

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 148/2018

Date of Institution ... 30.01.2018

Date of Decision ... 04.12.2018

Mr. Gohar Rehman S/O Abdur Rehman, Ex: Lecturer (BPS-17),
GPGC Mardan R/O Bagh Hathian, Tehsil Takht Bhai, District Mardan.

... (Appellant)

VERSUS

1. The Govt: of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and three others. ... (Respondents)

MR. NOOR MUHAMMAD KHATAK,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER(Executive)

--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant has impugned order dated 09.08.2017 communicated to him on 21.09.2017 whereby major penalty of removal from service was imposed on the appellant alongwith recovery of 1248887/- without conducting regular inquiry in the matter. He filed departmental appeal which was not responded within the stipulated period, hence, the instant service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued that he got a scholarship for Ph.D program offered by KUYNG Pook National University of South Korea. That his application for creation of a post of OSD was honored by the respondents and he proceeded abroad. Permission granted to the appellant was subject to an undertaking given by the appellant that upon return, he would serve Higher Education department for atleast five years. He continued to draw salaries against the post of OSD up to January 2013. That after successful completion of Ph.D program, he came back and started performing duty at the place of previous posting. In the meanwhile Abdul Wali Khan University, Mardan advertized a post of Assistant Professor (Zoology) and appellant applied for the same through proper channel and got selected. Thereafter he submitted an application to release him to join his new assignment but without any positive response from the respondents. Subsequently, he joined the Zoology Department at Abdul Wali Khan University, Mardan on 22.01.2013. He tendered resignation which was not accepted and before that he left the Higher Education department. Thereafter show cause notice was served on him wherein apart from removal from service recovery of Rs. 1248887/- was also proposed. He also filed writ petition no. 4843-P/2016 in Peshawar High Court which was dismissed vide judgment dated 26.01.2017. Vide impugned order dated 09.08.2017 major penalty of removal from service was imposed on him. He was also directed to deposit Rs. 124887/- in the government treasury on account of paid salary drawn by him against the post of Lecturer w.e.f 01.09.2009 to 31.08.2012.

4. On the other hand learned Assistant Advocate General argued that in order to facilitate the appellant to complete Ph.D in South Korea a post of OSD was created for him w.e.f 01.09.2009 to 31.08.2012 for drawing salary during study. Upon completion Ph.D he resumed duty on 31.08.2017. The appellant had executed a bond/undertaking that on return he will serve the Higher Education Department for

atleast five years. That his request to apply for the post of Assistant Professor advertised by the Abdul Wali Khan University Mardan was regretted by the Higher Education department. Subsequently, he made a request to relieve him to join the new assignment and also tendered resignation and without waiting for approval joined the new assignment in violation of rules/agreement and remained absent from duty w.e.f 21.01.2013 to 09.08.2017. His action amounted to misconduct and resultantly proceeded under the E&D Rules 2011 and major penalty of removal from service alongwith recovery of Rs. 1248887/- was imposed on him. He failed to submit reply to the show cause notice and did not appear for personal hearing despite repeated opportunities.

CONCLUSION

5. The appellant managed a scholarship and got admission in Ph.D offered by the KUYNG Pook National University South Korea. His request to proceed abroad was honored by the Provincial Government and a post of OSD was created for him w.e.f 01.09.2009 to 31.12.2012 to enable him to draw salaries during that period. Before proceedings abroad he had submitted a bond/undertaking to the Higher Education Department, wherein he pledged to serve it atleast for a period of five years after completion of Ph.D. Upon completion of Ph.D he resumed duty in the Higher Education Department on 31.08.2017. When a post of Assistant Professor Zoology was advertized by Abdul Wali Khan University, Mardan, he applied for it but his request was regretted due to the undertaking referred to above. Despite that he made another request to relieve him to join new assignment and then tendered resignation. Without waiting for the decision he joined the new assignment and as such remained absent from duty w.e.f 21.01.2013 to 09.08.2017. As he committed misconduct so was proceeded under E&D Rules 2011 and a show cause notice was served on him but failed to submit reply to the

same. Repeated opportunities of personal hearing were afforded to him but he did not paid any heed to them. Resultantly, major penalty of removal from service alongwith recovery of Rs. 1248887/- drawn by him as a salary against the post of OSD w.e.f 01.09.2009 to 31.08.2012 was imposed on him. We have observed that as per agreement/undertaking given by the appellant he was required to serve the Higher Education Department for five years. Though he got scholarship but huge investment was also made by the Provincial Government in terms of salary drawn by him during the period referred to above. The Provincial Governments gesture was multifaceted. On the one hand it helped the appellant to improve his skills by getting higher education and on the other hand it was expected of him that for quite some time the students would also be benefited from his expertise. On the other hand the appellant's conduct exposed his lust, greed and monetary gains in utter disregard to commitment made with the respondents. As he left the job without permission of the respondents and remained absent, so it also fell in the ambit of misconduct. He simply betrayed his parent department for greener pastures and rightly deserved the treatment he received. His defiance/obduracy and intransigence was vividly displayed by deliberately avoiding reply to the show cause notice and other formalities involved in the disciplinary proceedings.

6. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER



(AHMAD HASSAN)
MEMBER

ANNOUNCED
04.12.2018

20.11.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is busy before Darul Qaza Swat. Granted. To come up for arguments on 04.12.2018 before D.B


Member


Member


Order

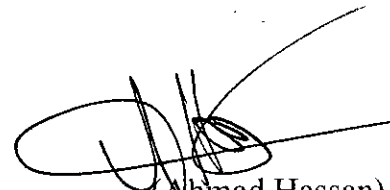
04.12.2018

Appellant with counsel present. Mr. M. Irfan, AD(Lit) alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the ap peal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
04.12.2018


(Muhammad Amin Khan Kundi)
Member


(Ahmad Hassan)
Member


16.07.2018


Appellant in person and Mr. Sardar Shaukat Hayat learned Additional Advocate General present. Written reply on behalf of respondents submitted. To come up for rejoinder, if any and arguments on 01.08.2018 before D.B.


Member

01.08.2018

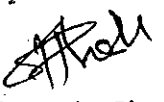
Appellant absent. Learned counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant submitted rejoinder and seeks adjournment for arguments. Adjourned. To come up for arguments on 24.09.2018 before D.B.

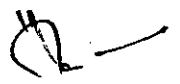

(Ahmad Hassan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

24.09.2018

Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Murad Khan Superintendent present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.11.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

06.11.2018

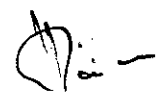
Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 20.11.2018 before D.B.


Member

28.05.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. Written reply not submitted. Representative Mr. Murad Khan Superintendent absent. Notice of attachment of his salary be issued to him. Adjourned. To come up for written reply/comments on 05.07.2018 before S.B

12.06.2018



Member

12.06.2018

Counsel for the appellant present. Mr. Murad Khan, Superintendent alongwith Mr. Kabirullah Khattak, Additional AG for the respondents also present. Written reply not submitted. Representative of the department requested for further adjournment. Granted. To come up for written reply/comments on 29.06.2018 before S.B.



(Muhammad Amin Khan Kundi)
Member

29.06.2018

Junior counsel for the appellant and Leaned DDA present. None present on behalf of respondents department. Therefore, fresh notices be issued to the respondents department to attend the Court positively. Written reply not submitted on behalf of respondents despite last opportunity. Requested for further adjournment. Another last opportunity is extended subject to payment cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments on 16.7.18 before S.B. The impugned order to the extent of recovery of arrears of appellant is suspended till the date fixed.

16.7.18



Member


16.04.2018 Junior counsel for the appellant and Addl: AG alongwith Mr. Murad Khan, Superintendent for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Last opportunity is granted. To come up for written reply/comments on 02.05.2018 before S.B. No recovery shall be made from the appellant till the date fixed.


Member

02.05.2018 Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Murad Khan, Superintendent for the respondents present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 17.05.2018.


Reader

17.05.2018 Mr. Noor Muhammad Khattak, Advocate for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Murad Khan, Supdt. for the respondents present. The later requested for some time to submit written reply/comments as the respondents have not approached him so far. Request is granted but as a last chance. Case to come up for written reply/comments on 28.05.2018 before S.B. The impugned order to the extent of recovery of arrears of appellant is suspended till the date fixed.


Chairman

08.03.2018

Junior counsel for the appellant and Assistant AG for the respondent present. Written reply not submitted. Learned Assistant AG requested for adjournment. Adjourned. To come up for written reply/comments on 21.03.2018 S.B. No recovery shall be made from the appellant till the date fixed.


(Gul Zeb Khan)
Member

21.03.2018

Appellant absent. Junior counsel present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Representative of the respondent department is absent. Therefore, fresh notice be issued to the respondent department for attendance. Written reply not submitted. Learned Addl: AG requested for adjournment adjourned. To come up for written reply and comments on 03.04.2018 before S.B. No recovery shall be made from the appellant till the date fixed.


Member

03.04.2018

Appellant absent. Junior counsel present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl: AG alongwith Murad Khan, Superintendent for the respondents present. Representative of the respondents seeks adjournment to furnish reply. Requeste ~~is~~ ~~is~~ Adjourned. To come up for written reply/comments on 16.04.2018 before S.B. No recovery shall be made from the appellant till the date fixed.


Member

23/2/2018

Counsel for the appellant present and argued that the appellant was appointed as Lecturer (ZOOLOGY) in the Education Department and was later on selected for admission in Ph.D Program by National University of South Korea as per notification dated 7/7/2009. The appellant returned after completion of Ph.D and joined his duties. That in the meanwhile AWK University Mardan advertised some posts including the post of Assistant Professor in Zoology for which the appellant applied through proper channel and was selected against the said post, but the respondent department declined his charge relinquish report. At last he joined new assignment and tendered his resignation which was not accepted. That the respondent Department vide impugned order dated 9/8/2017 (communicated to the appellant on 21/9/2017) imposed major penalty of removal from service on the appellant along with recovery of Rs. 12,48,887/- and treating the absence period as extra ordinary leave without pay. That the appellant has not been treated in accordance with law and rules. That the enquiry was conducted at the back of the appellant.

Points urged at bar need consideration. The appeal is admitted for regular hearing subject to all legal objections including limitation. The appellant is directed to deposit security, process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply on 8/3/2018. No recovery shall be made from the appellant till the date fixed.




Appellant Deposited
Security & Process Fee


Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 148/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30/1/2018	<p>The appeal of Mr. Gohar Rehman presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	06/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	12.02.2018	<p>Clerk of the counsel for appellant present and requested for adjournment on the ground that learned counsel for the appellant is not in attendance today due to strike of the Bar. Adjourned. To come up for preliminary hearing on 23.02.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member (J)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 148 /2018

GOHAR REHMAN

VS

GOVT:OF KPK

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL No. 148 /2018

Diary No. 153

Mr. Gohar Rehman S/O Abdur Rehman, Ex: Lecturer (BPS-17),
GPGC Mardan R/O Bagh Hathian, Tehsil Takht Bhai,
District Mardan.....

Dated 30/11/2018

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 09.08.2017 COMMUNICATED TO THE APPELLANT ON 21.09.2017 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT ALONG WITH RECOVERY OF 12,48,887/- WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

Filed to-day

Registrar

30/11/18 . **PRAYER:**

That on acceptance of this appeal the impugned order dated 09.08.2017 communicated to the appellant on 21.09.2017 may very kindly be set aside and the respondents may be directed to re-instate the appellant into service with all back benefits OR the respondents may kindly be directed to properly relieve the appellant w.e.f. 10.1.2013 from the respondent Department. That the respondents may further please be directed that not to recover the amount Rs.12,48,887/-. Any other remedy which this august Court deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the bonafide resident of Village Bagh Hathian, Tehsil Takht Bhai, District Mardan and belongs to a respectable and law abiding family. That various categories of lecturer posts were advertised by Higher Education Department through Khyber Pakhtunkhwa Public Service Commission, against which the appellant applied and stood successful in the selection process of lecturer ZOOLOGY in the year 2002. Copy of the appointment order is attached as annexure **A.**

- 2- That appellant took over the charge of the post of Lecturer in zoology at Government Post Graduate College Mardan on 08.02.2002 and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. That during service the appellant submitted an application before the respondent No.3 for the creation of OSD post w.e.f. 01.09.2008 as the appellant was selected for admission in Ph.D program by KYUNG POOK National University of South Korea in the subject of Zoology. Copies of charge report and application dated 15-07-2008 are attached as annexure..... **B & C.**

- 3- That the application of the appellant was properly forwarded and finally were allowed vide Notification dated 07.07.2009. That accordingly the appellant submitted an undertaking on stamp paper as per the direction given in the notification dated 07.07.2009. Copies of the forwarding letters, notification and undertaking are attached as annexure.....**D, E & F.**

- 4- That appellant received his monthly salaries against the OSD post till January 2013. Copies of the last pay slips are attached as annexure.....**G.**

- 5- That appellant remain there and after successful completion of his Ph.D Degree from Kyung pook National University of South Korea returned back to Pakistan and joined his duties back in Higher Education Department i.e. respondent Department. Copy of the P.hD degree is attached as annexure.....**H.**

