

BEFORE THE HON'BLE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

In Re:

Service Appeal No. 13/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 942

Dated: 10/08/2022

Imran Ali.....**Appellant**

.....**Versus**

Chief Secretary, Govt. of KPK and others...**Respondents**

I N D E X

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Respondents No.1 to 4.

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PARA WISE COMMENTS ON BEHALF OF
RESPONDENTS NO. 1 TO 4

Respectfully Sheweth:

Preliminary Objections:

1. That the instant appeal is not maintainable in its present form and liable to be dismissed on this ground alone.
2. That the appellant has involved in corrupt practices and caused financial loss to the department.
3. That the appellant has no cause of action to file the instant service appeal. This Hon'ble Tribunal has no jurisdiction to entertain the instant matter.
4. That the appellant concealed the material facts from this Hon'ble Tribunal. He who seeks equity must do equity.

5. That the appeal is time barred and also liable to be dismissed on the ground that no proper necessary parties have been impleaded as respondents.

ON FACTS:

1. Para No.1 needs no reply as the same pertains to record.
2. Para No.2 needs no reply.
3. Para No.3 needs no reply; however it is pertinent to mention that one **Hisham Khan S/o Zafar Ali Khan filed a complaint against the appellant** who was Director Sugar Crops Research Institute Mardan, which is self explanatory and enclosed for perusal of this Hon'ble Tribunal to arrive at just and proper conclusion of issue in hand. (Copy of complaint is attached as **Annexure-R/1**) It is also important to mention that above referred complaint was filed by the complainant on 08/09/2021 against the appellant after his retirement. Therefore, the facts mentioned in Para No.3 regarding issuance of No Demand Certificate have been clarified accordingly. The appeal is also liable to be dismissed on this ground because the appellant made an effort to deliberately conceal this fact and did not highlight in his appeal that the complaint was filed after his retirement.

4. Para No.4 is incorrect, hence denied. No proper **departmental appeal** has been filed **through proper channel** as required by the mandatory provisions of law on the subject, hence the appeal filed before this Hon'ble Tribunal is also liable to be dismissed on this ground.

On Grounds:

- A. Incorrect and not admitted, hence denied. It is pertinent to mention that since the private complainant namely Hisham Khan filed a complaint dated 08/09/2021 wherein serious allegations were leveled against the appellant regarding financial embezzlement which was the main cause of delay in processing his pension case. It is further added that vide office order dated 23/09/2021, a committee was constituted to conduct physical verification of stock register and store items/assets of ADP Funded Project Chip Bud Technology in the light of complaint referred above. The committee was also requested to submit fact/finding report.

(Copy of office order dated 23/09/2021 is attached as **Annexure-R/2**)

- B. Incorrect and not admitted as explained above. It is further clarified that as per findings of the committee, physical verification of the store was made wherein it was found that a **(i) Cultivator and (ii) a Rotavator were found missing from the store**. The committee visited the Hujra of

complainant as per his offer and both Government store items i.e. Cultivator and Rotavator were found in his Hujra as same were sold to him by the appellant at a price of **Rs. 4,00,000/-**.

(Copy of the physical report is attached as **Annexure-R/3** for perusal of this Hon'ble Tribunal)

- C. Incorrect and not admitted, hence denied. The Director General Agricultural Research vide memo dated 05/10/2021 addressed to Director Sugar Crops Research Institute Mardan to collect Govt. assets from the appellant.

(Copy of memo dated 05/10/2021 is attached as **Annexure-R/4**)

It is pertinent to mention that Director Sugar Crops Research Institute Mardan vide letter dated 07/10/2021, addressed to the appellant to return Govt. assets i.e. (i) Rotavator and (ii) Cultivator but so for he (appellant) failed to return the same. Hence the processing his pension case was subject to return of assets.

(Copy of letter dated 07/10/2021 is attached as **Annexure-R/5**)

- D. No comments.
- E. Ground "E" is incorrect, hence denied. However it is stated that the case of appellant is under process as evident from office letter dated

28/06/2022 wherein it was highlighted that ***“The No Demand Certificate needs to be countersigned by the Director SCRI Mardan”***.

Moreover the mention contribution chalan for the period w.e.f 05/10/1987 to 27/02/1997 may also be provided.

