

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1581/2024

MUHAMMAD ISRAEL APPELLANT

VERSUS

THROUGH CHIEF SECRETARY & OTHERS
.....RESPONDENTS

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Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1581/2024

Muhammad Israel son of Abdur Aziz, Assistant Director Statistics, Office of Deputy Director, Industries, Commerce & Trade Malakand Region, resident of Kotka Rehmat Khan, Presently resides at Hasham Khan Colony Mausam Korana Mardan.

..... Appellant

VERSUS

- 1. The Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
- 2. The Secretary Industries, Commerce and Technical Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3. Mr. Amjid Ali, Assistant Director Industries / CPC (OPS) District Bannu.

..... Respondents

JOINT PARA-WISE-COMMENTS ON BEHALF OF RESPONDENTS NO.01& 02.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:

- A. That the Appellant has no locus standi to file this instant Appeal.
- B. That the Appellant has no cause of action.
- C. That the Appellant has not come to this Honorable Court with clean hands.
- D. That the Appeal is bad for misjoinder of necessary parties.
- E. That the Appeal is based on malafide intention and it has been filed with ulterior motives to coerce and pressurize the respondents.
- F. That the Appellant is stopped by his own conduct from instituting this Appeal.
- G. That the instant Appeal is barred by law.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 17839

Dated 11/11/24

ON FACTS.

- I. Correct to the extent that the appellant was appointed as Industrial Development Officer in February 2016 and served at various stations, including his posting to District Bannu on 16-05-2023. The transfer was made in accordance with administrative needs and requirements as per Khyber Pakhtunkhwa, Civil Servants Act, 1973.
- II. Pertains to record/No comments.
- III. Incorrect. The appellant claims that undue pressure was exerted by the Additional Assistant Commissioner and the owner of Abu Bakkar Flour Mills, resulting in his transfer. It is stated that Mr. Munir Ahmad S/o Ahmad Khan owner of Abu Bakkar Flour Mills, Miranshah Road, Bannu has submitted a complaint to the Assistant Commissioner, Bannu against Muhammad Israel, Ex-Assistant Director, Industries/CPC, Bannu leveled allegations of bribe(Annex-I). Further, the appellant in capacity of Assistant Director, Industries/CPC, Bannu has sent a Legal Notice dated 03.05.2024 (Annex-II) to the Additional Deputy Commissioner, District Bannu and Assistant Commissioner HQ, Bannu in response of a meeting in which he was asked for his opinion against one of the complaints against him marked by the Deputy Commissioner, District Bannu. Following the above, the Deputy Commissioner, District Bannu vide his letter, dated 03.05.2024 (Annex-III) has requested for surrender of Muhammad Israel (appellant) from District Bannu with further request for initiation of formal

disciplinary action against the appellant under Khyber Pakhtunkhwa E&D Rules 2011 in light of the request of Assistant Commission HQ, Bannu vide his letter dated 03.05.2024(Annex-IV), thus the appellant has transferred vide order dated (Annex-V) and subsequently directions have been received for conduction fact finding inquiry against Muhammad Israel for the charges leveled vide Notification dated 14.05.2024 (Annex-VI) whereby an departmental inquiry has been conducted against Muhammad Israel (appellant) and the inquiry committee has also recommended the transfer of Muhammad Israel (appellant) from District Bannu vide report (Annex-VII). The conduct of the appellant officer by issuance of legal notice in official capacity to the officers of District Administration was not in compliance with the standing rules, policy and standard as all official litigation requires approval from the Competent Authority. The transfer of the appellant is according to the law and ibid policy and not influenced by any individual. Hence, the allegations of the appellant are baseless and not true while the appeal is not tenable and may be dismissed. The appellant leveling baseless allegations, hence denied.

- IV. Correct to the extent that the appellant's claim of filing a departmental appeal dated 30-05-2024 is acknowledged, but as per Khyber Pakhtunkhwa Government Rules of Business, 1985, a transfer order remains valid unless a specific contravention of the law or service rules is proven as well as the appellant has been responded vide letter 09.07.2024 (Annex-VIII).Allegations are baseless, hence denied.
- V. Incorrect. The appellant claims the transfer was politically motivated, in violation of spouse policy, and illegal. However, the transfer does not contravene the spouse policy or Khyber Pakhtunkhwa Transfer Policy, as the appellant's spouse's posting in the same or nearby region was not relevant to the posting to Malakand. Furthermore, there is no evidence provided by the appellant to substantiate claims of political interference or illegality. Transfers are carried out for administrative reasons and in public interest, as stipulated in the Khyber Pakhtunkhwa Civil Servants Act, 1973. The allegations of the appellant are not true.

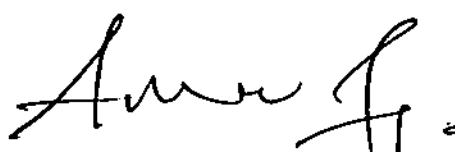
GROUND.