- 6- That in the meanwhile Abdul Wali Khan University Mardan advertised some posts including the post of Assistant Professor in Zoology for which the appellant applied through proper channel and was selected as Assistant Professor on TTS basis. Copies of the advertisement and appointment order are attached as.....**I & J.**
- 7- That appellant time and again requested the respondent No.2 and 3 for his proper relieving but of no avail. That appellant having no other option joined his new assignment at Abdul Wali University Mardan by giving charge report to the Chairman Zoology Department on 22.01.2013. Copy of the charge report is attached as annexure.....**K.**
- 8- That appellant visited the concerned quarter time and again for his relieving but the respondents succumbed on the same and at last the appellant tendered/furnished resignation but the same have also been regretted by the respondent No.3. Copy of the letter is attached as annexure.....**L.**
- 9- That vide impugned circular/letter dated 22.11.2016 the respondent No.2 issued show cause notice to appellant. That appellant feeling aggrieved filed writ petition No. 4843-P/2016 before the Peshawar High Court Peshawar which was dismissed with findings that the case of the appellant is pre mature and had not been finalized. Copies of the show cause notice and judgment is attached as annexure..... **M & N.**
- 10- That astonishingly the respondent Department vide impugned order dated 09.08.2017 communicated to the appellant 21.9.2017 whereby major penalty of removal from service was imposed on the appellant along with recovery of Rs.12,48,887/-. Copy of the impugned order is attached as annexure.....**O.**
- 11- That appellant feeling aggrieved from the impugned order dated 09.08.2017 which was communicated to the appellant on 21.9.2017 preferred Departmental appeal on 05.10.2017 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure..... **P.**

GROUNDS:

- A-** That the impugned order dated 09.08.2017 communicated to the appellant on 21.9.2017 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B-** That appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C-** That appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the norms of natural justice.
- D-** That the respondents acted in arbitrary and malafide manner by issuing the impugned order dated 09.08.2017.
- E-** That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan 1973 state is bound to reduce disparity in the income and earnings of individuals including persons in the various classes of the service of Pakistan.
- F-** That according to the Deed agreement of the higher Education Commission there is no bar on the scholar that he will only serve the concern Department on his return to Pakistan. That it is pertinent to mention that the respondent Department has furnished under taking with other employees without the condition that they will serve the respondent Department after their return but in the case of appellant the respondents acted in discriminatory manner. Copies of the bonds are attached as annexure **Q.**
- G-** That no charge sheet and statement of allegation has been served on the appellant before issuing the impugned order dated 9.8.2017.
- H-** That no final show cause notice has been served on the appellant before issuing the impugned order dated 9.8.2017 against the appellant.

I- That no chance of personal hearing/defense has been provided to the appellant and as such the appellant has been condemned unheard. Copy of the letter along with envelop is attached as annexure **R.**

J- That no regular inquiry has been conducted in the matter of the appellant which is as per Supreme Court is necessary in punitive actions against the civil servant.

K- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that appeal of the appellant may be accepted as prayed for.

Dated:29.1.2018

APPELLANT



GOHAR REHMAN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2018

GOHAR REHMAN

VS

**HIGHER EDUCATION
DEPARTMENT**

APPLICATION FOR SUSPENSION OF OPERATION
OF IMPUGNED NOTIFICATION DATED 9.8.2017
TO THE EXTENT OF RECOVERY OF RS.12,48,887/-
TILL THE DISPOSAL OF THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the impugned order dated 9.8.2017 regarding of Rs.12,48,887/- has been issued by the respondents in utter violation of law and Rules.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the impugned order dated 9.8.2017 regarding recovery of Rs.12,48,887/- may very kindly be suspended till disposal of the instant appeal.

APPELLANT


GOHAR REHMAN

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

A-7

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

(S) - (S)

MEMORANDUM

TO : SAC, NEW YORK
FROM : SAC, NEW YORK
SUBJECT: [Illegible]

Ser. Name Place of Birth Remarks

1. [Illegible] [Illegible] [Illegible] [Illegible] Against
[Illegible] [Illegible] [Illegible] [Illegible] Present

2. [Illegible] [Illegible] [Illegible] [Illegible] -10-

3. [Illegible] [Illegible] [Illegible] [Illegible] -10-

4. [Illegible] [Illegible] [Illegible] [Illegible] -10-

5. [Illegible] [Illegible] [Illegible] [Illegible] -10-

6. [Illegible] [Illegible] [Illegible] [Illegible] -10-

7. [Illegible] [Illegible] [Illegible] [Illegible] -10-

8. [Illegible] [Illegible] [Illegible] [Illegible] -10-

9. [Illegible] [Illegible] [Illegible] [Illegible] -10-

10. [Illegible] [Illegible] [Illegible] [Illegible] -10-

ATTESTED

8

- 41. Mr. Ensaullah, S/O Amanullah Vill: & P.O. Azakhel Bala Teh: & Distt: Nowshera. Lecturer in Political Science, G.C. Charsadda. -do-
- 42. Mr. Shaukat Mayat Khan, S/O Mir Salam Khan; H.No. 237/P-2 Phase-4 Hayatabad Peshawar. Lecturer in Political Science, G.C. KDA Kohat. -do-
- 43. Mr. Adam Saud, S/O Muhammad Yousaf, Vill: & P.O. Dobather, Abbottabad. Lecturer in Political Science, G.C. Ghazi. -do-
- 44. Mr. Alif Jan, S/O Aqal Jan, Jan Trading Co. Shop No. 12-15 S.S. Plaza Industrial Area Peshawar. Lecturer in Political Science, G.C. Thall. -do-
- 45. Mr. Muhammad Iqbal, S/O Muhammad Khel, Room No. 4 Bachelor Hostel Civil Quarter Peshawar. Lecturer in Political Science, G.C. Paniala D.I. Khan. -do-
- 46. Eyed Zaffar Ali Shah, S/O Manzoor Hussain Shah, House No. C.P. 89 Babar Road Supp. Abbottabad. Lecturer in Economics G.C. Paniala D.I. Khan. -do-
- 47. Mr. Husnul Amin, S/O Behramand P.O. Box. 1987 111E Islamabad Vill: & P.O. Saeed Dher Teh: & Distt: Mardan. Lecturer in Economics D.I. Khan. -do-
- 48. Mr. Ghulam Hussain, S/O Mashal Khan, H.No. 53, Street No. 2.K-1 Phase-3 Hayatabad Peshawar. Lecturer in Economics G.C. Babuzai. -do-
- 49. Mr. Tahir Islam, S/O Islam Shah, Vill: & P.O. Dak Ismail Khal Distt: Nowshera. Lecturer in Economics G.C. No. 2 Bannu. -do-
- 50. Mr. Sultan Ali, S/O Khyber Khan, P.O. Kalu Khan Moh. Bazid Khel, Teh: Distt: Swat. Lecturer in Pak. Studies G.C. Takht Bhai. -do-
- 51. Mr. Gohar Rehman, S/O Abdur Rahman, Vill: & P.O. Haripur Teh: Takht Bhai, Distt: Mardan. Lecturer in Zoology G.C. No. 1 Mardan. -do-
- 52. Mr. Mohammad Rasood, S/O Muhammad Mukhtar, Vill: & P.O. Aligrama Teh: Kabal Distt: Swat. Lecturer in Zoology, G.C. Karak. -do-
- 53. Mr. Abdul Wahab, S/O Pir Muhammad Vill: Dal Jaba, P.O. Kabal Swat. Lecturer in Zoology, G.C. Haripur, Swabi. -do-
- 54. Mr. Muhammad Munir, S/O Mir Zaman, Vill: Banda Khair Khan, P.O. Dobather, Abbottabad. Lecturer in Maths, G.C. No. 1 A/Abad. -do-
- 55. Mr. Hazrat Bilal, S/O Mahmood Khan, Vill: Haripur Dhakki Teh: Tangi District Charsadda. Lecturer in Maths, G.C. Chakaser. -do-
- 56. Mr. Sajawal Khan, S/O Raouf Khan, Vill: & P.O. Salam Khand Ghazi Haripur. Lecturer in Maths G.C. Haripur. -do-

9

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ATTESTED

ATTESTED

ADPS: NO. 30, ...

(10)

- 1. Secretary to ...
- 2. Accountant General ...
- 3. P.J. to ...
- 4. P.S. to Secretary ...
- 5. ...
- 6. P.S. to ...
- 7. Director ...
- 8. Director of ...
- 9. District ...
- 10. All the ...
- 11. P.S. to ...
- 12. ...
- 13. ...
- 14. ...
- 15. ...
- 16. ...
- 17. ...
- 18. ...

ATTESTED

[Signature]

[Signature]

B-10

OFFICE OF THE PRINCIPAL, GOVERNMENT POST GRADUATE COLLEGE HARDAN.

ORDER BOOK OF TRANSFER OF CHARGE.

10

I have received/handed over the charge of the post of Lecturer in Zoology at Govt. Post Graduate College Hardan on transfer/promotion/selection vide Notification No. Sl(Colleges) 2-1/2001-VIII dated: 11/11/2002 Issued under endst: No. As above Dated: _____ by Govt of NWFP, Higher Education Deptt w.o. 1087/2 Fore/After Noon. 2002

Signature of Receiver: [Signature]
Name in Full: Agarwal
Designation: Vacant Post

Station: - GOVT. POST GRADUATE COLLEGE, HARDAN.

Signature of Relinquisher: [Signature]
Name in Full: Chhav-Dhiman
Designation: lect in Zoology

Endst: No. 128-26 Date: 8/12/2002

- Copy to the :-
- 1)- Higher The Secretary/ Education Govt: of NWFP, Peshawar with reference his Notification No. Sl(Colleges) 2-1/2001 Dated: 11/11/2002
 - 2)- Director of Education (Colleges) NWFP, Islamabad.
 - 3)- District Accounts Officer Hardan.
 - 4)- Principal Govt: College _____
 - 5)- Personal file.

ATTESTED

ATTESTED

P/Records

Mohammad Nazim
Principal,
Government Post Graduate
College Hardan.

PRINCIPAL
Government Post Graduate
College HARDAN.

To

The Director of Higher Education
N.W.F.P Peshawar

~~12~~ C-11

Subject:- Application for The Creation of OSD Post

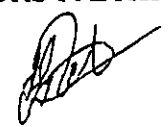
Memo:

Respectfully it is stated that I have been working as lecturer in Zoology at GPGC Mardan since 08/02/2002. I am desirous to improve my qualification in my subject. Recently the KYUNG POK National University of Korea has offered me with admission for P.hd in the same subject. It may kindly be noted that I have already applied for the same in a proper way (Through proper channel) documents are enclosed herewith.

It is requested that the concerned quarter may be approached for the creation of OSD Post W.E.F 01/09/08. I assure you, sir, that I will utilize my qualities of mind and heart in the pure interest of the students of the college, immediately after the completion of my academic qualification.

Thanking you in anticipation

YOURS FAITHFULLY



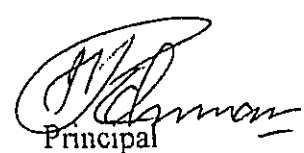
Gouhar Rahman
Lecturer in Zoology
G.P.G.C MARDAN

Date 15/7/08 ✓

Endst: No 615

Recommended and Forwarded to the Director Higher education N.W.F.P Peshawar for further n/a please.

ATTESTED



Principal
GPGC Mardan

ATTESTED



(13)
D - (12)

DIRECTORATE OF HIGHER EDUCATION
N.W.F.P KHYBER ROAD PESHAWAR

Phone # 091-9211025, 091-9210242/Fax # 091-9210242

No. 30 / CA-11/Estt: Branch/A-12/Gohat Rehman/ Zoology

03 / 1 / 2009

To

The Secretary to Government of NWFP
Higher Education Department, Peshawar.

SUBJECT APPLICATION FOR THE CREATION OF OSD POST.
Memo:

Kindly refer to your office letter No. SO (Colleges)IX-9/2008 dated 15.09.2008 on the subject cited above and to submit the requisite information as under:-

1. An undertaking of the officer concerned that after completion of the course he will serve the Higher Education Department Govt; of NWFP at least for 5 years.
2. Copy of terms and condition settled with University of Korea also enclosed.

It is further added that NOC was not issued to the officer concerned for Ph.D course

ATTESTED

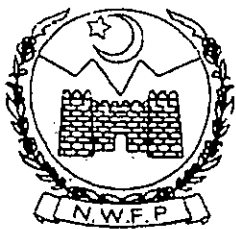
[Signature]

[Signature]
DIRECTOR HIGHER EDUCATION
N.W.F.P, PESHAWAR. *[Signature]*

ATTESTED

[Signature]

5-13



**GOVERNMENT OF NWFP
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

No. SO (C) / IX-9 / HE / 2008.
Dated Peshawar the 21.01.2009.

To




The Budget Officer-IX
Finance Department, NWFP
Peshawar.

