightage in inquiry.
4. Many Candidates reported that they went to ECP Islamabad on 15 Feb, 2022, the very next day of provisional result but this fact is not given weightage. They also indicated that they did the same on direction of Tariq Nawaz, Takhti Nasrati Payan, but it was not dully recorded nor was accused heard on this point.
5. Tariq Nawaz confirms his presence at RO- Office and also confirms his application to RO, thus it is wrong to declare that the accused kept them aloof and were sent pillar to Posp.
6. Yousaf Khan States that he did not approached the RO through the same person Ex Minister Malak Qasim, along with whom he earlier met the accused. When this accused tried to question him further, he was stopped by inquiry officer in final statement. When DR and accused reformed this matter and pictures were shown by accused where Malak Qasim was present with accused, the statement was not recorded (Ref to Yousaf Khan on pg 241).
7. The facts of inquiry statements are not justly weighed and it seems that the accused is termed guilty in a very sweeping statements.

In this light of above , I request to be given a chance of further hearing before any final order.

Regards.

Dated: 25 March, 2024

174

Mehran Ilyas

Ex RO

50/X, Mehran rd KDA Kohat

ELECTION COMMISSION OF PAKISTAN  
\*\*\*\*\*

45  
Secretariat  
Constitution Avenue, G-5/2  
Islamabad, the 17<sup>th</sup> May, 2024



SPEAKING ORDER

No.F.3(4)/2023-Estt-DL&CP: WHEREAS, Mr. Mehran Ilyas, Additional Assistant Commissioner-II Karak was appointed as Returning Officer for various Village Councils of District Karak for the conduct of Local Government Elections 1<sup>st</sup> Phase in Khyber Pakhtunkhwa Province vide Notification dated 25<sup>th</sup> October, 2021 issued by the Election Commission of Pakistan.

2. WHEREAS, after the poll, many candidates raised objections on the credibility of Mr. Mehran Ilyas, as the Returning Officer through different complaints filed before the Hon'ble Election Commission and held that the accused was found involved in corrupt practices including manipulation / fabrication of Form (s) XVII as the accused manipulated the results of Presiding Officers by changing figures during Local Government Elections (1<sup>st</sup> Phase) for the seat of different categories from constituency Local Council Ganderi Khattak, Tehsil Takhat-e-Nasrati, District Karak, KP.

3. WHEREAS, after Hon'ble Election Commission's Court proceedings, the Hon'ble Election Commission ordered for conduct of fact finding inquiry through an Inquiry Committee to probe the matter of manipulation of results of different categories of various Village Councils of District Karak by the accused. The Inquiry Committee conducted the fact finding inquiry and concluded that the charges of manipulation, tempering and fabrication of Form-XVII issued by the Presiding Officers leveled against the accused stand proved and recommended the initiation of disciplinary proceedings and filing of criminal case against the accused.

4. WHEREAS, in exercise of powers conferred under Section-55 of the Elections Act-2017, read with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and all other enabling powers in that behalf, the Hon'ble Election Commission, as Authority, directed to initiate formal inquiry/ disciplinary proceedings against the accused on account of following charges constituting inefficiency & misconduct, as defined under Rules 2 (1) (i) & (l) and 3 (a) & (b) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with rule 12 of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021:-

i. It has been observed by the Hon'ble Election Commission that the accused officer, while appointed as Returning Officer of various VCs in District Karak, was found involved in corrupt practices, including tampering / manipulating the results prepared vide Form(s)-XVII submitted by the Presiding Officers by increasing / decreasing votes of some candidates during conduct of 1<sup>st</sup> Phase KPK Local Government Elections-2021-22, for the following seats and constituencies of District Karak:-

Contd.