(Copy of letter dated 28/06/2022 is attached as **Annexure-R/6**)

- F. Grounds “F”, “G” & “H” are incorrect, hence denied. There is no intentional delay on part of the official respondents in processing the pension case of the appellant, however, vide letter dated 15/07/2022 addressed by Director Sugar Crops Research Institute Mardan to Director General Agricultural Research, Peshawar, wherein it was mentioned that fresh pension papers of Mr. Imran Ali, Ex-Director SCRI, Mardan (Appellant) with the deduction of Rs. 4,00,000/- (Four Lacs only) with justification. Furthermore a huge loss of Rs.400,00/- (that of the sale of Govt machinery i.e cultivator and rotavator) has been incurred to the Govt exchequer by the appellant, which must be deducted from his pension being the Govt assets.

(Copy of letter dated 15/07/2022 is attached as **Annexure-R/7**)

Keeping in view what has been stated above, it is, therefore, humbly prayed that the appeal filed by the appellant being devoid of merit and substance in the light of above factual position be dismissed with cost throughout.

Any other relief not specifically stated may also be granted in favour of respondents.

Respondent No.1

6.



Chief Secretary

Government of Khyber
 Pakhtunkhwa, Civil
 Secretariat, Peshawar

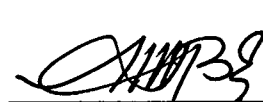
Respondent No.2.



Secretary,

Agriculture, Livestock and
 Cooperative Department,
 Civil Secretariat, Peshawar

Respondent No.3.



Director General

Agricultural Research
 Department, Peshawar

Respondent No.4.



Director

Sugar Crops Research
 Institute, Mardan

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

SERVICE APPEAL NO. 13/2022

Imran Ali **Appellant**

VERSUS

Chief Secretary, Government of Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar and
others..... **Respondents**

AFFIDAVIT

I **Muhammad Arif, Senior Research Officer** do hereby solemnly affirm and declare that the contents of para-wise comments on behalf of respondents are correct and true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

ATTESTED



03/08/22

Deponent

Muhammad Arif

S/O

Badshah Khan

16101-3096124-5

Contact No.03469154193

**BEFORE THE HON`BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR
SERVICE APPEAL NO. 13/2022**

Imran Ali **Appellant**

VERSUS

Chief Secretary, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar and
others..... **Respondents**

AUTHORITY

Mr. **Muhammad Arif: Senior Research Officer (BS 18)** is hereby authorized to appear on behalf of respondent(s) before the Hon`ble Khyber Pakhtunkhwa Service Tribunal court in the instant case and also pursue the case on each and every date.

He is also authorized to submit all relevant documents in connection with the above case.

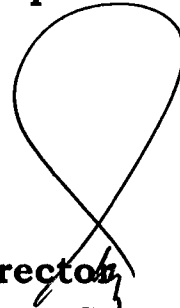
On behalf of Respondent No.01 and Respondent No.02

Respondent No.3:

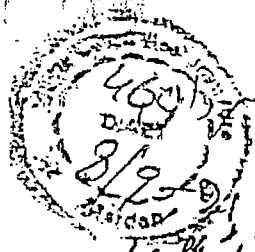


Director General
Agricultural Research
Department, Peshawar

Respondent No.04



Director
Sugar Crops Research
Institute Mardan



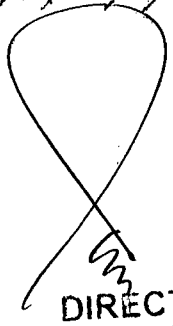
عنا بن ڈائریٹریٹ شوگر کراؤنس ریسرچ انسٹی ٹیوٹ میں
 میں مسی خشتا خان ولد حاجی ظفر علی خان سکنہ کراچی کورہ
 سردان عرض کرتا ہوں کہ میں گننے کے اعداد کے سلسلے میں
 فارم کھڑا آیا تھا۔ ڈائریٹریٹ صاحب سے مدافعت کے دوران
 موصوف ڈائریٹریٹ عسراں علی نے کہا کہ میرے پاس زرعی
 مشینری ہے جو میں نے فارم کھڑا کے بندوبست میں لیا ہے
 جس میں اعداد کھڑے اعداد کھڑے اور اعداد ہیں۔
 مڈ کورہ زرعی مشینری ڈائریٹریٹ عسراں علی کے ساتھ
 کارڈ لاکھ 400000 روپے کے بیوٹیا جو کہ میں خشتا خان
 نے ڈائریٹریٹ شوگر کراؤنس ریسرچ انسٹی ٹیوٹ عسراں علی
 کو نقد ادرا کیے اور مشینری خرید کر لیتے اور مل
 موقع لیا گیا گاڑی میں جگہ مل رہی ہے یہ کھڑے
 شوگر کراؤنس ریسرچ انسٹی ٹیوٹ عسراں کورہ کراچی
 اسلئے آج مجھے کھڑے جانے کی اجازت دے دیں
 العارض