Subject: - **APPLICATION FOR THE CREATION OF OSD POST.**

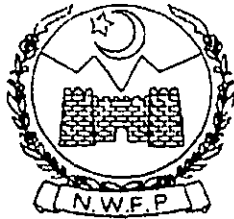
I am directed to refer to your letter No. BOIX/FD/6-12/2007 dated 08.09.2009 and to enclose herewith the requisite documents / information for further necessary action please.

Encl: As above.


(WAJID ALI)
SECTION OFFICER (COLLEGES)

ATTESTED

ATTESTED



**GOVERNMENT OF NWFP
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

No. SO (C) / IX-9 / HE / 2008.
Dated Peshawar the 07.07.2009.

⑤⑥
E-14

To

The Budget Officer-IX
Finance Department, NWFP
Peshawar.

SUBJECT: - APPLICATION FOR THE CREATION OF OSD POST.

I am directed to refer to your letter No. BOIX/FD/6-12/2007 dated 06.02.2009 and to state Mr. Gohar Rehman, lecturer in Zoology, Govt. Post Graduate College Mardan has been working in this department on regular basis. The officer took admission in M. Phil Leading to Ph. D at University of Kyung Pook National University (KNU), South Korea.

I am further directed to request you to create an OSD Post at Govt. Govt. Post Graduate College Mardan for the period w.e.f 01.09.2009 to 31.08.2012 (three years) in respect of the above-named officer against which the officer may receive his pay with the following terms and conditions:

- a) He will get his pay against his OSD post for three years (03-years) with effect from 01.09.2008 to 31.08.2013 (Five years).
- b) He will be treated on duty during the period of his said study courts and will draw pay as admissible to him before joining the course.
- c) He and his family members will be entitled to such Medical treatment ad admissible under the NWFP, Govt. Medical Rules.
- d) He will not leave the course incomplete, failing which he will be liable to refund the amount spent on his course and the penalty may be imposed by the government.
- ✓ e) A service and surety bond will be executed on the prescribed proforma drawn on judicial paper by the concerned officers to the effect that on completion of his training, he will service Education Department for five years.
- f) He will be required to complete his course within maximum prescribed period of five years.

Encl: As above.

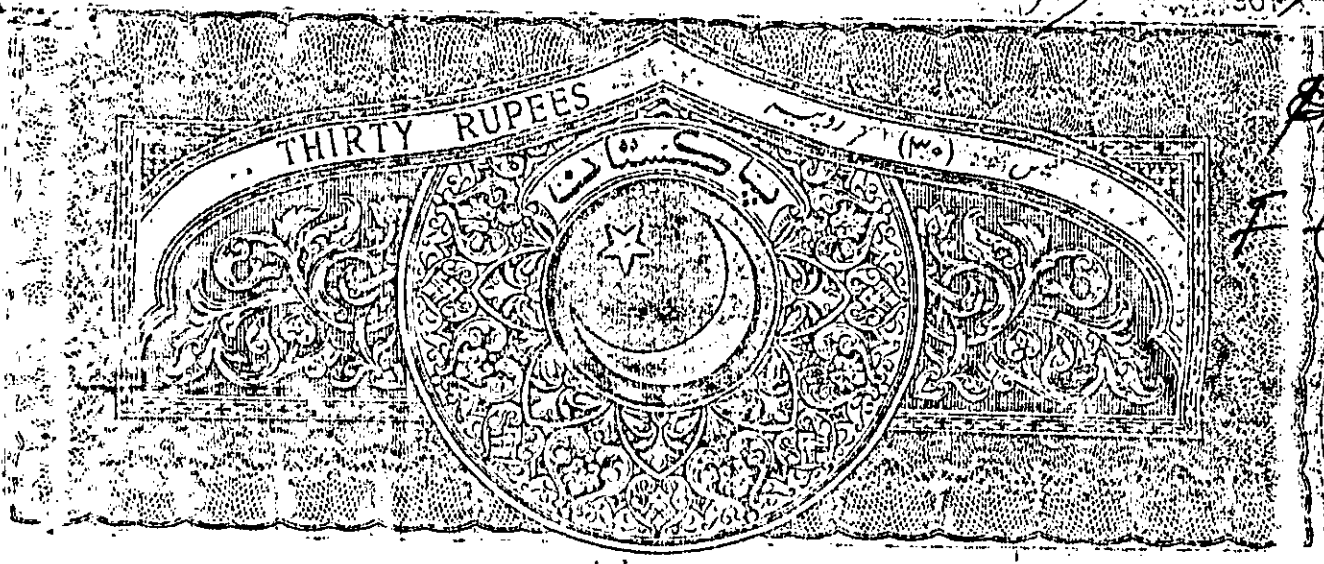
ATTESTED

[Handwritten signature]

[Handwritten signature]
(WASIB ALI)
SECTION OFFICER (COLLEGES)

ATTESTED

[Handwritten signature]



UNDER TAKING / TERMS & CONDITIONS

I Mr. Gouhar Rehman Lecturer in Zoology Government Post Graduate College Mardan solemnly state that I am not involved in any criminal case and on completion of my Ph.D. I will serve the Higher Education Department Government of NWFP for at least five years.

Gouhar Rehman
Lecturer in Zoology
GPGC Mardan.

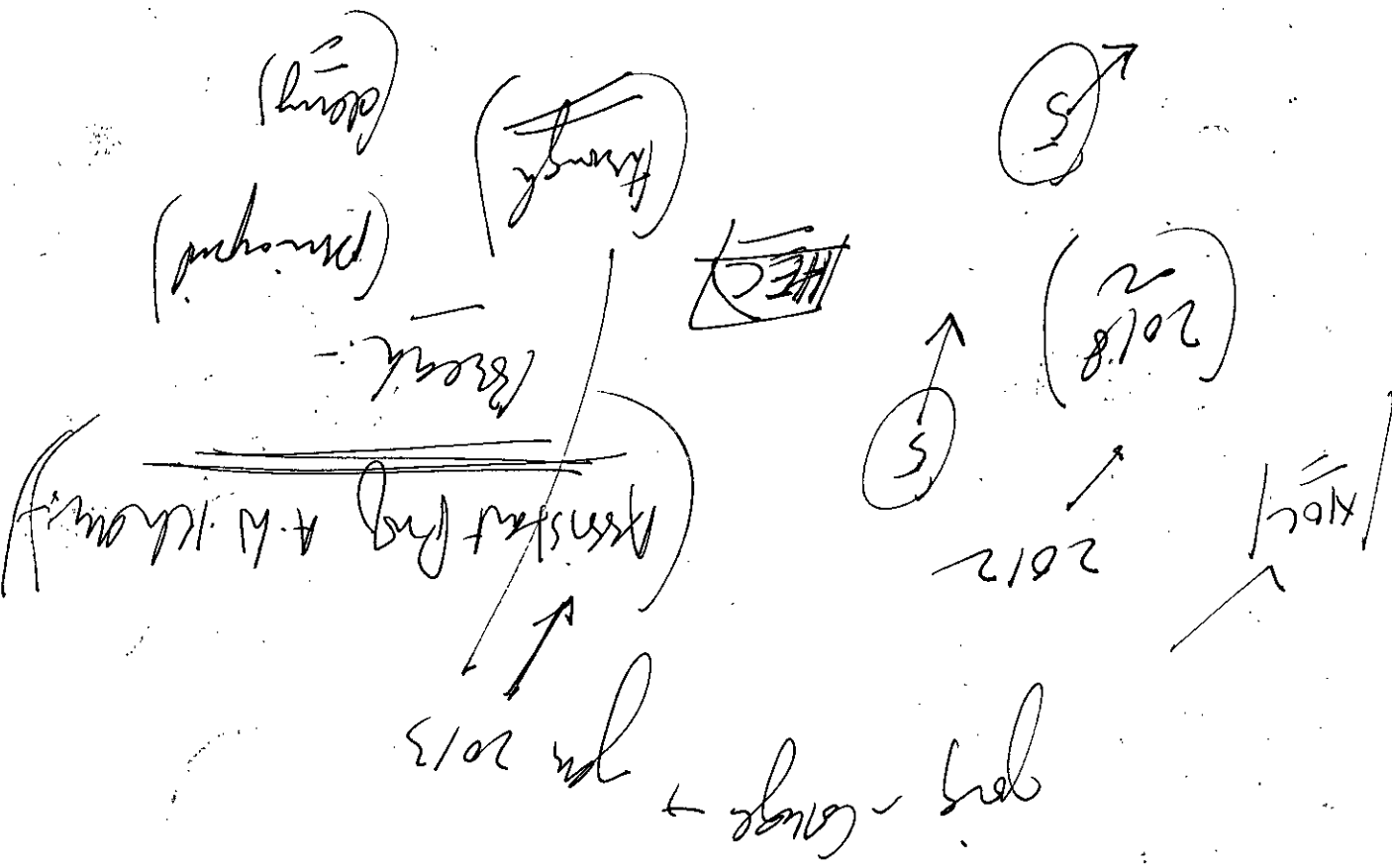
ATTESTED

Witness
F. Hameed Rahman
F. Hafizul Rahman
N. C. M. 16172-178797



On Verification of [illegible]

ATTESTED



Feb 2012 :-
 ← Prod: 2007 :-
 keam 2011 :- - pad.
 NOC 2011 :-
 OSD 2011 :-
 31st August 2012

h

G-16



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAY ROLL SYSTEM

P. Sec: PAYMENT ADVICE Oct 2012
MR4062 - PRINCIPAL POST GRADUATE
Min: Higher Education

Pers No: 00129548 Rank: BSL-1
Name: GAUHAR REHMAN
Des: LECTURER
NIC No: 0012994347E20
GPF Interest Applied

ATN:
GPF #: CL1NR000659
Old #:

DEPTT CODE MR4050

17 Vocational Permanent

PAYS AND ALLOWANCES		
0001-Basic Pay		28,000.00
1000-House Rent Allowance		2,955.00
1210-Convey Allowance 2005		5,000.00
1247-Medical Allow 15% (16-22)		2,478.00
1940-Adhoc Allowance 2010 50%		3,255.00
1970-Adhoc Relief Allow 2011		2,478.00
2118-Adhoc Relief Allow (2012)		5,800.00
Gross Pay and Allowances		50,732.00
DEDUCTIONS:		
IF Payable	1,705.28 Deducted	981.00
GPF Balance	217,951.00	TAX: (0609) 214.00
LEAF-GPF Loan Principal Insta. Toll:	17,000.00	Subsc 1,380.00
3501-Benevolent Fund		1,700.00
3511-Addl Group Insurance		250.00
3604-Group Insurance		250.00
3990-Emp. Edu. Fund KPA		200.00
Total Deductions		7,939.00
NET AMOUNT PAYABLE		50,732.00

QUALIFYING SERVICE
10 Years 11 Months 02 Days

D.O.B
05.02.1973

LFP Quota:
LFC: HATHIAN
010-2303-0

SH-1
Pers No. 00129548 Rank: BSL-1
Name: GAUHAR REHMAN
Des: LECTURER
NIC No. 0012994347E20
GPF Interest Applied
17 Vocational Permanent

P. Sec: PAYMENT ADVICE Oct 2012
MR4062 - PRINCIPAL POST GRADUATE
Min: Higher Education
ATN:
GPF #: CL1NR000659
Old #:

PAYS AND ALLOWANCES
0001-Basic Pay
1000-House Rent Allowance
1210-Convey Allowance 2005
1247-Medical Allow 15% (16-22)
1940-Adhoc Allowance 2010 50%
1970-Adhoc Relief Allow 2011
2118-Adhoc Relief Allow (2012)
Gross Pay and Allowances
DEDUCTIONS:
IF Payable
GPF Balance
LEAF-GPF Loan Principal Insta. Toll:
3501-Benevolent Fund
3511-Addl Group Insurance
3604-Group Insurance
3990-Emp. Edu. Fund KPA
Total Deductions

ATTESTED

ATTESTED

D.O.B
05.02.1973
10 Years 11 Months 02 Days

LFP Quota:
UNITED BANK LIMITED HATHIAN
010-2303-0

(Handwritten scribbles)

Date of Issuance: June 19, 2007

장학금 지급예정서

성명(Name) : Rehman Gauhar
 생년월일(Date of Birth) : 1973.2.5
 국적(Nationality) : Pakistan
 소속(Department) : Life Science(Textile System Engineering),
 Graduate School

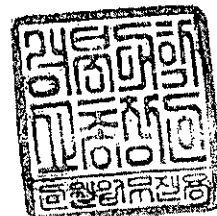
상기 학생은 우수 외국인 대학원생 유치사업에 의하여 2007년 9월에 본교 대학원 박사과정 생명과학부(유전·생명공학전공)에 입학 예정인 학생으로 우리 대학에서의 박사과정 수학 기간 동안 등록금 전액을 면제 받는 장학생임을 확인합니다.

This is to certify that Kyungpook National University will waive tuition fees for a two-year doctoral program to the above mentioned person.

Noh Dongil

Dong Il Noh
President

Kyungpook National University



Official Seal

ATTESTED

(Handwritten signature)

ATTESTED

(Handwritten signature)

표준입학허가서
(Certificate of Admission)

이 서식은 국내 대학의 유학생 입학담당 책임자가 작성하고, 총(학)장이 서명 또는 날인하여야 함
(This page must be completed by a designated school official in Korea and signed by the President).