S.#	Seats	Constituencies
1	General Councilor	VC Takhat-e-Nasrati Payan, District Karak
2	General Councilor	VC Siraj Khel, Tehsil Takhat-e-Nasrati, District Karak
3	Peasant Worker	VC Siraj Khel, Tehsil Takhat-e-Nasrati, District Karak
4	Youth	VC Ganderi Khattak, Tehsil Takhat-e-Nasrati, District Karak
5	General Councilor	VC-3 Bogara, Tehsil Takhat-e-Nasrati, District Karak
6	General Councilor	VC Takhat-e-Nasrati Bala, Tehsil Takhat-e-Nasrati, District Karak
7	Youth	Takhat-e-Nasrati Bala, District Karak
8	Youth	VC Siraj Khel, Tehsil Takhat-e-Nasrati, District Karak
9	General Councilor	VC Ganderi Khattak, Tehsil Takht-e-Nasrati, Karak

- ii. The above said tampering / manipulation resulted in declaration of losing candidates as returned candidates which comes under illegal and corrupt practices under the Section 55 of Elections Act, 2017 meaning thereby that the accused officer has failed to discharge his duties which were legally entrusted to him in accordance with law.
- iii. The matter was initially fixed for hearing before the Hon'ble Election Commission wherein, a Fact Finding Inquiry Committees were constituted for submission of detailed report in the matters. The observations of Fact Finding Inquiry Committees, statements of concerned Presiding Officers to the Committees and perusal of record clearly indicates that the accused officer had manipulated, maneuvered and altered the official record and changed the results in favor of some candidates which comes under the meaning of corrupt practices under the Section 55 of the Elections Act, 2017.

5. WHEREAS, the Hon'ble Election Commission in its capacity as Authority, in exercise of powers conferred under Section 55 of the Elections Act, 2017, read with rule 10 (1) (a) & (c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and with rule 12 (4) of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 appointed Mr. Aziz Bahadar, Joint Provincial Election Commissioner (Elections), KP Peshawar as an Inquiry Officer and Deputy Director (Establishment) in the office of the Provincial Election Commissioner, KP as Departmental Representative to hold an inquiry to scrutinize the conduct of the accused officer through formal inquiry proceedings into the above charges under the applicable disciplinary laws/ rules vide Order of Inquiry No.F.3(4)/2023-Estt-DL&CP dated 18<sup>th</sup> December, 2023.

Contd...P13

6. WHEREAS, the Inquiry Officer, after thoroughly probing the documentary evidences, recording the statements of all the witnesses, stance taken by the accused, perusal of defense reply submitted by the accused and after providing full opportunity of fair trial, found that all the allegations have been established against the accused and the accused is proven guilty and found solely responsible for the acts of omissions and commissions. The Inquiry Officer also found that the acts of the accused also constitute criminal offences within the scope and purview of criminal laws, illegal and corrupt practices as defined in the Rules. The Inquiry Officer in its report recommended a major penalty of dismissal from service as provided in the under Rule-4(1)(b)(iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 be imposed upon the accused.

7. WHEREAS, in pursuance of rule 14 (4) of the Rules *ibid*, the accused was served with a Show Cause Notice dated the 15<sup>th</sup> March, 2024 along with the copy of Inquiry Report and was also asked to state whether he desired to be heard in person. The accused replied to the Show Cause Notice on 25<sup>th</sup> March, 2024 and requested for personal hearing.

8. WHEREAS, in pursuance of rule 15 of the Rules *ibid* and in the interest of justice, equity and fair play with a view to provide him an opportunity of fair trail and in order to given him an opportunity to defend himself, the Hon'ble Election Commission, being the Authority, afforded him an opportunity of personal hearing on 25-04-2024, which he availed.

9. WHEREAS, during his personal hearing on 25-04-2024, brief of charges were read out before the accused and was given time and opportunity to express his point of view on the charges framed against him to prove his innocence. During personal hearing, the accused was given ample time to defend his case, subsequently, he explained his position and asserted that he had not committed any such act of inefficiency and misconduct and the same has not been reported during the time of consolidation of election results. However, it was transpired during the inquiries against him that he remained inaccessible during the time of consolidation of election results. Also, the accused did not issue notices to the contesting candidates regarding the consolidation process. The same was asked from the accused, but he miserably failed to defend himself to negate the charges against him in a convincing manner.

10. AND WHEREAS, after hearing the accused, his defence reply, stance take during the personal hearing, after perusal of inquiry report submitted by the Inquiry Office the Hon'ble Election Commission in its capacity, as Authority, has reached to the conclusion that the charges against the accused stand proved and he has been found guilty of inefficiency & misconduct.