- 1. Incorrect. The transfer of a Government Officer is an administrative prerogative, exercised by the Competent Authority in accordance with Khyber Pakhtunkhwa's Transfer Policy. The impugned transfer order is not punitive but rather an administrative measure in response to concerns raised by the Deputy Commissioner, Bannu. It serves the interests of service discipline and does not violate any legal provision. Therefore, the order is justified and legally sound. Hence the allegations are baseless and not true and the appeal is not tenable, may be dismissed.
- 2. Incorrect. Article 4 guarantees adherence to the law, and Article 25 ensures equality before the law. The appellant's transfer was conducted through due process, following established procedures. The appellant has not been treated in a discriminatory manner, nor has any fundamental right been violated. The transfer is based on a valid administrative decision and does not contravene the constitutional guarantees of fairness and equality. The allegations are not true and concocted.
- 3. Incorrect. The transfer order was issued solely in response to the complaint by the Deputy Commissioner Bannu, which cited credible concerns regarding the appellant's involvement in corrupt practices. It is incorrect to claim that the transfer was politically motivated or intended to appease any group. The mention of the Deputy Commissioner in the order is a standard procedural step given the geographical jurisdiction of the complaint, and it does not indicate improper influence. The allegations are baseless.
- 4. Incorrect. The transfer was carried out in full compliance with the Khyber Pakhtunkhwa Transfer Policy. Clauses IV and beyond provide for transfers in situations involving misconduct or administrative necessity, particularly where corruption allegations are

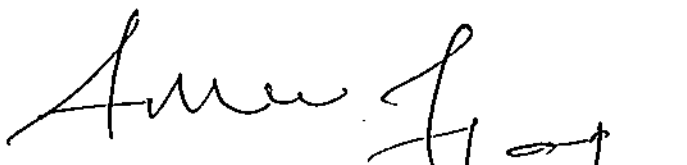
involved. The transfer was made in the public interest, consistent with the relevant provisions of the policy, and there has been no violation of the policy's framework.

- 5. Incorrect. While the policy on spousal postings is acknowledged, it does not override the imperative of addressing serious allegations of misconduct. Public interest and the integrity of the service take precedence over personal convenience, particularly where allegations of corruption arise. The appellant's transfer is based on administrative necessity, which is a higher priority under the policy
- 6. Incorrect. The transfer order was neither arbitrary nor issued with malice. It was a necessary administrative action grounded in legitimate concerns raised by the Deputy Commissioner. The transfer followed due process and was made in good faith to ensure transparency and impartiality in the investigation into the allegations against the appellant. No evidence has been presented to substantiate claims of bad faith or malicious intent.
- 7. Incorrect. The transfer was indeed made in the public interest and in response to the exigencies of service. It was necessary to remove the appellant from the area where the alleged misconduct occurred in order to maintain the integrity of the investigation and the public office. Such transfers are routine in administrative practice when there are concerns about the impartiality of ongoing service activities.
- 8. Incorrect. While the appellant claims to have an unblemished service record, the current allegations of corruption warrant serious consideration. Past performance does not absolve an officer from facing administrative action when credible allegations arise. The transfer is a precautionary measure to facilitate a fair investigation, and it is in the best interest of the service to address such matters without prejudice.
- 9. The respondents also seek permission to advance other grounds and proofs at the time of hearing

In light of the above submissions, it is respectfully prayed that the instant appeal filed by the appellant may be rejected/dismissed, as the transfer order of Israel Assistant Director, Statistics, is a legitimate administrative action, fully compliant with the Khyber Pakhtunkhwa Government's Transfer Policy and the relevant service laws. It was issued in the public interest, based on credible concerns about the appellant's conduct, and in no way violates constitutional or legal principles.


 Respondent No.1 _____
 NADEEM ASLAM CHOUDHRY,
 Chief Secretary,
 Khyber Pakhtunkhwa, Peshawar,

Secretary to
 Govt. of Khyber Pakhtunkhwa
 Industries, Commerce &
 Technical Education Deptt.


 Respondent No.2 _____
 AMER AFAQ,
 Secretary Industries, Commerce &
 Technical Education, Department, Khyber
 Pakhtunkhwa,

Secretary to
 Govt. of Khyber Pakhtunkhwa
 Industries, Commerce &
 Technical Education Deptt.

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25-4-2024

[Handwritten text in Urdu, appearing to be a list of items or points]

- 1- ...
- 2- ...
- 3- ...
- 4- ...
- 5- ...

[Handwritten text, possibly a signature or official stamp]

By *[Signature]*
 For inquiry & report

HC Barrow

SYED LAW ASSOCIAT

11411/18/Estb/AD-CPC/Bu

تاریخ: (1) خدما قابل ADC ہوں۔

(2) سید ابراہیم شاہ اسٹنٹ کزن ہوں۔

نوٹس

LEGAL NOTICE عنوان:

آپ نوٹس گریڈگان کو بذریعہ نوٹس خدما آگاہ کیا جاتا ہے کہ محمد اسراہیل اسٹنٹ ڈائریکٹر کزن میر پر دیکھن ہوں نے مجھے وکیل مقرر کیا ہے۔ اور
نیچے ہدایت دی ہے کہ میں آپ کو سبھی نوٹس دوں۔

