

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

SERVICE APPEAL NO. 557/2013

Date of institution ... 19.03.2013

Date of judgment ... 20.04.2016

DR. HAKIM KHAN

S/o Malik Zardad Khan,

Ex-Research Officer Hazara Agriculture Research Station Abbottabad Agriculture

Deptt: Khyber Pakhtunkhwa Recently Asstt: Professor Agriculture, Depatt:

Hazara/University Haripur.

R/o Malik Zardad Colony, Battgram.

... (Appellant)

VERSUS

1. The Secretary to Govt: of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Deptt: Peshawar.
2. The Chief Secretary Khyber Pakhtunkhwa Peshawar.
3. The Hon'ble Chief Minister Khyber Pakhtunkhwa Peshawar.
4. The Secretary Establishment Khyber Pakhtunkhwa Peshawar.
5. The Director General Agriculture Deptt: Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF THE RESPONDENTS NO.1 TO 3 VIDE ORDER NO. SOE (AD) 7-55/2006 DATED 09.02.2010 OF THE RESPONDENT NO.1, NO: SOE (AD) 7-5506-07 DATED 27.12.2011 OF RESPONDENT NO.2 AND ALSO NO. SOE (A.D) 7-55/06/07 DATED 21.02.2013 OF RESPONDENT NO.3 WHO DID NOT CONSIDER THE/ RESIGNATION OF APPELLANT WITH EFFECT FROM 31.08.2009 A REQUESTED BY THE APPELLANT BUT RESPONDENT GAVE EFFECT TO THE RESIGNATION WITH EFFECT FROM 31.07.2010 AND THE INTERVENING PERIOD WAS TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY, WHICH IS ILLEGAL, UNLAWFUL AND AGAINST THE RULES, TREATED DISCRIMINATORY AS THE SAME RELIEF IS EXTENDED TO OTHER AND DEPRIVING THE APPELLANT.

Mr. Gohar Ali, Advocate.

Mr. Ziaullah, Government Pleader.

.. For appellant.

.. For respondents.

MR. PIR BAKHSH SHAH

MR. ABDUL LATIF

.. MEMBER (JUDICIAL)

.. MEMBER (EXECUTIVE)

JUDGMENT

PIR BAKHASH SHAH, MEMBER: Appellant was a Research Officer (BPS-17) in the Agriculture Department. He was selected as Assistant Professor in Hazara University vide order dated 05.08.2009. This order was further modified vide order dated 11.11.2010 in the following manner “the appointment shall stand approved as Assistant Professor in BPS-19 w.e.f 01.09.2009 from the date he joined Hazara University and professional duty as such” According to record his resignation from Agriculture Department was accepted w.e.f. 31.07.2010 vide notification dated 09.02.2010 and his unauthorized absence w.e.f 31.08.2009 to 31.07.2010 was treated as his Extra Ordinary Leave without pay. It evident that the appellant stands retired from Agriculture Department w.e.f 31.07.2010. In this appeal under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, he has made the following prayer “Therefore, it is, requested that the respondents may please be directed to consider/give effect to the resignation of the appellant w.e.f. 31.08.2009 and impugned order dated 31.07.2010 and its refusal by the respondents may please be set aside”.

2. Arguments heard and record perused.

3. After hearing arguments of both the parties for sufficient long time and perusal of the record, the only ground which appellant could make for a favourable approach of this Tribunal was his alleged ground of discrimination. In this regard a plea was taken that in a similar case, resignation of one Dr. Ayub had been ante-dated by the department which concession, was unjustifiably declined to the appellant. In the circumstances when complete details of the said case are not before us, the department can better judge whether ante-dation of resignation in case of Dr. Ayub was legal, justified and in the domain of the rules regulation and if so whether case of the appellant is identical on all fours with that case. This being so, the Tribunal is inclined to remit the case to the respondent-department with the direction to once

again examine the case of the appellant keeping in view the above observations and to decide the same afresh, preferably within a period of two months on its merits, according to law. Appeal is disposed of accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
20.04.2016



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

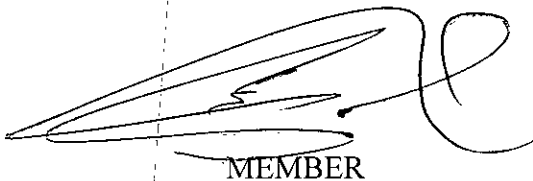
20.04.2016

Appellant with counsel and Mr. Ziaullah, GP for respondents present.

Vide our detailed judgment of to-day placed on file, this appeal decided as per detail judgment. Parties are left to bear their own costs. File be consigned to the record.

Announced  
20.04.2016

  
MEMBER

  
MEMBER



22.03.2016

Counsel for the appellant and Mr. Tariqullah, Stenographer  
alongwith Mr. Muhammad Jan, GP for respondents present.  
Representative of the respondents submitted record about Dr.  
Ayub Khan which is placed on file. To come up for perusal of  
record and order on 08.04.2016.



Member



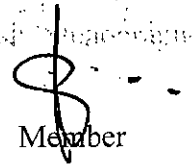
Member  
of stenography

08.04.2016

Appellant with counsel (Mr. Gohar Ali, Advocate) and Mr.  
Tariqullah, Stenographer alongwith Mr. Ziaullah, GP for  
respondents present. Certain points needs further consideration in  
the instant apeal, therefore the case is adjourned. To come up for  
order/arguments on 20.04.2016.



Member



Member

NFP. Routine 5

No. \_\_\_\_\_ From \_\_\_\_\_

Date \_\_\_\_\_ To \_\_\_\_\_

Encl: \_\_\_\_\_

P-12: Resignation.

26.11.2010

DT:

SUBJECT:

✓  
 P-14 13.9.2010 - R1  
 P-24 11.27.12.2011 - R2  
 P-25 21.2.2013 - R3

Resignation  
w.e.f 31.8.09

but

31.7.2010

E.O.K

- App: 5.8.2009:  
order

- Meet Selection board 17.4.09

Meeting 22.4.09

- from the date of Talking/Joining

Amended: 11.11.2010: w.e.f 1.9.2009:

- he joined duty.

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

| Serial No. of Order or Proceedings<br>1 | Date of Order or Proceedings<br>2 | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary<br>3 |
|---|-----------------------------------|--|
|---|-----------------------------------|--|

31.8.2009  
31.7.2010

Reserve  
Agri: /off:  
BS: 17

1.2.1989

Agriculture  
Dept:

Asst: Unreserved

5.8.2009  
1.9.2009

(i) 1996 SCMR 1185 (C)

Resignation  
Prigi

26.11.2010

(ii) 2006 # 1082  
(Discriminatory)

5.9.2006

(iii) 2008 PLC (CS) 482

No. c-

21.9.2006

City 2006 SCMR 434

11.11.2010

- 19.

1) Not maintained

(i) 2011 SCMR 676

Time barred

ii) 2009 " 1435 1.0

9.2.2010

iii) 2012 ~ 1985 D.A

24.8.2011 : 28.12.2011

iv) 2013 SCMR 911

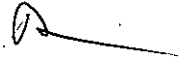
(2) Not given NOC for Asst's

(5) 2006 # 453

(3) Absence period  
1-2.2007 / 31.8.2009  
19.1.2008 / 31.8.2009  
Professors

17.12.2015

Counsel for the appellant and Mr. Tariqullah, Stenographer  
alongwith Mr. Ziaullah, GP for respondents present. Appellant is  
directed to prepare Member copy of the instant appeal before the  
date fixed. To come up for arguments on ~~13~~ . 2 . 16

  
Member

  
Member

04.02.2016

Appellant with counsel (Mr. Gohar Ali  
Advocate) and Mr. Ziaullah GP with Tariqullah, Steno  
for the respondents present. Arguments heard. To come  
up for order on 18-2-2016.

  
MEMBER

  
MEMBER

18.02.2016

Counsel for the appellant and Mr. Ziaullah, GP with  
Tariqullah, Steno for the respondents present. One of the  
arguments of the learned counsel for the appellant was that in  
similar situation the department accepted resignation of  
Dr. Ayub Khan w.e.f. 31.08.2009 of Agriculture Department but  
the appellant has been discriminated. The respondent  
department is directed to produce record of the said Ayub Khan  
on the next date. To come up for record and order on

~~22-3-16~~  
  
MEMBER

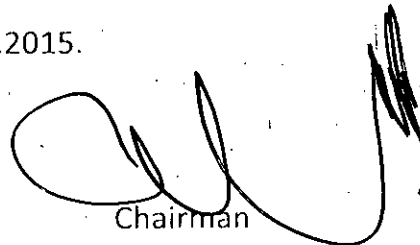
  
MEMBER



557/13

09.09.2014

Counsel for the appellant and M/S Muhammad Ilyas Statistician and Tariqullah, Stenographer on behalf of respondents No. 1, 2 and 5 with AAG for the respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 9.03.2015.



Chairman

09.3.2015

Appellant with counsel and Mr. Ziaullah, GP with Tariqullah, Steno and Murtaza Khan, Statistician for the respondents present. The learned Member-II of the bench is on leave, therefore, case to come up for arguments on 14.9.2015.

MEMBER

14.09.2015

Counsel for the appellant, M/S Sultan Shah, Assistant and Mr. Tariqullah, Stenographer alongwith Ziaullah, GP for respondents present. Since the Court time is over therefore, case is adjourned to 6-11-15 for arguments.



MEMBER



MEMBER

6.11.2015

Counsel for the appellant and Mr. Tariqullah, Stenographer alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to paucity of time. To come up for arguments on

17-12-15



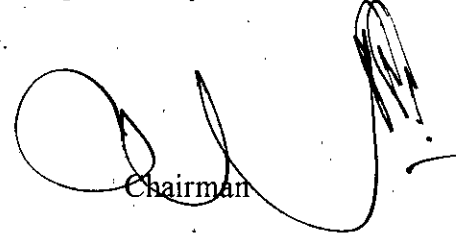
MEMBER



MEMBER

28.11.2013

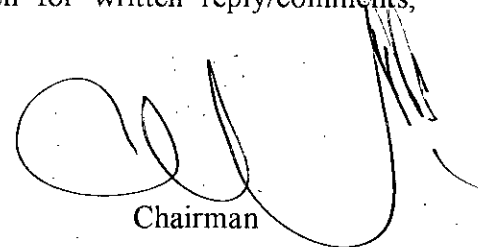
Appellant with counsel and Mr. Tariquillah, Assistant on behalf of respondents No. 1,2 and 5 with AAG for the respondents present. To come up for written reply/comments on 27.2.2014.



Chairman

27.2.2014

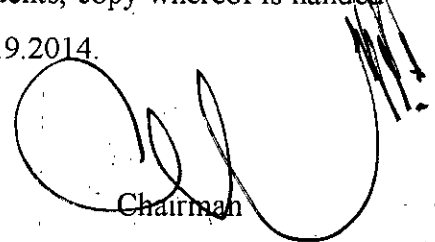
Appellant with counsel, M/S Tariq Masood, A.D for respondents No.1,2 & 5 and Sultan Shah, Assistant for respondent No.4 with AAG for the respondents present. When pointed out to the learned counsel for the appellant that Chief Minister, Khyber Pakhtunkhwa is an unnecessary party in the appeal, the learned counsel for the appellant requested for deletion of the Chief Minister from the panel of respondents. The Chief Minister (Respondent No.3) is accordingly deleted from the panel of respondents. Written reply has not been received, and request for further time made on behalf of the respondents. Another chance is given for written reply/comments, positively, on 29.5.2014.



Chairman

29.5.2014

Appellant with counsel and Mr. Tariquillah, Stenographer on behalf of respondents No. 1,2,4 and 5 with AAG present. Written reply received on behalf of the respondents, copy whereof is handed over to the appellant for rejoinder on 9.9.2014.



Chairman

Appeal No. 557/2013  
Dr. Hakim Khan,

19.08.2013

Appellant with counsel present and heard on preliminary

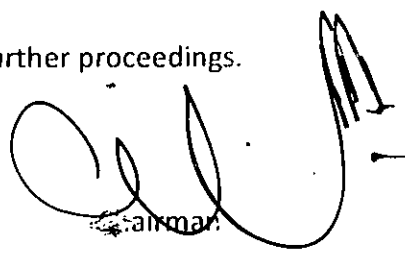
Contended that the appellant has not been treated in accordance with the law/rules. He submitted departmental appeal against order dated 09.02.2010 on 05.11.2012 which was rejected on 08.2.2013 on merits and endorsed to the appellant 22.3.2013, hence the present appeal on 19.03.2013. He further contended that for adjustment, vacant post was available at the relevant time. Moreover, similar nature case of Dr. Ayub was decided by this Tribunal. ~~\_\_\_\_\_~~ Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections including limitation. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 28.11.2013 for submission of written reply.

Appellant deposited  
Security & process fee  
Rs 2000 Bank receipt  
is attached with  
file  
Shy

  
Member.

19.8.2013

This case be put before the Final Bench 2 for further proceedings.

  
Chairman

6

3.  
17.5.2013

Counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunal (Amendment) Ordinance, 2013 (Khyber Pakhtunkhwa Order No. II of 2013), the case is adjourned on note Reader for proceeding as before on 26.6.2013.

  
Reader.

4.  
26.6.2013

Munshi for the Counsel of the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 19.08.2013.


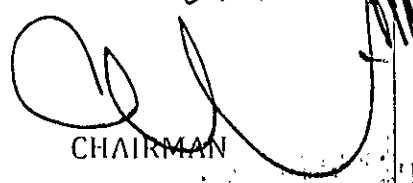
  
Reader



Form- A  
FORM OF ORDER SHEET

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

Case No. 557/2013

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1     | 22/03/2013                | <p>The appeal of Dr. Hakeem Khan resubmitted today by Mr. Gohar Al Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><br/>REGISTRAR</p> |
| 2     | 1-4-2013                  | <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>17-5-2013</u>.</p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |

**BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.**

Service Appeal No. 557 of 2013

Dr. Hakim Khan ..... Appellant

**VERSUS**

The Secretary to Govt of Khyber Pakhtunkhwa Agriculture,  
Livestock & Cooperative Deptt: Peshawar & others  
..... Respondents

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| 3.    | Addresses of the parties  |          | 6     |
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| 6.    | Copy of the Resignation by appellant  | "C"      | 12-13 |
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Dated 19/03/2013

Through

  
Appellant

  
Gohar Ali  
Advocate, Peshawar.

1

**BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.**

Service Appeal No. 557 of 2013

K.P.K. Province  
560  
19-3-13

Dr. Hakim Khan S/o Malik Zardad Khan  
R/o Malik Zardad Colony, Battgram,  
Ex-Research Officer Hazara Agriculture  
Research Station Abbottabad Agriculture Deptt: Khyber  
Pakhtunkwa Recently Asstt: Proffessor Agriculture Deptt:  
Hazara / University Haripur.

..... Appellant

**VERSUS**

- 1) The Secretary to Govt of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Deptt: Peshawar.
- 2) The Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 3) The Hon'ble Chief Minister Khyber Pakhtunkhwa Peshawar.
- 4) The Secretary Establishment Khyber Pakhtunkhwa Peshawar.
- 5) The Director General Agriculture Deptt: Peshawar.

..... Respondents

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF THE RESPONDENTS NO.1 - 3 VIDE ORDER NO. SOE (AD) 7-55 / 2006 DATED 09/02/2010 OF THE RESPONDENT NO.1, NO. SOE (AD)7-5506-07 DATED 27/12/2011 OF RESPONDENT NO.2 AND ALSO NO. SOE (A.D) 7-55 / 06/07 DATED 21/02/2013 OF RESPONDENT NO.3 WHO DID NOT CONSIDER THE / RESIGNATION OF APPELLANT WITH EFFECT FROM 31/08/2009 AS REQUESTED BY THE APPELLANT BUT RESPONDENT GAVE EFFECT TO THE RESIGNATION WITH EFFECT FROM 31/07/2010 AND THE INTERVENING PERIOD WAS TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY, WHICH IS ILLEGAL, UNLAWFUL AND AGAINST THE RULES, TREATED DISCRIMINATORY AS THE SAME RELIEF IS EXTENDED TO OTHER AND DEPRIVING THE APPELLANT.**

19/3/13

re-submitted to  
and filed.

22/3/13

Respdub No. 3  
is deleted vide  
order dt 27-2-14  
8

2

**Prayer:**

*On the acceptance of this appeal the impugned orders of the respondents may please be set aside and the resignation of the appellant may please be considered /given effect from 31/08/2009 Under Rule Article 418 (b) Civil Service Regulation (C.S.R) revised edition 2006. Or any other relief which deems fit may also be granted in favour of the appellant please.*

*Respectfully Sheweth:*

*The appellant submits as under:*

- 1) That appellant was Research Officer (BPS – 17 ) Hazara Agriculture Research Station Abbottabad at Baffa. Who submitted the application to Secretary Establishment for Departmental permission to apply through proper channel for the post of Associate Professor Genetic in BPS – 18 which was forwarded by Respondent No.5 to Respondent No.1 for consideration as Annexure "A", who accepted.*
- 2) That the appellant was appointed in Hazara University Garden Campus Mansehra Khyber Pakhunkhwa dated 05/08/2009 as Annexure "B-1", then his appointment order was amended dated 11/11/2010 with effect from 01/09/2009 as Annexure "B-2).*
- 3) That the appellant submitted Resignation dated 26/11/2010 tendering reliving with effect from 31/08/2009 as appellant got no salary during the period onward after 31/08/2009 except for the month of October, 2010, which the appellant undertakes to return to the department as Annexure "C-1", under the prescribed Rule – C (2).*



- 4) *That the resignation of the appellant was accepted with effect from 31/07/2010 instead of 31/08/2009 and the period from 31/08/2009 to 31/07/2010 was treated as extra ordinary leave without pay as Annexure "D"*
- 5) *That the appellant was shown as waiting for post on 10/04/2009 but the post was available and vacant during that period as reference Annexure "E-1 & E-2 dated respectively 10/08/2010 and 23/09/2010.*
- 6) *That in the similar and identical case department accepted the resignation of Dr. Ayub Khan with effect from 31/08/2009 but deprived the appellant from the same facilities directly amounts to pick and choose policy of the respondents, which is discriminatory on the part of respondents as Annexure F-1 to F-2.*
- 7) *That appellant requested and submitted applicant to Respondent No.1 for rectification of resignation and then to Chief Secretary as Annexure G-1 and G-2, which was not accorded as Annexure "H".*
- 8) *That the Secretary Establishment advised the appellant to appeal to Respondent No.3, who filed which was turned down as Annexure "I&J" respectively).*
- 9) *That by changing the resignation date there shall be no loss to any forum. But beneficial to the appellant.*
- 10) *That the appellant is constrained to this Hon'ble Tribunal for redressal of his grievances inter-alia on the following grounds:*

**Grounds:**

- A) That the order impugned is ultra vires and unlawful.
- B) That the order of the respondents is discriminatory.
- C) That there is a vacant post existed concealed by the respondent to show at waiting list.
- D) That the benefit of the employee is to be seen which is neglected by the respondents.
- E) That the treatment of the respondents with the appellant is based on malafide intention by concealment of facts on the part of respondents.
- F) That the appellant may also be allowed to rely on additional grounds at the time of arguments.

Therefore, it is, requested that the respondent may please be directed to consider / give effect to the resignation of the appellant with effect from 31/08/2009 and impugned order dated 31/07/2000 and its refusal by the respondents may please be set aside.

Dated 19/03/2013

*Habibullah*  
Appellant

Through

*GA*  
Gohar Ali  
Advocate, Peshawar.

**Certificate:**

Certified that as per instruction of my client no such like service appeal has earlier been filed before this Hon'ble Court.

*GA*  
Advocate

**BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.**

Service Appeal No. \_\_\_\_\_ of 2013

Dr. Hakim Khan ..... Appellant

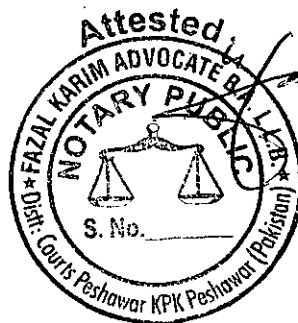
**VERSUS**

The Secretary to Govt of Khyber Pakhtunkhwa Agriculture,  
Livestock & Cooperative Deptt: Peshawar & others  
..... Respondents

**AFFIDAVIT**

I, Gohar Ali Advocate counsel of the appellant, as per instructions of my client, do hereby solemnly affirm and declare on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

**DEPONENT**



19 MAR 2013

**BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.**

Service Appeal No. \_\_\_\_\_ of 2013

Dr. Hakim Khan ..... **Appellant****VERSUS**

The Secretary to Govt of Khyber Pakhtunkhwa Agriculture,  
Livestock & Cooperative Deptt: Peshawar & others  
..... **Respondents**

**ADDRESSES OF THE PARTIES****Appellant**

Dr. Hakim Khan S/o Malik Zardad Khan  
R/o Malik Zardad Colony, Battgram,  
Ex-Research Officer Hazara Agriculture  
Research Station Abbottabad Agriculture Deptt: Khyber  
Pakhtunkhwa Recently Asstt: Professor Agriculture Deptt:  
Hazara / University Haripur.

**Respondents**

- 1) The Secretary to Govt of Khyber Pakhtunkhwa Agriculture,  
Livestock & Cooperative Deptt: Peshawar.
- 2) The Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 3) The Hon'ble Chief Minister Khyber Pakhtunkhwa Peshawar.
- 4) The Secretary Establishment Khyber Pakhtunkhwa  
Peshawar.
- 5) The Director General Agriculture Deptt: Peshawar.

Dated 19/03/2013

*Hakim Khan*  
Appellant

Through

*Gohar Ali*  
Gohar Ali  
Advocate, Peshawar.

P.F.

H<sub>1</sub>  
P-7

-81-

No 988-89/DARC

Dated 5/9/06

To,

The Director-General,  
Agril; Research System,  
NWFP, Agril; University, Peshawar.