1. 성(Last name) Rehman	이름(First name) Gauhar
* 한자(漢字) 성명의 경우(중국, 일본 등) 한자 병기	
출생국가(Country of birth) Pakistan	생년월일(Date of birth) 1973.2.5
국적(Country of citizenship) Pakistan	입학허가번호(Admission Number) 2007-208

2. 학교명(School name)
경북대학교(Kyungpook National University)

학생입학처 정보할 학교 담당자(이름, 직위)
School official to be notified of student's arrival in Korea(Name and Title)
김병해, 국제교류팀(Byunghae Kim, Coordinator, Office of International Affairs)

학교주소(School address)
702-701, 대우광역시 중구 안리동 1370번지

학교인가번호 및 인가 인월일(School code and approval date)
504-83-00558 / 00 / 1940

3. 이 입학허가서를 상기인에게 발급함 (해당할 표시하고 _____을 세운 것)
This certificate is issued to the student named above for:
(Check and fill out as appropriate)
a. () 신입학(Initial attendance at this school)
b. () 재입학 또는 복학(Continued attendance at this school)
c. () 전학(Transfer)
 전 재학교명(Transferred from _____)
d. () 가족입국수수료(Use by dependents for entering Korea)

4. 재학중이거나, 공부할 과정(한글에만 표시할 것)
Level of education the student is pursuing or will pursue in Korea (Check one)
a. () 학사과정(Bachelor's) b. () 석사과정(Master's)
c. () 박사과정(Doctorate) d. () 기타(Other)

5. 상기 학생에게 본교의 생명과화학(유지·생명공학전공) 3년 과정 입학허가하며 2007.08.28 까지 등록을 위하여 주 것을 요망합니다.
The student named above has been accepted for a 3 year course of study at this school, majoring in Life Science(Textile System Engineering) and is expected to report to the school not later than August 28 / 2007.

6. 한자가 가산능력 필요시(If Korean proficiency is required)

() 한국어구사능력 기준 30점
(The student has the required Korean proficiency.)
(O) 한국어 능력이준 미달. 별도연수 부과예정
(The student is not yet proficient; Korean instructions will be given at the school or another institution)
* 한국어구사능력필요 : 미유(Korean proficiency is not required because)

7. 본교는 상기학생의 1년(2학기)간의 평균 소요 경비를 아래와 같이 산출합니다.
(This school estimates the student's average costs for an academic year of 2 semesters to be)

a. 수업료(tuition and fees)	\$ 5,473
b. 생활비(Living expenses)	\$ 4,000
c. 부양가족 경비(Expenses of dependents)	\$ _____
d. 기타(Other)	\$ _____
계(Total)	\$ 9,473

8. 본교는 상기학생이 아래 내외과 같이 연간 소요경비를 조달할 것으로 신고 받았습니 다.
(This school has information showing the following as the student's means of support, estimated for an academic year of 2 semesters.)

a. 개인·부담(Student's personal fund)	\$ _____
b. 후원인부담(Sponsor's support)	\$ 4,000
c. 장학금(Scholarships)	\$ 5,473
d. 기타(Fund from another source)	\$ _____
계(Total)	\$ 9,473

9. 예탁잔고증명서 (1개월 이상 계속 예치한 비와 만원 이상) (Certificate of Deposit Balance (minimum US\$ 10,000, 1 month)) 또는 국내 송금이나 환권 증명서 (Certificate of Money order/Exchange (minimum US\$ 10,000)) 확인 내역
인감소요경비 조달: 경북대학교(등록금 전액 면제), 지도교수(생활비)보완

9. 비고(Remarks): _____

10. 저권자 확인 : 본인은 본인의 입학에 관한 상기 의 모든 조건에 따라 것을 동의하며, 상기 내용이 모두 사실과 상치 없음을 확인합니다. 본인은 또한 상기 학교에서 박사 과정의 이수하려 반을 위해, 한국에 입학하여 일시-재류하고자 함을 확인합니다.
Student Certification: I have read and agreed to comply with the terms and conditions of my admission. I certify that all information provided on this form is true and correct to the best of my knowledge. I certify that I seek to enter or remain in Korea temporarily, and solely for the purpose of pursuing a Doctoral course of study at the school named above.

[Signature]
본인 서명
Signature of student

Rehman Gauhar
이름
Name of student

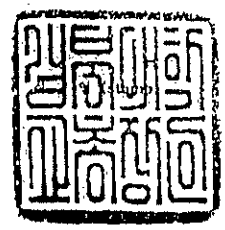
2nd, July, 2007.
인원인
Date

ATTESTED

11. 총(학)장 확인 : 본인은 미리 확인하여 상기 1항에서 9항까지의 모든 내용이 사실과 상치 없음을 증명합니다. 학생의 저권서와 실적증명서 및 재정능력 증명서 등 모든 서류를 심사하고 검토한 결과 상기학생의 자격이 본교의 입학허가 기준(수학능력 및 재정능력)에 합치된다는 취정을 내었습니다.
School Certification: I certify under penalty of perjury that all information provided above in items 1 through 9 is true and correct. After reviewing and evaluating the student's application, transcripts or other records of courses taken and proof of financial responsibility, the school has determined that the above named student's qualifications meet all standards for admission to the school.

June / 4 / 2007
발급일(Date issued)

경북대학교 총(학)장
President, Kyungpook National University



ATTESTED

H-19

Kyungpook National University

10/20

upon the recommendation of the Faculty
hereby confers on

Gauhar Rehman

the degree of

Ph. D.

in *Life Science*

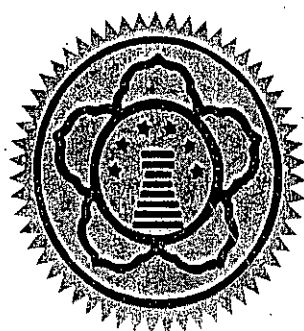
with all the rights, privileges and honors thereto appertaining.

Given this day in Daegu, Republic of Korea under the seal of the
University and the signatures of its Officers

AUGUST 24, 2012

ATTES ED

Ji Kyong Joo



Jo Suk Hoon

Dean of Graduate School

University President

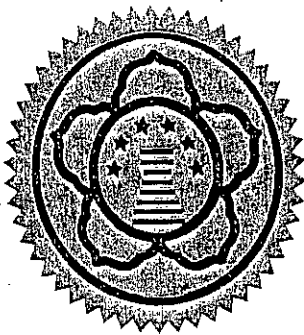
ATTESTED

Ma

13

20

박제 6703 호



학 위 기

성 명 가우하르레흐만

1973 년 2 월 5 일생

위 사람은 이 대학원 생명과학부에서 소정의 과정을 이수하고 논문을 제출하여 대학원위원회의 심사에 통과하였으므로 이학박사의 자격을 갖추었음을 인정함

2012 년 8 월 24 일

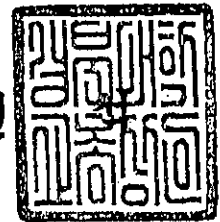
경북대학교 대학원장 문학박사 임 지



위 인정에 의하여 이학박사 학위를 수여함

2012 년 8 월 24 일

경북대학교 총장 의학박사 함 인



ATTESTED

Handwritten signature

ATTESTED

학위수여번호 : 경북대2011(박)0224



경북대학교



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 921021
No. 259/A / CA-II / Estt: Branch /A-12/Gohar Rehman/Zoology

Dated Peshawar the 27/11 /2012

To

The Principal
Govt; Post Graduate College, Mardan.

SUBJECT APPLICATION FOR THE POST OF ASSISTANT PROFESSOR
OF ZOOLOGY ABDUL WALI KHAN UNIVERSITY,
MARDAN.

Memo:

I am directed to refer to your letter No. 04 dated 29.02.2012 on the subject cited above and to state that the request for post of Assistant Professor of Zoology at Abdul Wali Khan University in respect of Mr. Gohar Rehman Lecturer in Zoology of your College has been examined and regretted.

He may be informed accordingly.

DY: DIRECTOR (ESTABLISHMENT)

ATTESTED

ATTESTED



ABDUL WALI KHAN UNIVERSITY
MARDAN, PAKISTAN
Ph# +92-937-9230618 Fax # +92-937-9230619

F.No. 1(8)-Reg-1/AWKUM/2013/242

Jan 10, 2013

Dr. GAUHAR REHMAN
S/o Abdur Rehman
Village & P.o Hathian Mardan

Subject: APPOINTMENT AS ASSISTANT PROFESSOR ON TTS

On the recommendations of the Selection Board in its 21st Meeting held on Dec 24, 2012 and subsequent approval by the Syndicate in its 7th meeting held on January 03, 2013, the Competent Authority is pleased to appoint you as **ASSISTANT PROFESSOR in the Subject of Zoology (First Term) under Tenure Track System** with effect from the date of your joining/taking over the charge on the following terms and conditions:

It is further added that as per recommendations of the Selection Board in its 21st meeting held on December 24, 2012 and subsequent approval of the Syndicate in its 7th meeting held on January 03, 2013, 02 advance increments will be admissible in your salary subject to concurrence approval of the Higher Education Commission Islamabad.

TERMS & CONDITIONS

1. Your services shall be governed by Higher Education Commission Tenure Track Statutes 2.0 and service rules and regulations of Abdul Wali Khan University/HEC from time to time.
2. No TA/DA shall be admissible for joining the post at the University.
3. The offer is valid for a period of 30 (thirty) days from issuance of this Appointment letter and shall expire automatically thereafter.

Deputy Registrar (Estt)

ATTESTED

C.C:

1. PS to Vice Chancellor
2. PA to Registrar
3. Treasurer
4. R.A.D (Audit)
5. Pay Incharge
6. Personal file
7. Relevant file

ATTESTED

Umar Zeb, Superintendent, Registrar Office

CHARGE REPORT

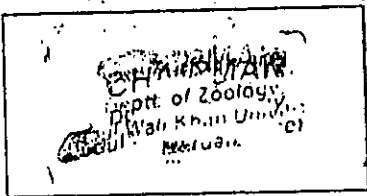
Referring to appointment letter/office order/notification No. 1 (8)-Reg-1/AWKUM/2013/8428 dated 10/01/2013 I have taken the complete charge of my duty as Assistant Professor on 22/01/2013 FN/AN.

Signature [Signature]
Name Dr. Gauhar Rehman
Designation Assistant Professor

Confirmation
Dr. Gauhar Rehman appointed
as Assistant Professor in Zoology.

has joined his duty today on 22-1-13
in the Forenoon.

Head of Section [Signature]

Office Seal: 

ATTESTED

ATTESTED

Registrar

L - (24)

To

The Registrar
Abdul Wali Khan
University, Mardan



SUBJECT: JOINING REPORT AS Assistant Professor of Zoology

R/Sir

With Respect it is stated that I have been appointed as Assistant Professor vide
appointment letter No.1 (8)-Reg-1/AWK/UM/2013/2428 dated 10/01/2013
Hence, I hereby submit my joining report today on 22/01/2013 the
forenoon/Afternoon.

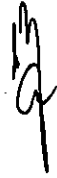
Yours Obediently,



Dr. GAUHAR REHMAN

Assistant Professor of Zoology

ATTESTED



ATTESTED





Office of The Principal
GOVERNMENT POST GRADUATE COLLEGE
MARDAN
PH# 0937-9230033

25
~~25~~

No. 672

Dated. 21/09/2013

To

Mr. Gohar Rahman
Assistant Professor of Zoology
AWKUM, Mardan

Subject: RESIGNATION FROM SERVICES.

Memo:

Reference subject cited above and to state that you were informed vide this office letter No. 325, dated. 16-04-2013, that your resignation from was not accepted by the Director Higher Education, Khyber Pakhtunkhwa, Peshawar, vide letter No. 6976/CA-II/Estt: Branch/A-12/Gohar Rahman/Zoology, Dated. 01-04-2013, but you failed either to consult or inform this office.

You are, once again, directed to report for duty without further delay, otherwise the matter will be reported to the higher authorities.

Principal
Govt. Post Graduate College
Mardan

Copy for information to:

1. Secretary Higher Education Khyber Pakhtunkhwa, Peshawar
2. Director Higher Education Khyber Pakhtunkhwa, Peshawar
3. Registrar, Abdul Wali Khan University Mardan

ATTESTED

ATTESTED

26

~~26~~

To

The Principal
Govt. Post Graduate College Mardan.

Subject: Resignation from service

Kindly refer to your letter No.672 dated 21/9/2013 on the subject sited above, in this connection it is stated that I have neither received your letter No. 325 dated 16/4/2013 nor I have been informed about the fate of my resignation from service through any other means of communication what so ever. Since the decision of Director Higher Education conveyed vide their letter No. 6976 dated 1/4/2013 was not intimated to me, the question of my failure to respond thereto, does not arise.