خشتا خان ولد حاجی ظفر علی خان
 16101-1107004-7

کراچی
 ڈائریٹریٹ

139490535

خشتا خان ولد ظفر علی خان



DIRECTOR
 Sugar Crops Res: In-
 Mardan

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ANNEX "R/2" (10)

SUGAR CROPS RESEARCH INSTITUTE, MARDAN

Address: Sugar Crops Research Institute, Mardan, Post Code 23210, Govt of Khyber Paktunkhwa, Pakistan. Phone: +92 937 521044 Email: directorscri@yahoo.com Website: <http://www.scri.ekp.pk>

Our Faith: Corruption Free Pakistan



OFFICE ORDER

The committee of following officers/officials of this Directorate is hereby constituted with immediate effect to conduct physical verification of stock register and store items/assets of ADP funded project Chip Bud Technology, in light of the complaint received from Mr. Hisham Khan s/o Zafar Ali Khan with CNIC 16101-1107004-7 (copy enclosed).

- | | |
|--|----------|
| 1. Muhammad Ismail, S.R.O/Farm Manager | Chairman |
| 2. Mr. Nurul Haq, S.R.O. Seed Production | Member |
| 3. Muhammad Arif, R.O | Member |
| 4. Mr. Jehanzeb, Office Assistant | Member |

The committee is requested to submit fact finding report/assessment as per stock register to the undersigned within three days positively.

-Sd-
Director
Sugar Crops Research Institute
Mardan

Dated 23 / 09 / 2021

No. 1495-97 / DSC / SCRI

CC TO:

- i. Store Incharge/Store Keeper to facilitate the committee by providing all record/DSR.
 - ii. The Officers concerned.
- For Information and necessary action.

Accepted

[Signature]
Director
Sugar Crops Research Institute
Mardan

[Signature]

DIRECTOR
Sugar Crops Res: Instt:
Mardan

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ANNEX "R/3" (11)

To


The Director,
SCRI Mardan.

Subject: PROVISION OF RECORD/DSR OF CHIP BUD PROJECT

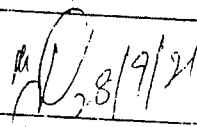
Reference: Letter no 1517/DSC/SCRI Dated 24.09.2021

This is with reference to the above letter that the committee will visit the place for physical verification of the items as per claim of the complainant. Therefore your approval is requested in addition to provision of official vehicle for 28th September 2021.

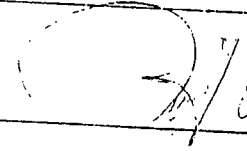
Muhammad Ismail SRO Chairman


28/9/21

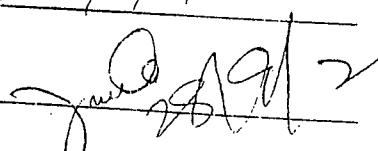
Mr. Nur UI Haq SRO Member



28/9/21

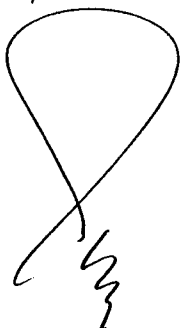
Muhammad Arif RO Member


28/9/21

Mr. Jehanzeb, Office Assistant Member


28/9/21

Approved

28/9/21

Approved


DIRECTOR
Sugar Crops Res: Instt
Mardan

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ANNEX "R/3" (12)

SUGAR CROPS RESEARCH INSTITUTE, MARDAN

Address: Sugar Crops Research Institute, Mardan, Post Code 22210, Govt of Khyber Pakhtunkhwa, Pakistan. Phone : +92 937 521044 Email: directorscri@yahoo.com Website: <http://www.scri.gkp.pk>