Through: Proper channel

Subject: CERTIFICATE OF DEPARTMENTAL PERMISSION

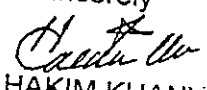
Respected Sir,

It is submitted that I intends to apply for the post of Associate Professor of Genetics advertised by the Hazara University, Mansehra through Daily Mashriq.

It is therefore requested that I may kindly be granted departmental permission, so that, I may be able to appear for the advertised post please.

Thanking your goodself in anticipation.

Yours sincerely



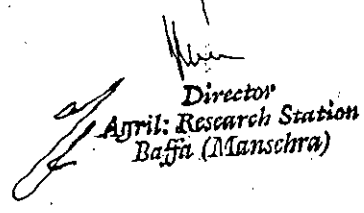
(Dr. HAKIM KHAN)  
Research Officer  
Agricultural Research Station,  
Baffa (Mansehra)

Encl: As above

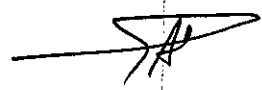
Dated 04-09-2006

c.c -To The Registrar Hazara University (inadvice)

Forwarded in original to DGR for favour  
of further consideration.



Director  
Agril; Research Station  
Baffa (Mansehra)

Attested  


P.F. 2006  
D. 10

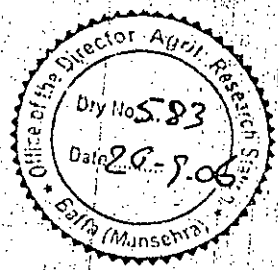
H<sub>2</sub>  
D-8

-82-

No. 9640-41  
To Asstt./DGAR

Dated Pesh: the 21/9 /2006

The Section Officer (Estt.),  
Government of N.W.F.P.,  
Agril. Livestock & Coop. Dept.,  
Peshawar.



Subject: DEPARTMENTAL PERMISSION  
Memo:

It is submitted that Dr. Hakim Khan, Research Officer, Agril. Research Station Baffa, (Manshra) has applied for the post of Associate Professor (BPS-18) advertised by the Hazara University Manshra through Daily Mashriq dated 27.8.2006.

As Dr. Hakim Khan, Research Officer, is not under Bond with the Department, therefore, he is entitled to apply against any vacant post out of the Department.

It is, therefore, requested that the enclosed Departmental Permission Certificate may please be forwarded to the Registrar, Hazara University, Manshra under intimation to this office.

Incl. as above

*Muhammad R. Khan*  
(Muhammad R. Khan)  
Director General  
Agril. Research System  
NWFP, Peshawar  
20/09/06

The Director, Agril. Research Station Baffa (Manshra) w/r to his memo No. 988-89/DAR, (M) dated 5.9.2006 for information & with the remarks that the applicant may be advised that he will resign the Govt. service before joining the University service as per Govt. Rules/Instructions.

*Hakim Khan*  
*Khan*  
20/9

*Allah*  
*Al*

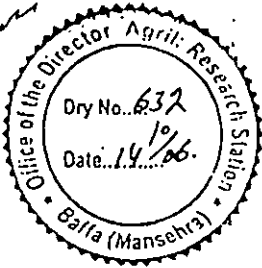
Dated 23.10.07

Annex-A<sub>3</sub>  
P-9

-83-

GOVERNMENT OF NWFP  
AGRIL: LIVESTOCK AND COOP: DEPT.

NO. SOE (AD)7-55/06-07  
Dated Peshawar, the 3-10-2006



To  
The Registrar,  
Hazara University, Mansehra.

SUBJECT: DEPARTMENTAL PERMISSION.

Dear Sir,

I am directed to enclose herewith an application in original in respect of Dr. Hakim Khan, Research Officer, Agril: Res. Station, Baffa Mansehra applied for the post of Associate Professor Genetic (BS-18) for further necessary action.  
Encl: As above.

Yours faithfully,

(JAVID MAQBOOL BUTT)  
SECTION OFFICER-ESTT.

Endst. of even No. & Date.

Copy forwarded to:-

- 1. The DG Agril: Research, NWFP, Peshawar w/r to his letter No. 9640-41 dated 21/9/2006.

10587

1 SLDAR.

Dated Pesh. the 11/10 2006

Copy of the above is forwarded to Director, Agril. Research Station, Baffa (Mansehra) w/r to his letter No. 988-89/DAR (M) dated 5/9/2006 for information.

Office  
1  
Man

Abdul  
JAA

Administrative Officer (M.A.)  
Directorate General  
NWFP, Agril. Research System  
Peshawar

2/10  
11-10-06



B  
D-10  
HAZARA UNIVERSITY

Garden Campus  
MANSEHRA, NWFP

Phone No. 0997-414163, Fax No. 0997-530046

No. 4(75) HU/Reg/2009/1561


Aug 05, 2009

DR. HAKIM KHAN,  
S/o Malik Zardad Khan,  
B-19, Ghazi Kot Township,  
Mansehra, Phone No. 0301-8101440.

Subject: APPOINTMENT AS ASSISTANT PROFESSOR (TTS)

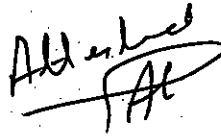
On the recommendation of the Selection Board in its meeting held on April 17, 2009 and subsequent approval by the Syndicate in its 19<sup>th</sup> meeting held on April 22, 2009, the Competent Authority is pleased to appoint you as **Assistant Professor** in the discipline of **Agriculture** (First Term) under **Tenure Track System** with effect from the date of your joining/taking over the charge on the following terms and conditions:

1. Your service shall be governed by Hazara University Statutes 2006 (Tenure Track System) and service rules and regulations, as prescribed by the University / HEC from time to time.
2. No TADA shall be admissible for joining the duty.
3. The offer is valid for a period of 90 (ninty) days from the date of issuance of this Appointment letter and shall expire automatically thereafter.

  
Lt. Cdr. (R) Mahmoood Khan  
REGISTRAR

Copy to:

1. PS to Vice Chancellor
2. PA to Registrar
3. Treasurer
4. Provost
5. R.A.D (Audit)
6. Chairman concerned Department
7. Pay Incharge
8. Personal File
9. Relevant File

  
A.H. Khan  
FA



B<sub>2</sub>  
D-11

A-71187

Annex - II

TO BE SUBSTITUTED FOR THE SAME NO & DATE



**HAZARA UNIVERSITY, MANSEHRA, PAKISTAN**

Phone No: 0997-414163 Fax No: 0997-530046

Email: huregistrar@yahoo.com

No. 4(75) HU/Reg/2010/2083

November 11, 2010

**OFFICE ORDER**

Consequent upon the recommendation of the Selection Board held on July 21 to 23, 2010 by item No.29 and subsequent approval of the Syndicate item 24 held on October 21, 2010, the Competent Authority is pleased to modify the appointment order in respect of Dr. Hakeem Khan S/o Malik Zardad Khan issued Vide No. 4(2) HU/Reg/2010/2083 dated November 11, 2010 to the extent as follow:-

- His appointment shall stand approved as Assistant Professor in BPS-19 (19680-970-39080) w.e.f. 01-09-2009 from the date he joined Hazara University and performed duty as such
- His term and condition of service effective from 01/09/2009 shall as under:-

**TERMS AND CONDITIONS**

1. He remained on probation for a period of one year w.e.f. 01-09-2009
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. He will have to serve 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit /three months salary in lieu thereof.
4. He had signed an undertaking to work to best of his abilities, honesty and commitment at Hazara University.
5. He had provided Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Mansehra/Hazara University Hospital.
6. Medical facility will be provided to his family/dependents as admissible under rules of Hazara University at DHQ Mansehra and Ayub Medical Complex, Abbottabad.
7. Other terms and condition (if any) except related service statutes 2006 of the TTS and those prescribed by HEC for TTS, would remain the same.

*[Signature]*  
REGISTRAR

**Copy to:**

1. PS to Vice Chancellor
  2. PA to Registrar
  3. Coordinator Haripur Campus
  4. Dean Faculty of Sciences
  5. Treasurer
  6. Deputy Director Audit
  7. Personal File
  8. Person Concerned
  9. Relevant Files
- [Signature]*

C  
P-12

To

The Secretary to Govt. of Khyber Pakhtunkhwa  
Agril; Livestock & Coop; Deptt;  
Peshawar

Through: Proper channel

Subject: Resignation from Service to join Hazara University

Sir,

It is stated that I applied for the post of Assistant Professor in Hazara University through proper channel and departmental permission was granted vide Govt. of NWFP Agril; Livestock & Coop; Deptt; No. SOE(AD)7-55/06-07 dated 03-10-2006(Annex I). I was appointed as Assistant Professor of Agriculture (BPS-19) vide office order No. F.No.4(2)HU/Reg/2010/2082 dated 11.11.2010 (Annex-II).

It is therefore requested that my resignation may be accepted under the CSR-418, Page No. 132 (on the condition that my Services and other benefits will be transferred to the University) and I may be relieved from 31.8.2009 evening. It is further stated that I have got no salary from the department during this period except for October 2010, which will be deposited back in to the Government treasury through challan before relieving from the department. The University authorities will release my salary on production of NOC/relieving from the department.

Thanks

Yours sincerely

*Hakim Khan*

Dr. Hakim Khan  
Research Officer  
HARS Abbottabad  
Dated 26-11-2010;

*DAR M.*  
*[Signature]*  
26/11/10

N/O 2092 /DAR Dated 26/11/2010

*A.O please*  
*Forwarded to*  
*DGR for necessary*  
*action please*  
*[Signature]*  
26/11/10

*Abdul*  
*[Signature]*

<sup>1</sup>[417. Time passed under suspension followed by reinstatement shall count for pension irrespective of whether the Government servant was or was not allowed full pay and allowances for that period.]

<sup>2</sup>[417-A. If an officer, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of the inquiry, the disciplinary proceedings against him shall abate and such officer shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty.]

Resignation and Dismissals

<sup>3</sup>(a) Resignation of the public service, <sup>3</sup>[or dismissal] or removal from it for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

<sup>3</sup>(b) Resignation of an appointment to take up another appointment, service in which counts, is not a resignation of the public service.

419. Any authority who, on revision or appeal, reverses an order dismissing <sup>3</sup>[or removing] an officer, may declare that the officer's past service counts.

Interruptions

420. An interruption in the service of an officer entails forfeiture of his past service, except in the following cases :-

- (a) Authorised leave of absence. —
- (b) Unauthorised absence in continuation of authorised leave of absence so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited.

<sup>4</sup>[(c) Suspension where it is immediately followed by

<sup>1</sup>Article 417 substituted by S.R.O. 227(I)/83, dated 17th Feb., 1983, Gaz. Pak., Extr., Part II, P. No. 325, dt. March 8, 1983.

<sup>2</sup>Article 417-A inserted by S.R.O. 1114(I)/80, dated 10th Nov., 1980, Gaz. Pak., Extr., Part II, P. No. 2215, dt. Nov. 20, 1980.

<sup>3</sup>The words in brackets occurring in Articles 418 and 419 take effect from 1st June, 1935.

<sup>4</sup>Subs. vide Noti. No. F.2(7)-Reg(6)/72, dt. 13-7-1972

Abdullah

instatement, where the officer retired while und

(d) Abolition of office reduction of estate

(e) Transfer to non-official under Government by competent authority resigns qualifying for this exception. Tr forfeiture. [But see

(f) Transfer to service of the President.

(g) Time occupied in service, provided that orders of competent authority, with the concurrence of the

<sup>1</sup>[(h) Due to any other cause not due to any fault of the officer, such as, removal from service

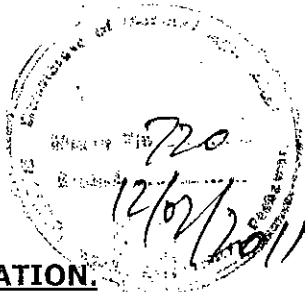
421. The authority who sanctions such periods of absence shall not be liable for forfeiture of allowances.

Condonation of Interruptions

422. Upon such conditions as may be determined by the authority competent to sanction such leave at the time condonation of such interruption may condone all such interruptions.

— [The powers under this article shall be exercised by the Government of Pakistan and shall not be exercised as to condone breaks in temporary service of any category of qualifying service.]

Clause (h) inserted by S.R.O. 227(I)/83, dated 17th Feb., 1983, Gaz. Pak., Extr., Part II, P. No. 235, dt. March 8, 1983. See the Note, added by the M.F.A.



D  
P-14

17/12/08 - 1/8/10

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 9/2/2010

**NOTIFICATION.**

NO. SOE (AD) 7-55/2006.- The Competent authority is pleased to accept the resignation tendered by Dr. Hakim Khan, Research Officer(BS-17) Hazara Agricultural Research Station, Abbottabad from service with effect from 31/07/2010 subject to refund of one month salary in lieu of advance notice, as required under the terms & conditions of his appointment / service.

The period of his un-authorized absence with effect from 31-8-2009 to 31-7-2010 is hereby treated as extra-ordinary leave without pay.

**SECRETARY AGRICULTURE.**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Hazara Agricultural Research Station, Abbottabad.
3. The District Accounts Officer, Abbottabad.
4. Officer concerned,
5. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

17-4-2009  
31-8-2009

(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT:

AKS  
FAC

No. 1254-56 /Esstt:/DGAR,

Dated Pesh: the, 12-02 2010

Copy of the above is forwarded to:-

1. The Director, Hazara Agril. Research Station, Abbottabad
2. The District Accounts Officer, Abbottabad
3. Dr. Hakim Khan, Research Officer, Hazara Agril. Research station Abbottabad,,

for information & necessary action.

Admn. Officer (Esstt:)  
Directorate General,  
Agril. Research Khyber Pakhtunkhwa  
Peshawar

Dr. K. K.  
12/02/10

E  
P-15

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPARTMENT.

Dated Peshawar, the 10/8/2010.

**NOTIFICATION.**

NO. SOE (AD) 7-55/2006.-The Competent authority is pleased to order the posting/transfer of the following officer with immediate effect in the interest of public service:-

| Sl. No. | Name of Officer         | From   | To  |
|---------|-------------------------|--|---|
| 1.      | Dr. Hakim Khan<br>BS-17 | Research Officer, (waiting for posting since 10-4-2009). | Research Officer, Hazara Agril: Res. Station, Abbottabad against vacant post. |

**SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRIL: L/STOCK AND COOP:DEPTT:**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa Peshawar.
2. The Director, Hazara Agril: Res. Station, Abbottabad.
3. The Director, Agril: Res. Station (Baffa) Mansehra.
4. The District Accounts Officers, Abbottabad and Mansehra.
5. Officer concerned.
6. PS to Minister for Agriculture, Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
8. Personal file.

*No Please  
inform him to  
attend his duty  
immediately.*

*Recd 17/8/10*

*(Signature)*  
(SAKHI-UL-REHMAN)  
SECTION OFFICER-ESTT:

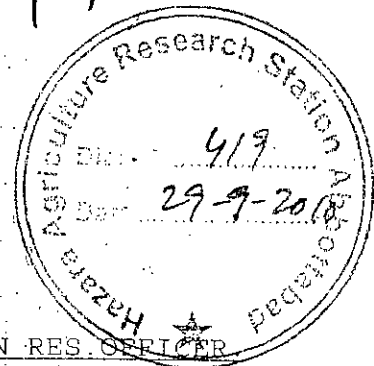
*Abdullah  
JAC*

E<sub>2</sub> P-16

No: 13391-92 /Estt/DGAR; Dated Pesh. the 28/09 /2010.

To

The Section Officer (Estt)  
Government of KPK  
Agric. Livestock and Coop. Deptt.  
Peshawar.



Subject:- POSTING/TRANSFER ORDER OF DR. HAKIM KHAN RES. OFFICER  
Memo:

Please refer to your order No. SOE(AD)7-55/2006 dated 16.7.2010 and Notification of even No. dated 10.8.2010 on the subject noted above.

The District Accounts Officer, Abbottabad has raised some objections on the posting order of Dr. Hakim Khan Res. Officer. In this regard it is stated that he was to be posted on the vacant post at Hazara Agric. Res. Station, Abbottabad since 10.4.2009. It is to inform you that the said post was actually vacant for the said period.

It is requested that his posting notification may please be amended to the effect that the post was actually vacant for the period and he has to be paid his arrears since 10.4.2009.

*Qatib ullet*

Director General  
Agricultural Research  
KPK, Peshawar

cc:

The Director, Hazara Agric. Res. Station, Abbottabad w/r to his letter quoted above for information.

*DR. R.*  
*28/9/10*

*R/K*  
*No. Please*

*9/9/10*

*R.K.*  
*Personal file*  
*29/9/10*

*Alleshd*  
*JH*

Subject: Posting/Transfer order of Dr. Harkin  
R.O

Memo, Reference to letter no. sent

that a certificate to the effect that the officer has performed duty with effect from 10/4/2009 along with documentary proof of performing duties may please be furnish to proceed further in the matter.

sgn.

SOE

Exmex: 11  
D-17  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 2/6/2011.

**NOTIFICATION:**

NO. SOE (AD) 1-79/87.

The Competent authority is pleased to accept the resignation tendered by Dr. Ayub Khan, Research Officer (BS-17) Agricultural Research Institute, Tarnab, Peshawar with effect from 31-8-2009 (A.N).

**SECRETARY AGRICULTURE.**

Endst. of even No' & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Agricultural Research Institute, Tarnab, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Officer concerned.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

SECTION OFFICER

No. 10077-79/Estt./DGAR,

Dated 09/06/2011

Copy of the above is forwarded to:-

1. The Director General, Agric. Research Institute, Tarnab
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Officers Concerned

for information and necessary action

(MUSTAFA KAMAL)  
Administrative Officer (Estt.)  
Directorate General,  
Agril. Research,  
Khyber Pakhtunkhwa,  
Peshawar





**HAZARA UNIVERSITY MANSEHRA, PAKISTAN**

Phone No: 0997-414163 Fax No. 0997-530046

Email: huregistrar@yahoo.com

No. 4(75) HU/Reg/2011/37

January 06 2011

**OFFICE ORDER**

Consequent upon the recommendation of the Selection Board held on July 21 to 23, 2010 by item No.29 and subsequent approval of the Syndicate item 24 held on October 21, 2010, the Competent Authority is pleased to modify the appointment order in respect of Dr. Ayub Khan S/o Gul Muhammad issued Vide No. 4(2)-HU/Reg/2010/2082 dated November 11, 2010 to the extent as follow:-

- His appointment shall stand approved as Assistant Professor in BPS-19 (19680-970-39080) w.e.f 01-09-2009 from the date he joined Hazara University and performed duty as such
- His terms and conditions of service effective from 01/09/2009 shall as under:-

**TERMS AND CONDITIONS**

1. He remained on probation for a period of one year w.e.f. 01-09-2009
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. He will have to serve 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit /three months salary in lieu thereof.
4. He had signed an undertaking to work to best of his abilities, honesty and commitment at Hazara University.
5. He had provided Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Mansehra/Hazara University Hospital.
6. Medical facility will be provided to his family/dependents as admissible under rules of Hazara University at DHQ Mansehra and Ayub Medical Complex, Abbottabad.
7. Other terms and condition (if any) except related service statutes 2006 of the TTS and those prescribed by HEC for TTS, would remain the same.

*Am*  
*anal*  
REGISTRAR

**Copy to:**

1. PS to Vice Chancellor
2. PA to Registrar
3. Coordinator Haripur Campus
4. Dean Faculty of Sciences
5. Treasurer
6. Deputy Director Audit
7. Personal File
8. Person Concerned
9. Relevant Files

*Altaf*  
*FR*

Citation of Appointment order  
of Dr. Ayub.

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Agri; Livestock & Coop; Deptt;  
Peshawar

G,  
P-19

Subject: Request for the rectification of date of resignation from service to take up another appointment in Hazara University under article 418(b) CSR

Respected Sir,

It may respectfully be submitted that I had applied for the post of Assistant Professor in Hazara University through proper channel and Departmental permission for the same was granted vide the then Govt. of N.W.F.P Agri; Livestock & Coop; Deptt; No. SOE (AD) 7-55/06-07 dated 3<sup>rd</sup> Oct, 2006 (annex-I). Accordingly the university authority offered me the post of Assistant Professor, BS-19 on TTS basis and I joined the said post from 1<sup>st</sup> Sep, 2009 (annex-II). My regular appointment as Assistant Professor BS-19 was finally notified vide Hazara University Mansehra, office order No. 4(75)HU/Reg/2010/2083 dated 11<sup>th</sup> Nov, 2010. (Annex-III). I submitted my resignation under article 418(b) C.S.R w.e.f 31<sup>st</sup> Aug, 2009 from the service of the Agriculture Department. The article 418(b) is reproduced as below, **"the resignation of an appointment to take up another appointment, service in which counts, is not a resignation of the Public Service"** (annex IV).

The Govt. of Khyber Pakhtunkhwa, Agri; Livestock & Coop; Deptt; vide Notification No. SOE (AD) 7-55/06-07 dated 9<sup>th</sup> Feb, 2010 accepted my resignation from 31<sup>st</sup> July, 2010 subject to refund of one month salary in lieu of advance notice and declared unauthorized absence the period from 31<sup>st</sup> Aug, 2009 to 31<sup>st</sup> July, 2010 and also treated the said period as extra-ordinary leave without pay without my request whereas during that period I had already joined the university service on regular basis and have tendered resignation from the service of the Agriculture Department w.e.f 31<sup>st</sup> August 2009.(annex-V). As would appear from the contents of the Article 418-b C.S.R such resignation, service in which counts, is not a resignation from the Public Service for which neither refund of salary is required nor the condition of one month notice is applicable.

Keeping in view the above facts and rules position it is requested that my resignation may kindly be accepted from 31-08-2009 as has been done in a similar case of Dr. Ayub Khan, Research Officer, BS-17 vide Govt. of Khyber Pakhtunkhwa, Agri; Livestock & Coop; Deptt; Notification No. SOE (AD) 1-79/87 dated 2<sup>nd</sup> June, 2011 (annex-VII) and the condition of the refund of one month salary may also kindly be waived off.

*Hakim Khan*

Dr. Hakim Khan  
Research Officer  
HARS Abbottabad

24/8/2011

*Attested*

Request to Chief Sec.