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No.F.3(4)/2023-Estt-DL&CP

-4-

11. NOW THEREFORE, in view of above, the Hon'ble Election Commission, in the capacity of Authority under Section-55 of the Elections Act-2017 read with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and all other enabling powers in that behalf, is of the considered opinion that acts of omissions and commissions mentioned in order of inquiry have been proved. However, taking a lenient view, a major penalty of reduction to lower post and pay scale for a period of three years as defined under rule 4 (b) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is imposed upon Mr. Mehran Ilyas, Additional Assistant Commissioner-II Karak (under suspension) / ex-Returning Officer with immediate effect. Provided that on a restoration to original pay scale or post, Mr. Mehran Ilyas, ex-RO will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty. Mr. Mehran Ilyas is also re-instated into service and the intervening period from the date of suspension till re-instatement has been treated as period spent on duty.

12. Mr. Mehran Ilyas, within 30 days from the date of communication of this order is entitled to file an application for review of orders before the Hon'ble Election Commission, being the Authority, under rule 17 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

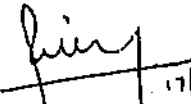
By the orders of the Hon'ble Election Commission.

  
(Muhammad Khalid Siddiq)  
Additional Director General  
(Human Resource)

✓  
Mr. Mehran Ilyas,  
Additional Assistant Commissioner-II /  
ex-Returning Officer,  
Karak.

Copy also forwarded to the: -

- i. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar for implementation of this order of Hon'ble Election Commission.
- ii. Director General (Law), ECP Secretariat, Islamabad.
- iii. Provincial Election Commissioner, KP, Peshawar with the request to serve the Order to all concerned.
- iv. Additional Director General (LGE), ECP Secretariat, Islamabad.
- v. Inquiry Officer and Departmental Representative
- vi. Director to the Hon'ble CEC, ECP Secretariat, Islamabad.
- vii. Private Secretaries to the Hon'ble Members Election Commission, ECP Secretariat, Islamabad.
- viii. Staff Officer to the Secretary, ECP Secretariat, Islamabad.
- ix. Personal file and PER Dossier of officer concerned.

  
(Ishtiaq Ahmed Khan)  
Deputy Director (DL&CP)

on various polling stations, phase II on 13-02-2022 and he dispensed with his duties in accordance with law and with diligence.

(Copy of notification is attached as Annex A)

2. That after the election the Petitioner as RO prepared provisional result on 14-02-2022 and consolidated results on 19-02-2022, while observing all the codal formalities and submitted the same to the worthy Election Commission of Pakistan.
3. That on 17-02-2022, before consolidation of results (the same is verified by them in inquiry statements), the runner up candidates went to Election Commission of Pakistan against the Petitioner for rechecking and revisiting the election results.
4. Consequently, the consolidated result submitted by the Petitioner dated 19-02-2022 was withheld vide order dated 30-03-2022.
5. The result prepared by petitioner as RO was set aside by appointing District Election Commissioner Karak as the New RO for preparing the result in light of Form XVII approved by the Presiding officer by order dated 09-08-2023. A disciplinary action and final inquiry was also ordered against the petitioner in the order dated 09-08-2022.

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6. The subsequent result in the light of order 09-08-2023 was published in official gazette on dated 22-08-2023. (copy attached as annex B)
  
7. That thereafter, the ECP issued letter No. F.3. (4) 2023-ESTT-DL&CP dated 18<sup>th</sup> December, 2023 to the Petitioner intimating the Petitioner that an inquiry has been initiated against him for manipulating, tempering and fabricating the Local Government results in the SVCs of Karak, held on 19-12-2021. In response whereof and in his defense the Petitioner submitted a detailed reply to the letter dated 18<sup>th</sup> December, 2023 issued by the ECP. Subsequently the petitioner also appeared before the inquiry committee.
  
8. That thereafter a show cause notice dated 15<sup>th</sup> March, 2024 was issued to the Petitioner, to which the Petitioner submitted a detailed reply, and also requested to be heard in person. That personal hearing was also offered whereby, the Petitioner appeared in person dated 25-04-2024 and answered all the questions of the inquiry officer.
  