Our Faith: Corruption Free Pakistan

Dated: 28th September 2021

To
The Director
SCRI Mardan

Subject: PHYSICAL VERIFICATION OF STOCK REGISTER AND STORE ITEMS/ASSETS OF ADP FUNDED PROJECT CHIP BUD PROJECT

Reference: Office Order no. 1495-97/DSC/SCRI dated 23-09-2021

Background:

An application was received from Mr. Khisham Khan s/o Zafar Ali Khan CNIC 16101-1107004-7 resident of Mohalla Balar Khel PO Garhi Kapoora, Garhi Ismail Zai, Tehsil and Dist Mardan bearing Mobile No 03139490535 regarding his left over thresher. According to the complainant Ex Director SCRI Mardan Mr. Imran Ali has sold Govt Assets including One No. Rotavator, One No. Cultivator and one No Wheat Thresher at total cost of Rs. 400,000/-. According to him, he took the rotavator and cultivator at once but due to lack of space in the carrying vehicle could not manage to carry the wheat thresher. He demanded immediate supply of his left over wheat thresher in the institute (Annex-I).

Findings:

Upon the recommendations of Director SCRI Mardan a committee was constituted vide Office Order no. 1495-97/DSC/SCRI dated 23-09-2021 and the Store Incharge and Store Keeper were directed to facilitate the committee by providing all record/DSR to the committee (Annex-II). The committee approached Store Officer for provision of the said details vide letter No 1517/DSC/SCRI dated 24/09/2021 (Annex-III). The Store Incharge vide letter no 1518/SO/SCRI dated 24-09-2021 replied about non-availability of the record (Annex-IV).

Mr. Jehanzeb Office Assistant informed the committee about availability of the record with him (Annex-V) as per office order of Director SCRI Mardan vide letter no 509-18/DSC Dated 26-10-2019 and vide Director General Agriculture Research Office Order no 2189-92/Estt/DGAR Dated 12/02/2021 (Annex-VI). The committee checked the stock register and found the entry of cultivator and rotavator (Annex-VII). Afterwards the committee member visited the store and thoroughly checked but these two implements were found missing. Thereafter the committee requested the Director SCRI Mardan for physical verification of the items with the complainant (Annex-VIII). After approval of Director SCRI Mardan the committee visited the residence of the complainant and found the following items:

Imran Ali

DIRECTOR
Sugar Crops Res: Instt:
Mardan

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ANNEX "R/B" (B)

- 1. Cultivator One Number
- 2. Rotavator One Number

Pictures of the above mentioned items at the Hujra of the Complainant are attached (Annex-DX). It was also found that physical verification of stock register/store has not been done for the last few years.

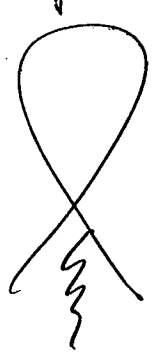
Conclusion:

It is hereby concluded from the question and answer session with complainant at his Hujra, Govt Assets i.e. cultivator and rotavator were found in his custody. The complainant told the committee that he had asked Ex Director Mr. Imran Ali about following of Govt Procedures. I am all in all at this Institute and no one can ask me about this sale, was reply of Ex Director.

Recommendations:

The committee recommends the authority to proceed according to the rules in this matter.

Chairman [Signature] 29/9/21
Member [Signature] 29/9/2021
Member [Signature] 29/9/2021
Member [Signature]

Auntee


DIRECTOR
Sugar Crops Res: Instt
Mardan

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ANNEX "R/4" (14)



DIRECTORATE GENERAL AGRICULTURE RESEARCH

KHYBER PAKHTUNKHWA, 25130. PESHAWAR

☎ 091-9221271 web: www.agrires.kp.gov.pk ☎ 091-9221270

E-mail: dgragriresearch@gmail.com



No. 11957 /Acctt/DGAR;
To

Dated Peshawar the 25/10/2021

The Director
Sugar Crops Research Institute
Mardan.

Subject:- PHYSICAL VERIFICATION OF STORE ITEMS/ASSETS
Memo:-

Please refer to your letter No. 1544/DSC/SCR; dated 29.09.2021, on the subject noted above.

It is stated to proceed further in the matter, all the outstanding government assets may be collected from Mr. Imran Ali, Ex-Director, Sugar Crops Research Institute Mardan, before processing his pension etc cases under intimation to this office.