یہ کہ میرے موکل نے ابو بکر گلورٹز کے خلاف عوامی شکایت پر قانونی کارروائی کرتے ہوئے بمطابق کزن میر پر دیکھن ایکٹ کے کارروائی کی اور واقعہ
اسکا آٹاکم رزن میں پایا نیز اس پر ایکسپیری تاریخ (Expiry Date) بھی نہیں پیش ہے۔ اور کیس کو کزن میر پر دیکھن کورٹ ہوں میں داخل کیا۔
یہ کہ آپ نوٹس گریڈگان نے رسپانڈینٹ میر اللہ کے بے بنیاد درخواست پر کارروائی کا آغاز کیا، حلالانکہ بمطابق کزن میر پر دیکھن ایکٹ آپ نوٹس
گریڈگان میرے موکل کے ذیوی معاملات میں مداخلت نہیں کر سکتے ہیں اور نہ ہی یہ درخواست Entertain کر آپ کے Domain میں شامل
ہے۔

یہ کہ اگر رسپانڈینٹ واقعی بے گناہ ہے تو اپنی بے گناہی مجاز عدالت حضور کزن میر کورٹ ہوں میں ثابت کرے۔

یہ کہ آپ نوٹس گریڈگان کیسے کہنے میرے موکل کی سرکاری ذیوی میں مداخلت نہ کریں۔ اور نہ ہی اسکو بے بنیاد درخواستوں پر دفتر طلب
کرے۔ واضح ہو کہ یہ آپ کے ذیوی میں شامل نہ ہے ورنہ آپ نوٹس گریڈگان کے خلاف مجاز عدالت کزن میر کورٹ ہوں میں کارروائی عمل میں لائی جائیگی۔

صورتی 2024-03-03

(نوٹس دہندہ)

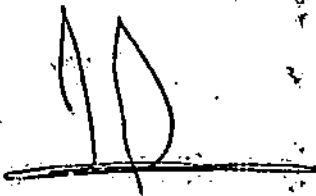


محمد اسراہیل خان

اسٹنٹ ڈائریکٹر کزن میر پر دیکھن کورٹ ہوں

بذریعہ وکیل

سید اسفندیار علی شاہ ایڈووکیٹ عالی کورٹ



نوٹ: اس نوٹس کی کاپی صرف میرے موکل کو دینی چاہی گئی ہے۔

Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

Ahmed III

7



OFFICE OF THE DEPUTY COMMISSIONER BANNU

Phone: 0928-9270032
No. 139-A/DC/AC/F-05

Fax: 0928-9270079
Dated: 3/05/2024

To,

Secretary to Government of Khyber Pakhtunkhwa,
Industries, Commerce and Technical Education Department Peshawar.

SUBJECT: SURRENDERING OF SERVICES OF MR. ISRAEL KHAN (A.O. INDUSTRIES BANNU) IN CONTEXT TO HIS MISCONDUCT UNDER KP GOVERNMENT SERVANTS (CONDUCT) RULES 1987

Dear Sir,

Enclosed please find herewith a copy of a self-explanatory report vide No. 95/AC/Bannu/F-5, dated: 9.5.2024 along with its enclosures submitted by Assistant Commissioner Bannu on the subject cited above.

Your kind attention is hereby drawn towards the misconduct of Mr. Israel Khan, AD Industries and Consumer Protection Bannu. As evident from the report of Assistant Commissioner HQ Bannu, there have been numerous complaints and inquiries against the said officer and that he has been exhibiting unprofessional and dis-respective attitude/behavior towards the Additional Deputy Commissioner, Assistant Commissioner and other officers of District Administration Bannu as well as business community.

In a recent situation /incident, the Assistant Commissioner Bannu attempted to solicit the legal stance of the said officer regarding a complaint filed against him by the owner of Abu Bakr Flour Mills Bannu wherein serious allegations of corruption were leveled against him. However, the said officer responding with verbal and written replies asserting that the District Administration has no authority to ask regarding his conduct. He further sent a legal notice to the officers of District Administration.

In light of his behavior, it is very much clear that the said officer has demonstrated clear disregard for the officers of District Administration Bannu and has violated the code of conduct.

Keeping in view the above facts, as well as recommendation of Assistant Commissioner HQ Bannu, it is requested that Mr. Israel Khan, AD Industries and Consumer Protection may be surrendered from Bannu and another honest and competent officer may be posted in Bannu as his substitute.



Received on 20/5/24
Admin office
DDA
B. Dinkar
15/5/24
Dir/ Acn
Punam pd.
10/05/24

[Signature]
Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

It is further requested that a formal disciplinary action against the said officer may please be initiated under the Khyber Pakhtunkhwa E&D Rules 2011 on the basis of allegations leveled against him in the complaint as cited above please.

[Handwritten Signature]
DEPUTY COMMISSIONER

Copy to:

- 1. Commissioner, Bannu Division Bannu.
- 2. Director General, Industries and Commerce Khyber Pakhtunkhwa Peshawar.
- 3. PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 4. Additional Deputy Commissioner (G) Bannu.
- 5. Assistant Commissioner Bannu.

[Handwritten Signature]
DEPUTY COMMISSIONER

[Handwritten Signature]
Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar





Amr-IV

9

THE ASSISTANT COMMISSIONER, BANNU

Bannu Cantt. Ph: 0928-9270039

No: 95/AC/Bannu/F-5

Bannu, May 9, 2024

To,

The Deputy Commissioner Bannu.