It is further clarified that:

- 1) My PhD study was fully funded by Govt. of South Korea through the grant of scholarship (letter attached) and there was no financial liability on the part of Govt. of Pakistan.
- 2) The Undertaking with regard to my serving the parent department for five years after completion of my PhD was given under duress and has therefore, no legal validity.
- 3) Through submitting my resignation from service I have resorted to forfeit all benefits of my service, rendered in the parent department.

In view of the above, it is requested once again that my resignation from service with effect from 21/01/2013 may please be considered/accepted.

Dr. Gauhar Rehman

Copy of the above is forwarded to the Director Higher Education with reference to their letter No. 6976 dated 1/4/2013 with the request to kindly consider/process my request for resignation from service w.e.f 21/01/2013.

ATTESTED

[Signature]

[Signature]

Dr. Gauhar Rehman
Dated. 21/10/2013

ATTESTED

[Signature]

FROM : HED

FAX NO. : 0919210368

28 Nov. 2016 10:25PM P2

27

28



Page 1125 of 1126

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

No. SO(C-II)HED/12-21/2016/Gohar Rehman
Dated Peshawar the 22.11.2016.

To

The Director,
Higher Education, Khyber Pakhtunkhwa,
Peshawar.

**SUBJECT: DISCIPLINARY PROCEEDING AGAINST GOHAR REHMAN
LECTURER IN ZOOLOGY GPGC MARDAN.**

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice in respect of Gohar Rehman lecturer in Zoology Govt. Post Graduate College Mardan for serving upon the accused officer and return of duplicate copy of the same duly acknowledged by him to this department within three days.

(RAFI ULLAH KHAN)
SECTION OFFICER (COLLEGES-II)

Endst:- No. Even & Date even.

Principal Govt. Post Graduate College Mardan.

ATTESTED

ATTESTED

SECTION OFFICER (COLLEGES-II)

22/11/16

M - (28)

SHOW CAUSE NOTICE

I, Abid Saeed Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Gohar Rehman; Lecturer in Zoology, Govt; Post Graduate College, Mardan as follows:-

- i. That You Mr. Gohar Rehman, Lecturer in Zoology, Govt; Post Graduate College, Mardan were selected for M.Phil leading to Ph.D at University Kyungpook, National university (KNU), South Korea and OSD post from time to time w.e.f 01.09.2009 to 31.08.2012 was created for you. You had executed an undertaking that after completion of Ph.D, you will serve the Higher Education Department for five years.
- ii. That upon your selection as Assistant Prof. of Zoology at Abdul Wali Ali Khan, University, Mardan, you tendered resignation from service w.e.f 21.01.2013 and left this Department and joined new assignment without waiting for approval of the Competent Authority.
- iii. That as per direction of the Provincial Government, you were directed time and again to deposit the amount of Rs. 12,48,887/- which you had drawn against OSD post w.e.f 01.09.2009 to 31.08.2012 and in case of failure, to report for duty, disciplinary action will be initiated against you but you failed to do so.

ATTESTED

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules.

(a) Mis-conduct.**ATTESTED**

1. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Removal from service and Recovery under rule 4 of the said rules. # Ro, 12,48,887/— (30)
2. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

Ali Saeed
16/xi/2016
(Abid Saeed)
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Ghar Rehman, Assistant Professor of Zoology,
Abdul Wali Khan University, Mardan

ATTESTED

[Signature]

ATTESTED

[Signature]

6 N-29

**BEFORE THE PESHAWAR HIGH COURT BENCH DAR-UL-QAZA
SWAT AT MINGORA**

WRIT PETITION ON. 4843-P/2016

Mr. Gohar Rehman, Assistant Professor (Zoology),
Shankar Campus, Abdul Wali Khan University Mardan

VERSUS



- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
1973 AS AMENDED UPTO DATE**

R/SHEWETH:

FACTS:

**Brief facts giving rise to the present writ petition
are as under:**

- 1- That petitioner is the bonafide resident of Village Bagh Hathian, Tehsil Takht Bhai, District Mardan and belongs respectable and law abiding family. **(Copy of CNIC is attached as annexure A).**
- 2- That various categories of lecturer posts were advertised by Higher Education Department through Khyber Pakhtunkhwa Public Service Commission, against which the petitioner applied and stood successful in the selection of lecturer ZOOLOGY in the year 2002. **(Copy of Appointment as Lecturer Zoology is attached as annexure B).**
- 3- That petitioner took over the charge as Lecturer Zoology at Govt. Post Graduate College Mardan on 08-02-2002 and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. **(Copy of Charge Report is attached as annexure C).**
- 4- That petitioner submitted an application before the respondent No.3 for the creation of OSD post w.e.f. 01-09-2008 as the petitioner was selected for admission in Ph.D by

ATTESTED

FILED TODAY
Deputy Registrar
15 DEC 2016

16/12/17

ATTESTED
EXAMINER
Peshawar High Court
24 FEB 2017

(30)
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PESHAWAR HIGH COURT PESHAWAR

ORDER SHEET

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	
	26.01.2017	<p style="text-align: center;">Writ Petition No. 4845-P/2016 عدالت پشاور</p> <p>Present:</p> <p style="text-align: center;">Mr. Noor Amin Khan, Advocate, for Petitioner.</p> <p style="text-align: center;">*****</p> <p><u>ROOH-UL-AMIN KHAN, J:-</u> Petitioner, Gauhar Rehman, Assistant Professor (Zoology), Shankar Campus, Abdul Wali Khan University, through the instant constitutional petition under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973, has called in question the show cause notice dated 22.11.2016 and prayed that on acceptance of this writ petition, the impugned show-cause notice may be set aside and the respondents be directed to properly relieve him from the Higher Education Department.</p> <p>2. In essence, the petitioner was inducted in Higher Education Department as Lecturer Zoology in the year, 2002 and was posted at Government Post Graduate College</p>

ATTESTED

[Signature]

ATTESTED
EXAMINER
Peshawar High Court
24 FEB 2017

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	<p><i>For the...</i></p>	<p>Mardan. Lateron he was selected for admission in Ph.D by KYUNG POOK National University of Korea in the subject of Zoology, so he submitted application to the department for creation of OSD post w.e.f. 01.09.2008 which was allowed by executing an undertaking with the department and on completion of his Ph.D from the above mentioned university in Korea, he returned back and joined his assignment again. In the meanwhile various posts including the post of Assistant Professor Zoology, were advertised by Abdul Wali Khan University Mardan. The petitioner also applied for the post of Assistant Professor Zoology and was selected. The respondents were time and again requested for relieving the petitioner to join his new post, but in vain, hence he tendered his resignation but instead of accepting the same, the impugned show-cause notice was issued. Hence this petition.</p> <p>3. Having heard learned counsel for petitioner and perusal of record annexed with the Writ Petition would divulge that the petitioner is government servant who had been issued show-cause notice under a statutory provision of law</p>
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ATTESTED

[Signature]

ATTESTED
EXAMINER
Peshawar High Court
24 FEB 2017

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	<p><i>Lawson</i></p>	<p>calling upon him to show cause as to why the proposed penalty shall not be imposed upon him. He has also been asked to intimate the competent authority about his desire of personal hearing. It is settled law that when a show cause notice is issued to a government servant under a statutory provision calling upon him to show cause, ordinarily the government servant must place his case before the authority concerned by showing his innocence, whereas the Court shall be reluctant to interfere with the notice, because any such intervening in the affairs of authority would amount to deprivation of the competent authority from its statutory duties casted upon him by the law. Admittedly, the show cause notice is not a final order and the guilt or innocence of the petitioner has to be determined after submission of his reply. It is unwarranted under the law to stifle and throttle the departmental proceedings in infancy, without providing an opportunity to the complainant or competent authority to proceed in accordance with law. The learned counsel for petitioner failed to point out that the show cause notice had been issued either palpably or without lawful authority. Needless to</p>
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ATTESTED

[Signature]

ATTESTED

EXAMINER
Peshawar High Court

24 FEB 2017

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mention that the purpose of issuing show cause notice is affording opportunity of hearing to the government employees and once cause is shown by the accused employee, it is open to the Government to consider the matter in the light of the facts and submissions placed by the civil servant and only thereafter the final decision in the matter could be taken, however, interference by this Court under its constitutional jurisdiction would be premature.

4. For what has been discussed hereinabove, this petition having no merit, stands dismissed in limine.

Sd/- Muzaffar Hussain Sethi

JUDGE

Sd/- Muzaffar Hussain Sethi

JUDGE

Announced on;
26th of January, 2017



CERTIFIED TO BE TRUE COPY

Examined
Peshawar High Court, Peshawar
Authorized Under Article IV of
The Qanun-e-Shahadat Order 1984

24 FEB 2017

Zarshad
No. 18732
Date of Presentation of Application 22/2/17
No of Pages 57
Copying fee
Urgent Fee
Total 20-00
Date of Preparation of Copy 24/2/17
Date Given For Delivery 24/2/17
Date of Delivery of Copy 03/02/17
Received By Sd/- Hussain

ATTESTED

[Signature]

ABDUL WALI KHAN UNIVERSITY MARDAN

Khyber Pakhtunkhwa, Pakistan

Phone No. 0937-843356, Fax No. 0937-843357

Website: www.awkum.edu.pk

Email: registrar@awkum.edu.pk

0 - (35)

F No. 1(3)-Reg-II/AWKUM/2017/20282

September 21, 2017

To:

Mr. Gauhar Rehman, Assistant Professor
Department of Zoology,
AWKUM

SUBJECT: NOTIFICATION

Sir,

I am enclosing herewith a copy of Notification received from Section Officer (Colleges-II) Higher Education Archives & Libraries Department, Peshawar vide No. SO (C-II) III-D/12-21/2016/2942-47 dated August 09, 2017, which is self-explanatory. For your information and compliance, please.

Regards,


DY. REGISTRAR
21/9/17

Copy for information to:

1. PS to Vice Chancellor
2. Section Officer (Colleges-II) HED, Peshawar. w.r.t your letter No. 2942-47 dated August 09, 2017
3. Relevant file

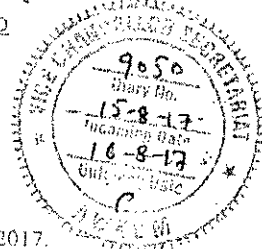
ATTESTED





REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT



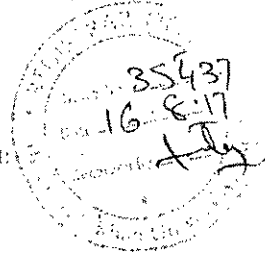
36

Dated Peshawar the 09.08.2017.

NOTIFICATION

2949-47

No. SO(C-III)HED/12-21/2016. WHEREAS Mr. Gohar Rehman, lecturer in Zoology (BS-17) Govt. Post Graduate College Mardan remained absent from duties since 21.01.2013 till date.



2. AND WHEREAS absence notices were issued to him on his home address as well as published in leading newspapers directing him to resume duty within 15 days followed by affording subsequent opportunities for personal hearing failing which ex-parte action, under Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 would be taken against him.

3. AND WHEREAS the accused lecturer had not responded till date.

4. NOW THEREFORE, The Competent Authority, in exercise of powers conferred upon him under the Khyber Pakhtunkhwa Rule 09 of the Efficiency & Discipline Rules, 2011, is pleased to impose upon him the major penalty of "Removal from Service" with immediate effect. He shall also deposit the amount of Rs.12,48,887/- into Government Treasury, drawn as pay against the post w.e.f 01.09.2009 to 31.08.2012. His unauthorized absence period w.e.f 21.01.2013 till date shall be treated as Extra Ordinary Leave (without pay).

Fol n.c. Pyl
16-8-17
Reg

SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Ends: No. & Date Even.

Copy for information is forwarded to the:-

1. Vice Chancellor, Abdul Wali Khan University Mardan.
 2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
 3. Principal Govt. Post Graduate College Mardan.
 4. Deputy Director (IT), HEMIS, Higher Education Department
 5. PS to Secretary, Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
 6. District Account Officer Mardan.
 7. Officer concerned
- Postal Address: Gohar Rehman, Assistant Professor of Zoology, Abdul Wali Khan University Mardan.
9. Master file.

(M. ASLAM KHAN)
SECTION OFFICER (COLLEGES-II)

ATTESTED

Handwritten signatures and initials: P.S. Comuel, Jaleel, TR, and others.

Handwritten signature

No. 919

For insured notices secure stamps affixed except in case of registered letter of post office. The initial weight (in grams) of the article and the amount of postage paid (in words) must be indicated on the envelope.

Will here letter, posted in parcel, insured with the word insured when necessary.

Insurance fee Rs. 50/-

Name and address of sender: P. S. HAWAJI

ATTESTED

[Handwritten signature]

To

The Honourable Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Q - 28
P - 37

Subject: DEPARTMENTAL APPEAL AGAINST THE REMOVAL
ORDER DATED 09-08-2017

R/Sir,

Most respectfully, it is stated that initially I was appointed as Lecturer in Zoology in the year 2002 on the proper recommendation of Khyber Pakhtunkhwa Public Service Commission. Accordingly, I was posted in Govt. Post Graduate College, Mardan, I took over the charge as Lecturer Zoology on 08-02-2002 and started performing my duty quite efficiently and up to the entire satisfaction of my superiors.