H  
P-21  
GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

NO.SOE(AD)7-55/06-07  
Dated Peshawar, the December 28, 2011

To

Mr. Hakim Khan,  
Research Officer,  
Hazara Agriculture Research Station,  
Abbottabad

SUBJECT:- REQUEST FOR RECTIFICATION OF DATE OF RESIGNATION FROM SERVICE TO TAKE UP ANOTHER APPOINTMENT IN HAZARA UNIVERSITY, MANSEHRA

Reference to your appeal dated 28.12.2011 on the subject noted above and to inform that the competent authority is pleased to reject the subject appeal.

*B. Z.*  
(MUHAMMAD ZAHID)  
SECTION OFFICER-ESTT:

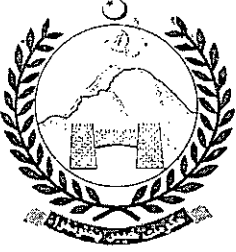
Endst. of even No. & Date.

Copy to:-

1. DGA (Research) Khyber Pakhtunkhwa Peshawar for information.
2. P.S to Secretary Agriculture department.

*B. Z.*  
SECTION OFFICER-ESTT:

*Abdul*  
*John*



I,  
P-22

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NO. SOR.III(E&AD)1-5/2012

Dated Peshawar the November 05, 2012.

To

Dr. Hakim Khan,  
Ex-Research Officer,  
Hazara Agriculture Research Station,  
Abbottabad.

Subject: REQUEST FOR RECTIFICATION OF DATE OF RESIGNATION  
FROM SERVICE TO TAKE UP ANOTHER APPOINTMENT IN  
HAZARA UNIVERSITY

I am directed to refer to your application dated 5-7-2012 addressed to the Secretary Establishment Department on the above subject and to advise that since your earlier appeal has been disposed off by the Chief Secretary Khyber Pakhtunkhwa being competent authority, the second appeal may therefore, be submitted to the next higher authority i.e. Chief Minister Khyber Pakhtunkhwa.

(SHAFI-UL-AHMAD)  
SECTION OFFICER(R-III)

Copy forwarded to: -

Section Officer(Estt.), Agriculture department with reference to his letter No.SOE(AD)/7-55/2006 dated 12<sup>th</sup> October 2012.

SECTION OFFICER(R-III)

Atty the  
RA

I<sub>2</sub>  
P-23  
Dated; 05.11.2012

The Honorable Chief Minister  
Khyber Pakhtunkhwa,  
Peshawar

Subject: Request for rectification of the date of resignation from service to take up another appointment in Hazara University

Respected Sir,

It may respectfully be submitted that I had applied for the post of Assistant Professor in Hazara University through proper channel and Departmental permission for the same was granted vide the then Govt. of N.W.F.P Agri; Livestock & Coop; Deptt; No. SOE (AD) 7-55/06-07 dated 3<sup>rd</sup> Oct, 2006. Accordingly the university authority offered me the post of Assistant Professor, BS-19 on TTS basis and I joined the said post from 1<sup>st</sup> Sep, 2009. My regular appointment as Assistant Professor BS-19 was finally notified vide Hazara University Mansehra, office order No. 4(75)HU/Reg/2010/2083 dated 11<sup>th</sup> Nov, 2010. (Annex-I). I submitted my resignation under article 418(b) C.S.R w.e.f 31<sup>st</sup> Aug, 2009 afternoon from the service of the Agriculture Department.

The Govt. of Khyber Pakhtunkhwa, Agri; Livestock & Coop; Deptt; vide Notification No. SOE (AD) 7-55/06-07 dated 9<sup>th</sup> Feb, 2010 (Annex-II) accepted my resignation from 31<sup>st</sup> July, 2010 subject to refund of one month salary in lieu of advance notice and declared unauthorized absence the period from 31<sup>st</sup> Aug, 2009 to 31<sup>st</sup> July, 2010 and also treated the said period as extra-ordinary leave without pay without my request whereas during that period I was not absent but waiting for posting in the Agriculture Research department (Annex-III). As would appear from the contents of the Article 418-b C.S.R such resignation, service in which counts, is not a resignation from the Public Service for which neither refund of salary is required nor the condition of one month notice is applicable.

Keeping in view the above facts it is requested that my resignation may kindly be accepted from 31-08-2009 as has been done in a similar case of Dr. Ayub Khan, Research Officer, BS-17 vide Govt. of Khyber Pakhtunkhwa, Agri; Livestock & Coop; Deptt; Notification No. SOE (AD) 1-79/87 dated 2<sup>nd</sup> June, 2011 (annex-IV) and the condition of the refund of one month salary may also be waived off.

Yours humble Petitioner

*Hakim Khan*

Dr. Hakim Khan

Ex-Research Officer

Hazara Agriculture Research Station

Abbottabad

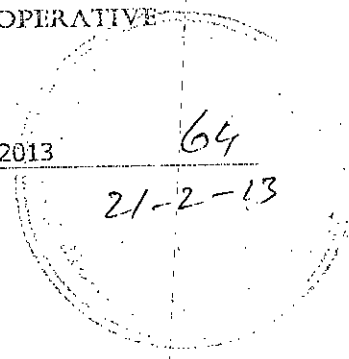
*Alberkhan*  
*SA*

CHIEF MINISTER  
KHYBER PAKHTUNKHWA

J P-25

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

NO.SOE(AD)7-55/06-07  
Dated Peshawar, the February 8, 2013



To:

Mr. Hakim Khan,  
Ex-Research Officer,  
Hazara Agriculture Research Station,  
Abbottabad

SUBJECT:- REQUEST FOR RECTIFICATION OF DATE OF RESIGNATION FROM SERVICE TO TAKE UP ANOTHER APPOINTMENT IN HAZARA UNIVERSITY, MANSEHRA

Reference to your appeal dated 05.11.2012 on the subject noted above and to inform that the competent authority is pleased to file the subject appeal.

(MUHAMMAD SHERAZ)  
SECTION OFFICER-ESTT:

Encl. of even No. & Date.

Copy to:-

1. DGA (Research) Khyber Pakhtunkhwa Peshawar for information;
2. P.S to Secretary Agriculture department.

SECTION OFFICER-ESTT:

*AD*  
*Mr*  
 21/2/13  
 The ex-officer is not at this station.  
 However the same may be sent to  
 Hazara University, Hampur Pk.

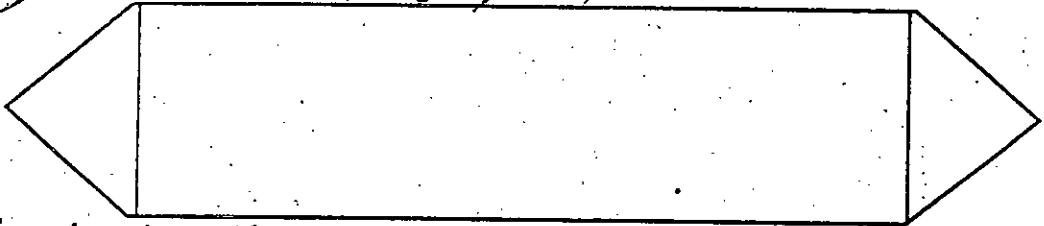
*2/2/13*

*R-10*  
 Pl. send copy on the address  
 of Hazara University, Hampur  
*22/2/13*

*Attested*  
*JA*



# بعدالت سے پیش کردہ صورت میں جہیز کی صورت میں عوا کی درخواست



2013ء پنجاب ایسٹرنٹ

|       |   |
|-------|---|
| مورخہ | محمد اسحاق علی خان رمدہ ولد زرداد صاحب کی مکہ زرداد والوں کا بنام |
| مقدمہ | حسین سید محمد شہید وغیرہ کی طرف سے                                |
| دعویٰ | جہیز کی رقم   |
| جرم   | آف ایگریمنٹ کی بنا پر   |

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام کے لئے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا اختیار منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 18 ماہ مارچ 2013

عبد العالی گواہ  
 کے لئے منظور ہے۔  
 بمقام ل

Handwritten signature or mark on the right margin.

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
PESHAWAR.**

Service Appeal NO.557/2013

Dr. Hakim Khan

**Appellant**

VERSUS

Government of Khyber Pakhtunkhwa

**Respondents**

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**BEFORE THE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWA, PESHAWAR.**

Service Appeal NO.557/2013

Dr. Hakim Khan S/O Malik Zardad Khan,  
R/O Malik Zardad Colony, Battagram,  
Ex-Research Officer, Hazbara Agricultural Research Station, Abbottabad,  
Recently Assistant Professor, Hazara University, Haripur.

**APPELLANT**

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Coop; Department, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary, Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
4. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

**REPLY ON BEHALF OF RESPONDENTS NO.1,2, 3 & 4.**

**Respectfully Sheweth:**

**Preliminary Objections:**

1. The appeal of the appellant is time-barred.
2. The appellant has no cause of action and locus standi to file the instant appeal in this Honourable Tribunal.
3. All orders have been passed by the competent authority in accordance with law and rules.
4. The Honourable Tribunal has no jurisdiction to entertain the instant appeal.
5. The appellant has concealed the facts material from this Honourable Tribunal.
6. The Appeal of the Appellant is not maintainable in its present form.
7. The appellant has not come with clean hands to this Hon'ble Tribunal.
8. The instant appeal is against the law and rules.
9. The present appeal is bad in the eyes of law.
10. That the appeal is bad due to non joinder and mis joinder of necessary parties.
11. That the appellant has been estopped by his own conduct to file the instant appeal.

**FACTS:**

1. That the appellant was the employee of Agricultural Research and he was working as Research Officer at Agricultural Research Station, Baffa, Mansehra. He submitted an application for Departmental Permission on 5.9.2006 for the post of Associate Professor in Hazara University, Mansehra. The Department forwarded his case to the Section Officer (Estt.), Government of Khyber Pakhtunkhwa, Agriculture Department vide letter dated 21.9.2006. The competent authority allowed the appellant for the post of Associate Professor and sent a letter to the Registrar, Hazara University, Mansehra vide No. SO (AD)7-55/06-07; dated 3.10.2006. After the lapse of about three years, the appellant was appointed as Assistant Professor in the Hazara University vide order dated 05.08.2009. However, the departmental permission for the post of Assistant Professor was not submitted to the competent authority by the appellant. (Copies of Application and Departmental Permission are attached as Annexure-A & B).
  
2. Before the Appellant's appointment as Assistant Professor in Hazara University, he applied for 930 days extra ordinary leave on 23.01.2007 and he himself has given undertaking that he will not join or get permanent employment in any NGO or other Organization during his leave period. After submitting his leave application, the appellant left his office without sanctioning of his leave with effect from 01.02.2007 and remained absent from duty w.e.f. 01.02.2007 to 09.04.2009 and 31.08.2009 to 31.7.2010. The competent authority rejected his leave vide office letter dated 26.6.2007. The Station Director sent the rejection letter to the appellant by name at his home address on 7.7.2007. Then, the Station Director called his explanations from time to time (on 9.2.2007, 12.2.2007, 28.2.2007, 03.03.2007, 24.3.2007 & 29.3.2007). In this regard, the concerned Director informed the DG Agricultural Research, Khyber Pakhtunkhwa vide his letter dated 26.11.2008 about his absence from duty. The DG Agricultural Research forwarded his case to the Secretary Agriculture vide his letter dated 28.11.2008 to take disciplinary action against the appellant under Removal from Service (Special Powers) Ordinance, 2000 in the best interest of public service. In this regard, another letter was also sent to Section Officer (Estt.), Agricultural Department by DG Research vide his letter dated 26.12.2008 for similar action. The Honourable Secretary Agriculture issued 14 days Notice to the appellant by name at his home address vide his letter dated 30.03.2009, to direct the appellant to assume his duties immediately and explain the reasons of his willful absence from duty within 14 days of the receipt of this letter otherwise ex-parte action as permissible under the Rules shall be initiated against him. The appellant failed to reply. After that the Government of Khyber Pakhtunkhwa, Agriculture Department constituted Enquiry Committee to probe in to the case of the appellant. The committee conducted enquiry against the appellant and submitted its report. The Enquiry Committee has also given a chance of personal hearing to the appellant through letter dated 08.03.2010. Subsequently, The competent authority issued Charge sheet & Statement of Allegations served upon the appellant in which the following act /omissions committed by the appellant within the meaning of Section-3 of the NWFP Removal from Service (Special Powers) Ordinance, 2000. The Director, ARS, Baffa,

Mansehra sent Charge sheet & Statement of Allegations to the appellant through letter dated 10.2.2010 and directed the appellant to appear before the enquiry committee. The Allegations against the appellant are as under:

- (i) That he applied for the grant of 930 days extra-ordinary leave without pay with 1.2.2007 which was considered by the competent authority and rejected. After that he absented himself from official duties with effect from 1.2.2007 to 30.3.2009.
- (ii) That he was served with a notice on 30.3.2009 to join duties immediately and explain the reasons of his absence. He submitted reply on 10.4.2009 and presented himself for duty, though, he remained willful absent from duty with effect from 1.2.2007 to 30.3.2009. The clarification put forth in its application was considered and found un-satisfactory.
- (iii) That he committed a grave act of misconduct and rendered himself liable for disciplinary action under the NWFP Removal from Services (Special Powers) Ordinance, 2000.

Show Cause Notice was also issued by the Competent Authority which served upon the appellant and the Director, ARS Baffa sent Show Cause Notice to the appellant through letter dated 22.4.2010. The competent authority (Chief Secretary, Khyber Pakhtunkhwa) has given a chance of personal hearing to the appellant through letter dated 21.06.2010 issued by the Establishment Department. (Copies of Appointment Order, Leave Application, Undertaking, Rejection Order, Explanation, letters, Notice for Joining Duty, Enquiry Report, Personal Hearing, Charge Sheet, Statement of Allegations, Show Cause Notice, are attached as Annexure C, D, E, F, G, H, I, J, K, L, M, N, O & P).

3. That the appellant submitted his resignation from service on 26.11.2010 with effect from 31.08.2009 to the Secretary Agriculture, The Honourable Secretary accepted resignation with effect from 31.07.2010 vide his letter dated 09.02.2011. In his resignation it was clearly mentioned that the period of un-authorized absence of the appellant with effect from 31.8.2009 to 31.7.2010 is hereby treated as extra-ordinary leave without pay therefore, the competent authority accepted his resignation with effect from 31.7.2010 which is correct. It is further added that the appellant was appointed as Assistant Professor in BS-19 in Hazara University with effect from 1.9.2009. After his appointment as Assistant Professor, the appellant was performing his duties in Hazara University. It is clearly evident from this, that the appellant remained absent from the parent department. Therefore, the competent authority approved his resignation and his absence period from 31.08.2008 to 31.7.2010 was also treated as extra-ordinary leave without pay. The appellant himself mentioned in Para-3 in his appeal that he has not received salaries during the period onward from 31.8.2009 except for the month of October, 2010. In fact he was remained absent from duty, therefore, he was deprived from his salaries. (Copies of Application for Resignation and Acceptance of Resignation are attached as Annexure Q & R).

4. The department taken action against the appellant under the law and rules and accepted his resignation w.e.f. 31.7.2010 which is correct and according to the law and rules. The resignation of the appellant w.e.f. 31.08.2009 is not permissible under the law and rules, because the appellant remained absent from his duty since 1.2.2007. It is evident from Para-3 of his appeal, in which the appellant himself mentioned that he has not received his salaries during the period onward from 31.8.2009 except for the month of October, 2010.
5. Incorrect. That the posting/transfer order of the appellant was issued on 10.08.2010 with immediate effect in the interest of public service, which is correct and according to the law and rules. (Copy of Posting Transfer order is attached as Annexure S).
6. Incorrect. No illegality and discrimination has been done with the appellant by the department. All orders have been passed according to law and rules.
7. The letter dated 27.12.2011 has been passed by the Establishment Department in accordance with law and rules.
8. The advice of the Establishment Department in letter dated 5.11.2012 to the appellant to appeal to the Chief Minister, Khyber Pakhtunkhwa was under the law and rules.
9. Under the Government Rules, the resignation of the appellant was accepted by the Government which is true and correct and under the Government law and rules.
10. Legal.

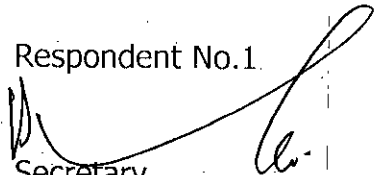
**GROUND:**

- A) All orders of the appellant have been passed according to law and rules and in the interest of public service.
  - B) No discrimination has been made by the department in issuance of orders of the appellant.
  - C) Incorrect. The posting order of the appellant has been passed by the competent authority in the interest of public service and in accordance with Government law and rules.
  - D) Incorrect. The appellant availed all benefits during the service period when he was performing his duties. No illegalities have been made with the appellant. All orders of the appellant have been passed in accordance with the laws and rules as well as in the interest of public service.
  - E) Incorrect. No malafide intention treatment was made by the respondents with the appellant by passing orders.
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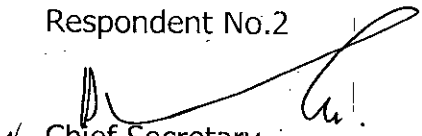
- F) No comments, however the respondents seek permission of the Hon,ble Tribunal for additional grounds during arguments .

It is, therefore, humbly requested that the instant appeal may kindly be dismissed with costs.


Respondent No.1

  
Secretary,  
Government of Khyber Pakhtunkhwa,  
Agriculture, Livestock & Coop;  
Department, Peshawar.


Respondent No.2

  
Chief Secretary,  
Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

Respondent No.3

  
Secretary, Government of Khyber  
Pakhtunkhwa,  
Establishment Department, Peshawar.

Respondent No.4

  
Director General,  
Agricultural Research,  
Khyber Pakhtunkhwa, Peshawar.

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
PESHAWAR.**

Service Appeal NO.557/2013

Dr. Hakim Khan

**Appellant**

VERSUS

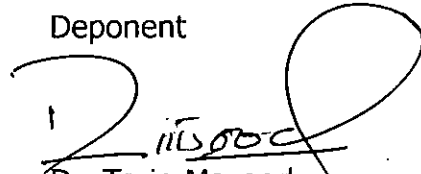
Government of Khyber Pakhtunkhwa

**Respondents**

.....  
**AFFIDAVIT**

I, Dr. Tariq Masood Assistant Director Planning, Directorate General Agric. Research, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare that Para-wise comments on behalf Respondents No.1, 2, 3 & 4 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon, able court.

Deponent



Dr. Tariq Masood,  
Assistant Director Planning,  
Agricultural Research  
Khyber Pakhtunkhwa, Peshawar.



**BEFORE THE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR.**

Service Appeal NO.557/2013

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4. The Honourable Tribunal has no jurisdiction to entertain the instant appeal.
5. The appellant has concealed the facts material from this Honourable Tribunal.
6. The Appeal of the Appellant is not maintainable in its present form.
7. The appellant has not come with clean hands to this Hon'ble Tribunal.
8. The instant appeal is against the law and rules.
9. The present appeal is bad in the eyes of law.
10. That the appeal is bad due to non joinder and mis joinder of necessary parties.
11. That the official has been stopped by his own conduct to file the instant appeal. Appellants estopped

IS:

That the appellant was the employee of Agricultural Research and he was working as Research Officer at Agricultural Research Station, Baffa, Mansehra. He submitted an application for Departmental Permission on 5.9.2006 for the post of Associate Professor in Hazara University, Mansehra. The Department forwarded his case to the Section Officer (Estt.), Government of Khyber Pakhtunkhwa, Agriculture Department vide letter dated 21.9.2006. The competent authority allowed the appellant for the post of Associate Professor and sent a letter to the Registrar, Hazara University, Mansehra vide No. SO (AD)7-55/06-07; dated 3.10.2006. After the lapse of about three years, the appellant was appointed as Assistant Professor in the Hazara University vide order dated 05.08.2009. However, the departmental permission for the post of Assistant Professor was not submitted to the competent authority by the appellant. (Copies of Application and Departmental Permission are attached as Annexure-A & B).

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3. That the appellant submitted his resignation from service on 26.11.2010 with effect from 31.08.2009 to the Secretary Agriculture, The Honourable Secretary accepted resignation with effect from 31.07.2010 vide his letter dated 09.02.2011. In his resignation it was clearly mentioned that the period of un-authorized absence of the appellant with effect from 31.8.2009 to 31.7.2010 is hereby treated as extra-ordinary leave without pay therefore, the competent authority accepted his resignation with effect from 31.7.2010 which is correct. It is further added that the appellant was appointed as Assistant Professor in BS-19 in Hazara University with effect from 1.9.2009. After his appointment as Assistant Professor, the appellant was performing his duties in Hazara University. It is clearly evident from this, that the appellant remained absent from the parent department. Therefore, the competent authority approved his resignation and his absence period from 31.08.2008 to 31.7.2010 was also treated as extra-ordinary leave without pay. The appellant himself mentioned in Para-3 in his appeal that he has not received salaries during the period onward from 31.8.2009 except for the month of October, 2010. In fact he was remained absent from duty, therefore, he was deprived from his salaries. (Copies of Application for Resignation and Acceptance of Resignation are attached as Annexure Q & R).

*(Signature)*

4. The department taken action against the appellant under the law and rules and accepted his resignation w.e.f. 31.7.2010 which is correct and according to the law and rules. The resignation of the appellant w.e.f. 31.08.2009 is not permissible under the law and rules, because the appellant remained absent from his duty since 1.2.2007. It is evident from Para-3 of his appeal, in which the appellant himself mentioned that he has not received his salaries during the period onward from 31.8.2009 except for the month of October, 2010.
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6. Incorrect. No illegality and discrimination has been ~~done~~<sup>Done</sup> with the appellant by the department. All orders have been passed according to law and rules.
7. The letter dated 27.12.2011 has been passed by the Establishment Department in accordance with law and rules.
8. The advice of the Establishment Department in letter dated 5.11.2012 to the appellant to appeal to the Chief Minister, Khyber Pakhtunkhwa was under the law and rules.
9. Under the Government Rules, the resignation of the appellant was accepted by the Government which is true and correct and under the Government law and rules.
10. Legal.