SUBJECT: SURRENDER OF THE SERVICES OF MR. ISRAEL KHAN (A.D. INDUSTRIES BANNU) IN CONTEXT TO HIS MISCONDUCT UNDER KP GOVERNMENT SERVANTS (CONDUCT) RULES 1987

R/sir,


Kindly refer to the subject cited above.

Your kind attention is hereby drawn towards a crucial issue and to convey with the sense of sheer disappointment that since the posting of Mr. Israel as Assistant Director Industries in District Bannu, we have been receiving various complaints regarding his misconduct and abuse of his official authority.

It is pertinent to mention that the said officer is known for his notorious activities and is facing numerous inquiries against him from the department. A similar situation arose in Bannu when the aforementioned officer sent a LEGAL NOTICE to the learned Additional Deputy Commissioner Bannu Mr. Hamid Iqbal and the Assistant Commissioner Bannu Syed Abrar Ali Shah, dated 03-05-2024, copy enclosed, in response of a meeting in which he was asked for his opinion against one of the complaints against him marked by the worthy Deputy Commissioner District Bannu to the undersigned.

The specimen of the complaint is attached in which the complainant Munir Ahmad S/o Mjr Ahmad Khon R/o Abu Bakar Flour Mill Miranshah Road Bannu complained against the said officer that:

- 5- He demanded a specific amount in bribe, mentioned in the complaint, and provided a voice note in which it is clearly heard that the officer is negotiating the subject amount. (Voice note may be produced before any court of law).
- 6- In response to this, the undersigned called the said officer to take his opinion so that before reporting the matter to worthy Deputy Commissioner, *he shall not be condemned unheard* to satisfy the basic principle of justice.


Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

(16)

7- But with sheer disappointment the officer, instead of submitting his reply, came up with a stupid cum illegal notice to the officers of the District Administration Bannu.

It is worthy to mention that the illegality of the notice served, copy enclosed, is proven under Rule 31 of Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987 which says:-

31. A Government servant shall not, without the previous sanction of Government have recourse to any Court or to the press for the vindication of his public acts or character from defamatory attacks. When Government grants sanction to a Government servant to have recourse to a court, Government will ordinarily bear the cost of the proceedings, but may leave the Government servant to institute them at his own expense. In the latter case, if he obtains a decision in his favour, Government may reimburse him to the extent of the whole or any part of the cost.

In addition to this, there is a judgment of Peshawar High Court PLD 2019 Peshawar 135 in which the Hon'ble Chief Justice Waqar Ahmad Seth supported the gist of the said Rule and dismissed the petition with the wordings that,

A Government/ Civil Servant cannot under any circumstances has recourse to any court for the vindication of his public acts and character etc, except with prior permission of the Government...

Thus, this illegal notice, without prior permission of the Government, served by the said officer is absolute violation of the Khyber Pakhtunkhwa Government Servant (Conduct) Rules 1987 and hence it is of supreme noteworthiness that the disciplinary proceedings under Khyber Pakhtunkhwa E&D Rules 2011 must be initiated against the said officer and in the meantime he may be surrendered to his parent department, as his illegal, immature and unprofessional attitude is causing embarrassment and earning a bad name for the Government.

Abraar Ghali
ASSISTANT COMMISSIONER

Copy to:

1. PS to Commissioner, Bannu Division, Bannu.
2. Additional Deputy Commissioner, Bannu.

Abraar Ghali
ASSISTANT COMMISSIONER

U. Qureshi
Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

Annex - V



GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT

Dated: 14th May, 2024

NOTIFICATION

No. SO(IND)18-2/2024/4987-95 The Competent Authority has been pleased to order following posting / transfer in the best public interest, with immediate effect: -

S.No	Name & Designation of the Officer / Official	From	To
01.	Mr. Muhammad Israeel Khan, Assistant Director (BPS-17 a.c.b)	Assistant Director Industries/CPC, District Bannu.	Assistant Director, Statistics (BPS-17), Office of Deputy Director, Industries, Commerce & Trade, Malakand Region.
02.	Mr. Amjad Ali, Assistant (BPS-16)	Assistant Director, Statistics (OPS), Office of Deputy Director, Industries, Commerce & Trade, Bannu Region.	Assistant Director Industries/CPC (OPS), District Bannu vice Sr. No. 01. He is also authorized to hold look-after charge of the post of Assistant Director, Statistics (OPS), Office of Deputy Director, Industries, Commerce & Trade, Bannu Region in addition to his own duties till further orders.

Secretary, Industries, Commerce & Technical Education Department

Endst: No. and date even.

Copy forwarded for information to the:-

1. Commissioner, Bannu Division, Bannu.
2. Commissioner, Malakand Division, Saidu Sharif, Swat.
3. Deputy Commissioners, Bannu & Malakand.
4. Director General, Industries & Commerce, Khyber Pakhtunkhwa.
5. District Accounts Officers, Bannu & Malakand.
6. P.S to Special Assistant to Chief Minister, Khyber Pakhtunkhwa on Industries, Commerce & Technical Education.
7. P.S to Secretary, IC&TE Department.
8. Officer concerned.
9. Master File.

14/05/24
SECTION OFFICER
(INDUSTRIES)



17/5/24
D.A.C.A.

Handwritten signatures and dates: 17/5, 16/5, 17/5/24

Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT

Dated: 14th May, 2024

NOTIFICATION

No. SO(IND)8-2/2024/4996-99
Consequent upon posting / transfer of Mr. Muhammad Israeel Khan, Assistant Director (BS-17 a.o.b) from the post of Assistant Director (Industries/CPC), District Bannu to the post of Assistant Director (Statistics), Office of the Deputy Director, Industries, Commerce & Trade, Malakand Region vide Notification No. SO(IND)8-2/2024/4987-95, dated: 14.05.2024, Director General, Industries & Commerce, Khyber Pakhtunkhwa is directed to conduct a fact finding inquiry against Mr. Muhammad Israeel Khan, Assistant Director (BPS-17 a.o.b) for the charges levelled against him.

Secretary, Industries, Commerce & Technical Education Department

Endst: No. and date even.

Copy forwarded for information to the:-

1. Director General, Industries & Commerce, Khyber Pakhtunkhwa.
2. P.S to Special Assistant to Chief Minister, Khyber Pakhtunkhwa on Industries, Commerce & Technical Education.
3. P.S to Secretary, IC&TE Department.
4. Officer concerned.
5. Master File.

14/05/24
SECTION OFFICER
(INDUSTRIES)



Assistant Director, Litigation
Directorate General of
Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar



DIRECTORATE GENERAL,
INDUSTRIES AND COMMERCE
KHYBER PAKHTUNKHWA, PESHAWAR

Printing Press Building Shami Road, Peshawar.

No. 2252-572/1184-DI-Admn:

Dated Peshawar the, 22/05/2024.

O R D E R.

Syed Mohsin Ahmad Bukhari, Deputy Director, Industries, Commerce and Trade, Kohat Region (BPS-18) and Muhammad Akhlaq, Assistant Director, Industries / CPC, Karak (BPS-17) are hereby nominated as Inquiry Officers to conduct Fact Finding inquiry against Muhammad Israel, Ex-Assistant Director, Industries /CPC, Bannu in light of the following complaints.

1. Surrendering of services of Mr. Israel Khan, (A.D. Industries Bannu) in context to his misconduct under KP Government servants (conduct) rules, 1987 (Copy attached).
2. Akbar Ali, owner of Attock Petrol Pump near FC line Bannu city dated. 03.05.2024 (Copy attached).
3. Zahid Ullah Khan and Muhammad Saleem S/o Muhammad Ismail Khan dated. 05.03.2024 owners of Al Baik Hotel, near Bannu Township, Bannu (Copy attached).

The Inquiry Officers are requested to probe and submit a detail report to this office within 15 days of the receipt of this order.

Director General, I&C,
Khyber Pakhtunkhwa.

Endst: No. & date even.

Copy of the above is forwarded to :-

1. PS to Secretary, Industries, Commerce & Technical Education Department, Peshawar.
2. PS to Director General, Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
3. Syed Mohsin Ahmad Bukhari, Deputy Director, Industries, Commerce and Trade, Kohat Region.
4. Muhammad Akhlaq, Assistant Director, Industries / CPC, Karak.
5. Personal file of the officer concerned.
6. File No. 6/9-DI-Admn.

Administrative Officer,
Directorate General, Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar.

Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

7/11/184-11

(14)

INQUIRY REPORT

Inquiry Order:

The Inquiry proceedings were initiated vide Directorate General Order No:3252-57/2/1184-DI-Admn, dated 22.05.2024 by the Inquiry committee comprising of Syed Mohsin Ahmad Bukhari, Deputy Director Commerce & Trade, Kohat Division (BPS-18) and Muhammad Akhlaq, Assistant Director Industries/CPC, Karak (BPS-17) to conduct fact finding inquiry against Muhammad Israel, Ex-Assistant Director Industries & Consumer Protection, Bannu (hereafter referred as accused) in light of the following complaints:

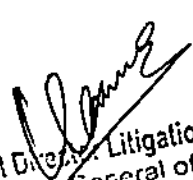
1. *Surrendering of services of Muhammad Israel Khan in context to his misconduct under KP Government Servants (Conduct) rules, 1987.*
2. *Akbar Ali owner of Attock Petrol Pump near FC line Bannu city Dated 03.05.2024.*
3. *Zahid Ullah Khan and Muhammad Saleem s/o Muhammad Ismael Khan Dated 05.03.2024 owners of Al-Baik Hotel, near Bannu Township Bannu.*

Background of Complaint No.1.

1. Mr. Munir Ahmad s/o Meer Ahmad Khoon owner/MD of Abu Bakar Flour Mills Bannu had submitted one complaint on 25.04.2024 to the Deputy Commissioner Bannu wherein the allegations were pointed out as following:

- i. That Muhammad Israel (Ex. AD Industries & Consumer Protection Bannu) has posted false and frivolous information in his social media posts and campaigns about the low weight of flour bags of Abu Bakar Flour Mills.
- ii. Because of his such false and frivolous social media posts the said Flour Mill suffered huge public image which resulted into financial loss.
- iii. That initially Muhammad Israel (Ex. AD Industries/CPC, Bannu) demanded for Rs.150,000/- but later reduced the same to Rs.100,000/-, audio recording pertaining to the same is available.

2. Deputy Commissioner, Bannu forwarded the subject complaint to Assistant Commissioner Bannu on 01.05.2024 for inquiry against the accused officer and report. Muhammad Israel attended the office of Assistant Commissioner, Bannu and assured to submit reply in the inquiry. However, instead the accused officer sent a Legal Notice No. 1141/1/81Estb/AD-CPC/Bu on 03.05.2024 to Mr. Khalid Iqbal, Additional Deputy Commissioner, Bannu and Syed Ibrar Ali Shah, Assistant Commissioner, Bannu wherein he stated that the complaint against Munir Ahmad



Assistant Director, Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

owner of Abu Bakar Flour Mill is pending before Consumer Court, Bannu on the charges of low weight and non-exhibition of expiry date on the flour bags hence the complaint of Munir Ahmad being a sub-judice matter cannot be entertained by District Administration Bannu.

3. The Assistant Commissioner, Bannu forwarded Legal Notice of Muhammad Israel to the Deputy Commissioner, Bannu vide his letter No. 95/AC/Bannu/I-5 dated: 03.05.2024 wherein he has narrated the whole matter pertaining to the complaint of Munir Ahmad. He has further took stance that the said Legal Notice being sent by Muhammad Israel (Ex. AD Industries/CPC, Bannu) is illegal as for sending such type of Legal Notice a government servant has to take prior approval from the competent authority. but Muhammad Israel has not taken any such type permission from the competent authority therefore, the conduct of the above mentioned officer is sheer violation of Rule 31 of Khyber Pakhtunkhwa Government Servants (conduct) rule, 1987. hence it is worth mentioning that the Disciplinary Proceedings under Khyber Pakhtunkhwa E&D Rules 2011 must be initiated and the said officer may be surrendered to his parent department.
4. The matter was brought into the notice of Secretary Industries, Commerce & Technical Education Department Government of Khyber Pakhtunkhwa by Deputy Commissioner Bannu vide his letter No.139-A/DC/AC/F-05 dated: 03.05.2024 with the request for surrendering the services of Muhammad Israel to parent department and initiation of disciplinary action against the accused officer on the basis of subject complaint and report.

Proceedings

The inquiry Committee letter via letter No. 701/1/1/Estab/ADCPC-KK Dated: 07.06.2024 directed the accused officer to appear before inquiry committee on 11.06.2024 at 11:00AM at the office of Assistant Director Industries & Consumer Protection, Bannu to record his defence statement along-with the record. In pursuance of the letter, he appeared before the inquiry committee and was directed to submitted written statement, which he submitted on 12.06.2024 annexed as (Annexure-I) for ready reference and perusal. He also submitted attested copies of the Case being submitted by him against Munir Ahmad owner of Abu Bakar flour-mill which contains Case copy (Annexure-II), copies of Order Sheets till 12.06.2024 (Annexure-III), copy of three applications wherein accused officer has requested Court to implead Additional Deputy Commissioner, Bannu and Assistant Commissioner, Bannu as party of the instant case (Annexure-IV) and Copy of Legal Notice (Annexure-V).


Assistant Director Litigation
Director General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

Written Statement of Muhammad Israel:

The accused officer submitted a written statement (Annexure "I") before the inquiry committee where-in he negated any charges of acquiring bribe from the Munir Ahmad and further highlighted that the complaint was lodged in order to pressurize and adversely affect the court case against the Munir Ahmad pending adjudication before the Consumer Court, Bannu.

Written Statement of Munir Ahmad Khan

The complainant Munir Ahmad Khan in his written statement (Annexure "VI") stated that the accused officer represented himself as Consumer Judge and defamed him on social media. The complainant also alleged that accused officer demanded bribe for many years. However he failed to provide any evidence to support his allegations.

Findings

- i. The allegation of Munir Ahmad against the accused officer could not be proved as he failed to provide any legal evidence in support of his complaint.
- ii. The conduct of the accused officer by issuance of legal notice in official capacity to the officers of District Administration was not in compliance with the standing rules, policy and standard as all official litigation requires approval from the Competent Authority.

Complaint No.2.

A second complaint against Muhammad Israel was lodged by Akhbar Ali Khan s/o Meer Laees Khan to the Director General has been received on 03.05.2024 wherein allegation were levelled that accused is a corrupt officer and receives bribes from business establishments.

Proceedings:

Inquiry Committee vide Letter No. 694/1/1/Estab;/ADCPC-KK Dated: 07.06.2024 directed the complainant Mr. Akbar Ali s/o Meer Laees Khan to appear before inquiry committee, record his statement and provide evidence in support of the complaint. Mr. Akbar Ali appeared before the inquiry committee in person and stated in his written statement (Annexure "VII") that he has not submitted any complaint against the accused officer to the Director General Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.

Findings:

The complaint is baseless and without any substantial evidence.

Complaint No.3.

Third complaint was submitted by Zahid Ullah and Saleem Khan to the Secretary Industries & Commerce Government of Khyber Pakhtunkhwa, Peshawar forwarded by Section Officer Industries vide Letter No. SO (Ind)/8-2/2023 Dated: 21.03.2024 to the Director General Industries & Commerce, Khyber Pakhtunkhwa, Peshawar wherein it has

[Signature]
Assistant Director Litigation
Director General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

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been alleged that Muhammad Israel demands bribes from different business establishments, those who pay bribe are allowed to run business while those who refuse to pay bribe are fined and cases are sent against them to Court.

Proceedings:

The inquiry committee issued notices to complainant Zahid Ullah and accused officer to appear before the inquiry committee and to record written statement along-with record,

Written Statement of Muhammad Israel:

Muhammad Israel, the accused officer has stated in his statement which already annexed as Annexure "I" that complainant Zahid Ullah was fined because he was selling bread of low weight and overcharging.

Written Statement of Witness of Muhammad Israel

The accused officer produce his witness namely Tahir Wazir bearing CNIC No. H101-6859630-9 and Cell Phone No. 0335-9676529 who recorded his statement in front of Zahid Ullah (Complainant) which is annexed as (Annexure-VIII) and stated that Muhammad Israel has rightfully imposed fine on the complainant.

Written Statement of Zahid Ullah & Saleem Khan.

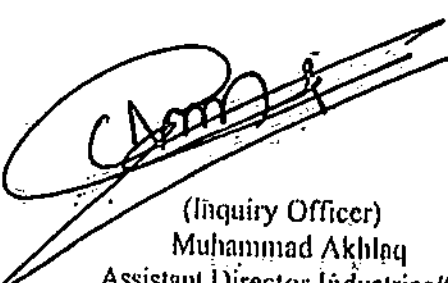
The Statement of complainant Zahid Ullah and Saleem Khan recorded which is annexed as (Annexure IX) wherein he has levelled further allegations on Muhammad Israel (Ex. AD Industries/CPC, Bannu) that his means are beyond his income.

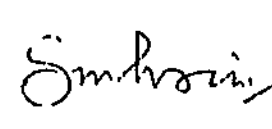
Findings:


The allegations made by Zahid Ullah could not be proved as he failed to provide any legal evidence in support of his complaint. The fine was lawfully imposed by the accused officer on complainant Zahid Ullah however no proper record of fine/ challan book was maintained.

Recommendation:

The Muhammad Israel, shall be transferred from District Bannu and posted out of district Bannu for at least one tenure.


(Inquiry Officer)
Muhammad Akhlaq
Assistant Director Industries/CPC
Karak


(Inquiry Officer)
Syed Mohsin Ahmad
Deputy Director IC&T
Kohat Region


Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar



**DIRECTORATE GENERAL,
INDUSTRIES AND COMMERCE,
KHYBER PAKHTUNKHWA, PESHAWAR.**

Printing Press Building Shami Road, Peshawar.

No. 4472 /2/1184-DI-Admn:

Dated. 9/7 /2024.

To


The Secretary,
Government of Khyber Pakhtunkhwa,
Industries, Commerce and Technical Education
Department, Peshawar.


Subject: - DEPARTMENTAL APPEAL FROM THE ORDER DATED. 14.05.2024 OF
THE SECRETARY, INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION, KP, PESHAWAR.

Dear Sir,

I am directed to refer to the Section Officer (Industries), Industries Department letter dated. 01.07.2024 on the subject cited above and to enclose herewith report in respect of this Directorate General to proceed in the matter, please.

Encl: A.A.


Administrative Officer,
o/c Directorate General, Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar.


Assistant Director of Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT

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12071-73
No. SO (IND)/8-2/2023
Dated: 01st July, 2024

To
The Director General,
Industries & Commerce, Khyber Pakhtunkhwa.

Subject: - DEPARTMENTAL APPEAL FROM THE ORDER DATED 14-05-2024 OF THE SECRETARY, INDUSTRIES, COMMERCE & TECHNICAL EDUCATION, KP, PESHAWAR.

I am directed to refer to the subject noted above and to enclose herewith a copy of departmental appeal submitted by Muhammad Israel, Assistant Director, Directorate General of Industries & Commerce received from the office of Chief Secretary, Khyber Pakhtunkhwa with the direction submit your report within three (03) days positively, before further proceeding in the matter, please.

[Signature]
SECTION OFFICER
(INDUSTRIES)

Encl: As Above.

Endst: No & date even.

Copy forwarded for information to the:-

1. PS to Chief Secretary, Khyber Pakhtunkhwa w.r.to his diary No. 2043 (w/e)-P, dated: 03.06.2024.
2. PS to Secretary, IC&TE Department.