I, submitted an application for the creation of OSD post w.e.f. 01-09-2009 as I was selected for admission in Ph.D by KYUNG POOK National University of Korea in the subject of Zoology, which was properly forwarded and finally i was allowed the OSD post on dated 07-07-2009. Accordingly, I received my monthly salaries against OSD post till August 2012.

I completed my Ph.D Degree from Kyungpook National University of South Korea returned back to Pakistan and join my duty as Lecturer in Zoology (BPS-17) back in Higher Education Department (Colleges).

In the meanwhile Abdul Wali Khan University Mardan advertised some posts including the post of Assistant Professor, Zoology for which I applied through proper channel became successful in the selection process and was selected as Assistant Professor. Time and again, I requested for proper relieving order but of no avail, I was left no option but to join my new assignment at Abdul Wali University Mardan and submitted my charge report to the Chairman Zoology Department on 22-1-2013. I visited the concerned authorities time and again for my relieving but the Higher Education Authorities succumbed and at last I tendered/furnished my resignation.

Astonishingly the Higher Education Department issued the impugned Notification dated 09-08-2017 communicated to me on 21.9.2017 upon which I have been removed from Service as Lecturer in Zoology.

ATTESTED

38 48

It is therefore, requested that the removal order dated 09-08-2017, which is communicated to me on 21-09-2017 may kindly be set aside, please and I may kindly be relived properly (grant Lien) from Higher Education Department (Colleges). Moreover the recovery i.e. 12,48,887/- may not be recovered from me.

Dated: 5.10.2017

Sincerely Yours,



Dr. Gauhar Rehman, Assistant Professor,
Abdul wali Khan University, Mardan.

ATTESTED



FIFTEEN RUPEES

DEED OF AGREEMENT
FOR UNDERTAKING A COURSE OF STUDIES
PHD FELLOWSHIP UNDER (Indigenous Ph.D 5000 Fellowship Program 2006-07)

Q-39

This agreement is made, on the 23rd day of November, 2006, between

(1) Mr / Ms. INAYATULLAH
H HANIF ULLAH
of PIN hereby called the
Scholar, and

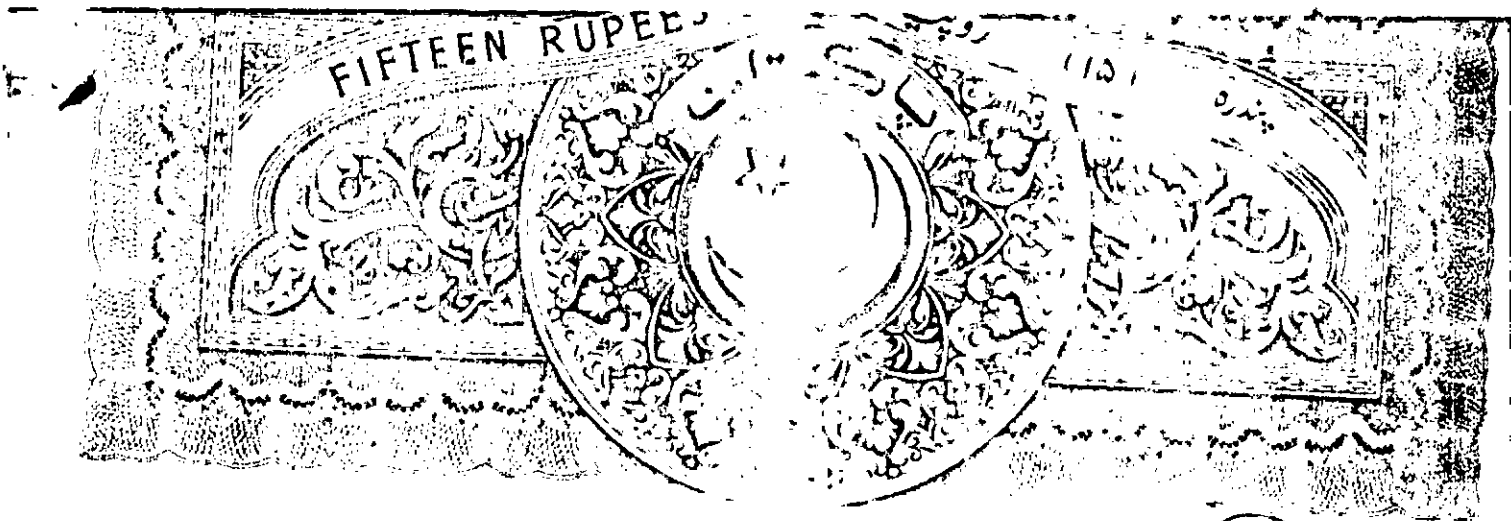
(2) Higher Education Commission through the authorized officer in the HEC,
hereinafter called the HEC.

WHEREAS Mr / Ms. INAYATULLAH has been selected by
the Higher Education Commission for the award of Fellowship for the Field of Study
"IN CHEMISTRY"
under the Scheme: Indigenous Ph.D Fellowship Program 5000 Fellowships
and the scholar has agreed to accept the same on the terms and conditions governing
this fellowship award.

Now this deed witnesses as under:

- i) This fellowship award shall be to a maximum total duration of 48 months towards Ph.D degree, ME/MS/M. Phil leading to Ph.D Degree subject to satisfactory academic performance of the scholar
- ii) The payment of allowances admissible under the fellowship program shall be made subject to the complete adherence to all rules and regulations governing the fellowship program as well as satisfactory performance in the authorized studies
- iii) The scholar shall not change the specified course of studies at any stage nor register himself/herself for any other course or program/University/Institute at any stage, without prior approval of the HEC
- iv) The scholar shall not extend the specified period of studies without prior approval of the HEC
- v) The scholar shall not undertake any employment whether paid or otherwise at any stage, without approval of the HEC during his/her course of studies.
- vi) In case the scholar fails to maintain the required standard or qualify the course/degree for which he/she was awarded fellowship, the HEC reserves the right to recover entire expenditure from the Scholars/Guarantor
- vii) The scholar shall serve in the country for 5 years after completion of study preferably in an Institution of Higher Education

AB



40

- viii) The scholar shall regularly submit the six monthly progress reports on his/her assigned Program through his/her supervisor/focal person to the Higher Education Commission and a final comprehensive report immediately on completion of the study/training/research degree.
- ix) The scholar will be liable to disciplinary action as follows:
- a) If he/she fails to avail of the award without any cogent reason acceptable to HEC/Government of Pakistan, he/she will be debarred from further study/training/research under any Fellowship Program of HEC/Government. If any financial loss is sustained as a result of his/her failing thus to avail the award, he/she will be held responsible therefore and liable to make good the same, apart from being liable to any penalty to be imposed by the Commission in this behalf.
 - b) If he/she fails to comply with the instructions/orders of HEC for without any cogent reason acceptable to HEC, he/she will be liable to reimburse the Commission, on demand, the amount spent by HEC, in connection with his/her studies.
 - c) If he/she fails to obey or not act in accordance with HEC's order directing him/her, he/she will be liable for action under the acts/rules in force in the country.
 - d) If he/she violates any condition laid down in the Bond for studies/training under the Fellowships Program, he/she will be liable to pay the penalty as prescribed therein.
- x) The scholar is liable to disqualification from further fellowship/ training or such other disciplinary action as HEC may consider appropriate, if:
- i) he/she violates any of the foregoing conditions, or
 - ii) he/she is found to have made any misstatement therein before.

AND THE SCHOLAR FURTHER COVENANTS, that in case of breach of any of the above terms and conditions as well as the rules / terms and conditions those governing fellowship award and / or his / her failure as directed by the HEC for the specified period, the scholar shall be bound to pay the HEC a penalty as prescribed by the HEC besides compensate the HEC by making a refund of the total amount of expenditure incurred on him / her the breach of the above agreement. The amount of penalty and the compensation as prescribed and assessed by the HEC shall be final and conclusive.

IN WITNESS WHEREOF, the parties aforementioned have signed this deed in token of acceptance thereof.

Dealing Officer of HEC
(Authorized Officer)

Signature:.....

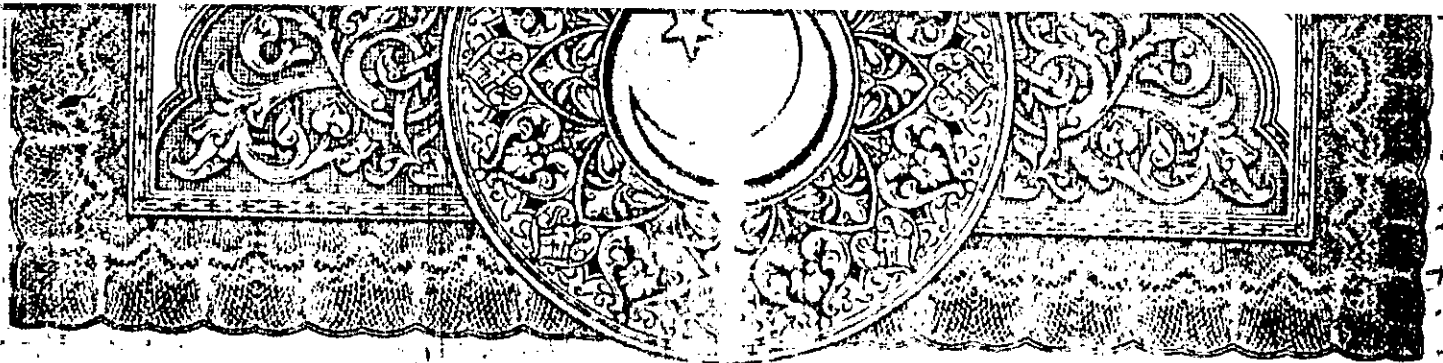
STAMP:

Scholar / Awardee

Signature of Candidate

Full Name: INAY ATULLAH

ATTESTED
[Signature]



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Annex-II

SPECIMEN (1 page)

(Each Page must be executed on non-judicial stamp paper) Other papers not acceptable, type on side of paper only. Value of paper is in accordance with local provincial law (Stamp Act)

GUARANTEE TO THE HIGHER EDUCATION COMMISSION
(Part of the Undertaking)

Faizur Rehman

.....son/daughter
(Surety/Guarantor)

of Saifur Rehman do hereby guarantee the payment of
any such sum as penalty and compensation as proscribed and assessed by the Higher
Education Commission which Mr. ~~Hanifullah~~ ^{Inayatullah}

Son/daughter ~~Hanifullah~~ PIN..... may be called upon
to pay to HEC for the breach of any of the terms and conditions of the above agreement
as well as those governing Indigenous PhD Fellowship Program (5000 Fellowships)
award and I hereby undertake to pay the total sum on demand in the event of the
scholar making a default in the payment of the sum.

Signature: Faizur Rehman

(Surety/Guarantor)

Name: Faizur Rehman

N.I. Card No. 16101-8054717-5

Present Address: Village Inzargai Katlang
.....Mardan.....

Permanent Address: AS above

WITNESS 1
Signature: Hussain Ahmad
Name: Hussain Ahmad
N.I. Card No. 1501-0127737-1
Address: Village Inzargai
Katlang Mardan

WITNESS 2
Signature: Muradullah
Name: Muradullah
N.I. Card No. 15101-1290821-7
Address: Village Inzargai Katlang
Mardan.