[Signature]
DIRECTOR GENERAL
AGRICULTURAL RESEARCH

[Signature]

DIRECTOR
Sugar Crops Res: Instt
Mardan

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SUGAR CROPS RESEARCH INSTITUTE, MARDAN

Address: Sugar Crops Research Institute, Mardan, Post Code 23210, Govt of Khyber Pakhtunkhwa, Pakistan. Phone : +92 937 521011 Email: director@scri.gov.pk Website: <http://www.scri.gov.pk>



Our Faith: Corruption Free Pakistan

No. 1565-5 OSC/SCRI Mardan the October 7th, 2021.

To

Mr. Imran Ali
Ex-Director,
SCRI Mardan

Subject: PHYSICAL VERIFICATION OF STORE ITEMS/ASSETS

Reference: Letter No 11951/Acctt/DGAR, dated Peshawar the 05.10.2021 (copy enclosed).

Memo:

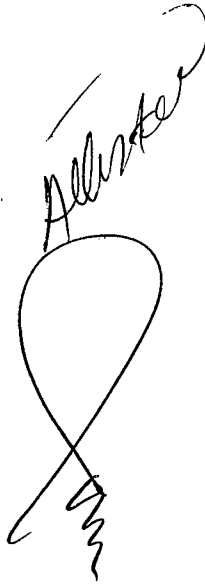
It is stated with reference to the aforementioned letter that Govt Assets viz Rotavator (1 No) and cultivator (1 No) of this Institute may be provided ^{in order} to process your pension case.

Director
Sugar Crops Research Institute
Mardan

CC to:

The Director General, Agriculture Research, Khyber Pakhtunkhwa, Peshawar vide letter no. 11951/Acctt/DGAR dated Peshawar the 05.10.2021.


Director
Sugar Crops Research Institute
Mardan



DIRECTOR
Sugar Crops Res: Instt:
Mardan



Office of the
DISTRICT COMPTROLLER OF ACCOUNTS
MARDAN

No.DCA/MRD/PEN/21-22/ 1180

Dated: 28/06/2022

To

The Director,
Sugar Crop Research Institute,
Mardan.

Subject: PENSION CASE IN R/O MR. IMRAN ALI EX-DIRECTOR SUGAR CROP REASURCH INSTITUTE MARDAN.

Memo:

Kindly refer to your office letter No.SOE(AD)II(2)117/RW/22/835 dated Peshawar, the 23rd June 2022 on the above noted subject.

The pension case is returned with the remarks that as per Govt of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department Peshawar letter No.SOE(AD)II(2)117/2021/RW/118 dated 26.01.2022, "The No Demand Certificate needs to be countersigned by the Director SCRI Mardan".

Moreover the pension contribution challans for the period w.e.f 05.10.1987 to 27.02.1997 may also be provided.

Accepted
Rt
District Comptroller of Accounts
Mardan

DIRECTOR
Sugar Crops Res. Instt.
Mardan.

SUGAR CROPS RESEARCH INSTITUTE, MARDAN

Address: Sugar Crops Research Institute, Mardan, Post Code 23210, Govt of Khyber Paktunkhwa, Pakistan. Phone : +92 937 521044 Email: directorscri@yahoo.com Website: <http://www.scri.gkp.pk>



Our Faith: Corruption Free Pakistan

No. 344 /DSC/SCRI

Dated: 15/07/2022

To

The Director General,
Agriculture Research System,
The University of Agriculture,
Peshawar.

Subject: GUIDANCE REQUIRED IN MR. IMRAN ALI'S CASE, EX-DIRECTOR SCRI
MARDAN

Reference: DAO Mardan Letter No DCA/MRD/PEN/21-22/1190 dated 28/06/2022

This is with reference to above mentioned letter where the DAO Office has demanded countersigning of the undersigned on the No Demand Certificate issued to Ex-Director SCRI Mardan for further processing of his pension case. It is pertinent to mention that Section Officer (Estb) has directed this office to:

1. Send fresh pension papers of Mr. Imran Ali, Ex-Director SCRI Mardan with a deduction of Rs.40000/- with justification.
2. A proof in black and white may be provided before incorporating the outstanding amount in the pension papers.

The case is forwarded to seek your kind advice before countersigning the papers.

Director,
Sugar Crops Research Institute,
Mardan,

DIRECTOR
Sugar Crops Res: Instt
Mardan