9. That to the utter dismay of the Petitioner, after providing all the defense as well as the documentary evidence in support of his stance to the Inquiry Officer ("I/O") as well as to the worthy Election Commission, the Election Commission in assuming capacity as the 'Competent Authority' accused the Petitioner for the charges leveled against him and unilaterally and arbitrarily found him guilty of inefficiency & misconduct by conducting proceedings in terms of section 55 of the Election Act 2017 read with

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relevant provisions of the KP Government Servants Efficiency and Discipline Rules 2011 ('E&D Rules').

10. That the Election Commission imposed a major penalty of reduction to lower grade and post on the Petitioner vide order dated 17-05-2024 for a period of three years thus subjecting the Petitioner to an illegal penalty and causing great harm to his service and reputation.

Copy of Order dated 17-05-2024 is attached as Annex B

11. That the Petitioner feeling aggrieved of the Order dated 17-05-2024 filed a review Petition which is well in time before the Hon'ble Election Commission on inter-alia, the following grounds

**GROUND**

- a. That the Order of the Election Commission is arbitrary and without jurisdiction as the Petitioner ceased to be an election official upon publication of the result 22-08-2023 and therefore, not amenable to proceedings under section 55 of Election Act, 2017. The result was published on 23-08-2023 whereas, inquiry for disciplinary action was initiated on 18-12-2023 while the Petitioner became functus officio and no longer an election official. Any proceeding therefore, would have to be conducted by his parent department.
- b. That the inquiry was conducted in a slipshod manner in which the worthy Election Commission acted as Judge, Jury and executioner against the spirit



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of the law. It is worth mentioning that the inquiry committee did not place on record the facts and proofs put forward by the petitioner. The same was not entertained by the commission on 25-04-2024.

- c. That the Order dated 17-05-2024 suffers heavily from factual and legal infirmities.
- d. That the entire proceedings were conducted in a high handed manner without subscribing to the law and procedure on the matter.

**QUESTIONS OF LAW**

- a. Whether the Petitioner was an Election Official when the inquiry was initiated dated 18-12-2023
- b. Whether after the publication of the result in terms of section 55(I) of the Election Act 2017 the Petitioner had not cease to become an election official.
- c. Whether the Order dated 17-05-2024 is not without jurisdiction.
- d. Whether the Hon'ble Election Commission has not stepped beyond and encroached into the domain of the parent/ landing department of the Petitioner by imposing a major penalty against the spirit of rule 16 (2) of the Khyber Pakhtunkhwa Efficiency and Discipline Rule 2011.

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**PRAYER**

It is requested to your esteems that by accepting the instant review Petition, the Major penalty imposed on the Petitioner may very kindly be withdrawn and Petitioner may kindly be allowed to work as Additional Assistant Commissioner.

Any other ground will be taken at the time of personal appearance before your Honor with your kind permission.

As an interim relief, until the decision of this petition, the implementation of order dated 17-05-2024 may be withheld and the same may be communicated to the office of the Chief Secretary KP.



Petitioner

Mehran Ilyas

ELECTION COMMISSION OF PAKISTAN  
\*\*\*\*\*



Secretary  
Secretariat  
Constitution Avenue, G-5/2  
Islamabad, the 1<sup>st</sup> August, 2024

SPEAKING ORDER

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No.F.2(147)/2022-Law:- WHEREAS, disciplinary proceedings were initiated against Mr. Mehran Ilyas, the then Additional Assistant Commissioner-II, Karak/ ex-Returning Officer of various Village Councils of District Karak, appointed for the conduct of Local Government Elections 1<sup>st</sup> Phase in Khyber Pakhtunkhwa Province under Section-55 of the Elections Act-2017, read with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on account of certain acts of omissions and commissions constituting inefficiency & misconduct, as defined under Rules 2 (1) (i) & (l) and 3 (a) & (b) of the Rules *ibid* read with rule 12 of Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021 vide Order of Inquiry No.F.3(4)/2023-Estt-DL&CP dated 18<sup>th</sup> December, 2023.

2. WHEREAS, the Inquiry Officer, after thoroughly probing the record, documentary evidences, stance taken by the appellant and after providing full opportunity of fair trial, found that all the allegations had been established against the appellant and the appellant had been proven guilty and found solely responsible for the acts of omissions and commissions. Hence, recommended a major penalty of dismissal from service as provided in the under Rule-4(1)(b)(iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

3. WHEREAS, after due process of law, after providing an opportunity of personal hearing and taking a lenient view, the Hon'ble Election Commission, being the Authority, imposed upon him a major penalty of reduction to lower post and pay scale for a period of three years as defined under rule 4 (b) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 *vide* Speaking Order No.F.3(4)/2023-Estt-DL&CP dated 17<sup>th</sup> May, 2024.

4. WHEREAS, in terms of rule 17 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the officer was also provided an opportunity of filing of review application. He accordingly filed a review application dated 12<sup>th</sup> June, 2024 and the same has been considered by the Hon'ble Election Commission, being the Authority.

Contd.....P/2

5. **WHEREAS**, in his review application, the appellant held that the Order of the Election Commission is arbitrary and without jurisdiction as the appellant cease to be an election official upon publication of the result on 22-08-2023 and therefore he was not liable to proceed under Section 55 of the Elections Act, 2017. He further held that result of elections was published on 23-08-2023 whereas, the inquiry proceedings were initiated against him on 18-12-2023 and any proceedings would have to be conducted by his parent department. The appellant further contended that the inquiry was conducted in a slipshod manner in which the Election Commission itself acted as judge, jury and executioner which is against the spirit of law. At the end of his review application, he requested that by accepting his review application, the major penalty imposed upon him may be withdrawn and he may be allowed to work as Additional Assistant Commissioner. He further pleaded that until the decision of his review application, the implementation of Speaking Order dated 17-05-2024 may be withheld and the same may be communicated to the office of the Chief Secretary, Khyber Pakhtunkhwa.

6. **AND WHEREAS**, the review application of the officer has been given due consideration by the Hon'ble Election Commission, being the Authority, and found that the officer did not present any new grounds for reconsideration and review of earlier Speaking Order dated 17<sup>th</sup> May, 2024. Further that the officer concerned was already provided full opportunity of fair trail and has already availed an opportunity of personal hearing by the Hon'ble Election Commission. Moreover, during whole process, the officer has failed to produce any convincing and cogent proof in support of his innocence and the Hon'ble Election Commission has already taken a lenient view while awarding penalty. Hence, the Authority has found no any legal grounds to review the final orders rendered already.

7. **NOW THEREFORE**, in view of above, the Hon'ble Election Commission, in the capacity of Authority, under Section-55 of the Elections Act-2017 read with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and all other enabling powers in that behalf, hereby confirms the orders regarding imposition of a major penalty of reduction to lower post and pay scale for a period of three years as defined under rule 4 (b) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 *vide* Speaking Order No.F.3(4)/2023-Estt-DL&CP dated 17<sup>th</sup> May, 2024 upon Mr. Mehran Ilyas, the then Additional Assistant Commissioner-II, Karak/ ex-Returning Officer by rejecting his review application dated 12<sup>th</sup> June, 2024.

By the orders of the Hon'ble Election Commission.

( Muhammad Khalid Siddiq )  
Director General (HR)

Mr. Mehran Ilyas,  
The then Additional Assistant Commissioner-II, Karak /  
ex-Returning Officer, Karak.  
Now Tehsildar, under report to Senior Member Board Revenue-I,  
Peshawar


Contd.....P/3

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ACKNOWLEDGMENT RECEIPT.

Received letter No. Estt:I/PF/Mehran Ilyas/20249-50 dated 29.08.2024  
alongwith its enclosures (Speaking Order dated 01.08.2024) from the office of the  
Assistant Secretary (Establishment), Board of Revenue by hand on 02.09.2024.

*Mehran Ilyas*  
*2/9/24*  
(Mehran Ilyas)  
Tehsildar (BPS-16)

	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>
091-9212726	091-9214208
No. Estt: I/PF/Mehran Ilyas/ <u>20249-50</u>	Peshawar Dated the <u>29</u> 08 2024

To

✓  
Mr. Mehran Ilyas.  
the then PMS BS-17 officer.  
now Tehsildar waiting for posting in Board of Revenue.

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Address: Mehran Road, KDA, House No. 50, Sector-10, Kohat.


**SUBJECT:- SPEAKING ORDER.**

I am directed to refer to the subject noted above and to enclose herewith a copy of Assistant Director Provincial Election Commissioner Khyber Pakhtunkhwa letter No. F.4(18)/23-Estt(PEC) dated 07.08.2024 alongwith Speaking Order No. F.2(147)/2022-Law dated 01.08.2024 passed by Director General (HR), Election Commission of Pakistan for your information.

  
(NOOR KHAN)  
Assistant Secretary (Estt)  
Board of Revenue

No. & Date Even.

Copy forwarded to the Assistant Director Provincial Election Commissioner Khyber Pakhtunkhwa with reference to his letter cited above.

  
(NOOR KHAN)  
Assistant Secretary (Estt)  
Board of Revenue



Most Immediate

No. F.4(18)/23-Estt (PEC)  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PUKHTUNKHWA

Shami Road, Peshawar Cantt.  
Wednesday August 07, 2024

To,

5787  
21/8/24

Senior Member Board of Revenue,  
Khyber Pakhtunkhwa.  
Peshawar.

(C.O.)

Subject: - SPEAKING ORDER.

Dear Sir,

I am directed to forward herewith the **Speaking Order** bearing No. F.2(147)/2022-Law:- dated the 1<sup>st</sup> August, 2024 received from Election Commission's Secretariat, Islamabad, endorsed to Mr. Mehran Ilyas, the then Additional Assistant Commissioner-II/Ex-Returning Officer, Karak appointed for the conduct of Local Govt. Elections 1<sup>st</sup> Phase in various Local Councils of district Karak in Khyber Pakhtunkhwa, province.

2. It is, therefore, requested that above Speaking Order must be delivered under proper receipt to the officer concerned, under intimation of this office, please.

Yours faithfully,

*(Signature)*

Encl: As above

(Shahid Ali)  
Assistant Director (Estt)

Copy forwarded for information to the Deputy Director (DL&CP) in ECP, Secretariat, Islamabad with reference to their Speaking Order bearing No.F.2(147)/2022-Law, dated the 1<sup>st</sup> August, 2024.

*(Signature)*

(Shahid Ali)  
Assistant Director (Estt)

AS(E)

*(Signature)*

Secy-II

9-8-24. Website: www.pecpk.com

*(Signature)*

POWER OF ATTORNEY (VAKALATNAMA)

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I/We Mehran Ilyas & Hamid Ilyas Case 14301-3537664-7  
empower Syed Asif Jalal & Amir Ejaz Khan  
in \_\_\_\_\_ No. \_\_\_\_\_ titled:-

Mehran Ilyas

Versus

Election Commission Islamabad

Before the Amic Service Tribunal Islamabad & other

to perform all legal acts falling within the scope of authority of a general attorney-in-fact, including the right to appoint substitutes.

This power of attorney includes in particular the following rights: 1) To act, appear, defend and plead in the above-mentioned cause in this Court/Tribunal or any other Court/Tribunal in which the same be tried or heard in the first instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision; 2) To present pleadings, cross objections or petitions for execution, reviews, revisions, withdrawals, compromise or petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said cause in all its stages; 3) To withdraw or compromise the said cause or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said cause; 4) To receive money and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said cause; 5) To execute judgments and settlements, to receive and deliver securities, payments or any other matter in dispute.


AND I/We hereby agree to ratify whatever the Advocate or his substitutes shall do in this regard.

AND I/We hereby agree not to hold the Advocate or his substitutes responsible for the result of the said cause in consequence of their absence from the Court when the said cause is called up for hearing.


AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

The attorney-in-fact is authorized to destroy the files without previous inquiry at the end of one year following the termination of this matter.

IN WITNESS WHEREOF I/We hereunto set my/our hand(s) to these presents the contents of which have been explained to and understood by me/us this the 30th day of September, 2024

  
**SYED ASIF JALAL & ASSOCIATES**  
ADVOCATES, ATTORNEYS & LEGAL CONSULTANTS

Amir Ejaz Khan  
Advocate High Court  
0300 9040609

Principal  
  
CNIC: 14301-3537664-7  
03360035197  
Mehran Ilyas