**GROUND:**

- A) All orders of the appellant have been passed according to law and rules and in the interest of public service.
- B) No discrimination has been made by the department in issuance of orders of the appellant.
- C) ~~Incorrect~~ The posting order of the appellant has been passed by the competent authority in the interest of public service and in accordance with Government law and rules.
- D) Incorrect. The appellant availed all benefits during the service period when he was performing his duties. No illegalities have been made with the appellant. All orders of the appellant have been passed in accordance with the laws and rules as well as in the interest of public service.
- E) Incorrect. No malafide intention treatment was made respondents with the appellant by passing orders.

*Legal recourse However the Respondent may be allowed  
of the Honble Tribunal for additional grounds during arguments.*

It is, therefore, humbly requested that the instant appeal may kindly be  
missed with costs.

Respondent No.1

Secretary,  
Government of Khyber Pakhtunkhwa,  
Agriculture, Livestock & Coop;  
Department, Peshawar.

Respondent No.2

Chief Secretary,  
Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

Respondent No.3

Secretary, Government of Khyber  
Pakhtunkhwa,  
Establishment Department, Peshawar.

Respondent No.4

Director General,  
Agricultural Research,  
Khyber Pakhtunkhwa, Peshawar.

*AAG please note the same.*

*[Signature]*  
Addl. Secretary  
(Services) Peshawar  
20.5.2014

*G.P./CI*  
Vetted subject to correction Annexures, Affidavits  
and AAG/Secy Approval

*[Signature]*  
20.5.14  
SVC. THE HON. TRIBUNAL  
PESHAWAR

*AAG/Secy*  
Vetted as  
above  
*[Signature]*  
20.5.14

To,

The Director-General,  
Agril; Research System,  
NWFP, Agril; University, Peshawar.

Through: Proper channel

Subject: **CERTIFICATE OF DEPARTMENTAL PERMISSION**

Respected Sir,

It is submitted that I intends to apply for the post of Associate Professor of Genetics advertised by the Hazara University, Mansehra through Daily Mashriq.

It is therefore requested that I may kindly be granted departmental permission, so that, I may be able to appear for the advertised post please.

Thanking your goodself in anticipation.

Yours sincerely



(Dr. HAKIM KHAN)

Research Officer

Agricultural Research Station,  
Baffa (Mansehra)

Encl: As above

Dated 04-09-2006

c.c - To The Registrar Hazara University (inadvice)

Forwarded in original to D.R. for favour  
of further consideration.



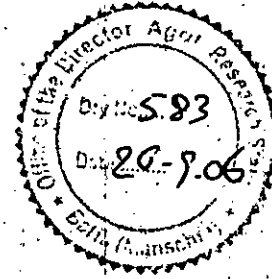
Director  
Agril; Research Station  
Baffa (Mansehra)

9640-41

Asstt./DGAR

Dated Pesh: the 21/9 /2006

The Section Officer (Estt.),  
Government of N.W.F.P.,  
Agril. Livestock & Coop. Dept.,  
Peshawar.



Subject:- DEPARTMENTAL PERMISSION.  
Memo:-

It is submitted that Dr. Hakim Khan, Research Officer, Agril. Research Station Baffa, (Mansehra) has applied for the post of Associate Professor Genetic (BPS-18), advertised by the Hazara University Mansehra through Daily Mashriq dated 27.8.2006.

As Dr. Hakim Khan, Research Officer, is not under Bond with the Department, therefore, he is entitled to apply against any vacant post out of the Department.

It is, therefore, requested that the enclosed Departmental Permission Certificate may please be forwarded to the Registrar, Hazara University, Mansehra under intimation to this office.

Encl: as above.

*(Signature)*  
(Muhammad Raza) 29  
Director General  
Agril. Research System  
NWFP, Peshawar  
28/09/06 20/09

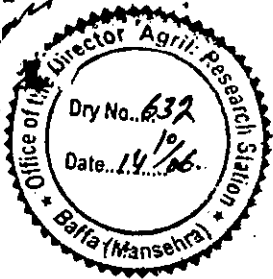
C.C.

The Director, Agril. Research Station Baffa (Mansehra) w/r to his memo No. 988-89/DAR, (M) dated 5.9.2006 for information & with the remarks that the applicant may be advised that he will resign the Govt. service before joining the University service as per Govt. Rules/Instructions.

*(Signature)*  
Hakim Khan

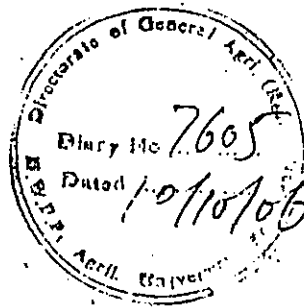
*(Signature)*  
22/9

P# 99



GOVERNMENT OF NWFP  
AGRIL: LIVESTOCK AND COOP: DEPTT:

NO, SOE (AD)7-55/06-07  
Dated Peshawar, the 3-10-2006.



To

The Registrar,  
Hazara University, Mansehra.

SUBJECT:- DEPARTMENTAL PERMISSION.  
Dear Sir,

I am directed to enclose herewith an application in original in respect of Dr. Hakim Khan, Research Officer, Agril: Res. Station, Baffa Mansehra applied for the post of Associate Professor Genetic (BS-18) for further necessary action.  
Encl: As above.

Yours faithfully,

(JAVAJD MAQECOL BUTT)  
SECTION OFFICER-ESTT:

Endst. of even No. & Date.

Copy forwarded to:-

1. The DG Agril: Research, NWFP, Peshawar w/r to his letter No. 9640-41 dated 21/9/2006.

10587 -SUDGAR. Dated Pesh. the 11/10 2006

Copy of the above is forwarded to Director, Agril. Research Station, Baffa (Mansehra) w/r to his letter No. 988-89/DAR (M) dated 5/9/2006 for information

Office  
13/10

Administrative Officer (Estt.)  
Directorate General  
NWFP, Agri. Research System,  
Peshawar.

2/11/06



P #10

Annex - C



HAZARA UNIVERSITY  
Garden Campus  
MANSEHRA, NWFP

Phone No. 0997-414163, Fax No. 0997-530046

Aug 05, 2009

No. 4(75) HU/Reg/2009/1561

DR. HAKIM KHAN,  
S/o Malik Zardad Khan,  
B-19, Ghazi Kot Township,  
Mansehra, Phone No: 0301-8101440.

Subject: APPOINTMENT AS ASSISTANT PROFESSOR (TTS)

On the recommendation of the Selection Board in its meeting held on April 17, 2009 and subsequent approval by the Syndicate in its 19<sup>th</sup> meeting held on April 22, 2009, the Competent Authority is pleased to appoint you as Assistant Professor in the discipline of Agriculture (First Term) under Tenure Track System with effect from the date of your joining/taking over the charge on the following terms and conditions:

- Your service shall be governed by Hazara University Statutes 2006 (Tenure Track System) and service rules and regulations as prescribed by the University/HEC from time to time.
- No TADA shall be admissible for joining the duty.
- The offer is valid for a period of 30 (thirty) days from the date of issuance of this Appointment letter and shall expire automatically thereafter.

  
Lt. Col. (R) Mahimood Khan  
REGISTRAR

Copy to:

- PS to Vice Chancellor
- PA to Registrar
- Treasurer
- Provost
- R.A.D. (Audit)
- Chairman concerned Department
- Pay Incharge
- Personal File
- Relevant File

*Ali Ahmad*  
*FAL*

No 19/EB

P#11

Annex - D

To

The Director-General,  
Agril. Research System,  
NWFP Agril. University, Peshawar.

Through

Proper channel

Subject -

APPLICATION FOR LEAVE

R/Sir

Enclosed kindly find herewith the leave application for 930 days  
(earned leave) in respect of undersigned for recommendation and onward submission to  
the concerned quarter please.

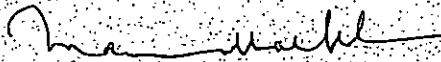
Yours sincerely



(DR. HAKIM KHAN)  
Research Officer  
Agril. Research Station  
Baffa, Mansehra

Encl: As above  
Khalil

Recommended and Forwarded



23.1.07  
Economic Botanist  
Agril. Research Station  
Baffa (Mansehra)

#12

2120 ✓

No. 1275-76/DAR(M)

Dated 5/09/2007  
Phone # 0997-510215

To

The Dr. Makim Khan,  
S/O Malik Zardad Khan  
Village Shinkhari Bagh, Bajna Road  
Near Govt: High School  
Shinkhari.

Subject: -

GRANT OF 930 DAYS EXTRA ORDINARY LEAVE WITHOUT IN  
RESPECT OF DR. HAKIM KAHN RESEARCH OFFICER ARS.  
BAFFA MANSEHRA.

Memorandum

Please refer to DGAR Endorst No. 6119-20/Estt/DGAR dated 30.07.07, and your copy therefore was sent to you for furnishing the undertaking on stamp paper indicating that "you will not work neither with any NGO nor get employment during your leave period". To this effect it is regretted that you did not submit your undertaking till to date 14.09.07.

In this regard a letter of Director General Agril; Research bearing No. 7425-26/Estt/DGAR dated Peshawar the 11.09.2007 (copy attached) has been received for doing the needful.

You are, therefore, requested once again to furnish the undertaking on a stamp paper without any delay for onward submission to the DGAR for n/action please.



Director  
Agril: Research Station  
Baffa, Mansehra.

C.C.

Director General Agricultural Research for information please..



Director  
Agril: Research Station  
Baffa, Mansehra.

Q# 13

-121-

✓

No. 1287 /DAR(M)

Dated 25/09 /2007  
Phone # 0997-510215

To

The Director-General,  
Agril; Research System,  
NWFP, A.U, Peshawar.

Subject: -

**GRANT OF 930-DAYS EXTRA ORDINARY LEAVE WITHOUT IN  
RESPECT OF DR. HAKIM KHAN, RES. OFFICER ARS (BAFFA)  
MANSEHRA.**

Memorandum

Kindly refer to your memo No. 7425-26/Esstt./DGAR dated Pesh: the 11-09-2007, the undertaking submitted by Dr. Hakim Khan, Research Officer is sent herewith please.

  
Director

Agril; Research Station  
Baffa, Mansehra.

Saeed/

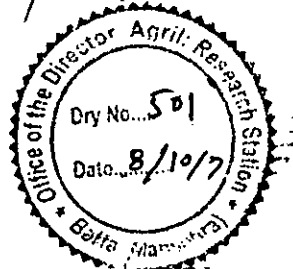
(11)

P# 14

No. 7940-41 /Esstt:/DGAR  
To

Dated Pesh: the, 2/10/2007 -124- ✓

The Section Officer (Esstt.)  
Government of N.W.F.P.,  
Agril. Livestock & Coop. Deptt:  
Peshawar.



Subject:- GRANT OF 930-DAYS EXTRA ORDINARY LEAVE WITHOUT IN RESPECT OF DR. HAKIM KHAN, RES. OFFICER ARS (BAFFA) MANSEHRA.

Memo:-

Please refer to your letter No. SOE (AD) 7-55/2006 dated, 23.7.2007 on the subject noted above.

As desired, the requisite undertaking in respect of Dr. Hakim Khan, Research Officer received from the Director, Agril. Research Station, Baffa, Mansehra (which is self-explanatory), is sent herewith for favour of further necessary action.

Encl: as above.

*Muhammad Bahim T I*  
Muhammad Bahim T I  
Director General  
Agril. Research System  
NWFP Peshawar.  
1/10/07

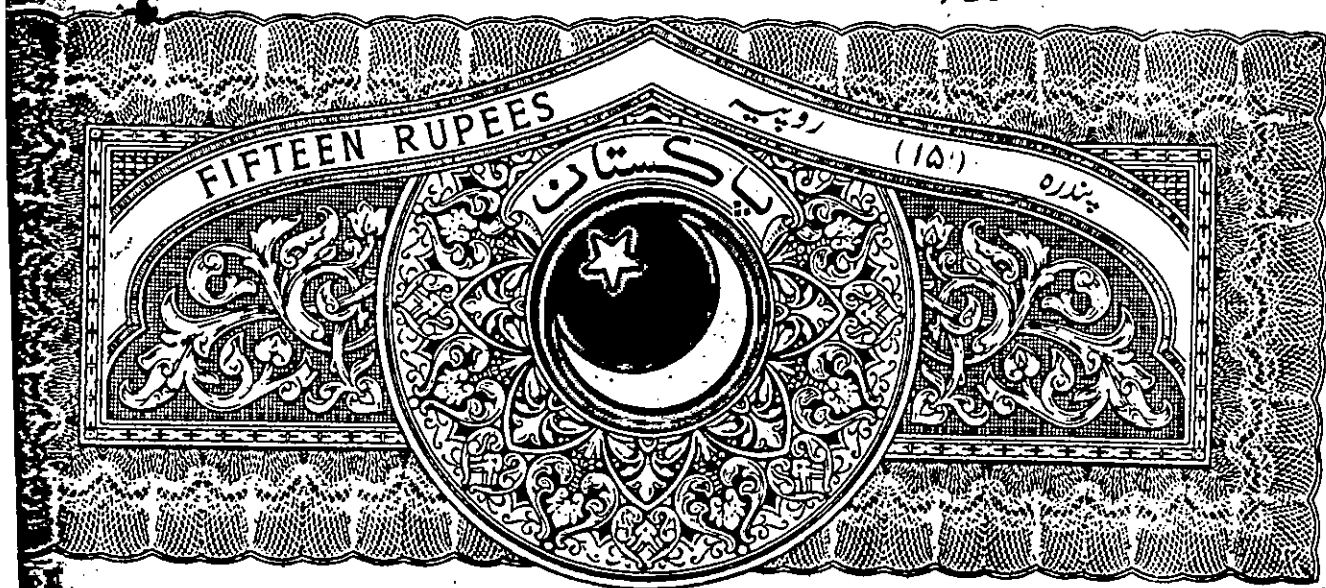
C.C.  
The Director Agril. Research Station, Baffa (Mansehra) w/r to his letter No. 1287/DAR (M), dated 25.9.2007 for information.

A/o

*for m/r*  
*[Signature]*

8-10-07

2  
2



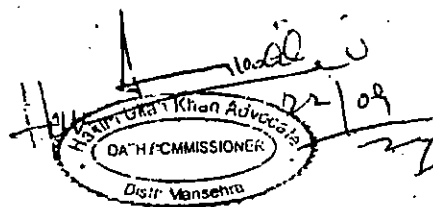
## UNDERTAKING

**Subject: - GRANT OF 930 DAYS EXTRA ORDINARY LEAVE WITHOUT IN RESPECT OF DR. HAKIM KHAN, RESEARCH OFFICER, ARS BAFFA, MANSEHRA**

### **Memorandum:**

Please refer to your letter No. 1275-76/DAR(M), dated 05/09/2007, I do hereby undertake that I will not join or get permanent employment in any NGO or other Organization during my leave period.

*Hakim Khan*  
22/09/07  
**Dr. Hakim Khan,**  
**Research Officer,**  
**ARS, Baffa, Mansehra**



(12)

P#16

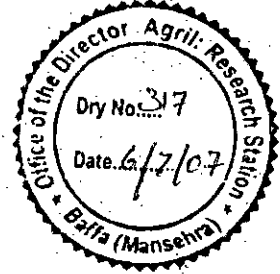
Annex ✓ F  
-115

GOVERNMENT OF NWFP  
AGRIL: LIVESTOCK AND COOP: DEPTT:

NO.SOE(AD)7-55/2006  
Dated Peshawar, the 26-6-2007.

To

The Director General,  
Agricultural Research,  
NWFP, Peshawar.



SUBJECT:- APPLICATION FOR LEAVE.

I am directed to refer your memo: No.4776-77 dated 13-6-2007 on the above cited subject and to state that the leave case of Dr. Hakim Khan, Research Officer, ARS, Baffa, Mansehra has been considered and rejected by the competent authority.

(JAVOID MAQBOOL BUTT)  
SECTION OFFICER-ESTT:

Endst. of even No. & Date.

Copy forwarded for information to:-

1. The Director, Agril: Res. Station, Baffa, Mansehra.
2. PS to Secretary Agriculture.

JAR/BLA 13/7

EC/AR/BLA 15/7

SECTION OFFICER-ESTT:

②

P#17

-117-

Confidential  
Registered



No. 1121-22/DAR(M)


Dated 7 / 07 / 2007  
Phone # 0997-510215

To


Dr. Hakim Khan  
S/O Malik Zardad Khan  
Village Shinkhari Bagh Bajna Road  
Near Govt. High School  
Shinkhari.

Subject: - APPLICATION FOR LEAVE.  
Memorandum:

Reference to Director General Agril: Research Endst. No.5415-77/Estt./DGAR dated 30-06-2007, your leave application has been rejected by the competent authority, therefore, you are directed to attend your duties immediately after the receipt of this letter. (photo copy attached)

  
Director  
Agril: Research Station,  
Baffa (Mansehra).

C.C. To worthy Director General Agril: Research for information please.

  
Director  
Agril: Research Station,  
Baffa (Mansehra).

⑨



P#18

Annex-4  
-87-

Confidential

No. 021-24 /EB(M).

Dated 9/02/2007

Phone # 0997-510215

To.

Dr. Hakim Khan, Research Officer,  
ARS, Baffa, Mansehra.

Subject: - ABSENCE FROM DUTY/EXPLANATION

Memorandum

It has been noticed that you are absent from your duties since 01.02.2007 till todate without any permission/leave application.

Please explain your position within 03 days the receipt of this letter otherwise disciplinary action should be taken against you under Efficiency and Disciplinary Rules, 1973.

Economic Botanist,  
Agril. Research Station  
Baffa, Mansehra

c.c

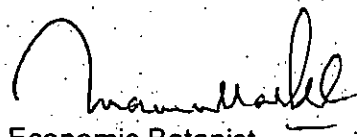
1. Officer concerned,
2. Director, ARS-Baffa, for information and further n/action please.

OIA (Abdullah Jan)

For n/a

Wm  
9/2/07

R/K  
Keep it in personal file  
of officer concerned pl  
Noted  
9/2



Economic Botanist,  
Agril. Research Station  
Baffa, Mansehra

Director,  
Agril. Research Station  
Baffa (Mansehra)

11A P#19

-89-

Confidential

No. 25-27 /EB(M).

To

Dated 12/02/2007  
Phone # 0997-510215

Dr. Hakim Khan, Research Officer,  
ARS, Baffa, Mansehra.

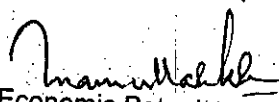
Subject: - LEAVE APPLICATION/ABSENT FROM DUTY  
Memorandum

You telephonically told the Cereal Botanist for the grant of 03 days leave w.e. from 12.02.2007 to 14.02.2007. Due to the visit of Director-General, Agril; Research System to ARS-Baffa, your leave has not been sanctioned.

Please join your duties immediately and be careful in future.

Economic Botanist,  
Agril. Research Station  
Baffa, Mansehra

c.c Director, ARS-Baffa, for information and further n/action please.

  
Economic Botanist,  
Agril. Research Station  
Baffa, Mansehra

(4)

P.F

13 P# 20

-92-

Confidential

No. 030-33 /EB(M).

Dated 28 / 02 / 2007  
Phone # 0997-510215

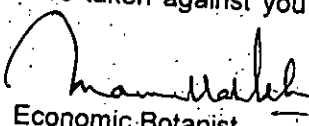
To

Dr. Hakim Khan, Research Officer,  
ARS, Baffa, Mansehra.

Subject: - ABSENT FROM DUTY/EXPLANTION.  
Memorandum

It is regretted to state that you are absent from your duties since 01.02.2007 till todate (28.02.2007), except 10.02.2007 and 17.02.2007, without any permission/leave application. You were asked through this office Memo No.021-24/EB(M) dated 09.02.2007 and Memo No. 025-27/EB(M) dated 12.02.2007 to explain your position which you failed to do.

You are once again informed to explain your position within 03 days of the receipt of this Memo otherwise disciplinary action will be taken against you under Efficiency and Disciplinary Rules, 1973.

  
Economic Botanist,  
Agril. Research Station  
Baffa, Mansehra

C.C. Director, ARS-Baffa, for information and further n/action please.

Economic Botanist,  
Agril. Research Station  
Baffa, Mansehra

5

Director  
Agril. Research Station  
Baffa (Mansehra)

16 P#21 -91-  
Confidential

No. 44-45/DAR(M)

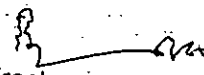
Dated 23/03/2007  
Phone # 0997-510215

To

Dr. Hakim Khan, Research Officer,  
ARS, Baffa, Mansehra.

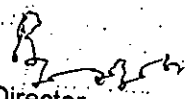
Subject: - ABSENT FROM DUTY/EXPLANTION  
Memorandum

It has been reported by the Economic Botanist vide memo No. 30-33/EB(M) that you have attended your duties only for 2 days (10 & 17-02-2007) during the month of February, 2007 and for the remaining period you remained absent without any information/leave application (copy attached). Moreover he has also reported that you have failed to respond to his memo No. 21024/EB(M) dated 09.02.07 and 25-27/EB(M) dated 12.02.07 regarding your absence from duties (copies attached).  
You are, therefore, informed to explain your position regarding your absence from duties within 3 days after the receipt of this letter.

  
Director  
Agril; Research Station  
Baffa, Mansehra.

c.c.

1. The Director-General, Agril; Research system, NWFP Agril; University Peshawar for favour of his kind information and guidance please.
2. The Economic Botanist with reference to his memo No. 30-33/EB(M) dated 28.02.07.
3. The establishment clerk for excluding the name of the officer from the pay bill (Feb, 2007) till the receipt of directives from the Headquarter in this regard.

  
Director  
Agril. Research Station  
Baffa, Mansehra

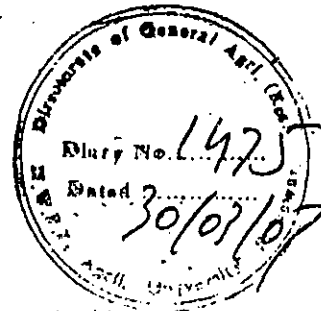
  
Director  
Agril. Research Station  
Baffa (Mansehra)

17 P#22 -105-

Confidential  
Registered

No. 244-45/DAR(M)

Dated 29/03/2007  
Phone # 0987-510215



To

Dr. Hakim Khan  
S/O Malik Zardad  
Village Shinkiari Bagh Bajna road  
Govt; Girls High School, Shinkiari.