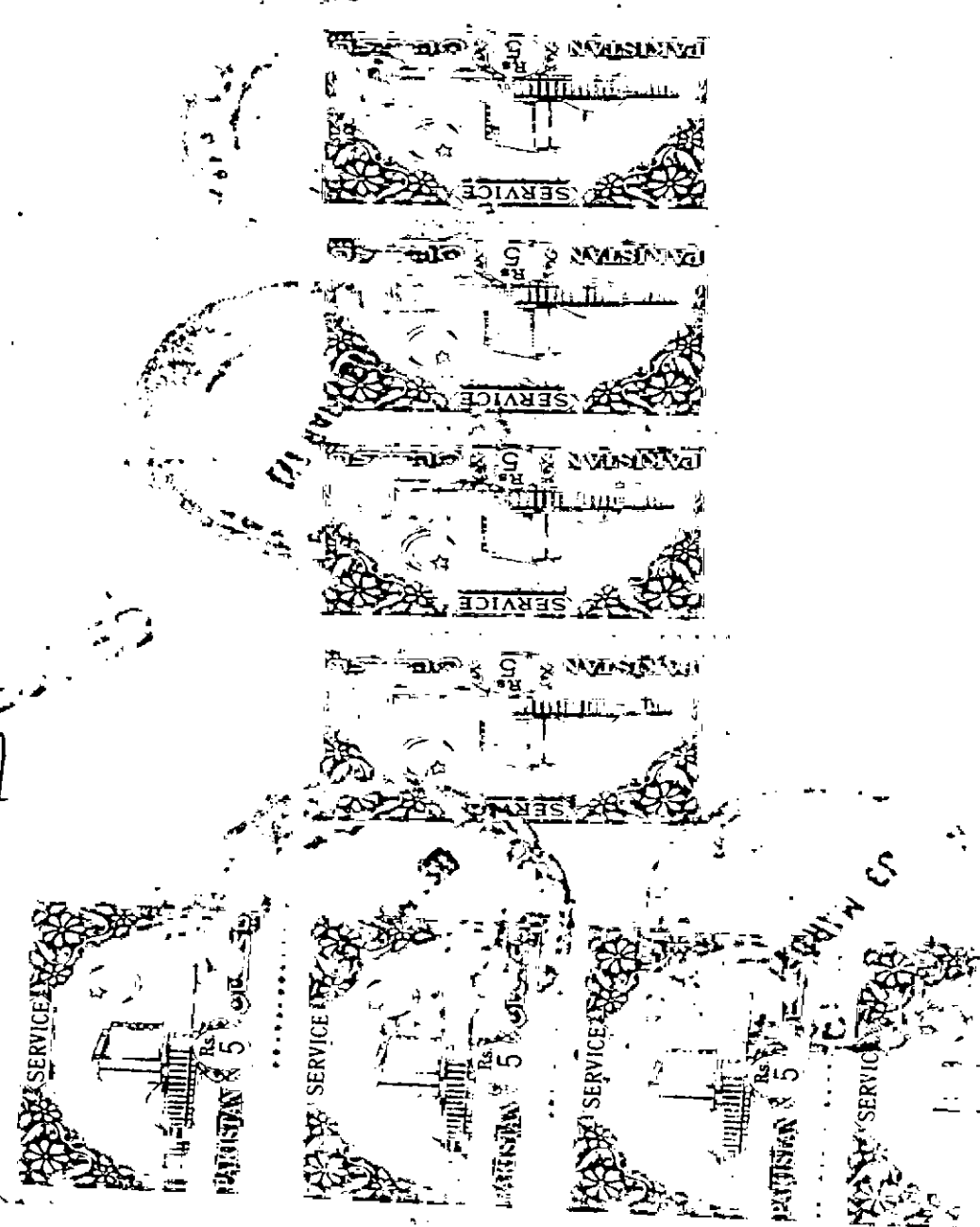
STAMP of Magistrate
[Signature]
Senior Civil Judge
MIO Empowered u/s 30 C.P.S.
Mardan.

(Attested by Judicial Magistrate)
Signature:
Name:
Address:

ATTESTED
[Signature]

R-42

Handwritten scribble





**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

No. 705 / Phone # 091-9210242, 9211025 / Fax # 9211803
/ CA-II / Estt: Branch / A-12 / Gohar Rehman / Zoology

Dated Peshawar the 10/03/2017

(43)

To

Mr. Gohar Rehman
Assistant Professor of Zoology
Abdul Wali Khan University, Mardan.

SUBJECT DISCIPLINARY PROCEEDINGS AGAINST MR. GOHAR
REHMAN, LECTURER, IN ZOOLOGY, GOVT; POST
GRADUATE COLLEGE, MARDAN.

Memo:

Reference letter No. SO(Colleges-II)/12-21/2012/Gohar
Rehman /4587-89 dated 07.03.2017 received from the Section Officer
(Colleges-II) Govt; of Khyber Pakhtunkhwa, Higher Education Department,
Peshawar wherein your personal hearing has been fixed by the Competent
Authority on 14.03.2017 at 11:00 (Noon).

In view of the same, you are directed to appear before the
Chief Secretary, Khyber Pakhtunkhwa in his office on 14.03.2017 at 11:00
(Noon) for your defence.

S. Bahi
9/3/17
DY: DIRECTOR (ESTABLISHMENT)

Endst; No. _____

Copy of the above is forwarded to the:-

1. Principal Govt; Post Graduate College, Mardan with the
remarks to inform the lecturer concerned to attend the office
of Chief Secretary, Khyber Pakhtunkhwa for personal
hearing on the afore-mentioned date.
2. Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa;
Higher Education Department Peshawar with reference
to his letter No. SO (Colleges-II)/12-21/2012/Gohar
Rehman/4587-89 dated 07.03.2017.

ATTESTED

[Signature]
DY: DIRECTOR (ESTABLISHMENT)

VAKALATNAMA

IN THE COURT OF KP Service Tribunal, Pesh:

OF 2018

GOHAR REHMAN

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

GOVT OF KP & OTHERS

(RESPONDENT)
(DEFENDANT)

I/We GOHAR REHMAN

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 30 / Jan / 2018



CLIENT


ACCEPTED
NOOR MOHAMMAD KHATTAK


MUHAMMAD MAZ-MADNI
ADVOCATES

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391



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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 1147 /ST

Dated 04 /06/2018


To

The Murad Khan, Director Higher Education,
Archives & Libraries Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER IN SERVICE APPEAL NO. 148/2018, MST. GOHAR REHMAN.**

I am directed to forward herewith a certified copy of order dated 28/05/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

S.A # 148/2018

Gohar Rehman..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Chief Secretary
and others Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1, 2 & 3 AND 4.

Respectfully Sheweth: -

Preliminary Objections: -

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal.
2. That the instant service appeal is not maintainable as the appellant is trying to conceal material facts from this Honourable Tribunal.
3. That the appellant has not come to this Honourable Tribunal with clean hands.
4. That the instant Service appeal is hit by doctrine of laches.
5. That the appellant is estopped by his own conduct to file the instant appeal.

Facts: -

- 1) Correct.
- 2) Correct.
- 3) Correct that application of the appellant was forwarded and finally were allowed vide Notification dated 07-07-2009 for higher studies with the condition that the appellant will serve the Higher Education Department for at least five years after his completion of Ph.D.
- 4) Correct that OSD post was created for the appellant w.e.f 01-09-2009 to 31-08-2012 and the appellant also received salaries against the said period.
- 5) Correct that after completion of Ph.D, the appellant resumed his duties on 31-08-2017 in Higher Education Department.
- 6) Correct that the appellant had applied for the post of Assistant Professor at Abdul Wali Khan University, Mardan but his request was regretted as the appellant had executed agreement bond, with Higher Education Department wherein he pledged to serve the Higher Education Department for a period of five years after completion of Ph.D. (Copy of agreement bond is attached as Annex-A).
- 7) Incorrect: The request of the appellant was regretted as he had executed an agreement bond with Higher Education Department.

- 8) Incorrect: The appellant was bound to serve the Department for a period of five years in light of agreement bond executed by him with the department and NOC granted to him for pursuing Ph.D studies but despite of that he requested for relieving so then tendered resignation from service to join Abdul Wali Khan University, Mardan by violating the condition of the NOC/agreement and left the college without waiting for the decision of the Provincial Government, and remained absent from duties since 21-01-2013 till 09-08-2017.
- 9) Correct.
- 10) Correct that the respondent department vide impugned order dated 09-08-2017 communicated to the appellant, whereby major penalty of removal from service was imposed upon appellant along with recovery of Rs. 12,48,887/- drawn as pay against the post w.e.f 01-09-2009 to 31-08-2012.
- 11) Correct that the appellant lodged an appeal to the Competent Authority (Chief Secretary) but the same was regretted being time barred (**Annex-B**).

Grounds: -

- A. Incorrect that the impugned order dated 09-08-2017 has been issued in accordance with law.
- B. Incorrect and already explained in the preceding Paras.
- C. Incorrect and already explained in the preceding Paras.
- D. Incorrect and already explained in the preceding Paras.
- E. Incorrect and hence no comments.
- F. Incorrect. The language of the Deed agreement is crystal clear, wherein, it has been stated that "Mr. Gohar Rehman, Lecturer in Zoology, Government Postgraduate College Mardan solemn state that i am not involved in any criminal case and on completion of my Ph.D, I will serve the Higher Education Department, Government of NWFP for at least five years". The appellant was duty bound to serve in the respondent department for at least five years after completion of his Ph.D, which he did not do so and left the college without fulfilment of codal formalities.
- G. Show Cause notice was issued to the appellant but neither he bother to reply nor to appear in person before the Chief Secretary, Khyber Pakhtunkhwa and resultantly ex-parte proceeding was initiated which culminated in the shape of removal from Service of the appellant. (**Copy of Show Cause is attached as Annex-C**).

H. Incorrect and already explained in the preceding Paras.


I. Incorrect that chance of personal hearing/defence has been provided several times but he did not bother to appear before the Competent Authority (Annex-D)


J. Incorrect that respondent department has time and again informed the appellant to appear before the Chief Secretary, Khyber Pakhtunkhwa for personal hearing/defence but the appellant failed to comply with orders.


K. That the respondents may also be allowed to raise additional grounds/arguments at the time of hearing of the instant case.

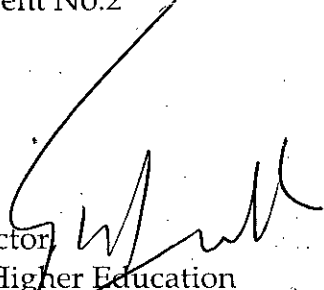
Prayers: -

It is, therefore, humbly prayed that the instant Service Appeal is based on misstatement/misconception, hence may graciously be dismissed with appropriate costs.


Chief Secretary,
Govt of Khyber Pakhtunkhwa
Respondent No.1


Secretary (Higher Education)
Govt of Khyber Pakhtunkhwa
Respondent No.2


Secretary (Finance Department)
Govt of Khyber Pakhtunkhwa
Respondent No.3


Director,
Directorate of Higher Education
Respondent No.4

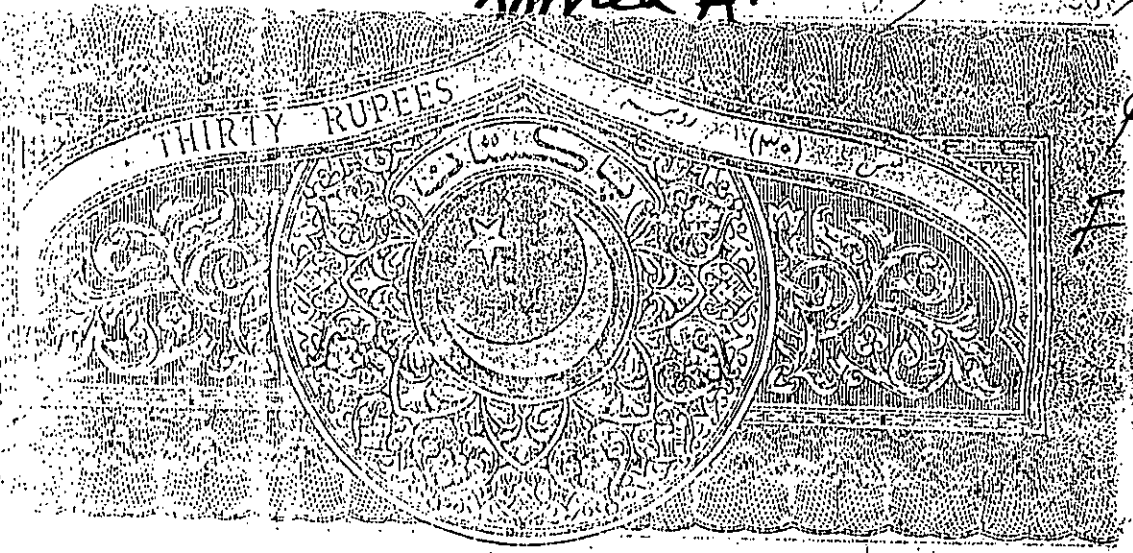
3/
4/4/2018

Annex A.

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UNDERTAKING / TERMS & CONDITIONS

Mr. Gouhar Rehman Lecturer in Zoology Government Post Graduate College Mardan
I solemnly state that I am not involved in any criminal case and on completion of my Ph.D.
I will serve the Higher Education Department Government of NWFP for at least five
years.

Gouhar Rehman
Lecturer in Zoology
- GPGC Mardan.

ATTESTED

Witness

M. Hussain Baloch

M. Hafizullah Baloch



On Verification of

~~15~~

Annex-B



**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVE
LIBRARIES DEPARTMENT**

No. SO (C-II) /HED/ 12-21 /2017/ Gohar Rehman
Dated Peshawar the 21.02.2018.

To

Dr. Gohar Rehman,
Assistant Professor,
Abdul Wali Khan University,
Mardan.

SUBJECT: - **DEPARTMENTAL APPEAL AGAINST THE REMOVAL ORDER
DATED 09.08.2017**

I am directed to refer to your subject appeal dated 05.10.2017 and to convey that the competent authority (Hon'ble Chief Minister Khyber Pakhtunkhwa) has regretted the same, for being time barred, under Rule-17 of the Khyber Pakhtunkhwa Govt. Servants (E&D) Rules 2011, please.

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

Endst: No. & Date Even

Copy forwarded to the Director, Higher Education, Khyber Pakhtunkhwa, Peshawar alongwith a copy of the subject appeal.