Dir Gen

Per previous comments

fact up 3
asked for 13
[Signature]
SECTION OFFICER
(INDUSTRIES)

DDA
[Signature]
2024/7/24

Dir Gen
[Signature]
2-7-24

[Signature]
2/7

Admn office

Remind today



[Signature]
2024/07/24
[Signature]
Sup (Admn)

Assistant Director for Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

TO,

THE CHIEF SECRETARY KHYBER PAKHTUNKHWA,
PESHAWAR

DEPARTMENTAL APPEAL FROM THE ORDER DATED 14-05-2024 OF THE SECRETARY INDUSTRIES, COMMERCE & TECHNICAL EDUCATION K.P, PESHAWAR

Respectfully Sheweth:

1. That the applicant has been transferred by the competent authority from Bannu to Malakand Region vide order dated 14-05-2024. (Copy of Transfer Order is annexed as annexure "A")
2. That being aggrieved from the order of the secretary industries, commerce & technical education k.p, peshawar the applicant file the instant departmental appeal inter alia on the following grounds;

Geny Industries

03-06-24

Deputy Secretary/
PS to Chief Secretary
Khyber Pakhtunkhwa Peshawar

GROUNDS

- A. That the order of the secretary industries, commerce & technical education k.p, peshawar is against the law and rules hence, untenable.
- B. That the order of the competent authority to extent of applicant has no value and scope because the transfer order passed by the competent authority is pre-mature in nature whereby just to obliged of his own blue eyed appointee for unfair means which need reversal/cancellation/withdrawal of impugned transfer order. It is pertinent to mentioned here that on the said impugned order, the candidate who transferred upon the impugned post is below the BPS 17 hence, the impugned transfer order is obviously illegal, unlawful therefore, deserve to be set at naught. The authority has exercised the power colorfully and concealed the real position from the high ups and dragged the applicant but just for nothing just creates agony for the applicant.

19-06-24



As discussed
with...
is arrived back
from...
24/06/24

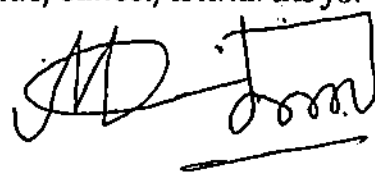
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24/6

do.
forward to
D.G. for report
submitted with S.S.
24/06/24

Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar


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It is, therefore, most humbly requested that on acceptance of this application, the transfer order dated 14-05-2024 may kindly be set aside/cancel/withdraw for the best interest of justice.

 Applicant

**Muhammad Israel (CNIC: 11101-4097785-5)
Assistant Director BPS-17
Industries, Commerce & Technical Education
KP Peshawar.**

Dated: 30.05.2024


Assistant Director Litigation
Directorate General of
Industries & Commerce
Khyber Pakhtunkhwa, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1581/2024

MUHAMMAD ISRAEL

.....Appellants

Versus

THROUGH CHIEF SECRETARY AND OTHERS

..... Respondents

AFFIDAVIT

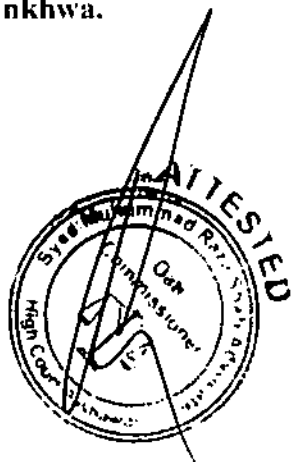
I, **Amer Afaq, Secretary (BPS-20), Industries, Commerce & Technical Education Department** do hereby solemnly affirm and declare on oath that the contents of the accompanying **comments/reply** are correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court. It is further stated on oat that in this Appeal the answering respondent have neither been placed Ex-Parte nor their defence has been struck off/cost.

Amer Afaq
Deponent
(Mr. Amer Afaq)
Secretary IC&TE Peshawar
17301-1424625-5

Secretary to
Govt. of Khyber Pakhtunkhwa,
Industries, Commerce &
Technical Education Deptt.

Identified by:

Advocate General Khyber Pakhtunkhwa.



11 NOV 2024

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**DIRECTORATE GENERAL OF INDUSTRIES AND COMMERCE KHYBER
PAKHTUNKHWA, PESHAWAR.**
Government Printing Press Building, Shami Road, Peshawar. (091) 9210234

AUTHORITY LETTER.

Mr. Muhammad Mansoor, Assistant Director Litigation (BPS-17), H/Qtrs Office Peshawar is hereby authorized to defend Chief Secretary, Khyber Pakhtunkhwa, Peshawar (Respondent No.01) and Secretary Industries, Commerce and Technical Education Department, Khyber Pakhtunkhwa, Peshawar (Respondent No.02) in the Service Tribunal, Khyber Pakhtunkhwa, Peshawar and to submit any documents on behalf of the aforementioned respondents whenever required by the Honourable Court in Service Appeal No.1581/2024 in the case titled as:

MUHAMMAD ISRAEL

VERSUS

CHIEF SECRETARY KHYBER PAKHTUNKHWA & OTHERS.

Respondent No. 01 _____
NADEEM ASLAM CHOUDHRY,
Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

Secretary to
Govt. of Khyber Pakhtunkhwa
Industries, Commerce &
Technical Education Deptt.

Respondent No. 02 _____
AMER AFAQ,
Secretary Industries, Commerce & Tech:
Education Department, Khyber Pakhtunkhwa,
Peshawar.

Secretary to
Govt. of Khyber Pakhtunkhwa
Industries, Commerce &
Technical Education Deptt.