Subject:- ABSENT FROM DUTY/EXPLANATION  
Memorandum

You are absent from your duties since 01.02.2007. You were asked to attend your duties vide this office memo. Nos. 30-33/DAR(M) dated 26.02.2007 and 441-45/DAR(M) dated 03.03.2007 respectively, but neither you attended your duties nor replied the letters under reference.

You submitted a medical OPD Chit advised by District TB Control Officer-Battagram mentioning two weeks leave w.e. from 01.03.2007 besides the facts that you are residing at Shinkiari. You submitted your request just on a simple paper which has to be submitted on proper form for onward submission to the quarter concerned. Moreover the OPD chit was not countersigned by the authorized Medical Superintendent.

You are still absent from your duties (w.e. from 01.02.2007 to 22.03.2007). You are once again advised to please attend your duties immediately and explain your position within 03 days the receipt of this letter.

Director  
Agril. Research Station  
Baffa, Mansehra

c.c. The Director-General, Agril; Research system, NWFP Agril; University Peshawar for favour of his kind information w/r to above please.

Director  
Agril. Research Station  
Baffa, Mansehra

D.G. (R) ee.

A.O. (E) E.I ee.

29/03

For MLR

29/3

1. Mr. W  
2. Mr. S  
3. Mr. T  
4. Mr. U  
5. Mr. V  
6. Mr. X  
7. Mr. Y  
8. Mr. Z  
9. Mr. A  
10. Mr. B  
11. Mr. C  
12. Mr. D  
13. Mr. E  
14. Mr. F  
15. Mr. G  
16. Mr. H  
17. Mr. I  
18. Mr. J  
19. Mr. K  
20. Mr. L  
21. Mr. M  
22. Mr. N  
23. Mr. O  
24. Mr. P  
25. Mr. Q  
26. Mr. R  
27. Mr. S  
28. Mr. T  
29. Mr. U  
30. Mr. V  
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33. Mr. Y  
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132. Mr. T  
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137. Mr. Y  
138. Mr. Z  
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149. Mr. K  
150. Mr. L  
151. Mr. M  
152. Mr. N  
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205. Mr. O  
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(8)

P # 23

-99-

Confidential

No. 036-038 /EB (M)

Dated 29 / 03 / 2007  
Phone # 0997-510215

To

Dr. Hakim Khan, Research Officer  
Agril; Research Station,  
Baffa (Mansehra).

Subject: -  
Memorandum

**ABSENT FROM DUTY/EXPLANATION**

It is regretted to state that you are absent from your duties since 01-02-2007 till to date (29-3-2007), except 10-02-2007 and 17-02-2007 without any information/ leave application. You were asked through this office memo: No. 021-24/EB (M) dated 09-02-2007, memo No. 025-27/EB (M) dated 12-02-2007 and 030-33/EB (M) dated 28-02-2007 to explain your position which you failed to do.

You are once again informed to explain your position within three days of the receipt of this memo otherwise disciplinary action will be taken against you under efficiency and disciplinary rule 1973.

Economic Botanist  
Agril. Research Station  
Baffa, Mansehra.

✓

c.c. The Director, ARS, Baffa for information and further action please.

*[Signature]*  
Economic Botanist  
Agril. Research Station  
Baffa, Mansehra.

Khalil/

D. Khan  
[Signature]

P# 244

Annex - 4

FROM : Director ARS BAFFA Mansehra

FAX NO. : 0997 511724

Nov. 26 2008 12:15PM

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No. 2153 /DAR(M)

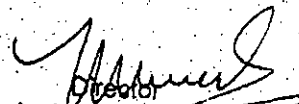
Dated 26/11/2008  
Phone # 0997-510215

To

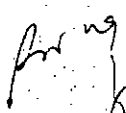
The Director General,  
Agricultural Research System,  
NWFP, Peshawar.

Subject: - ABSENCE FROM DUTY.  
Memorandum

Kindly refer to Telephonic instructions, dated 26.11.2008 and this office memo No.2139-42, dated 21.11.2008. Dr. Hakim Khan Research Officer (Oil seed) is absent from his duty since 01.02.2007. The report is submitted for information and n/action please.

  
Director  
Agricultural Research Station  
Baffa, Mansehra.

D.A. (R) RL  
A.O. (E) E-I RL.

 26/11

P # 25

Subject: *Fairly Absent*

*1020 2007*

*3/24*

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Annex - I

No 10763-64 / Estt/DGAR dated Peshawar the 28 / 11 / 2008  
To

The Secretary,  
Govt. of NWFP  
Agril. Livestock and Coop.  
Department Peshawar.

(3)

Subject:- ABSENCE FROM DUTY.  
Memo:

It is submitted that the Director, Agric. Res. Station, Baffa (Manshehra) has reported that the following officers of his station left their official duties without permission/sanction of leave by the competent authority, vide his memo No.2153/DAR (M) and No.2155/DAR (M) dated 26.11.2008. Therefore, they are absent from duty from the dates as noted against each.

| S.No | Name and Designation                         | Station                                    | Date of absence from duty. |
|------|--|--|----------------------------|
| 1.   | Dr.Hakim Khan,<br>Research Officer           | Agric. Res. Station,<br>Baffa (Manshehra). | 1.2.2007 till date.        |
| 2.   | Mr.Ahmad Abbas<br>Malik, Research<br>Officer | -do-                                       | 3.10.2006 till date.       |
|      |  |  |                            |

The concerned Director has asked the above named officers for joining duties vide his memo No.1121-22/DAR (M) dated 7.7.2007 and No.1150-53/DAR (M), dated 17.10.2006 but they have not complied the orders of the Director.

In view of the above position, detail information on the prescribed proforma of the above named officers are sent herewith for taking disciplinary action under Removal from Service (Special Powers) Ordinance, 2000 in the best interest of public service.

*Muhammad Rahimi*  
Muhammad Rahimi  
Director General Research  
Agricultural Research System  
NWFP, Peshawar

cc:

The Director, Agric. Research Station Baffa (Manshehra) for information



P#26

Annex-J

21 9/19  
21 9/24

No: 11704 /Estt/DGAR; Dated Pesh. the 26/12/2008.  
To

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The Section Officer (Estt)  
Agriculture Livestock and Coop. Department,  
Peshawar.

Subject:- REQUEST FOR EARNED LEAVE (THREE YEARS)  
Memo:

Please refer to your letter No.SOE (AD) 7-55/2006, dated 19.12.2008 on the subject noted above.

It is submitted that this office sent the leave application of Dr.Hakim Khan, Research Officer, Agric. Research Station, Baffa (Mansehra) for 3 years to your office for necessary approval from the competent authority vide No.2948-49/Estt/DGAR, dated 3.4.2007 (copy enclosed as Annexure-I).

The competent authority returned the case for want of some information vide No.SOE(AD)7-55/2006, dated 17.4.2007 (copy enclosed as Annexure-II).

This office re-submitted the case alongwith the requisite information to your office vide NO.4776-77/Estt/DGAR, dated 13.6.2007 (copy enclosed as Annexure-III).

The competent authority did not sanction the leave vide No.SOE(AD) 7-55/2006, dated 26.6.2007 (copy enclosed as Annexure-IV. This office informed the Director concerned vide No.5415/Estt/DGAR, dated 30.6.2007 but the officer left his official duty without permission/sanctioned leave by the competent authority and is absent so far.

Therefore this office reported the case to the competent authority for taking disciplinary action against the above named officer vide NO.10763-64/Estt/DGAR, dated 28.11.2008 (copy enclosed as Annexure-V).

Encl: As above.

Muhammad Rahim TI  
Director General  
Agricultural Research  
NWFP, Peshawar

26/12

P# 27

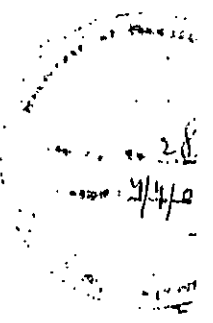
Annex - K

22

GOVERNMENT OF NWFP  
AGRIL: LIVESTOCK & COOP: DEPTT:

NO.SOE(AD)8-69/06-07  
Dated Peshawar, the 30 / 3 / 2009.

To  
Dr. Hakim Khan s/o Malik Zarda Khan  
Research Officer,  
Village Shinklari Bagh Bajna Road,  
Near Govt. High School, Shinklari District,  
Mansehra.



SUBJECT:- WILLFUL ABSENCE FROM OFFICIAL DUTY.

It has been reported that you have left the official duties from 2007 without permission of the competent authority. / sanctioning of leave were directed by the Director concerned vide letter dated 7-7-2007 to join duty but you are still absent without cogent reasons.

DNB

2. You are hereby called upon to assume your duties immediately explain the reasons of your willful absence from duty within 14-days of receipt of this letter otherwise ex-parte action as permissible under the rules is initiated against you.

(ATTULLAH KHAN) -  
SECRETARY AGRICULTURE

The Director General, Agricultural Research, NWFP, Peshawar, is requested to take necessary information and further necessary action.

Section Officer-E

✓  
D. G. (R) el.  
A. O. (F) R. I. el.

Amir ul  
Q,  
3/09

P # 28 -145-

Annex-

No. 159 /DAR(M)  
Dated 03/03/2010.

To

Mr. Asghar Ali  
Enquiry Officer  
Director HR & Admn.  
PDMA, Peshawar.

Subject: **ENQUIRY IN PURSANCE OF GOVERNMENT OF NWFP,  
AGRICULTURE DEPARTMENT LETTER NO. SOE (AD) 7-  
55/2006 DATED 28.01.2010.**

Meino:

Enclose please find herewith the questionnaire pertaining to the above enquiry for favour of further necessary action please. The questionnaire has been filled according to the available office record.

*Alhab*

Director

Agril: Research Station,  
Baffa, Mansehra.

*Asghar* The Director ARS, Baffa directed him to <sup>to</sup> discuss on 3.3.2007 with copy to the DGAR (Copies attached).

P# 29

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**Questionnaire for Dr. Abdul Latif, Director, Agriculture Research Station, Baffa, Mansehra in connection with the Enquiry conducted in pursuance of Government of NWFP, Agriculture Department letter No. SOE(AD)7-55/2006 dated 28.01.2010**

| Question  | Response   |
|---|--|
| 1 Name of respondent  | Dr. Abdul Latif  |
| 2 Designation   | Director   |
| 3 Period of posting as Director at Baffa, Mansehra  | From 19.12.2009 To till now  |
| 4 Pay scale   | 19   |
| 5 Service Group   | Agriculture Research   |
| 6 Who was the Director Agriculture Research Station Baffa from 01.01.2007 to 31.08.2007? Where is he posted now?  | 1: Mr. Duri Imanu Khan : 6.6.2006 - 19.2.2007<br>2: Mr. Rohan Shah : 20.2.2007 - 6.6.2008<br><br>Both of them are now retired from Govt. Service.  |
| 7 Who forwarded the request of 930 days earned leave of Dr. Hakim Khan, Research Officer to the Directorate General, Agriculture Research, NWFP and when? Please add copies of letter with enclosures.                    | As per office record copy of no such letter is available; however, copies of two leave application forms are attached.   |
| 8 Was it forwarded by the Director Agriculture Research Station Baffa or any other officer? In case of any other officer, reason for doing so like holding additional charge etc. Please add copies of documents, if any. | As per reply at S.No. 7.   |
| 9 When was notification of sanction of leave to the officer, officially received in your office?  | No such notification has been officially received in this office.  |
| 10 When did it come to the notice of the Director ARS, Baffa that the accused officer was absent from his duties and what action (and when) was taken in this regard? Please add copies of documents.                     | On noticing the absence of the officer, the Section Incharge directed him to resume his duties and explain his position vide letters dated 9.2.2007, 12.2.2007 and 28.2.2007. The Director ARS, Baffa directed him for resumption of duties on 3.3.2007 with copy to the DGAR (Copies attached). |

usjw

|           |  |
|-----------|--|
| <p>11</p> | <p>Had any letter from the Directorate General, Agriculture Research, NWFP received in your office stating that the leave applied for by the accused officer was rejected by the Competent Authority and what action was taken in pursuance of that letter? Please add copies of documents.</p> <p>The leave rejection information was received from the DGAR vide NO. 5414/ESTT/DGAR dated 30.6.2007. The accused officer was informed and directed to resume duties vide letter dated 7.7.2007 by Director ARS, Baffa.</p>   |
| <p>12</p> | <p>Had further correspondence taken place between the ARS, Baffa and the DG Agriculture Research, NWFP on this issue after intimation of rejection of leave to the accused officer vide endorsement No.5415/Estt/DGAR dated 30.06.2007. If yes, please add copies of letters with enclosures sent and received by the ARS, Baffa.</p> <p>Yes. The DGAR endorsed on 30.7.2007 a copy of letter of SO (E) dated 23.7.2007 through which the accused officer was required to furnish an undertaking that he will not work with any NGO or get employment during his leave. The same was forwarded to the DGAR by the Director ARS Baffa on 25.9.2007. (Copies attached). No further correspondence was made between DGAR and ARS Baffa except recent enquiry.</p> |
| <p>13</p> | <p>Any other information that you would like to add please. You may use additional pages for your reply to any of the above questions.</p> <p>Reportedly the accused officer has submitted his arrival report <sup>10.4.2009</sup> in the Agriculture Dept Civil Secretariate and has not reported for duty at the ARS, Baffa till date.</p>   |

as per

Ghaffar 03/03/2009.  
Signature with date

# Enquiry report

Enquiry conducted in pursuance of  
Government of NWFP, Agriculture  
Department letter No. SOE(AD)7-55/2006  
dated 28.01.2010

Conducted by

Asghar Ali, (PCS SG BS 19), Director HR/Admn, PDMA

P#32

## ENQUIRY REPORT

Enquiry in pursuance of Government of NWFP, Agriculture Department letter  
No.SOE(AD)7-55/2006 dated 28.01.2010

The Section Officer (Establishment), Agriculture, Livestock and Cooperation Department, Government of NWFP informed the undersigned vide letter No.SOE(AD) 7-55/2006 dated 28.01.2010 (Annex-I) that the Chief Secretary, Government of NWFP has appointed him as Enquiry Officer to enquire into the allegations against Dr. Hakim Khan, Research Officer, Agriculture Research Station, Baffa, Mansehra as given in Para 2 below:-

### Allegations:-

- I. That he applied for grant of 930 days extra ordinary leave without pay from 01.02.2007 which was considered by the competent authority and rejected. After that he absented himself from official duties with effect from 01.02.2007 to 30.03.2009.
- II. That he was served with a notice on 30.03.2009 to join duties immediately and explain the reasons of his absence. He submitted reply on 10.04.2009 and presented himself for duty, though, he remained willful absent from duty with effect from 01.02.2007 to 30.03.2009. The clarification put forth in his application was considered and found un-satisfactory.
- III. That he committed a grave act of misconduct and rendered himself liable for disciplinary action under the NWFP Removal from Services (Special Powers) Ordinance, 2000.

### Enquiry Proceedings

3. The Enquiry Officer initiated the proceedings by forwarding questionnaires to the following officers on 26.02.2010 (Annex II ~ V):-

- I. Dr. Hakim Khan, Research Officer, Agriculture Research Station, Baffa, Mansehra.

Enquiry report (Dr. Hakim Khan, RO, Baffa)

01.02.2007 to 10.04.2009 and submitted arrival report to the Government on 10.04.2009 (Annex-XI). He has requested that keeping in view his problems, he may be granted earned leave for the absence period and posted in the field as he has been awaiting posting after sending arrival report at the Secretariat on 10.04.2009.

5. Dr. Abdul Latif, Director Agriculture Research Station, Baffa, Mansehra has stated in his reply (Annex-XII) that two leave applications, one for 930 days earned leave and other for extra ordinary leave were available on his record (Annex-XIII, XIV). No leave sanctioning notification was available on their record. On noticing the absence of the officer, the Section In Charge directed him vide letters on 09.02.2007, 12.02.2007 and 28.02.2007 (Annex-XV, XVI, XVII) to resume his duties and explain his position. The Director ARS, Baffa directed him on 03.03.2007 to resume his duties (Annex-XVIII). He copied this letter to the DG AR for information and guidance. They received letter regarding rejection of leave from the office of the DG AR and informed the accused officer through letter on 07.07.2007 (Annex-XIX). Later on they received an endorsement dated 30.07.2007 (Annex-XX) from the DG AR through which the accused officer was required to furnish an undertaking that he would not work with any NGO or get employment during his leave which was forwarded to the DG AR on 25.09.2007 (Annex-XXI). No correspondence has taken place regarding approval or rejection of leave after that.

6. Mr. Mohammad Rahim, Director General Agriculture Research NWFP has stated in his reply (Annex-XXII) that application of 930 leave without pay was received in his office on 31.01.2007 which was forwarded to the Secretary Agriculture on 03.04.2007 (Annex-XXIII) due to shortage of technical staff and verbal direction of the Secretary Agriculture not to forward applications for long leave. He came to know about absence of the officer from duty through letter of the Director ARS Baffa dated 03.03.2007 (Annex-XVIII). They asked the Director ARS Baffa to furnish details about absence of the officer vide letter dated 03.04.2007 (Annex-XXIV).



7. Mr. Sakhi ur Rahman, Section Officer (Establishment), Agriculture Department has stated in his reply (Annex-XXV) that the accused officer applied for 930 days leave without pay as was evident from his application, received from the DG AR on 05.04.2007 (Annex-XXVI). It was processed and certain objections were conveyed to the DG AR on 17.04.2007 (Annex-XXVII). The Directorate General was informed vide letter dated 26.06.2007 that leave application of Dr. Hakim Khan was rejected (Annex-XXVIII). On receipt of recommendatory letter from Syed Hidayatullah Shah, ex senator, the DG AR was requested on 23.07.2007 (Annex-XXIX) to submit an undertaking from the accused officer to the effect that he would not join any NGO nor would get employment during his leave. A notice was issued to him on 30.03.2009 (Annex-XXX) on his home address; his response dated 10.04.2009 mentioning arrival for duty was received on 29.04.2009 (Annex-XXXI). It was sent to the DG AR for comments which were received on 09.10.2009 (Annex-XXXII), thereafter, disciplinary action was initiated.

### Findings

8. Analysis of replies of the Respondents shows that some basic questions put to them have not been replied properly. For example, Dr. Hakim Khan has evaded replies to the questions that when did he receive leave sanctioning notification, if not then under what rule, he started availing leave before sanction and on what date he relinquished charge of his post in order to avail the leave. Mr. Mohammad Rahim Khan, DG AR has stated that the accused officer had applied for 930 days leave without pay, however, he has innocently attached copy of application showing 930 days earned leave. No convincing reason for delay in submission of application to the Competent Authority has been given. He came to know about the absence of the officer and asked the Director ARS Baffa on 03.04.2007 for information on Proforma but never reminded him for submission of detail or get update on absence of the accused officer. He has not mentioned progress on that letter. Likewise Mr. Sakhi ur Rahman, Section Officer (Establishment) Agriculture Department has skipped reply to the question that after issuance of letter dated 23.07.2007 regarding submission of undertaking by the accused

officer what was the status of letter dated 26.06.2007 through which leave application was rejected. What was the final decision on his leave application and when was that conveyed to the DG AR.

9. In order to give chance of personal hearing to the accused officer and cross examination to the concerned officers, a meeting was held in the office of the DG AR on 10.03.2010 which was attended by the following:-

- I. Mr. Muhammad Rahim, Director General, Agriculture Research, NWFP, Peshawar.
- II. Dr. Abdul Latif, Director, Agriculture Station, Baffa, Mansehra.
- III. Dr. Hakim Khan, Research Officer, Agriculture Research Station, Baffa, Mansehra.
- IV. Mr. Mohammad Yasin, Assistant, Establishment Section, Agriculture, Livestock and Cooperation Department, NWFP, Peshawar.

10. During the meeting, list of events in the case prepared by the Enquiry Officer (as in para 12 below) was shared with the participants who agreed with it. They were requested to add any information they had about the case. The DG ARS provided a copy of letter dated 28.11.2008 (Annex-XXXIII) through which absence of Dr. Hakim Khan and Dr. Ahmad Abbass Malik (both working at ARS Baffa) was brought into the notice of the Secretary Agriculture Department. The other Respondents had no new information to add. Mr. Mohammad Yasin, Assistant, Establishment Section, Agriculture Department was asked to bring in the notice of the Section Officer (Establishment), Agriculture Department that the replies provided to the following questions in the questionnaire were evasive that he should provide correct replies to the them (reproduced below) by 11.03.2010:-

- I. On issuance of letter dated 23.07.2007, what status of letter dated 26.06.2007 remained through which leave rejection was conveyed?
- II. What was the final response of the Competent Authority regarding sanction or rejection of the leave applied for and when was it conveyed to the Directorate General, Agriculture Research, NWFP?

11. Mr. Sakhi-ur-Rahman has stated in his addendum to the reply vide letter dated 11.03.2010 (annex-XXXIV) that with issuance of letter dated 23.07.2007, the case was virtually re-opened. No final decision was taken on the case as the Secretary Agriculture directed to keep the case pending, hence not conveyed.

12. After going through the replies of the Respondents to the Questionnaires, discussion in the meeting held on 10.03.2010 and addendum to the reply by Mr. Sakhi-ur-Rahman, Section Officer (Establishment), Agriculture Department, the following list of events in the case is prepared for clarity:-

| S. No. | Event  | Date                                   |
|--------|--|--|
| 1.     | The accused officer submitted application for 930 days earned leave  | Nov, 2006                              |
| 2.     | Forwarded to the DG, Agriculture Research System   | 23.01.2007                             |
| 3.     | Started availing leave   | 01.02.2007                             |
| 4.     | Asked to join duty by Agriculture Research Station, Baffa  | 09.02.2007<br>12.02.2007<br>28.02.2007 |
| 5.     | Asked to join duty by Agriculture Research Centre, Baffa. Copy to DG, Agriculture Research System for information and guidance | 03.03.2007                             |
| 6.     | DG Agriculture Research forwarded 930 days extra ordinary leave application to the Secretariat                                 | 03.04.2007                             |
| 7.     | DG, Agriculture Research System asked Director Agriculture Research Centre, Baffa for information on Proforma about Dr. Hakim  | 03.04.2007                             |
| 8.     | Clarification sought from DG, Agriculture Research System  | 17.04.2007                             |
| 9.     | Reply sent to Secretariat  | 13.06.2007                             |
| 10.    | Rejection of leave request conveyed to DG, Agriculture Research System   | 26.06.2007                             |
| 11.    | Rejection of leave endorsed to Director Agriculture Research Centre, Baffa   | 30.06.2007                             |
| 12.    | Dr. Hakim informed of leave rejection and asked to join duty vide letter   | 07.07.2007                             |

|     |   |            |
|-----|---|------------|
| 13. | The Secretariat asked for undertaking for not joining NGO etc during leave  | 23.07.2007 |
| 14. | The letter requiring undertaking was endorsed by the DG, Agriculture Research System to the Director Agriculture Research Centre, Baffa | 30.07.2007 |
| 15. | Undertaking forwarded to DG, Agriculture Research System  | 25.09.2007 |
| 16. | Undertaking forwarded by the DG to the Secretariat  | 02.10.2007 |
| 17. | The DG, Agriculture Research System informed the Secretariat about the absence of the Officer   | 28.11.2008 |

13. The above detail shows that in enabling the accused officer remain absent from duty from 01.02.2007 to 09.04.2009, omissions and negligence on the part of the offices of the Director Agriculture Research Station, Baffa, DG Agriculture Research NWFP and the Secretary Agriculture Department have taken place including the following:-

|     |  |   |
|-----|--|---|
| S.N | Director Agriculture Research Station, Baffa, Mansehra | He did not provide in time information to the DG ARG on the Proforma in response to letter dated 03.04.2007 and did not follow up the case with the DG ARS for disciplinary action in light of his letter dated 03.03.2007.   |
| 2   | Director General, Agriculture Research, NWFP           | Did not follow up the disciplinary action case with the Secretariat. The officer was shown as on duty in the draft seniority list of the officers as on 31.12.2008. He changed the type of leave from Leave with pay to Leave without pay without the consent of the applicant who was later on asked to apply for leave without pay, which he did. |
| 3   | Secretary Agriculture Department                       | After conveying rejection of leave to the DG ARS vide letter dated 26.06.2007, the case was re-opened with the issuance of letter dated 23.07.2007. No final decision was taken and conveyed as the case was marked as 'KP' by the Secretary Agriculture Department. The accused officer is   |

|   |  |   |
|---|--|---|
|   |  | enjoying a sort of leave even after submission of joining duties at the Secretariat on 10.04.2009, almost a year for want of initiation of disciplinary action.   |
| 4 | Dr. Hakim Khan,<br>the accused officer | He left the office without sanction of leave on 01.02.2007 without relinquishing the charge of the post. Never bothered to reply any of the explanations called from him; even reply to the letter of the Secretary Agriculture dated 30.03.2009 directing him to join his duties was replied on 10.04.2009 was delivered on 29.04.2009 in the Secretariat. |

14. Having penned down the above, the Enquiry Officer responds to the allegations as under:-

**Allegation No. I**

There is no doubt that the accused officer remained absent from duty from 01.02.2007 to 09.04.2009 as he has admitted that he did not receive any leave sanction notification and did not relinquish charge of the post, however, it was the duty of the Competent Authority to take a decision on the case instead of 'keeping it pending'. No final decision has taken place and conveyed. According to his statement, he was given verbal assurance by the Secretary Agriculture that his leave would be sanctioned. Even in case of his absence, it was the duty of the Director Agriculture Station Baffa, Mansehra, the DG ARS and the Secretary Agriculture to keep track of the accused officer and initiate disciplinary action against him immediately. It is quite possible that he would have either joined duties or would have been dismissed from service at that time. Coming to know about the disciplinary action against him vide letter dated 30.03.2009, he has complied the orders and joined his duties. Hence he can be partially held responsible for his absence as his request of leave was never decided and is still pending in the office of the Secretary Agriculture Department.

**Allegation No. II**

He was served with notice to join his duties on 30.03.2009 and in compliance, he joined his duties on 10.04.2009, hence no disobedience proved on his part. Since his reply was not considered satisfactory, hence this enquiry has been initiated.

**Allegation No. III**

He remained absent from duties from 01.02.2007 to 09.04.2009, however, his leave request case is still pending in the office of the Secretary Agriculture Department. The case was to be decided in time. In case of rejection of his leave request, disciplinary action should have been initiated against him, which would have forced him to either join his duties or he would have been dismissed from service. The necessity/expediency of keeping his leave request pending has tilted the case in his favour.

**Recommendations**

15. The Enquiry report comprising of 9 pages along with 102 pages as attachments is submitted with the recommendations that:-

- I. The accused officer may be granted extra ordinary leave without pay from 01.02.2007 to 09.04.2009.
- II. He may be immediately posted in the field so that he joins his duties in letter and spirit.
- III. His annual increment may be stopped for two consecutive years without cumulative effect.
- IV. The Command and Control system at the Secretariat and Directorate levels should be strengthened to avoid such lapses which lead to legal complications and help the culprits.



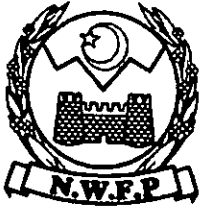
(ASGHAR ALI)

Enquiry Officer

(PCS SG BS 19)

Director HR & Admn, PDMA

11.03.2010



23 P#40

Annex-1

## PDMA/PaRRSA

Provincial Disaster Management Authority/  
Provincial Reconstruction Rehabilitation &  
Settlement Authority

House # 100, Street 13, Shami Road Peshawar

Phone: (091) 9213867, Fax: (091) 9214025

[www.pdma.gov.pk](http://www.pdma.gov.pk)



No. PDMA/NWFP/Misc/1-36/09

Dated: 8<sup>th</sup> March, 2010

To

1. Mr. Sakhi-Ur-Rehman,  
Section Officer (Establishment),  
Agriculture Department, Peshawar.
2. Mr. Muhammad Rahim,  
Director General, Agriculture Research, NWFP, Peshawar.
3. Dr. Abdul Latif,  
Director Agriculture Research Centre, Baffa, Mansehra.
4. Dr. Hakim Khan,  
Agriculture Research Officer,  
Agriculture Research Centre, Baffa, Mansehra.

Subject: - **ENQUIRY IN PURSUANCE OF GOVERNMENT OF NWFP,  
AGRICULTURE DEPARTMENT LETTER NO. SOE(AD)7-55/2006,  
DATED 28.01.2010**

In order to give a chance of personal hearing to Dr. Hakim Khan, Agriculture Research Officer, Agriculture Research Center, Baffa, Manserha and discuss the case, a meeting is scheduled to be held in the office of the Director General, Agriculture Research, NWFP on 10.03.2010 at 1100 hours.

2. You are requested to attend the same.

(ASGHAR ALI)  
Inquiry Officer/

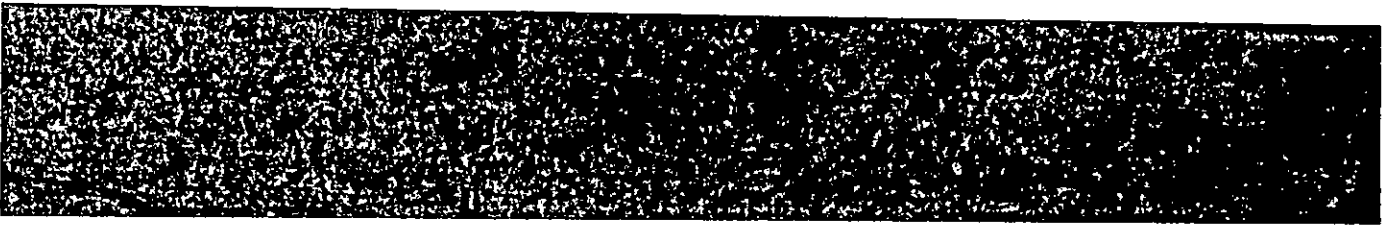
Director HR/Administration, PDMA

**ENDST: NO. & DATE EVEN**

Copy forwarded to the: -

1. Chief Secretary, NWFP
2. Secretary to Govt of NWFP, Agriculture Department, Peshawar
3. Director General, PDMA, NWFP, Peshawar.

Inquiry Officer/  
Director HR/Administration, PDMA



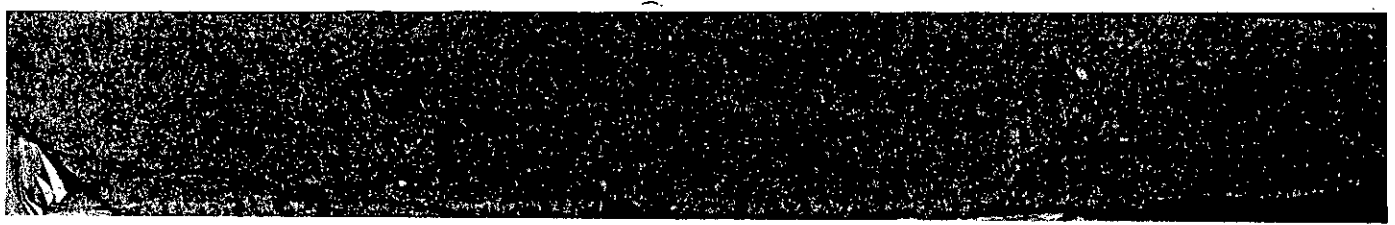
24 P # 41

1/16

**Events in case of absence from duty of Dr. Hakim Khan, Research Officer,  
Agriculture Research Centre, Baffa, Mansehra**

| S. No. | Event  | Date                                   |
|--------|--|--|
| 1.     | Submitted application for 930 days earned leave  | Nov, 2006                              |
| 2.     | Forwarded to the DG, Agriculture Research System   | 23.01.2007                             |
| 3.     | Started availing leave   | 01.02.2007                             |
| 4.     | Asked to join duty by Agriculture Research Centre, Baffa   | 09.02.2007<br>12.02.2007<br>28.02.2007 |
| 5.     | Asked to join duty by Agriculture Research Centre, Baffa. Copy to DG, Agriculture Research System for information and guidance           | 03.03.2007                             |
| 6.     | DG Agriculture Research forwarded 930 days extra ordinary leave application to the Secretariat   | 03.04.2007                             |
| 7.     | DG, Agriculture Research System asked Director Agriculture Research Centre, Baffa for information on proforma about Dr. Hakim (No reply) | 03.04.2007                             |
| 8.     | Clarification sought from DG, Agriculture Research System  | 17.04.2007                             |
| 9.     | Reply sent to Secretariat  | 13.06.2007                             |
| 10.    | Rejection of leave request conveyed to DG, Agriculture Research System   | 26.06.2007                             |
| 11.    | Rejection of leave endorsed to Director Agriculture Research Centre, Baffa   | 30.06.2007                             |
| 12.    | Dr. Hakim informed of leave rejection and asked to join duty vide letter   | 07.07.2007                             |
| 13.    | The Secretariat asked for undertaking for not joining NGO etc during leave   | 23.07.2007                             |
| 14.    | The letter requiring undertaking was endorsed by the DG, Agriculture Research System to the Director Agriculture Research Centre, Baffa  | 30.07.2007                             |
| 15.    | Undertaking forwarded to DG, Agriculture Research System   | 25.09.2007                             |
| 16.    | The DG, Agriculture Research System informed the Secretariat about the absence of the Officer  | 28.11.2008                             |

17. undertaking furnished to 2.10.2007.





P # 42 Annex - N

P.F

No 118-119 /DAR (M)

-142

Dated 10/02/2010

Phone # 0997-510215


The Dr. Hakim Khan,  
Research Officer,  
ARS Baffa, (Mansehra).

Subject: CHARGE SHEET.

Memo:

Enclose please find herewith a copy of endorsement No. 1205-1206/Estt/DGAR  
dated 04.02.2010, received from the DGAR NWFP, Peshawar along with its enclosures which is  
self explanatory (copy enclosed).

You are hereby directed to appear before the enquiry officer on the date, time and  
place fixed by the enquiry officer for the purpose of inquiry procedure please.

  
Director  
Agril: Research Station,  
Baffa, (Mansehra).

C.C.

The Director General, Agril: Research System NWFP for information please.

Handwritten notes at the bottom of the page, including "Agril: Research System NWFP" and other illegible text.

P #43

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No: 1205-7-2006 /Estt/DGAR; Dated Pesh. the 04/02 /2010.  
To

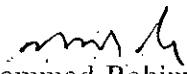
The Director,  
Agric. Research Station,  
Baffa (Mansehra).

Subject:- CHARGE SHEET.  
Memo:

Enclosed please find herewith a copy of Endst No. SOE(AD) 7-55/2006 dated 28.1.2010 received from the Section Officer (Estt) Govt. of NWFP Agric. Livestock and Coop. Deptt. Peshawar alongwith its enclosures which is self explanatory (copy enclosed).

You are therefore requested that as per directive of the competent authority please sent a copy of charge sheet and contact Dr. Hakeem Khan Research Officer of your Station with the advise to appear before the enquiry officer on the date, time and place fixed by the enquiry officer for the purposes of inquiry procedure.

Encl: As above.

  
Muhammad Rahim TI  
Director General  
Agriculture Research  
NWFP Peshawar

cc:

The Section Officer (Estt) Govt. of NWFP Agric. Livestock and Coop. Department, Peshawar w/r to his memo No. as quoted above for information.

C. Vigilance c.

Pl. do the needful.

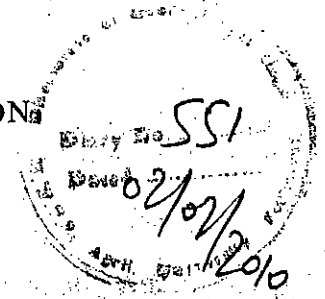
9/2

Confidential

P#44  
27

-139-

GOVERNMENT OF N.-W.F.P.  
AGRICULTURE, LIVESTOCK AND CO-OPERATION  
DEPARTMENT, PESHAWAR



**CHARGE SHEET.**

I, Javed Iqbal, Chief Secretary, NWFP, as Competent Authority, hereby charge you, Dr. Hakeem Khan, Research Officer (BS-17), Agricultural Research Station (Baffa) Mansehra, as follow:-

2. That you have committed the following irregularities:-
  - i. That you applied for the grant of 930-days extra-ordinary leave without pay with 1/2/2007 which was considered by the competent authority and rejected. After that you absented himself from official duties with effect from 1/2/2007 to 30/3/2009.
  - ii. That you were served with a notice on 30/3/2009 to join duties immediately and explain the reasons of your absence. You submitted reply on 10/4/2009 and presented himself for duty, though, you remained willful absent from duty with effect from 1/2/2007 to 30/3/2009. The clarification put forth in your application was considered and found un-satisfactory.
  - iii. That you committed a grave act of mis-conduct and rendered yourself liable for disciplinary action under the NWFP Removal from Services (Special Powers) Ordinance, 2000.

3. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP Removal from Services (Special Powers) Ordinance, 2000, and have rendered yourself liable to all or any of the penalties specified in Section-3 of the ordinance ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer/Committee, as the case may be.

5. Your written defense, if any, should reach the Inquiry officer/Committee within the specified period, failing which it shall be presumed that you have nothing to offer in your defense and in that case, exparte action shall follow against you.

6. Intimate whether you desire to be heard in person.

7. A statement of allegations is enclosed.

*Javed Iqbal*

(JAVED IQBAL)  
CHIEF SECRETARY, NWFP.  
(COMPETENT AUTHORITY).

1- Pass it on to the  
Honor Comm for us  
Rutta signed Javed Iqbal

28 P#45

-140-

GOVERNMENT OF N.-W.F.P.  
AGRICULTURE, LIVESTOCK AND CO-OPERATION  
DEPARTMENT, PESHAWAR  
STATEMENT OF ALLEGATIONS.

1. Javed Iqbal, Chief Secretary, NWFP, as Competent Authority, am of the opinion that Dr. Hakeem Khan, Research Officer (BS-17), Agricultural Research Station (Baffa) Mansehra has rendered himself liable to be proceeded against as he committed the following acts /omissions within the meaning of section-3 of the NWFP Removal from Service (Special Powers) Ordinance, 2000:-

- i. That he applied for the grant of 930-days extra-ordinary leave without pay with 1/2/2007 which was considered by the competent authority and rejected. After that he absented himself from official duties with effect from 1/2/2007 to 30/3/2009.
- ii. That he was served with a notice on 30/3/2009 to join duties immediately and explain the reasons of his absence. He submitted reply on 10/4/2009 and presented himself for duty, though, he remained willful absent from duty with effect from 1/2/2007 to 30/3/2009. The clarification put forth in his application was considered and found un-satisfactory.
- iii. That he committed a grave act of mis-conduct and rendered himself liable for disciplinary action under the NWFP Removal from Services (Special Powers) Ordinance, 2000.

2. For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, <sup>the following</sup> ~~an~~ Inquiry Officer / Committee ~~consisting of the following is constituted~~ under section-5 of the Ordinance referred to above:-

- i. Mr. Asghar Ali PLS - SG BS19, Div (Admin/HR)
- ii. PDHA/PARRSA

3. The Inquiry Officer shall, in accordance with the provision of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within twenty five days of the receipt of this order, recommendations as to punish or absolve the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Committee.

*Javed Iqbal*

(JAVED IQBAL)  
CHIEF SECRETARY, NWFP.  
(COMPETENT AUTHORITY).

29

P # 46

-141-

Endst. No.SOE(AD) 7-55/2006

Dated Peshawar, the 28 / 1/2010.

A copy is forwarded for information and necessary action to:-

1. Mr. Asghar Ali (Inquiry Officer) Director (Admn/HR)PDMA/PARRSA, NWFP, Shami Road, Peshawar for initiating proceedings against the accused under the provision of the NWFP Removal from Service (Special Powers) Ordinance, 2000.
2. Dr. Hakeem Khan, Research Officer, Agril: Res. Station (Baffa) Mansehra with the advice to appear before the Inquiry officer, on the date, time and place fixed by the Inquiry officer, for the purposes of the inquiry proceedings.
3. The Director General, Agricultural Research, NWFP, Peshawar, with the request to depute departmental representative who is well conversant with the facts of the case alongwith relevant record to assist the Inquiry Committee during the inquiry proceedings.



(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT:

No. 22736 /DAR(M)

Dated 22/04/2010

Phone No. 0997-510215

To: Dr. Hakeem Khan  
Research Officer  
ARS, Baffa, Mansehra

Sub: SHOW CAUSE NOTICE IN RESPECT OF DR. HAKEEM KHAN  
RESEARCH OFFICER AGRIC. RESEARCH STATION, BAFFA  
MANSEHRA.

Memo

Enclosed please find herewith a copy of a letter No. 4288/39/Est/DGAR dated 15.4.2010 received from the office of DGAR, Peshawar which is self explanatory.

In this connection you are hereby directed to positively submit your reply/response to the quarter concern for further necessary action.

Encl: Show cause notice (1)  
Enquiry report (1)

*[Signature]*  
Director  
Agricultural Research Station  
Baffa, Mansehra

Copy to:

The Director General Agriculture Research Peshawar w/r to this letter No. quoted above for information along with the photocopy acknowledging the receipt from the accused officer.

Received on 22/04/2010.

*[Signature]*  
Dr. Hakeem Khan  
Research Officer  
ARS - Baffa



P# 48 31

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE  
AGRICULTURE, LIVESTOCK AND CO-OPERATION  
DEPARTMENT PESHAWAR

SHOW CAUSE NOTICE

I, Javed Toqat, Chief Secretary, NWFP, under the North West Frontier Province Removal from Service (Special Powers) Ordinance, 2000 being competent authority, do hereby serve you, Dr. Hakeem Khan, Research Officer (BS-17) office of the Director, Agricultural Research Station (Baffa) Mansehra with the Show Cause Notice that:

- (i) Consequent upon the completion of Inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing and
- (ii) On going through the findings and recommendations of the Inquiry Officer, the materials on record and other connected papers including your defense before the said Inquiry Officer;

I am satisfied that you have committed the following acts/omissions specified in section 3 of the said ordinance:

- (a) Wilful absence from duty
- (b) Mis-conduct
- (c) In-discipline

As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Unkudding of two months in section 3 of the said ordinance.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.

If no reply to this notice is received within seven (07) days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case as ex-parte action shall be taken against you.

The copy of the findings of the Inquiry Officer is enclosed.

Received on 22/04/2010

*Hakeem Khan*  
Dr. Hakeem Khan  
Research Officer  
A-15, Baffa

*Javed Toqat*  
JAVED TOQAT  
CHIEF SECRETARY, NWFP  
(COMPETENT AUTHORITY)

P # 49

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149

No: 4238-39 /Estt/DGAR; Dated Pesh. the 15/04/2010

To



The Director,  
Agric. Res. Station,  
Baffa (Mansehra).


Subject:- SHOW CAUSE NOTICE IN RESPECT OF DR. HAKEEM KHAN  
RESEARCH OFFICER AGRIC. RESEARCH STATION, BAFFA  
(MANSEHRA)

Memo:

Enclosed please find herewith a copy of letter No. SOE(AD)7-55/2006 dated 7.4.2010 received from the Section Officer (Estt) Govt. of NWFP Agric. Livestock and Coop. Department, Peshawar which is self explanatory.

In this connection you are requested that Dr. Hakeem Khan, Research Officer, Agric. Res. Station, Baffa (Mansehra) may be informed and duplicate copy thereof duly acknowledge and return to this office within three days positively for onward submission to the quarter concerned for further necessary action.

Encl: As above.

  
Muhammad Rahim TI  
Director General  
Agricultural Research  
NWFP, Peshawar

cc:

The Section Officer (Estt) Govt. of NWFP Agric. Livestock and Coop. Department, Peshawar w/r to his letter No. as quoted above for information.

DAR PL  
22/4/2010

OA V. Inqft  
Pl. send it to Dr. Hakeem Khan  
today

22/4



P # 50 33

GOVERNMENT OF NWFP  
AGRIL: LIVESTOCK AND COOP: DEPT:

NO. SOE(AD)7-55/2006  
Dated Peshawar, the 7/4/2010.

To

The Director General,  
Agricultural Research,  
NWFP, Peshawar.

SUBJECT:- SHOW CAUSE NOTICE IN RESPECT OF DR. HAKEEM KHAN,  
RESEARCH OFFICER, AGRIL: RESEARCH STATION (BAFFA)  
MANSEHRA.

I am directed to enclose herewith two copies of the Show Cause Notice alongwith copy of the inquiry report with the request that the same may be served upon the accused officer and duplicate copy thereof duly acknowledge by him returned to this department within three days positively.

ncf: As above.

*(Signature)*  
(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT

CC:-

PS to Secretary Agriculture, NWFP.

*D. G. (R) 1/14*

*AO (E) E  
received  
to along on 15/4/10*

*(Signature)  
15/4*

SECTION OFFICER-ESTT

P # 51  
34  
1 - 151

GOVERNMENT OF N.-W.F.P.  
AGRICULTURE, LIVESTOCK AND CO-OPERATION  
DEPARTMENT, PESHAWAR

SHOW CAUSE NOTICE

I, Javed Iqbal, Chief Secretary, NWFP under the North-West Frontier Province Removal from Service (Special Powers) Ordinance, 2000, being competent authority do hereby serve you Dr. Hakeem Khan, Research Officer (BS-17) office of the Director, Agricultural Research Station, (Baffa) Mansehra, with the Show Cause Notice that:-

1. (i) Consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing and
- (iii) On going through the findings and recommendations of the Inquiry Officer, the materials on record and other connected papers including your defense before the said Inquiry Officer,

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

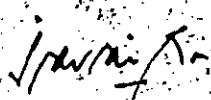
- (a) Wilful absence from duty.
- (b) Mis-conduct.
- (c) In-discipline.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of withholding of two increments falling on 1st Dec, 2010 and 1st Dec 2011 under section 3 of the said ordinance.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.

4. If no reply to this notice is received within seven (07) days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case as exparte action shall be taken against you.

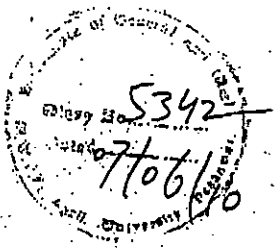
5. The copy of the findings of the Inquiry Officer is enclosed.

  
(JAVED IQBAL)  
CHIEF SECRETARY, NWFP,  
(COMPETENT AUTHORITY)

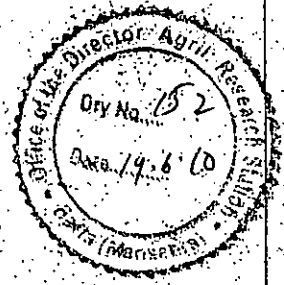
P # 52

Annex - P  
169

charge sheet



**IMMEDIATE**  
**Transmittal case**



GOVT. OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NO. SOR.III(E&AD)1-6/2010(Agril.)  
Dated Pesh. the June 1, 2010.

To

The Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Agriculture, Livestock and Coop. Department.

Subject: - INITIATION OF DISCIPLINARY ACTION AGAINST DR. HAKEEM KHAN, RESEARCH OFFICER (BS-17) AGRIL. RESEARCH STATION, (BAFFA) MANSEHRA ON ACCOUNT OF WILLFUL ABSENCE FROM DUTY.

Sr,

I am directed to refer your note for Chief Secretary, Khyber Pakhtunkhwa on the subject and to say that the Chief Secretary Khyber Pakhtunkhwa, competent authority in this case has been pleased to fix the date 21-6-2010 for personal hearing of accused in his office.

I have therefore, been directed to request that the accused may be formed to appear before the Chief Secretary Khyber Pakhtunkhwa (Authority) on the abovementioned date, time and place.

It is further requested that the comments of the department on the side of the accused to the Show Cause Notice may also be furnished to the Chief Secretary Khyber Pakhtunkhwa well before the date of hearing.

Yours faithfully,

(GHAZI KHAN)  
SECTION OFFICER (R-III)

No & Date Even

Copy forwarded to:

PSO to Chief Secretary, Khyber Pakhtunkhwa.

SECTION OFFICER (R-III)

*[Handwritten signatures and initials]*  
2/6  
2010  
2/6  
2/6

Annex - Q

The Secretary to Govt. of Khyber Pakhtunkhwa  
Agril; Livestock & Coop; Deptt;  
Peshawar.

Through: Proper channel  
Subject: Resignation from Service to join Hazara University

Sir,  
It is stated that I applied for the post of Assistant Professor in Hazara University through proper channel and departmental permission was granted vide Govt of NWFP Agril; Livestock & Coop; Deptt; No. SOE(AD)7-55/06-07 dated 03-10-2006 (Annex I). I was appointed as Assistant Professor of Agriculture (BPS-19) vide office order No. F.No.4(2)HU/Reg/2010/2082 dated 11.11.2010 (Annex-II).

It is therefore requested that my resignation may be accepted under the CSR-418, Page No. 132 (on the condition that my Services and other benefits will be transferred to the University) and I may be relieved from 31.8.2009 evening. It is further stated that I have got no salary from the department during this period except for October 2010, which will be deposited back in to the Government treasury through challan before relieving from the department. The University authorities will release my salary on production of NOC/relieving from the department.

Thanks

Yours sincerely

*Hakim Khan*

Dr. Hakim Khan  
Research Officer  
HARS, Abbottabad  
Dated 26-11-2010.

*DAR*  
*[Signature]*  
26/11/10

N/O-2092 /DAR Dated 26/11/20

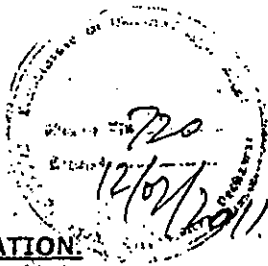
*A.O. please*  
*Forwarded to*  
*DGIR for necessary*  
*action please*

*[Signature]*  
26/11/10

*Attested*  
*[Signature]*

P#54

Annex R



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 9/2/2010

**NOTIFICATION**

NO. SOE(AD)7-55/2006.- The Competent authority is pleased to accept the resignation tendered by Dr. Hakim Khan, Research Officer(BS-17) Hazara Agricultural Research Station, Abbottabad from service with effect from 31/07/2010 subject to refund of one month salary in lieu of advance notice, as required under the terms & conditions of his appointment / service.

The period of his un-authorized absence with effect from 31-8-2009 to 31-7-2010 is hereby treated as extra-ordinary leave without pay.

**SECRETARY AGRICULTURE.**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Hazara Agricultural Research Station, Abbottabad.
3. The District Accounts Officer, Abbottabad.
4. Officer concerned.
5. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

*Handwritten signature/initials*

*Handwritten signature/initials*

(SAKHIL REHMAN)  
SECTION OFFICER-ESTT:

*Handwritten signature/initials*

No. 1254-56 /Esstt./DGAR,

Dated Pesh: the 12-02-2011

Copy of the above is forwarded to:-

1. The Director, Hazara Agril. Research Station, Abbottabad
2. The District Accounts Officer, Abbottabad
3. Dr. Hakim Khan, Research Officer, Hazara Agril. Research station Abbottabad,

for information & necessary action.

*Handwritten signature/initials*  
Admn. Officer (Esstt.)  
Directorate General,  
Agril. Research Khyber Pakhtunkhwa  
Peshawar

602-8-2009  
31-8-09

P# 55

Annex - S

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI. LIVESTOCK AND COOP. DEPARTMENT

Dated Peshawar, the 10/8/2010

**NOTIFICATION:**

NO. SOE(AD) 7-55/2006 - The Competent authority is pleased to order the posting/transfer of the following officer with immediate effect in the interest of public service:

| Sl. No. | Name of Officer         | From   | To  |
|---------|-------------------------|--|---|
| 1       | Dr. Hakim Khan<br>BS-17 | Research Officer (waiting for posting since 10-4-2009) | Research Officer, Hazara Agri. Res. Station, Abbottabad against vacant post |

SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRI. LIVESTOCK AND COOP. DEPTT

Post, Sl. No. & Date

Copy forwarded for information and necessary action to:

The Director General, Agricultural Research, Khyber Pakhtunkhwa Peshawar

The Director, Hazara Agri. Res. Station, Abbottabad

The Director, Agri. Res. Station (Barra) Manshera

The District Accounts Officers, Abbottabad and Manshera

Officer concerned

PS to Minister for Agriculture, Khyber Pakhtunkhwa Peshawar

PS to Secretary Agriculture, Khyber Pakhtunkhwa Peshawar

Personal file

(SAKHEEN REHMAN)  
SECTION OFFICER-ESTT

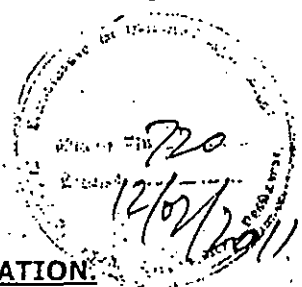
*No. Please  
inform him as  
after his duty  
immediately*

*20/8/10*

*ASSTD  
ESTT*

P # 54

Annex R



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 9/2/2010

**NOTIFICATION**

NO. SOE (AD) 7-55/2006,- The Competent authority is pleased to accept the resignation tendered by Dr. Hakim Khan, Research Officer(BS-17) Hazara Agricultural Research Station, Abbottabad from service with effect from 31/07/2010 subject to refund of one month salary in lieu of advance notice, as required under the terms & conditions of his appointment / service.

The period of his un-authorized absence with effect from 31-8-2009 to 31-7-2010 is hereby treated as extra-ordinary leave without pay.

**SECRETARY AGRICULTURE.**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Hazara Agricultural Research Station, Abbottabad.
3. The District Accounts Officer, Abbottabad.
4. Officer concerned,
5. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

6022-2009 }  
31-8-2009 }

*Dr. K. Khan*  
*[Signature]*

*[Signature]*  
*[Signature]*

(SAKHIL K. REHMAN)  
SECTION OFFICER-ESTT:

*[Signature]*  
FA

No. 1254-56 /Esstt/DGAR,

Dated Pesh: the 12-02-2011

Copy of the above is forwarded to:-

1. The Director, Hazara Agril. Research Station, Abbottabad
2. The District Accounts Officer, Abbottabad
3. Dr. Hakim Khan, Research Officer, Hazara Agril. Research station Abbottabad,

for information & necessary action.

*[Signature]*  
Admn. Officer (Esstt.)  
Directorate General,  
Agril. Research Khyber Pakhtunkhwa  
Peshawar



P# 55

Annex S

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPARTMENT.

Dated Peshawar, the 10/8/2010.

**NOTIFICATION.**

NO. SOE (AD) 7-55/2006.- The Competent authority is pleased to order the posting/transfer of the following officer with immediate effect in the interest of public service:-

| Sl. No. | Name of Officer         | From   | To  |
|---------|-------------------------|--|---|
| 1.      | Dr. Hakim Khan<br>BS-17 | Research Officer, (waiting for posting since 10-4-2009). | Research Officer, Hazara Agril: Res. Station, Abbottabad against vacant post. |

SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRIL: L/STOCK AND COOP:DEPTT:

Encl. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa Peshawar.
2. The Director, Hazara Agril: Res. Station, Abbottabad.
3. The Director, Agril: Res. Station (Baffa) Manserha.
4. The District Accounts Officers, Abbottabad and Mansehra.
5. Officer concerned.
6. PS to Minister for Agriculture, Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
8. Personal file.

*No please  
inform him to  
attend his duty  
immediately.*

*Sec* 17/8/10

(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT:

*Asst Sec*  
*FAC*



**BEFORE THE SERVICE TRIBUNAL, K.P.K, PESHAWAR.**

Service Appeal No. 557/2013

Dr. Hakim Khan .....(Appellant)

**VERSUS**

The Secretary to Govt: of Khyber Pakhtunkhwa Agriculture,  
Livestock & Cooperative Deptt: Peshawar.

& others.....(Respondents)

**I N D E X**

| <b>S.No</b> | <b>Description of Documents</b>   | <b>Annexure</b> | <b>Pages</b> |
|-------------|---|-----------------|--------------|
| 1.          | Rejoinder   |                 | 1-4          |
| 2.          | Affidavit   |                 | 5            |
| 3.          | Proof of the natural calamities, application for leave etc, Miner penalty of censure and Favorable letters by the authority | A               | 6-16         |
| 4.          | Notification of leave without pay   | B               | 17           |
| 5.          | Document of the similar case  | C               | 18-24        |

*Hakim Khan*  
Appellant

Through

Dated: 09/09/2014

*Gohar Ali*  
**Gohar Ali**  
Advocate High Court,  
Peshawar.  
Cell No. 0345-9082942

**BEFORE THE SERVICE TRIBUNAL, K.P.K, PESHAWAR.**

Service Appeal No. 557/2013

Dr. Hakim Khan .....(Appellant)

**VERSUS**

The Secretary to Govt: of Khyber Pakhtunkhwa Agriculture,  
Livestock & Cooperative Deptt: Peshawar.

& others.....(Respondents)

**REJOINDER ON BEHALF OF THE**  
**APPELLANT AGAINST THE REPLY OF**  
**THE RESPONDENTS.**

**Respectfully Sheweth:**

Reply to the facts given by respondent:

1. Para No. 1 of the appeal is correct while its reply is incorrect upto the extent of competent authority as the appellant submitted application through proper channel to the DGAR and then the DGAR forwarded to the Section Officer establishment. So the concerned Secretary Agriculture proceeded the case addressed to the Registrar Hazara University for further necessary

2  
action which amounts to sanction by the Competent Authority as annexure "A" & "B" of the reply of the respondents.

2. Para No. 2 of the appeal is correct while its reply by the respondent is incorrect. As the appellant applied for earned leave which was available in the earned leave account of the appellant, but appellant was marked absent from 01/02/2007 to 09/04/2009 which is correct due to the natural calamities (Earth Quack 2005) as annexure "A", but incorrect regarding 31/08/2009 to 31/07/2010 as during this period he was waiting for posting as annexure "S" page No. 55 of reply of the respondent. Moreover the contents of para No. 2 of the reply of the respondents is irrelevant as the whole case was finalized. In the light of inquiry report the appellant was declared innocent and a minor penalty of "censure" was imposed upon the appellant which is not an offence to debar the department to give any facility to the appellant. As the whole contents are irrelevant to the appeal so denied as annexure "A". Also the absent period from 01/02/2007 to 10/04/2009 was converted into leave without pay as annexure "B".

- 3
3. That para No. 3 of the appeal is correct while its reply by the respondents is incorrect as department on one side gives the explanation that appellant remained absent with effect from 31/08/2009 to 31/07/2010 and on the other side admit and confirm that during this period the appellant was waiting for posting as annexure "S" page No. 55 of the reply of the respondents and the authority also favour the appellant as annexure "E" Page 16 of the appeal of the appellant.
  4. Para No. 4 of the appeal is correct while its reply is incorrect. So denied because already discussed in reply to para No. 3 of the rejoinder.
  5. Para No. 5 of the appeal is correct while its reply by the respondents is incorrect.
  6. Para No. 6 of the appeal is correct while that of reply of the respondents is incorrect and denied. As the respondents made illegality and discrimination in a similar and identical case to the appellant, given facilities to the other employee as quoted in the same para of the appeal as annexure "C".

- 6
7. Para No. 7 of the appeal is correct while its reply is incorrect.
  8. No comments.
  9. Para No. 9 of the appeal is correct while its reply by respondents is incorrect.
  10. Para No. 10 of the appeal was admitted by the respondents.

**GROUND:**

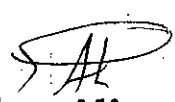
All grounds of the appeal are correct while its replies by the respondents are incorrect.

It is, therefore, humbly requested that on acceptance of the appeal and rejoinder of the appellant the reply of the respondents may please be dismissed with cost.

  
Appellant

Through

Dated: 09/09/2014

  
**Gohar Ali**  
Advocate High Court,  
Peshawar.

5

**BEFORE THE SERVICE TRIBUNAL, K.P.K, PESHAWAR.**

Service Appeal No. 557/2013

Dr. Hakim Khan .....(Appellant)

**VERSUS**

The Secretary to Govt: of Khyber Pakhtunkhwa Agriculture,  
Livestock & Cooperative Deptt: Peshawar.

& others.....(Respondents)

**AFFIDAVIT**

I, **Dr. Hakim Khan** S/o Malik Zardad Khan R/o Malik Zardad Colony, Battagram, do hereby solemnly affirm and declare on oath, that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



*Hakim Khan*

**DEPONENT**

NIC :- 13202-6181922-7



Housing Project

Form Number 418934

Earthquake Reconstruction and Rehabilitation Authority

Date 20.05.2006

General Information

|                                   |                 |                        |                                      |
|-----------------------------------|-----------------|------------------------|--------------------------------------|
| Block No. (As per City Directory) | Damage Category | Percentage Payable (%) | Applicant Name                       |
|                                   | Minor<br>Major  | Yes<br>No              | MOHAMMAD HUSSAIN                     |
| Block Name                        |                 |                        | Joint Representative ANNAR-FIAZ-KHAN |

Plot Information

|           |           |           |                     |
|-----------|-----------|-----------|---------------------|
| Plot No.  | Block No. | Sub-block | Plot Area (Sq. Ft.) |
| BATTAGRAM | BATTAGRAM | BATTAGRAM |                     |
| Plot No.  | Block No. | Sub-block | Plot Area (Sq. Ft.) |
| BATTAGRAM | BATTAGRAM | BATTAGRAM |                     |

Applicant's Details

|                     |                     |                     |                     |
|---------------------|---------------------|---------------------|---------------------|
| Name                | Age                 | Sex                 | Marital Status      |
| HAKIM KHAN          |                     |                     |                     |
| Name                | Age                 | Sex                 | Marital Status      |
| MALIK ZARDAD KHAN   |                     |                     |                     |
| Level Dist. Map No. | Level Dist. Map No. | Level Dist. Map No. | Level Dist. Map No. |
| 13202-6181922-7     |                     |                     | 046                 |
| Name                | Age                 | Sex                 | Marital Status      |
| HAKIM KHAN          |                     |                     |                     |

Applicant's Bank/Post Office Information

|                        |   |                |
|------------------------|---|----------------|
| Bank Name              | Branch Name                               | Account Number |
| MUSLIM COMMERCIAL BANK | MUSLIM COMMERCIAL BANK SHINKIARI - BRANCH | 6866-7         |
| Post Office Name       | Post Office Address                       |                |
| HAKIM KHAN             |   |                |

Structure Details

|           |              |                |           |
|-----------|--------------|----------------|-----------|
| Material  | Type of Roof | Foundation     | RCC Frame |
| KACHHA    | PUCCA        | Local Building |           |
| Structure | Structure    | Structure      | Structure |
| Structure | Structure    | Structure      | Structure |

Structure Condition

|                     |                     |                     |
|---------------------|---------------------|---------------------|
| Structure Condition | Structure Condition | Structure Condition |
| Structure Condition | Structure Condition | Structure Condition |
| Structure Condition | Structure Condition | Structure Condition |

Structure Details

|                   |                 |
|-------------------|-----------------|
| RCC COLUMNS       | RCC BEAMS       |
| Number of Columns | Number of Beams |
| Number of Columns | Number of Beams |
| Number of Columns | Number of Beams |

Structure Condition

|                     |                     |
|---------------------|---------------------|
| Structure Condition | Structure Condition |
| Structure Condition | Structure Condition |

Structure Condition

|                     |                     |
|---------------------|---------------------|
| Structure Condition | Structure Condition |
| Structure Condition | Structure Condition |

Handwritten signature and date: A. Aslam 17/5/06







DI-220395/418994

15/12/2017 Earthquake Reconstruction and Rehabilitation Authority

Please - Use Black Ballpoint - Use English Block Letters - Write One Letter in One Box

Earthquake Reconstruction and Rehabilitation Authority (ERRA) - Housing

Final Payment of the Construction Grant and/or Commercial Mortgage

1. Mr/Ms/Mrs (write above your name)  
**HAKEM KHAN**

2. Mr/Ms/Mrs  
**ZARAD KHAN**

3. CNIC NO.  
**13202-6181922-7**

Building

4. Has the builder received special training in seismic resistant construction? Yes  No

A. Train Whom:  PO  VRC  IRC

5. Has the beneficiary used ERRA Structure Design & Construction Guidelines? Yes  No

A. How supervised:  Self Design  Other

6. Plot No. **13202-6181922-7** Village **...** Union Committee **...** Housing Reconstruction Circle **...** Village **...**

Checklist for checking Assessment is confirmation on Questions from the beneficiary (applicant)

|   |     |  |
|---|-----|--|
| 6. Check if beneficiary has complained with inputs suggested at plinth level inspection   | YES | No <input checked="" type="checkbox"/> |
| 7. Use of acceptable masonry units (e.g. dressed or semi-dressed stone) blocks and blocks   | S   | <input checked="" type="checkbox"/> U  |
| 8. Use of acceptable type of sand   | S   | <input checked="" type="checkbox"/> U  |
| 9. Use of Appropriate Wall Thickness (Visual / Empirical Checks)  | S   | <input checked="" type="checkbox"/> U  |
| 10. Use of Specimen for Visual / Empirical Checks: If used Y/N, if "Y" then   | N   | <input checked="" type="checkbox"/> U  |
| 11. Use of Through-hole for stain masonry, size horizontal and vertical spacing Visual / Empirical Check if use Y/N   | YES | <input checked="" type="checkbox"/> No |
| 12. Use of Specified corner Blocks in case of Block masonry   | S   | <input checked="" type="checkbox"/> U  |
| 13. Location and Size of Windows (Visual / Empirical Checks)  | S   | <input checked="" type="checkbox"/> U  |
| 14. Use of typical horizontal reinforcement bands in wall (spacing & size of bars/anchorage detail) Visual / Empirical checks if used Y/N, if "Y" then          | S   | <input checked="" type="checkbox"/> U  |
| 15. Use of continuous RCC level band? (Size of concrete rubble and size of main bar size and spacing of ties)   | YES | <input checked="" type="checkbox"/> No |
| 16. Use of specified vertical bars adjacent to doors and windows  | YES | <input checked="" type="checkbox"/> No |
| 17. Use of specified vertical bars in wall, location bar size/spacing/anchorage into floor  | -   | <input checked="" type="checkbox"/> U  |
| 18. Use of specified level/height bars to receive roof framing  | YES | <input checked="" type="checkbox"/> No |
| 19. Discuss proposed roof system with owner/builder to ensure adequate understanding of standard/procedure. Planned roof system complies with building code and | YES | <input checked="" type="checkbox"/> No |
| 20. Has the beneficiary come for monthly inspection of the previous checklist from the plinth level inspection?   | YES | <input checked="" type="checkbox"/> No |

Declaration by Applicant

21. Certified as built, subject to the following stated minor improvements if any required:

Not Certified. If/No significant additional work to meet relevant guidelines and standards as listed below. This has been explained to the owner. Must resubmit request for beneficiary inspection on completion.

1) Provide guidance notes, sketches and issue a copy with owner.

Final Recommendation on Release of the Grant

22. It is recommended that the amount of Rs. 10,000 from the Housing Reconstruction Grant be released (Not released to the owner of the construction) if/when:

**1717757 Mr Farooq Buttani**

**NOOR KHAN**

Abdul Fiaz

BT 2000/15

2-600



MOU Number 418994

Date 11.09.2007

Please  
- Use Black Ball Point  
- Use English Block Letters  
- Write One Letter on One Box

Earthquake Reconstruction and Rehabilitation Authority

### Plinth Level Inspection Certificate and Recommendation for Payment

1. Name of the owner of the house  
**HAKIM - SHAN**

2. Name of the contractor  
**MALIK - ZAR DAD - KHAN**

3. CNIC No.  
**13202-6181922-7**

4. Type of Construction: **Other Category**

5. Material Used: **Stone 107**

6. Info of the Builder: **Self builder**

7. Plinth Area Constructed: **450** Sq. Ft. Maximum Room Size: **15x15** Ft x Ft

8. Has the owner received the awareness training in seismic resistant construction?  
 A. From Whom: **VRG** Yes  No

9. Has the builder received specific training in seismic resistant construction?  
 B. From Whom: **VRG** Yes  No

10. Has the builder employed the services of a registered architect or structural engineer?  
 A. If not, please specify reason: **Self Design** Yes  No

11. Is the foundation situated on a non-susceptible site? **Yes**  No

12. Depth of ground level below ground: **30** inch

13. Width of foundation: **12** inch

14. Type of foundation: **Concrete & Sand** **01** **04**

15. Vertical reinforcement bars used in the wall:  
 Location: **04** Joints: **104** Walls: **04** **09**

16. Horizontal reinforcement bars used in the plinth bands:  
 Size of rebar: **5**

17. Certified as fit to accept the following stated minor improvements if any required:

18. Has the contractor used the following stated minor improvements and standards as listed below. This has been explained to the owner. Most desirable requests for the contractor to be implemented:

19. Recommended by the team:

20. The final payment of Rs. 25000 from the Housing Reconstruction Subsidiary is: **Released**  **Not Released**  **13202-0772623-1**

M. Khan  
M. Y. Khan

Accepted  
S. Ali

No. 19/E13

~~10~~ Dated: 23.1.07

(2)

A  
P-10

To,

The Director-General,  
Agril; Research System,  
NWFP Agril; University, Peshawar.

Through

Proper channel

Subject:-

APPLICATION FOR LEAVE.

R/Sir

Enclosed kindly find herewith the leave application for 930 days  
(earned leave) in respect of undersigned for recommendation and onward submission to  
the concerned quarter please.

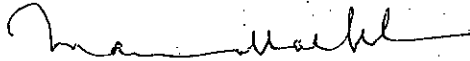
Yours sincerely



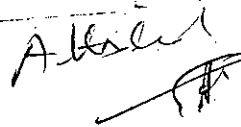
(DR. HAKIM KHAN)  
Research Officer  
Agril: Research Station  
Baffa, Mansehra.

Encl: As above  
Khalil/

*Recommended and Forwarded.*



23.1.07  
Economic Botanist  
Agril: Research Station  
Baffa (Mansehra)



P-A-13

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 16/7/2010.

**ORDER:**

NO. SOE (AD)7-55/2006.-

WHEREAS, Dr. Hakeem Khan, Research Officer (BS-17) Agricultural Research Station (Baffa) Mansehra was proceeded against under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 for the charges mentioned in the charge sheet and statement of allegations dated 28/1/2010.

AND WHEREAS, Mr. Asghar Ali (BS-19) Director (Admn/HR) PDMA/PARRSA, Khyber Pakhtunkhwa was appointed as Inquiry Officer to conduct inquiry against the said officer for the charges levelled against him.

AND WHEREAS, the Inquiry Officer after considering the allegations, evidence on record, explanation of the officer submitted its report, and pointed out that the allegations mentioned in the Charge Sheet and Statement of Allegations have partially been proved.

NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanation of the accused officer, finding of the inquiry committee and in exercising his powers under Section 3 read with Section 8 of the Khyber Pakhtunkhwa, Removal from Service (Special Powers) Ordinance, 2000 has been pleased to impose the minor penalty of "CENSURE" on the officer.

Sd/-XXX  
SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar. He is requested to submit adjustment proposal of the above named officer at an early date.
2. The Director, Agricultural Research Station (Baffa) Mansehra.
3. The District Accounts Officer, Mansehra.
4. Officer concerned.
5. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.

OA  
PL send it to  
Dr. Hakeem Khan  
1  
22/7

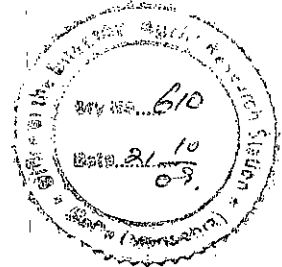
(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT:

P A 14

No. 10045-46/Estt/DGAR, Dated Peshawar, the

9/10/09

The Section Officer(Estt),  
Government of N.W.E.F.,  
Agri:,Livestock & Coop:  
Department, Peshawar.



Subject:- WILFUL ABSENCE FROM DUTY.  
Memo:

Please refer to your letter No.SOE(AD)7-55/2006,  
dt:30.9.09 on the subject noted above.

In this connection it is submitted that  
Dr.Hakim Khan, applied for leave on 1.2.07 which was not sanctioned  
at that time. However, he left the place of his duty since  
1.2.07. However, on thorough correspondence with him about his  
absence he submitted arrival to his office on 10.4.09.

Now the applicant applied for earned leave for  
the period from 1.2.07 to 10.4.09 and his boss, the Director  
~~General~~ concerned has recommended it. Therefore I also recommend  
it as the officer has sufficient leave on his credit. His  
application for earned leave may please be considered to resolve  
his problem.

Encl: As above.

*Muhammad Rahim*  
MUHAMMAD RAHIM TI  
Director General  
Agril:Research NWFP  
Peshawar.

C.C.

Director Agri:Research Station, Baffa Mansehra with ref.  
to his letter No.4207/DAR(M), dt:4.9.09 for information.

DARDA 17/11

*Arifullah*  
SA

~~A/O please~~  
*veer*

Rizwan 12

P-A 15 115  
Dated 4074/08/2009  
Phone # 0997-510215  
Fax # 0997-511724

To

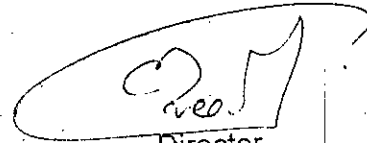
The Director General,  
Agriculture Research System;  
NWFP Peshawar.

Subject:-  
Memorandum:

**WILL FUL ABSENCE FRPM DUTY**

Reference to your letter No. 56/77-78/Estt/DGAR dated 06-06-2009. In this connection it is submitted that according to the leave account as verified and certified by the Account Office Mansehra the requisite 799 days leave is available at the credit of the Dr. Hakim Khan. Dr. Hakim Khan has applied for earned leave, which was forwarded by this office to the competent authority for approval vide letter No 19/EB, dated 23-01-2007 under the revised leave rule 1981.

In my view he had a genuine reason of constructing his house and other livelihood damaged during 8<sup>th</sup> October 2005 earth quack which has been explain in his first ever application (Copy enclosed). It is therefore strongly recommended that Dr. Hakim Khan may be sanctioned earned leave for the period in question as admissible under the revise leave rules, 1981.



Director  
Agril: Research Station  
Baffa (Mansehra)

Alls his  
F.H.

**APPLICATION FOR LEAVE.**

*Notes:*—Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of Grade 16 and above.

- 1. Name of applicant. *Dr. Hakim Khan*
- 2. Leave Rules applicable. *Revised Leave Rules, 1981.*
- 3. Post held. *Research officer*
- 4. Department or office. *A.R.S. Baffa.*
- 5. Pay. *BPS-17.*
- 6. House Rent Allowance/conveyance allowance or other compensatory allowances drawn in present post.
- 7. (a) Nature of leave applied for. *Earned leave (Reconstruction of house damaged by 2005 earthquake and other domestic exigencies.*  
 (b) Period of leave in days. *799 days (120 days with full pay and 679 days with half pay)*  
 (c) Date of commencement. *1st Feb. 2007 to 9 April 2009.*
- 8. Particular Rule/Rules under which leave is admissible.
- 9. (a) Date of return from last leave. *30.8.1999*  
 (b) Nature of leave. *medical*  
 (c) Period of leave in days. *15 days*

*Hakim Khan*

Signature of applicant.

Date.....

- 10. Remarks and recommendation of the Controlling Officer.
- 11. Certified that leave applied for is admissible under Rule ..... and necessary conditions are fulfilled.

Dated *1/8/09*.....

*[Signature]*  
Director  
Research Station  
Baffa (Ansehra)

- 12. Report of Audit Officer.

Dated.....

*[Signature]*

Signature.  
Designation.

- 13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory allowances being drawn by him.

Signature.

Dated.....

Designation.

Registered  
Amex-C  
P-18  
Ayub/t  
Assured  
XIV

GOVERNMENT OF N.-W.F.P.  
AGRICULTURE, LIVESTOCK AND CO-OPERATION  
DEPARTMENT, PESHAWAR

GOVERNMENT OF NWFP  
AGRIL: LIVESTOCK & COOP: DEPTT:

NO.SOE(AD)1-79/87  
Dated Peshawar, the 27/3/2010.

To

Dr. Ayub Khan s/o Gul Muhammad,  
Assistant Botanist Economics, ARI, Tarnab, Pesh:  
Village, Qalidara P/Office Dargai Phattak,  
Malakand Agency.

SUBJECT:- WILFUL ABSENCE FROM OFFICIAL DUTY.

It has been reported that you are wilfully absent from your duties with effect from 01-09-2009.

2. You are hereby directed to assume your duties immediately and explain the reasons of your wilful absence from duty within 14-days of the receipt of this letter otherwise ex-parte action as permissible under the rules shall be initiated against you.

CC:-

Attaullah Khan  
AT

(ATTAULLAH KHAN)  
SECRETARY AGRICULTURE.

27/3/10

The Director General, Agricultural Research, NWFP, Peshawar for information and further necessary action.

SECTION OFFICER-ESTT:

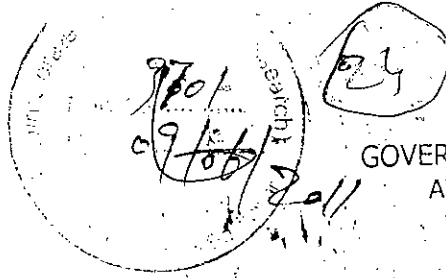
6. Deputy Director Audit  
7. Personal File  
8. Person Concerned  
9. Relevant Files



*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

*[Handwritten signature or initials]*

*[Faint, illegible text, possibly a date or reference number]*



~~Answer Ayub Khan~~

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 2/6/2011.

**NOTIFICATION:**

NO. SOE (AD)1-79/87.-

The Competent authority is pleased to accept the resignation tendered by Dr. Ayub Khan, Research Officer (BS-17) Agricultural Research Institute, Tarnab, Peshawar with effect from 31-8-2009 (A.N).

**SECRETARY AGRICULTURE.**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General; Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Agricultural Research Institute, Tarnab, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Officer concerned.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

*hama*  
(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT:

*ADG*  
No. 10077-79/Estt:/DGAR,

Dated 09/06 2011

Copy of the above is forwarded to:-

1. The Director General, Agric. Research Institute, Tarnab
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Officers Concerned

for information and necessary action

*ADG*  
(MUSTAFA KAMAL)  
Administrative Officer (Estt:)  
Directorate General,  
Agril. Research,  
Khyber Pakhtunkhwa.,  
Peshawar

*9/6*

Be fore the service Tribunal Khyber Pakhtoonkhwa  
Peshawar.

Dr. Hakim Khan -vs- Agriculture depart.

Appeal permitted  
Place on record  
of 13/3/2015

Application for Early  
hearing of the Case.

---

R/Sir

The appellant submits as under:

- 1- That the appeal of the appellant is fixed for Arguments the next date is fixed 14-9-2015 for Arg. too long. it is very old case. before the bench-II.
- 2- That my salary is pending which creates a problem for my late release, irreparable loss.

Therefore, it is requested that a early date may please be fixed for Arguments.

Dated - 10<sup>th</sup> March. 2015.

Hakim Khan  
Yours obediently  
Appellant.

Through SA  
Ghous Ali advised  
Peshawar.

Agriculture

12

Heating of the case  
Application for leave

Place of 13/3/2012  
Hukum Khan  
Hukum Khan

Copy

with a subject submits as under:

1. That the appeal of the appellant is filed for  
Arguments it was dated is filed 12-2-2012 for  
the long. It is very old case. Refer to bench.
2. That my salary is pending which is  
a problem for my late release, investment.

There for, it is requested that a copy of the  
my please be forwarded for the same.

Dated - 12/3 March 2012.

Yours etc

A. M. K.

Handwritten notes at the bottom of the page.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 728 /ST

Dated 6 / 5 / 2016

To

The Secretary Agriculture Live Stock & Cooperative Department,  
Peshawar.

Subject: -

**JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 20.4.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above



REGISTRAR

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

organization. In view of his such statement we are of the opinion that petitioners have been non-suited without lawful authority.

4. Thus, for the foregoing reasons both the petitions are accepted. Impugned judgment passed by the Lahore High Court dated 5th August, 2005 and orders of the District Returning Officer dated 2nd and 3rd August, 2005 respectively are set aside.

5. Returning Officers of U.C.2 Narowal City and UC-31 Sankhatra Narowal, are directed to include the names of the petitioners in the list of contesting candidates and on completion of pre-poll process allow them to contest election, which is to be held on 25th August, 2005.

Both the petitions are converted into appeals and allowed. No order as to costs.

M.H./M-315/SC

Appeals allowed.

2006 S C M R 434 ✓

[Supreme Court of Pakistan]

Present: *Iftikhar Muhammad Chaudhry, C.J.*  
and *Tassadduq Hussain Jilani, J*

LAHORE DEVELOPMENT AUTHORITY and others----Petitioners

versus

MUHAMMAD NADEEM KACHLOO and another----Respondents

Civil Petition No.1282-L of 2004, decided on 23rd January, 2006.

(On appeal from the judgment, dated 30-12-2003 passed by Punjab Service Tribunal in Appeal No.823 of 2003).

Constitution of Pakistan (1973)---

---Art. 212 (3)---Dismissal from service---Converting absence without leave into leave of the kind due---F frivolous litigation---Absence of civil servant was initially converted into the leave of kind due but later on he was dismissed from service on the charge of being absent without leave---Service Tribunal set aside the dismissal order and his absence was treated as a leave of the kind due---Validity---Authority had itself condoned the period of absence by allowing him leave without pay---Leave was due to the civil servant and he had been making applications time and again accompanied by medical certificates for the purpose of extending the period of his leave---Authority did not have any justification to institute the present petition because of the fact that

absence of the civil servant had been regularized---Supreme Court issued notice to the authorities to explain as to why costs be not imposed upon them for filing frivolous petition, knowing well that the competent authority had treated the period during which the civil servant remained absent, as leave without pay---Supreme Court declined to interfere in the judgment passed by Service Tribunal---Leave to appeal was refused. [p. 436] A

Muhammad Rashid Ahmad, Advocate Supreme Court and Tanvir Ahmad, Advocate-on-Record for Petitioners.

Nemo for Respondents.

Date of hearing: 23rd January, 2006.

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, C.J.--- Petitioner seeks leave to appeal against the judgment, dated 30th December, 2003 passed by Punjab Service Tribunal, Lahore.

2. Precisely stating facts of the case are that respondent was proceeded departmentally on account of absence for 260 days from his duty. Director, Administration L.D.A., Lahore awarded him major penalty of dismissal from service vide order, dated 27th May, 2002. Contents of the order are reproduced hereinbelow:--

"Consequent upon finalization of disciplinary proceedings initiated against Mr. Muhammad Nadeem Kachloo, Assistant Director (Accounts) L.D.A., through show-cause notice under the Punjab Removal From Service (Special Powers) Ordinance, 2000 read with Punjab Removal From Service (Special Powers) (Amendment) Ordinance, 2001, the authority i.e. Director-General, L.D.A. has awarded major penalty of dismissal from service upon the said officer with immediate effect, under the said Ordinance. His absence period from duty is ordered to be treated as leave without pay."

A perusal of the above order indicates that same was passed by Director-General/Authority on 23rd May, 2002 but was conveyed to the respondent on 27th May, 2002. There is another aspect of the case which requires notice that L.D.A. while awarding major penalty of dismissal from service, treated absence of the respondent as leave without pay.

3. Appeal filed by the respondent before the Secretary failed, who dismissed the same on 31st March, 2003. Against the above order, respondent preferred appeal before the Service Tribunal which has been

allowed vide impugned judgment. Concluding para. is reproduced hereinbelow:--

"I have considered contentions from both sides. Without touching detailed merits of the case, I find that the appellant has already been allowed leave (leave without pay) for the period he remained allegedly absent from duty. The authority while dismissing the appellant, also allowed the appellant extraordinary leave without pay for the said period and in this way regularized his absence. This being so, very ground had vanished on which the appellant had been proceeded against. When the appellant was considered on leave, then he could not have been considered absent. In this view of the matter, appeal is accepted and the impugned orders, presently being assailed by the appellant are set aside. Resultantly, the appellant shall stand reinstated and the period intervening shall be treated as leave of the kind due."

4. Learned counsel for the petitioner contended that respondent remained absent from his duty therefore, the Director-General, L.D.A./ Authority rightly dismissed him from service.

5. In view of the observations made by the Tribunal in the concluded para., noted hereinabove, and also having gone through the contents of the order of the L.D.A. dated 27th May, 2002 we called upon learned counsel to explain as to whether, after allowing the respondent leave without pay during the period when he was absent from duty, there was any justification to dismiss him from service, he could not answer satisfactorily, except saying that the period of absence was treated as leave without pay in order to grant him service benefits. We are surprised that once a person has been ordered to be dismissed from service, could at all the benefits of salary etc. can be given to him? As it has been pointed out hereinabove that Director-General himself had condoned the period of absence by allowing him leave without pay. Learned counsel also admitted that leave was due to the respondent and he had been making applications time and again accompanied by medical certificates for the purpose of extending the period of his leave. In this view of the matter, we are of the opinion that Director-General, L.D.A. had no justification to institute this petition because of the fact that absence of the respondent had been regularized.

6. Thus, for the foregoing reasons, petition is dismissed. However, notice be issued to both the petitioners to explain as to why costs may not be imposed upon them for filing frivolous petition, knowing well that the competent authority vide order dated 23-5-2005 had treated the period

2006] A.M. Industrial Corporation Ltd. v. Aijaz Mehmood 437  
(Rana Bhagwandas, J)

during which respondent remained absent as leave without pay. Learned counsel for the petitioners shall submit details of the petitions with particulars and thereafter notice be issued to them for their appearance during week commencing 30th June, 2006.

M.H./L-1/SC

Petition dismissed.

2006 S C M R 437

[Supreme Court of Pakistan]

Present: Rana Bhagwandas and Saiyed Saad Ashhad, JJ

Messrs A.M. INDUSTRIAL CORPORATION LIMITED---Petitioner

versus

AJAZ MEHMOOD and others---Respondents

C.P.L.A. No.461-K of 2003, decided on 20th June, 2005.

Sindh Rented Premises Ordinance (XVII of 1979)---

---Ss. 15 & 21---Constitution of Pakistan (1973), Art. 185(3)---Ejectment application, dismissal of---Appellate authority dismissed ejectment application of petitioner-company on sole ground that person who signed the ejectment application was not authorized by petitioner-company through a resolution of Board of Directors nor any Power of Attorney was executed in his favour for institution of ejectment proceedings---Appellate Authority also found that name of petitioner-company had been struck off the Register of Companies by Registrar, Joint Stock Companies---In absence of existence of a company lawfully registered, Appellate Authority had non-suited petitioner-company and dismissed ejectment application---Petitioner's constitutional petition against said order of Appellate Authority was also dismissed by High Court---Person, who instituted ejectment proceedings on behalf of the company being not duly authorized, no legal defect or error of jurisdiction was found in the view taken by High Court, which was not open to any exception---Petition for leave to appeal was dismissed. [p. 438] A & B

Habib Bank Ltd. v. Zelins Limited 2000 SCMR 472 and Khan Ifukhar Hussain Khan of Mamdot v. Ghulam Nabi Corporation Ltd. PLD 1971 SC 550 ref.

Muhammad Younus, Advocate Supreme Court for Petitioner.

Nadzem Azhar Siddiqui, Advocate Supreme Court and Suleman Habibullah, Advocate-on-Record for Respondent No. 1.