SECTION OFFICER (COLLEGES-II)

DD (F)

85 973 73
26/2



**OFFICE OF THE DIRECTOR HIGHER
EDUCATION KHYBER PAKHTUNKHWA
PESHAWAR**

Endst: No. 1032-33 CA-I/ Estt: Branch/ A-12/Gohar Rehman/Zoology

Dated Peshawar the 15/3/2018

Copy of the overleaf is forwarded to the:-

1. Dr. Gohar Rehman, Assistant Professor of Zoology, Abdu. Wali Khan University, Mardan with reference to his appeal dated 05.10.2017 for information and with the remarks to deposit the amount of Rs. 12,48,887/- into Govt; Treasury as already asked vide this office Endst: No. 2289-900 dated 29.08.2017 and Endst; No. 31254-56 dated 21.12.2017 immediately and send original challan to this office for onward submission to the Provincial Government.
2. Section Officer (Colleges-II), Govt; of Khyber Pakhtunkhwa, Higher Education Department, Peshawar with reference to his letter No. referred above.

B
15/3/18
DY: DIRECTOR (ESTABLISHMENT)

Annex - C

SHOW CAUSE NOTICE

I, Abid Saeed Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Gohar Rehman; Lecturer in Zoology, Govt; Post Graduate College, Mardan as follows:-

- i. That You Mr. Gohar Rehman, Lecturer in Zoology, Govt; Post Graduate College, Mardan were selected for M.Phil leading to Ph.D at University Kyungpook, National university (KNU), South Korea and OSD post from time to time w.e.f 01.09.2009 to 31.08.2012 was created for you. You had executed an undertaking that after completion of Ph.D, you will serve the Higher Education Department for five years.
- ii. That upon your selection as Assistant Prof: of Zoology at Abdul Wali Ali Khan, University, Mardan, you tendered resignation from service w.e.f 21.01.2013 and left this Department and joined new assignment without waiting for approval of the Competent Authority.
- iii. That as per direction of the Provincial Government, you were directed time and again to deposit the amount of Rs. 12,48,887/- which you had drawn against OSD post w.e.f 01.09.2009 to 31.08.2012 and in case of failure, to report for duty, disciplinary action will be initiated against you but you failed to do so.

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules.

- (a) Mis-conduct.
- (b) In-Efficiency.

1. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Removal from service and Recovery under rule 4 of the said rules. # Rs, 12,48,887/—
2. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

Abid Saeed
16/xi/2016
(Abid Saeed)
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Gchar Rehman, Assistant Professor of Zoology,
Abdul Wali Khan University, Mardan

Received
Abid Saeed
29/11/16
Dr. Gchar Rehman
Dept of Zoology AWKUNM.

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9211803

No. 5861 / CA-II/ Estt: Branch/A-12/Gohar Rehman/Zoology

Dated Peshawar the 28/2 /2017

7FA

To

Anna-Di

Mr. Gohar Rehman
Assistant Professor of Zoology
Abdul Wali Khan University, Mardan.

SUBJECT DISCIPLINARY PROCEEDINGS AGAINST MR. GOHAR REHMAN, LECTURER IN ZOOLOGY, GOVT; POST GRADUATE COLLEGE, MARDAN.

Memo:

Reference letter No. SO (Colleges-II)/HED/12-21/2016/Gohar Rehman dated 28.02.2017 received from the Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa, Higher Education Department, Peshawar wherein you personal hearing has been fixed by the Competent Authority on 02.03.2017 at 12:00 (Noon):

In view of the same, you are directed to appear before the Chief Secretary, Khyber Pakhtunkhwa in his office on 02.03.2017 at 12:00 (Noon) for your defence.

Endst; No. 5861-66

G. Bahi 28/2/17
DY: DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to the:-

1. Principal Govt; Post Graduate College, Mardan with the remarks to inform the lecturer concerned to attend the office of Chief Secretary, Khyber Pakhtunkhwa for personal hearing on the afore-mentioned date.
2. Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar with reference to his letter No. SO (Colleges-II)/HED/12-21/2016/Gohar Rehman dated 28.02.2017.

G. Bahi 28/2/17
DY: DIRECTOR (ESTABLISHMENT)

TO BE SUBSTITUTED FOR THE SAME NO. & DATE

DIRECTORATE OF HIGHER EDUCATION

**KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9211803

No 5864/ CA-II/ Estt: Branch/A-12/Gohar Rehman/Zoology

Dated Peshawar the 28.02.2017

To

Mr. Gohar Rehman
Assistant Professor of Zoology
Abdul Wali Khan University, Mardan.

SUBJECT

DISCIPLINARY PROCEEDINGS AGAINST MR. GOHAR
REHMAN, LECTURER IN ZOOLOGY, GOVT; POST
GRADUATE COLLEGE, MARDAN.

Memo:

Reference letter No. SO (Colleges-II)/HED/12-21/2016/
Gohar Rehman dated 28.02.2017 received from the Section Officer (Colleges-II)
Govt; of Khyber Pakhtunkhwa, Higher Education Department, Peshawar
wherein you personal hearing has been fixed by the Competent Authority on
07.03.2017 at 12:00 (Noon).

In view of the same, you are directed to appear before the
Chief Secretary, Khyber Pakhtunkhwa in his office on 07.03.2017 at 12:00
(Noon) for your defence.

7c *B* *1/3/17*
DY: DIRECTOR (ESTABLISHMENT)

Endst; No. 5865-66/

Copy of the above is forwarded to the:-

1. Principal Govt; Post Graduate College, Mardan with the
remarks to inform the lecturer concerned to attend the office
of Chief Secretary, Khyber Pakhtunkhwa for personal
hearing on the afore-mentioned date.
2. Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa,
Higher Education Department Peshawar with reference to
his letter No. SO (Colleges-II)/HED/12-21/2016/Gohar
Rehman dated 28.02.2017.

7c *B* *1/3/17*
DY: DIRECTOR (ESTABLISHMENT)

Most Immediate



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

Anna-D3
to J

No. SO (C-II) / 12-21/2012/Gohar Rehman / 4587-89.
Dated Peshawar the 07.03.2017.

To
The Director,
Higher Education Department,
Peshawar.

SUBJECT: - DISCIPLINARY PROCEEDING AGAINST MR. GOHAR REHMAN, LECTURER IN ZOOLOGY, MARDAN.

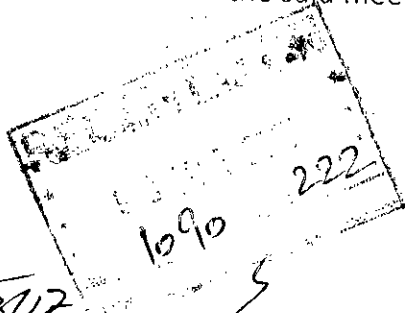
Dear Sir,

I am directed to refer to your letter No. 5864/CA/Estt. Branch dated 28.02.2017 on the subject noted above and to inform that the date of personal hearing of Mr. Gohar Rehman in the subject matter with the Hon'ble Chief Secretary Khyber Pakhtunkhwa, fixed on 02.03.2017 and 07.03.2017, is re-scheduled for 14.03.2017 at 1100 hours in his office.

2. It is, therefore, requested to inform the lecturer concerned as well as depute a well conversant Officer to attend the said meeting on due date, time and venue duly.

Encl:- As above.

DD/DE
For m/a



Yours faithfully,

Rahmani Gul
(RAHMANI Gul)

SECTION OFFICER (COLLEGES-II)

Enclst:- No. Even & Date even.

Copy of the above along with Govt. of Khyber Pakhtunkhwa Estt. & Admn Deptt. letter No. SO R-I (E&AD) 8-255/16 dated 16.03.2017 is forwarded to the:-

1. Vice Chancellor, Abdul Wali Khan University, Mardan with request to please issue requisite notice, in this regard, to the accused Officer, Mr. Gohar Rehman, Lecturer, Govt. Post Graduate College, Mardan
2. Section Officer (R-1), Govt. of Khyber Pakhtunkhwa Establishment & Admn. Department w/r to his letter No. mentioned above.

Inform him on phone

B

9/7/17

SECTION OFFICER (COLLEGES-II)

on

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

No. 6836 / Phone # 091-9210242, 9211025/Fax # 9211803
/ CA-II/ Estt: Branch/ Asst/ Gohar Rehman Zoology

Dated Peshawar the 08/03/17

102
60
Annex-D4

To

Mr. Gohar Rehman
Assistant Professor of Zoology
Abdul Wali Khan University, Mardan.

SUBJECT DISCIPLINARY PROCEEDINGS AGAINST MR. GOHAR
REHMAN, LECTURER IN ZOOLOGY, GOVT; POST
GRADUATE COLLEGE, MARDAN.

Memo:

Reference letter No. SO (Colleges-II)/HED/12-21/2016/
Gohar Rehman dated 28.02.2017 received from the Section Officer (Colleges-II)
Govt; of Khyber Pakhtunkhwa, Higher Education Department, Peshawar
wherein your personal hearing has been fixed by the Competent Authority on
14.03.2017 at 12:00 (Noon).

In view of the same; you are directed to appear before the
Chief Secretary, Khyber Pakhtunkhwa in his office on 14.03.2017 at 12:00
(Noon) for your defence.

9 Baki
8/3/17
DY: DIRECTOR (ESTABLISHMENT)

Endst; No. 6837-38 *9c*

Copy of the above is forwarded to the:-

1. Principal Govt; Post Graduate College, Mardan with the remarks to inform the lecturer concerned to attend the office of Chief Secretary, Khyber Pakhtunkhwa for personal hearing on the afore-mentioned date.
2. Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar with reference to his letter No. SO (Colleges-II)/HED/12-21/2016/Gohar Rehman dated 28.02.2017.

9c
9 Baki
8/3/17
DY: DIRECTOR (ESTABLISHMENT)

In The Court of Chairman Service
Tribunal, Peshawar.

Gohar Rehman v/s Govt. of KP.

Receipt

I, have received Rs: 1000/- in
connection with the penalty imposed
upon the respondents for non-
submission of reply in the above
titled Service Appeal from the
representative of Department
(Mr. Murad Khan) today on
16/07/2018.



Advocate for 16/8)

Appellant

16/7/2018

Grounds

- a) That act of the respondent department, thereby depriving the appellants from the above said benefit of upgradation is illegal unlawful without authority/jurisdiction, as well as being based on the malafide intentions of the respondent department is liable to be set-aside.
- b) That since hundred and hundreds of the teachers have been treated in a discriminatory manner and have been deprived of the above said benefit mere on the ground that they are not having the qualification of FA/FSc is an act unjust and without any reasonable ground, as the basic qualification at the time of the appointment of the appellant was Matric with PST and the basic qualification at the time of the appointment of the benefited teachers were FA/FSc with PST, hence no privilege can be granted to the persons, whom have been appointed on the prescribed qualification.
- c) That the appellants have been serving on the above said since long, whereas the minimum tenure of the service amongst the appellant is 18 years and the maximum tenure amongst the appellant is extended to 40 years and since long all the appellants have been waiting for their turn

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.148/2018

GOHAR REHMAN

VS

GOVT: OF KP

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO
THE REPLY SUBMITTED BY THE OFFICIAL
RESPONDENTS

R/SHEWETH:

(1 to 5):

All the objections raised by the respondents are in correct, baseless and not in accordance with law and rules, rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct by the respondents hence need no comments.
- 3- Admitted correct to the extent of the application was properly forwarded and finally were allowed vide Notification dated 07.07.2009 while the rest of part is incorrect. That no such condition has been mentioned in the undertaking/affidavit furnished by the respondent Department with the other employees, that they will serve the respondent Department after their return. That in the case of the appellant the respondents acted in discriminatory manner by inserting the period of five years. Moreover there is no such condition in undertaking/affidavit of the Higher Education Commission.
- 4- Admitted correct by the respondents while the appellant received his monthly salaries against the post of OSD post till January 2013.
- 5- Admitted correct hence need not comments.
- 6- Admitted correct. That in the meanwhile Abdul Wali Khan University Mardan advertised some posts including the post of Assistant Professor in Zoology for which the appellant applied through proper channel and was selected as Assistant Professor on TTS basis.

- 7- Admitted correct. That appellant time and again requested the respondent No.2 and 3 for his proper relieving but the respondents were not willing to do so. That appellant having no other option to joined his new assignment at Abdul Wali Khan University Mardan by giving charge report to the Chairman Zoology Department on 22.01.2013.
- 8- Incorrect and not replied accordingly. That appellant visited the concerned quarter time and again for his relieving but the respondent succumbed on the same and at last the appellant tendered/furnished resignation but the same have also been regretted by the respondent No.3.
- 9- Admitted correct hence need no comments.
- 10- Admitted correct hence need not comments.
- 11- Admitted correct hence need no comments.

GROUND:

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That the appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the norms of natural justice. That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan 1973 state is bound to reduce disparity in the income and earnings if individuals including persons in the various classes of the service of Pakistan. That according to the Deed agreement of the Higher Education Commission there is no bar on the scholar that he will only serve the concern Department on his return to Pakistan. That it is pertinent to mention that the respondent Department has furnished under taking with employees without the condition that they will serve the respondent Department after their return but in the case of the appellant the respondents acted in discriminatory manner.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may kindly be accepted in favor of the appellant with all back benefits.

APPELLANT

GOHAR REHMAN

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE