28.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. To come up for arguments on 05.10.2022 before the D.B.

(Rozina Rehman)
Member (J)

(Salah Ud Din)
Member (J)

5th Oct, 2022

1. None present for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Called several times till last hours of the court but neither appellant nor his counsel is present. In view of the above, the instant appeal is dismissed in default.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 5th day of October, 2022.*

(Fareeha Paul)
Member(E)

(Kalim Arshad Khan)
Chairman

Said Kamal Khan

05.10.2021 Learned counsel for the appellant is present.

The appeal was dismissed on 19.07.2019 due to non attendance of the appellant. An application for restoration of appeal was submitted on 03.09.2019, however the restoration application was also dismissed in default. Another application was submitted for restoration of application, which was accepted vide order dated 25.06.2021 and the case was fixed for today for arguments on restoration application.

Arguments have been heard.

Let appeal be decided on merit, the application for restoration of appeal is accepted and the appeal is restored on its original number subject to payment of cost of Rs. 2000/-. To come up for arguments before D.B on 06.12.2021.

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

CHAIRMAN

06.12.2021 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Former sought adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. Case to come up for arguments on 08.03.2022 before the D.B.

(Salah-ud-Din)
Member (J)

Chairman

8-3-22 Due to retirement of the Hon'ble Chairman the case is adjourned to 28-6-22

Reader

Service Appeal No. 327/2017, Said Kamal Khan vs Govt

19.07.2019 Appellant absent. Learned counsel for the appellant is also absent. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Shakeel, Assistant Director for the respondents present. Case called several times but none appeared on behalf of the appellant nor the appellant was in person present. Consequently, the present service appeal is hereby dismissed in default. No order as to cost. File be consigned to the record room.

ANNOUNCED
19.07.2019

(HUSSAIN SHAH)
MEMBER

(M. AMIN KHAN KUNDI)
MEMBER

24.12.2018 Neither appellant nor his counsel present. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned. To come up for arguments on 25.02.2019 before D.B.

(Ahmad Hassan)
Member

(Muhammad Amin Khan Kundi)
Member

25.02.2019 Counsel for the appellant and Addl. AG for the respondents present.

Rejoinder on behalf of the appellant has been submitted. To come up for arguments before a D.B on 14.05.2019 before the D.B.

Member

Chairman

14.05.2019 Nemo for the appellant. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Shakib Assistant Director for the respondents present. Due to leave of the worthy Chairman the case is adjourned. To come up for arguments on 19.07.2019 before D.B.

(Hussain Shah)
Member

06.08.2018 Learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Shakaib Assistant Director for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 25.09.2018 before D.B.

(Muhammad Amin Kundi)
Member

(Muhammad Hamid Mughal)
Member

25.09.2018 Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant made a request for adjournment. Granted. Case to come up for arguments on 06.11.2018 before D.B.

Counsel

(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

06.11.2018 Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 24.12.2018 before D.B.

Reader

25.01.2018 Counsel for the appellant present. Mr. Zia Ullah, DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.03.2018 before D.B.

Member Chairman

29.03.2018 Counsel for the appellant and Asst: AG for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.05.2018 before D.B.

(Ahmad Hassan)
Member

(M.Hamid Mughal)
Member

30.05.2018 Neither the appellant nor his counsel present. Mr. Muhammad Ibrahim, Deputy Director alongwith Mr. Muhammad Riaz Painda Khel Asstt. AG for the respondents present.

Adjourned. Case to come up for arguments on 06.08.2018 before the D.B.

Member Chairman

21/8/2017 Appellant in person and Mr. Muhammad Adeel Butt, AAG alongwith Mr. Muhammad Shakeel, A.D for the respondents present. The Hon'ble Member is on leave, therefore, case to come for reply on 26/9/2017 before SB.

Reader

26.09.2017 None present on behalf of the appellant. Mr. Muhammad Adeel Butt, Additional AG alongwith Mr. Muhammad Shakeel, Assistant Director for the respondents also present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 21.11.2017 before D.B. Notice be also issued to appellant and his counsel for attendance for the date fixed.

Counsel

(Muhammad Amin Khan Kundi)
Member

21.11.2017 Junior counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Muhammad Shakeeb, Assistant Director for the respondents present. Junior counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 25.01.2018 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Hamid Mughal)
Member

05.07.2017 Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that on the basis of recommendations of Khyber Pakhtunkhwa Public Service Commission the appellant was appointed as Assistant Director in defunct Forest Department now renamed as Environment Department. As a result of writ petition filed in Peshawar High Court and stay order granted by the court his appointment remained in limbo for more than two years. In the meanwhile he got admission in Ph.D in University of Agriculture, Peshawar. He got Extra Ordinary Leave for completion of Ph.D. After expiry of leave he joined duty as a result of which he was unable to complete his Ph.D. Afterward disciplinary proceedings were initiated against the appellant and upon culmination major penalty of removal from service was imposed vide impugned order dated 15.07.2016. He filed departmental appeal on 26.12.2016 which was not responded within stipulated period, hence the instant service appeal. When the learned counsel for the appellant confronted on the point of limitation and the appeal being time barred he argued that impugned order of removal from service was not received by him, rather ex-parte proceedings were initiated by the respondents. He got knowledge of the above order on 12.12.2016. He has sought condonation of delay under Section-5 of limitation Act,1908. The appellant has not been treated according to law and rules.

Appellant Deposited Security & Process Fee

Points urged need consideration. Admit. Subject to limitation. The appellant is directed to deposit security and process fee within 10 days, there-after notices be issued to the respondents for written reply/comments for 21.08.2017 before S.B.

(AHMAD HASSAN)
Member

26.04.2017 Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 15.05.2017 before S.B.

(Ahmad Hassan)
Member

15.05.2017 Clerk to counsel for the appellant present. Clerk to counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 31.05.2017 before S.B.

(Ahmad Hassan)
Member

31.05.2017 Clerk to counsel for the appellant present and requested for adjournment. Request accepted. Last opportunity granted. To come up for preliminary hearing on 05.07.2017 before S.B.

(Ahmad Hassan)
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 327/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/04/2017	The appeal of Mr. Said Kamal Khan resubmitted today by Mr. Taj Muhammad Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-	11-04-2017	This case is entrusted to S. Bench for preliminary hearing to be put up there on 18-04-2017 CHAIRMAN
	18.04.2017	Counsel for the appellant present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 26.04.2017 before S.B. (Ahmad Hassan) Member

The appeal of Mr. Said Kamal Khan Ex-Assistant Director I&HRD Forest department received today i.e on 27.03.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Memorandum of appeal may be got signed by the appellant.
2- Heading of the appeal is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
3- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
4- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
5- Annexure of the appeal may be flagged.
6- Annexures of the appeal may be attested.
7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 593 /S.T,

Dt. 28/3/2017

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taj Muhammad Khan Adv. Mardan.

Sir,

In reply to para 3 of objection it is submitted that no charge sheet, statement of allegation, show cause notice was issued to the appellant and no enquiry against the appellant was conducted.

10.4.2017

EFORE THE HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR.

Appeal no. 327/2017

Said Kamal Khan Ex. Assistant Director

VS

1. Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar and others.

Appeal U/S 4 of Khyber Pakhtunkhewa service tribunal act 1974.

INDEX

Counsel for the Appellant

Date: 1-4-2017

Taj Muhammad Khan

Advocate

BEFORE THE HONOURABLE CHAIRMAN KPK SERVICE TRIBUNAL

PESHAWAR.

Khyber Pakhtukhwa Service Tribunal
Diary No. 289
Dated 27-3-2017

Appeal No. 327/2017 CS Appeal No.

Said Kamal Khan Ex. Assistant Director I&HRD&M Forest Department

Resident of House No.3 Qazi Bashir Road Mardan Cantt: Mardan.

VS

1. Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar
2. Secretary to Govt: of Khyber Pakhtunkhwa Envoirnment Department.
3. Chief Minister Khyber Pakhtunkhwa through Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar.
4. Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.

Filedto-day
Registrar
27/3/17.

Appeal u/s 4 of khyber paktunkhwa service tribunal act 1974, against the Order No. SO(Estt:) FE&WD/1-50 PF Said Kamal Khan/2016 of Chief Secretary Khyber Pakhtunkhwa dated, 15-07-2016 whereby the appellant was removed from service

Re-submitted to -day and filed.
Registrar
10/4/17.

PRAYER:- To set aside the order No. SO(Estt:)FE&WD/1-50 PF Said Kamal Khan/2016 of Chief Secretary Khyber Pakhtunkhwa date, 15-07-2016 and reinstate the petitioner in service with all back benefits.

Respectfully sheweth:-

1. That the appellant was appointed Assistant Director in I&HRD&M Khyber Pakhtunkhwa forest department at Peshawar.
2. That though the appellant was appointed on recommendations of public service commission on 03-06-2006 yet the one who was previously serving on contract basis. Filed a write petition in the Peshawar High Court Peshawar. Recommendation letter as annexed as A.
3. That the Candidates recommended by Public Service Commission were not arrayed as respondents, Appointment of the appellant and other recommendees was stayed which remained for more than $2\frac{1}{2}$ years.
4. That due to the stay order the appellant under compulsion got admission in Ph.D at agricultural university Peshawar.
5. That the appellant instead of study leave got Extra Ordinary leave for completion of Ph.D.
6. That due to shortage of professors and their other commitments and responsibilities, the appellant could not complete his Ph.D in the period leave granted. So he joined the duty.
7. The appellant applied for 90 days leave but his application was returned by Chief conservator Forest Department. Photo copies of Which are annexed as B and C.
8. That his Ph.D course was not completed. The Director directed him to complete it till November, 2016 otherwise his Ph.D course will stand

cancelled, So the appellant applied for further leave till November, 2016 and joined his studies but the appellant could get no response of the leave applied for which is annexed as D.

9. That the appellant was of the view that his leave would have been allowed and continued his studies.

10. That the respondents No.2 has alleged to have sent final notice to the appellant which was not served on the appellant. Which is annexed as E.

11. That final show cause as alleged by the respondents No.2 has been published in "Daily Mashriq" and "The News" are annexed as F and G.

12. That on 12-12-2016 the appellant visited his office for joining his duty where at he came to know, that he has been removed from service. Order is annexed as H.

13. That the appellant filed a departmental appeal to the appellate authority on 28-12-2016, Which has not been decided so for, as the appellant was not informed of its result so for. Photocopy is annexed as I.

14. That the appellant being aggrieved with the exparte order of the worthy competent authority Chief Secretary to Govt: of Khyber Pakhtunkhwa dated, 15-07-2016 seeks the indulgence of this Honourable tribunal on the following amongst other.

GROUNDS:

1. That the order of removal from service of the Appelalnt is passed exparte.
2. That the appellant was not served personally.
3. That the appellant is alleged to have been served through publication.

4. That the appellant has submitted certificate from Agricultural University Peshawar that he is a student of rural department. The respondents should have sent notice through the said department.
5. The appellant in various correspondence with department has mentioned his address as H.No. 3 Qazi Bashir Raod Mardan Cantt: but has malafidely tried to serve him at the address of village Mehrdai.
6. That despite the knowledge the petitioner is a student at Agricultural University has not sent notice to him or through V.C Agricultural University.
7. That the earned leave of the appellant was liable to be grated as the appellant was having earned leave at his credit and marking absent and initiation of disciplinary proceedings on that ground is illegal against facts and law void and effective against the fundamental rights of the appellant.
8. That no notice has been served upon the appellant.
9. That no statement of allegations and charge sheet was issued / served upon the appellant.
10. That no enquiry was conducted against the appellant.
11. That no show cause notice was given to the appellant.
12. That no show cause was served upon the appellant.
13. That no 2nd show cause was served upon the appellant.
14. That the appellant was not allowed to submit his defense.
15. That no personal hearing was given to the appellant.
16. That no final show cause notice was served upon the appellant.
17. That no chance of fair trail was given to the appellant. Which is fundamental right of the appellant U / A-10 A of the constitution.

18. That the appellant was condemned unheard.

19. That the order is against the golden principles of natural hustice.

20. That the requisite procedure as contemplated in E&D rules 2011 was not adopted at all.

21. That seven years service of appellant was made at naught by ex parte order.

22. That the appellant was studying in Ph.D at Agricultural University relevant documents are annexed as J, K, L, M, N,O.

23. That the order is biased and has been passed for ulterior motives.

24. That the order dated, 15-07-2016 is illegal void abintio with out justification and lawful authority.

25. That the order dated, 15-07-2016 is against law facts hence liable to cancellation.

26. That the appellant is a young man of 42 years and has spent the golden years of his life in this department and has now become overage for Govt: service.

27. That this stigma is / will be hindrance getting further service.

28. That his absence was not willful but due to study / completion of Ph.D course.

29. That his Ph.D would not benefit him only but is beneficial to the department and whole nation as well.

30. That a Ph.D Scholar will serve the department in Grade 17.

PRAYER:-

It is therefore humbly prayed that the impugned order of the respondent No.1 dated, 25-07-2016 may kindly be set at nought and the appellant may please be reinstated in service with all back benefits including seniority.

Any other relief which his Honourable court may deems fit may also be granted in favour of the petitioner.

SAID KAMAL KHAN
Appellant
Through Counsel
Taj Muhammad Khan
Advocate Mardan

Date: 6-10-2017

BEFORE THE HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Said Kamal Khan Ex. Assistant Director

VS

1. Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar and others.

Appeal under section 4 of Khyber Pakhtunkhwa Service Tribunal Act

Respectfully Sheweth:-

AFFIDAVIT

I Said Kamal Khan Ex Assistant Director Forest Department do here by solemnly affirm and verify that what ever stated in main appeal are correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal

Said Kamal Khan
Ex Assistant Director
I &HRD&M Forest
House No. 3 Qazi Bashir
Road Mardan Cantt:

Date:- 26.3.2017

ATTESTED
Faqir Ora Qazi Advocate
Oath Commissioner
27-03-2017
Peshawar

67

BEFORE THE HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Said Kamal Khan Ex. Assistant Director

VS

1. Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar and others.

Application for condonation of delay under section 5 of limitation act 1908.

Respectfully sheweth:-

1. That the above titled service appeal has been filed by the appellant before this honourable tribunal where in no date has been fixed for hearing.
2. That no notice was served upon the appellant and the final order of removal from service was also not served upon the appellant and was proceeded exparte, of which the appellant got the knowledge on 12-12-2016.
3. That the appellant filed departmental appeal with in one month.
4. That since then appeal in hand is with in time however the appellant seeks condonation of delay under section 5 of limitation act 1908, If any adverse view is agitated/ taken .

It is therefore most humbly prayed that on acceptance of this instant application, the time spent between the final order and knowledge of the appellant may kindly be condoned in the best interest of justice.

Appellant

Through counsel

Taj Muhammad Khan

Advocate

Date: 26.3.2017

8

BEFORE THE HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Said Kamal Khan Ex. Assistant Director

VS

1. Chief Secretary to Govt: of Khyber Pakhtunkhwa Peshawar and others.

Application for condonation of delay under section 5 of limitation act 1908.

AFFIDAVIT

I said Kamal Khan Ex Assistant Director I&HRD&M Khyber Pakhtunkhwa Forest Department, resident of House No.3 Qazi Bashir Raod Mardan Cantt: do here by affirm and declare on oath that the contents of the application for condonation of delay are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable tribunal .

ATTESTED

Deponent
Said Kamal Khan

Date: 26.3.2017

9

...y to Govt. of
...ment Department

17

...5116

Dated 3/6/06

...RECRUITMENT OF ~~WW~~ ASSTT. DIRECTORS (HRD) IN INTEGRATED SPECIALIZER UNIT OF FOREST DEPARTMENT (ADVT: NO. 03/2005).

...Sir,

I am directed to refer to the subject cited above and to state that the ...ssion recommends the following for appointment:-

...y ...ion ...ook)	Merit Order	Name with Father's Name	Domicile/ Zone.	Adjustment.
	1	Anwar Ali S/O Amir Nawab Khan	Buner/3	Merit quota.
	2	Muhammad Ibrahim Khan S/O Sherin Khan	Moh:Agy/1	Own quota.
	5	Muhammad Shakeeb S/O Dildar Khan	Peshawar/2 Junaid Dayyar	Own quota.
	4	Said Kamal Khan S/O Faqir Muhammad	MKD:Agy/3	Own quota.

Zonal state will be as follows:-

	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total.
...-	1	1	1	1	-	-	4
...ment:-	1	1	1	1	-	-	4
	-	-	-	-	-	-	-

Recommendations in favour of the recommendees may be provisional subject ...r medical fitness.

Original application (with enclosures) of the recommendee are sent for your ... Kindly acknowledge its receipt.

(ISRAR-UD-DIN)
Dy:Secretary-I.

attested

BC-10-6060
TAJ MUHAMMAD KHAN
LL.M. PCS (J)
Advocate High Court
Distt: Mardan

BC-...
TAJ MUHA...
LL.M. PCS ...
Advocate High Court
Distt: Mardan

APPLICATION FOR LEAVE

Notes: Item 1 to 7 must be filled in by all applicants whether Gazetted or non-Gazetted.

Item No.8 applies in the case of an application for privilege leave under the C.SR (Vide Article 526 C.R.S)

Item No.10 applied only in the case of Gazetted Officers.

1. Name of applicant. — Said Kamal Khan
2. Post held. — Asstt. Director
3. Department or office. — I & HRD&M Environmental Deptt.
4. Pay — Rs. 34899/-
5. Nature & period of leave applied for & that from which required. — Earned Leave on 1/2 pay Ninety days 2-3-2015
6. Grounds on which leave is applied for. — Construction of house.
7. Date of return from the last leave and the nature and period of that leave. — Feb. 2014. E.O.L One year
8. Certified that I have no present intension of applying for any other leave, or of retiring from Government service within a period of three months from the date on which I may rejoin from the above leave, if granted.

Signature of applicant

Date 24/2/2015

9. Remarks/recommendation of the Controlling Officer

Signature

Date

Designation

10. Report of the Audit Officer

Signature

Date

Designation

attested

BC-10-6060
TAJ MUHAMMAD KHAN
LL.M PCS (J)
Advocate High Court
Distt Mardan

Chief Conservator of Forests
Central Southern Forest Region-1
Khyber Pakhtunkhwa Peshawar

Shami Road Peshawar
Phone # 091-9212177 Fax # 9211478
E-mail: ccfforests.pesh@gmail.com

No. 3167 /E Dated Peshawar the 27 /04/2015

To

Director
I&HRD& Management
Peshawar.

875
29-4-15

Subject:- **EARNED LEAVE.**

Memo:- Reference your letter No.1006/I&HRD&M/Estt dated 10.4.2015.

The officer after joining Forest Department on 28.11.2008 has already availed 1825 days extra ordinary leave without pay and put up service of only 6 years, 3 months and 4 days upto 2.3.2015.

The leave application of the above named Assistant Director is returned with the remarks that under the rules further leave is not permissible to be granted.

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 1113 /HRD/Estt dated 13 /5/2015

Copy forwarded to Mr. Said Kamal Assistant Director S/O Faqir Muhammad village and Post Office Mehrdi, Tehsil Dargai Malakand Agency, for information. He is directed to join his duties and explain your position for leaving the station without approval of applied leave at once.

Director
I & Human Resource Dev & Mgt
Peshawar.

attested

BC-10-6060
TAJ MUHAMMAD KHAN
LL.M, PCS (J)
Advocate High Court
Distt: Mardan

D-Establishment-6

APPLICATION FOR LEAVE.

Note:- Item 1 to 9 must be filled in by all applicants whether Gazetted or non-Gazetted.

Item No.8 applies in the case of an application for privilege leave under the C.SR (Vide Article 826 C.R.S)

1. Name of Applicant: Said Kamal Khan
2. Post Held. Assistant Director
3. Department or Office. I & HRD & M
4. Pay. 37253/-
5. Nature & Period of Leave applied for & that from which required: Earned Leaves one year & six months. From 31-5-2015 — To 30-11-2016
6. Grounds on which leave is applied. Completion of Research for ph.D
7. Date of Return from last leave. 24.2.2014 (on Leave)
   nature of leave & Period of the leave. Earned Leave (Three months)
8. Certified that I have no present intention of applying for any other leave, or of retiring from Government service with in a period of three months from the date on which I may rejoin from the above leave, if granted.

Dated. 16.5.2015

Signature of Applicant

9. Remarks and recommendation of the controlling Officer.

attested

Signature._____

Designation._____

10. Report of Audit Officer.

BC-10-6060
TAJ MUHAMMAD KHAN
LL.M, PCS (J)
Advocate High Court
Distt: Mardan

Date._____

Signature._____

Designation._____

Directorate of
Institutional & Human Resource Development & Management Khyber Pakhtunkhwa Forest Department

Shami Road, Peshawar Phone No. (091)9212459, Fax 091-5243293 Email Ihrd.kpforest@gmail.com

No. 16 /I&HRD&M/Estt dated 3 /7/2015

Mr. Said Kamal S/O Faqir Muhammad.
Village & Post Office Mehrdi,
Tehsil Dargai Malakand Aency.

Subject: **FINAL NOTICE REGARDING WILLFUL ABSENCE FROMDUTY**

Memo: Reference this office letter No. 1042/I&HRD/Estt dated 17/4/2015 & No. 1156/I&HRD/Estt dated 25.5.2015.

The leave applied for has been returned by the CCF-I vide letter No. 3167/E, dated 27.4.2015 which was not permissible to be granted. The said letter was endorsed to you vide letter No. 1113/HRD/Estt dated 13.5.2015 through registered post.

It is astonishing to note that neither you joined the duties nor your whereabouts are known by this office. You are once again finally directed to resume your duties without further delay and explain the reasons for willful absence from duty, otherwise strict action will be taken against you under E&D Rules.

Director
Institutional & Human Resource Dev & Management Peshawar

No. 18 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due. Rs. 40 Ps.

Received a registered* addressed to

Date Stamp

*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Officer

Insured for Rs. (in figures) (in words)

Weight Kilo Grams

If insured. Insurance fee Rs. Ps. (in words)

Name and address of sender

attested

BC-10-6060
TAJ MUHAMMAD KHAN
LL.M, PCS (J)
Advocate High Court
Distt: Mardan

or increments.

(vii) Removal from service in cases of willful absence.

http://www.dailymashriq.com.pk

اللہ ہی کیلئے ہیں مشرق، مغرب اور زمین

DAILY MASHRIQ PESHAWAR

روزنامہ مشرق پشاور

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مسلسل اشاعت کے 49 سال

ABC CERTIFIED

پشاور اور اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی اخبار

جلد 49 | بروز 20 جمادی الاول 1437ھ، 29 مارچ 2016ء، 15 چاکن قسط 12 روپے | شمارہ 191

دہشتگردی کی جائے پناہ کہیں بھی ہو تک جائینگے، جنرل راحیل

شہداء کی قربانیاں رائیگاں نہیں جانے دیں گے، ملک سے کونے کونے سے دہشتگردوں کا صفایا کیا جائے گا، شہید جوانوں نے دہشتگردوں کو شمال سے فرار نہیں ہونے دیا، جوانوں کی قربانیوں کو خراج عقیدت

(بقیہ 8 صفحہ 10)

وزیراعلیٰ کا اگست تک پشاور شہر میں جدید ترین ایمرجنسی شیلٹر بنانے کا حکم

پشاور (سٹاف رپورٹر) چیف آف آرمی سٹاف جنرل راحیل شریف نے بدھ کو شمالی آپریشن کے دوران بطور شہید ہونے والے افسر اور جوانوں کی نماز جنازہ میں شرکت کی۔ اس موقع پر آرمی چیف نے جوانوں کی قربانیوں کو خراج عقیدت پیش کرتے ہوئے کہا کہ ہم

(بقیہ 8 صفحہ 10)

بہادر سپوتوں نے جانوں کا نذرانہ دے کر عظیم قربانی دی ہے، آصف زرداری

(بقیہ 8 صفحہ 10)

کراچی میں حملہ کرنے پر آرمی چیف کا شکریہ، عمران خان

اسلام آباد (آن لائن) چیئرمین تحریک انصاف عمران خان نے آرمی چیف جنرل راحیل شریف کا شوکت خانم کینسر ہسپتال کیلئے زمین دینے پر شکریہ ادا کیا ہے۔ انہوں نے کہا کہ اتوار کے روز سانحہ پارک میں

(بقیہ 7 صفحہ 10)

مشترکہ مفادات کونسل کا 28 واں اجلاس

اسلام آباد (این این آئی) مردم شماری کیلئے ایکشن پلان اجلاس میں پیش کیا جائے گا۔ مشترکہ مفادات کونسل کا 28 واں اجلاس آج ہوگا۔ مشترکہ مفادات کونسل میں پیش کیا جائے گا۔ ذرائع کے مطابق مشترکہ مفادات کونسل کا 28 واں اجلاس اسلام آباد میں ہوگا جس میں مشترکہ مفادات کونسل کا ایجنڈا

ایل آر ایچ آؤٹ ڈور مریض

آرمی چیف جنرل راحیل شریف سے

پاک امریکہ سٹریٹیجک مذاکرات

6 خاندان

پٹھان کوٹ حملہ کیس: جوائنٹ تفتیشی ٹیم کا 3 روزہ دورہ پاکستان

بھارت

0313-5117044, 0343-9007044

ضرورت سٹاف

0335-9288182

0331-3311185, 0333-5186258

0333-5393071, 0333-5364310

خرید و فروخت / کرایہ

0333-9265954, 091-5513998

0307-5489678, 0336-9198448

بعدالت جناب ایڈیشنل کمشنر پشاور

(مہر عدالت) (دستخط حاکم)

اظہار وجوہ نوٹس غیر حاضری

آپ مسمی سید کمال، اسسٹنٹ ڈائریکٹر (BS-17) آئی اینڈ ایچ آر ڈی، ڈائریکٹوریٹ محکمہ جنگلات کو ایکسٹرا آرڈنری چھٹی برائے عرصہ دو سال مورخہ 02-02-2009 کو Phd تعلیم مکمل کرنے کے لئے دی گئی۔ بعد ازاں آپ نے مزید دو سال کی چھٹی کی درخواست کی جو کہ محکمہ مالیات سے منظوری کے بعد آپ کو مورخہ 02.02.2011 سے مزید دو سال کی چھٹی دی گئی۔ سہ بارہ آپ کی درخواست پر محکمہ ماحولیات نے محکمہ مالیات کی منظوری سے آپ کو مزید ایک سال کی چھٹی مورخہ 02-02-2014 تک اس شرط پر دی گئی کہ اس میں مزید توسیع نہیں کی جائے گی۔ آپ نے مورخہ 03-02-2014 کو دفتر میں حاضری دی اور مورخہ 02-03-2015 کو آپ نے مزید 90 روز رخصت کے لئے درخواست دی جو کہ مجاز اتھارٹی نے مسترد کر دی اور آپ 02-03-2015 سے تا حال ڈیوٹی سے غیر حاضر ہیں۔ اس ضمن میں ڈائریکٹر I&HRD نے آپ کے گھر کے پتے پر ڈیوٹی پر حاضر ہونے کے لئے مورخہ 27-04-2015، 15-05-2015، 25-05-2015 اور 03-07-2015 کو بذریعہ رجسٹرڈ ڈاک خطوط بھیجے مگر آپ تاحال ڈیوٹی پر حاضر نہیں ہوئے۔ خیبر پختونخوا سول ملازمین قواعد (انضباط و استعداد) مجریہ 2011 کے تحت آپ کو مطلع کیا جاتا ہے کہ آپ اس نوٹس کی اشاعت کے 15 یوم کے اندر اندر اپنی ڈیوٹی پر حاضر ہو کر غیر حاضری کی معقول وجہ بتائیں بصورت دیگر آپ کے خلاف خیبر پختونخوا سول ملازمین قواعد (انضباط و استعداد) مجریہ 2011 کے قاعدہ نمبر 9 کے تحت یکطرفہ کاروائی کرتے ہوئے نوکری سے برخاست کر دیا جائے گا۔

Say No to Corruption

ایڈیشنل سیکرٹری محکمہ جنگلات، ماحولیات اور جنگلی حیات پشاور

INF(P) [illegible] khyberpakhtunkhwa.gov.pk

Hayatabad Medical Complex Peshawar
CORRIGENDUM

Reference Advertisement No. INF (P) No. 623 appearing in different newspapers for purchase of following items. The opening date of the same tender is extended and will be opened on 10/03/2016 at 11:00am in the presence of bidders or their representatives in the Conference Room by the Tender Opening Committee

Note: Terms and Condition of the previous advertisement will be same for this corrigendum.

S.No	Name of Items	CDR Rs.
1	Purchase of Equipments for A&E	2% (02 envelop)
2	Laparoscope High Definineation Camera system with Cholodeochoscope	
3	Vessel Sealant	
4	Purchase of Furniture for A&E	2%
5	Purchase of Instruments for A&E	2%

Say No to Corruption

Hospital Director
Hayatabad Medical Complex Peshawar

* InfoKPGovt * @InfoKPGovt *Send KP to 8333 INF(P)613

NOTICE INVITING TENDERS
(Single Stage Two Envelope Procedure)

1. C&W Department, Building Division District Swat Government of Khyber Pakhtunkhwa invites sealed Bids from eligible firms / contractor in accordance with KPPRA Procurement Rules 2014 on single stage two envelope procedure for the following works. The bidders should be registered with Pakistan Engineering Council (PEC) in relevant category & field of specialization, enlisted with C&W Department and should have adequate financial soundness, relevant experience, personnel capabilities, require equipment and others as included in ITB.

Sl. No	Name of work	Required Category of PEC	Bid Security	Period of completion	Last date of submission	Date of opening and time.
1	Raising of Boundary Walls and Fixing of Barbed Wire of GTVC (B) Haji Baba Mingora Swat	C-6	2% of bid security	As per work order.	15/03/2016 at 12:00 hrs	15/03/2016 14:00 hrs.
2	Repair / Rehabilitation of Post Earthquake damages to District Court Swat on 26th October 2015 (2015-16).	C-6	-do-	-do-	-do-	-do-
3	Repair / Rehabilitation of Post Earthquake damages on 26th October 2015 Swat (2015-16). SH:- Session Courts Residential / Building.	C-6	-do-	-do-	-do-	-do-
4	Reconstruction of existing Govt: Primary, Middle & High Schools (50- each) in Khyber Pakhtunkhwa on need basis ADP NO.259/140206 (2015-16) SH:- GGPS Tangbanr (PK-82)	C-6	-do-	-do-	-do-	-do-
5	-do- GGPS Totano Banda(PK-82)	C-6	C-6	C-6	C-6	C-6
6	-do- GGPS Swegalai (PK-82)	C-6	C-6	C-6	C-6	C-6
7	Establishment of 100-Girls Primary	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

انرجی سیور بلب کا استعمال ۔ کم بل ۔ زیادہ روشنی

PESCO TENDER NOTICE

Peshawar Electric Supply Company (PESCO) invites sealed bids from PEPCO / WAPDA / DISCO's Pre-qualified & Registered manufacturers and approved repairing workshops under the category M-1 (item-iv) registered with Income Tax and Sales Tax Department, for the execution of a Work Order / Rate Contract for repair of detailed below damaged Distribution Transformers "AS IS WHERE IS" basis.

Tender No.	Transformer Capacity	Approximate Qty (Nos)	Categories	Date & Time	
				Submission of Bids	Opening of Bids
91	50 KVA	450	a) Irreparable damaged T/Fs having less core and damaged tubes/defective bodies, with oil. b) Repairable damaged T/Fs having healthy body & core with oil.	31-03-2016 10:30 AM	31-03-2016 11:00 AM
	100 KVA	539			

attested

TAJ MUHAMMAD KHAN
Advocate High Court
BC-10-6060
LL.B, PCS (J)

Copy

INTERNATIONAL

THE NEWS

2016

Rabi ul Awal 20, 1437 A.H.

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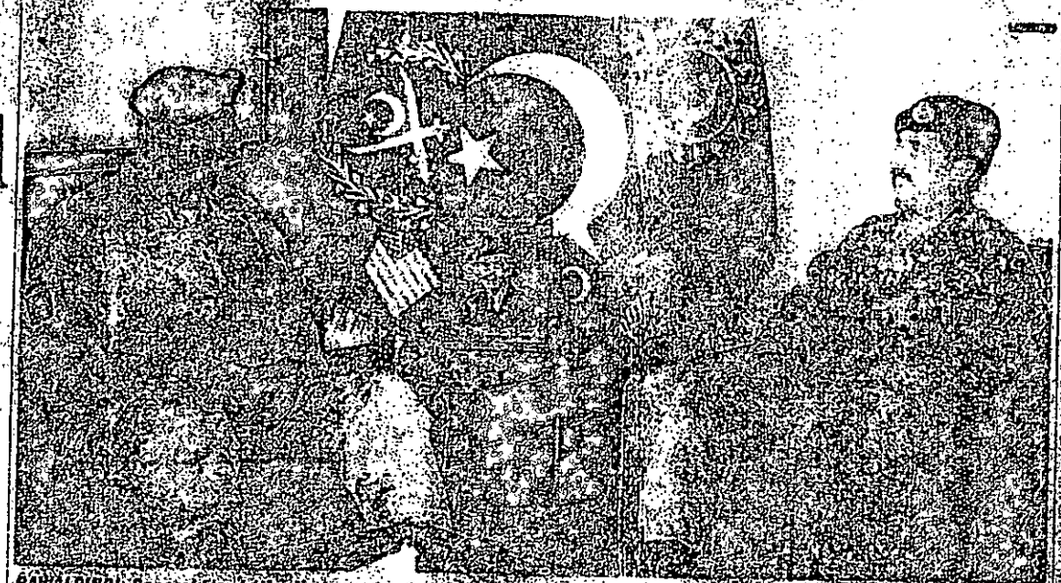
No political or apolitical pressure on me: NAB chief

Ayub Nasir

ISLAMABAD: Chairman National Accountability Bureau (NAB) Qamar Zaman Chaudhry Sunday said there was no political or apolitical pressure on him and emphasised that the Bureau accoun-

No complaint can be brushed under the carpet, accountability officers don't



RAWALPINDI: General Lloyd J Austin, outgoing Commander United States Central Command, calls on Chief of Army Staff General Raheel Sharif Sunday.

Punjab working on women uplift as per Quaid's vision: Shahbaz

Rejects criticism of Protection of Women against Violence Bill

News desk

LAHORE: Amid the criticism by an ally, Pakistan Tehreek-e-Insaf Rehman Chan Minister Shahbaz Sharif on Sunday said the Protection of Women against Violence Bill was meant to ensure women development.

Reiterating the commitment Shahbaz said

JUI-F to start movement for

COAS vows to dismantle

COLLEGE, HAYATABAD, PESHAWAR

TENDER NOTICE

side the laws robbed ... posted on Feb 22 ou. china ... launched numerous operations to combat illegal online lowed to spread illegal ... gambling mation using the Internet ... com, a website run by the Behaviour from pornography liang Jun, spokesman ... Beijing municipal government to gambling. — Reuters

اظہار وجوہ ... شوکاز

SAY NO TO CORRUPTION

CIPAL / DEAN
LS MEDICAL COLLEGE,
ABAD PESHAWAR

Invitation of Bid

FOR SERVICES OF A CAR RENTAL COMPANY FOR TEXPO 2016 (APRIL 7-10, 2016)

evelopment authority of Pakistan (TDAP), an authority established of trade and business, under the Ministry of Commerce, invites m Car Rental Firms registered with Income Tax and Sales Tax r Car Rental Services for TeXpo 2016.

documents which are containing detailed terms and conditions, rement, procedure for submission of bids, bid security, bid validity, evaluation criteria, clarification / rejection of bids, performance available for the interested bidders at the Office of the Assistant b), Trade Development Authority of Pakistan (TDAP), 3rd Floor, Building, Shahrah-e-Faisal, Karachi, free of cost. The bidding also be downloaded from www.tdap.gov.pk free of cost.

s, prepared in accordance with the instructions in the bidding ist reach at the office of the Assistant Director (TeXpo), Trade uthority of Pakistan (TDAP), 3rd Floor, Block-A, LIC Building,

attested

BC-1-6060
TAJ MUHAMMAD KHAN
LL.B, PCS (J)
Advocate High Court
Distt. Mardan

Australian cardinal to testify on abuse

ME: Australian Cardinal George Pell on Sunday becomes the highest-ranking Vatican official to testify on sexual abuse of children in the Catholic Church at a hearing victims have flown half around the world to attend. Pell, 74, who said he was able to travel to his native Australia because of heart problems, will answer questions from a Rome hotel put video link by Australia's Royal Commission into Institutional Response to Child Sexual Abuse.

While strictly speaking an Australian affair concerning events decades ago, the hearing has taken on wider implications about accountability of Church leaders because of Pell's high position in the Vatican, where he serves as finance minister.

After the Commission allowed Pell to testify from Rome, it bowed to demands by victims' groups to observe.

A national crowd funding campaign raised the money to fly about 15 victims and supporters so they could be in the same room with Australia's most senior Catholic clergyman. — Reuters

Air strike targets suspected IS convoy in Libya

TRIPOLI: Aircraft attacked a convoy carrying suspected Islamic State militants near the northwestern Libyan town of Bani Walid early on Sunday, an official said.

	BPS-18	Second Class M.Com / MBA ... with 10 years experience in BPS-17 in the relevant field OR Chartered Accountant/Cost and Management Accountant with ... 35 years experience
5	Deputy Librarian BPS-18	First Class Master's Degree in Library Science with ... years experience in the relevant field OR 2nd Class Master's Degree in Library Science with ... experience in the relevant field
7	Deputy Director Admin BPS-18	First Class Master's Degree ... with 05 years ... Administrative experience in the relevant field OR Second Class Master's LL.B with 05 years experience in the relevant field in a University Graduate ... with 10 years experience
8	Assistant Controller Exam. BPS-17	First Class Master Degree or LL.B OR Second Class Master's Degree with 05 years experience in BPS-16 or above OR Master Degree with 12 years ... in a University or Graduate ... in the relevant field
9	Assistant Treasurer BPS-17	First Class M.Com/MBA OR 2nd Class M.Com/MBA with 05 years experience in ... University OR Master Degree with ... years experience in the relevant field OR Graduate ... experience in the relevant field
10	Web Administrator BPS-17	First Class Master's Degree ... Computer Science/IT/Electronics from an HEC recognized University/Institution. OR First Bachelor's Degree (04 years degree) ... Computer Science/IT/Electronics from an HEC recognized University/Institution
11	Secretary to Vice Chancellor BPS-17	Master's Degree/LL.B with 5 years experience in Stenographer/Secretarial/Administrative Work OR Second Class Graduate with 10 years Experience of Stenographer / Secretarial/Administrative Work
12	Assistant Registrar Meeting BPS-17	First Class Master's Degree/LL.B OR 2nd Class Master Degree/LL.B with 05 years experience in relevant field in University or Master ... with 12 years experience in the relevant field in a University or Graduate with 20 years Experience in the relevant field in a University
13	Assistant Registrar Legal BPS-17	First Class LL.B from a HEC recognized University. OR 2nd Class LL.B from a HEC recognized University with 05 years experience in Administrative ... above
14	Assistant Librarian BPS-17	First Class Master's Degree in Library Science OR Second Class Master's Degree in Library Science with 05 years experience in the relevant field OR Master's Degree with 12 years' experience in the relevant field. OR Graduate with 10 years experience in the relevant field
15	Assistant Director Sports BPS-17	First Class Master Degree in Physical Education OR Second Class Master in Physical Education with 03 years experience OR Second Class Bachelor Degree with 05 years experience in organizing/coaching major games
16	Assistant Audit Officer BPS-17	First Class M.Com/MBA or equivalent qualification OR Second Class M.Com/MBA or equivalent qualification with 05 years' experience in BPS-16 in the relevant field OR Chartered Accountant/Cost and Management Accountant
17	Assistant Director Works BPS-17	1st Class (B-Grade) B.E. Engineering from HEC recognized University or B.Tech from an HEC recognized University with 02 years in the relevant field or DAE from the Board of Technical Education with 04 years' experience in the relevant field.

TERMS & CONDITIONS FOR APPLY:-

1. Applicants should apply only on the prescribed form, available at the office of the Registrar as well as on University website http://www.bkuc.edu.pk/.
2. Original receipt of online payment/Demand Draft (non-refundable) of Rs. 1,500/- in favor of Treasurer, Bacha Khan University, Charsadda, or online payment to United Bank Limited, Charsadda, Main Branch Code-0232 Account No-0991741-2 must be attached with application form (s).
3. The candidates having Foreign Degree/Certificate will provide Equivalency Certificate from HEC/IBCC, Islamabad.
4. Less than 3.00/4.00 CGPA will be considered Second division.
5. Application Forms, complete in all respects, along with all relevant documents/experience certificates and three passport sized color photographs should reach the office of the undersigned on or before March 18, 2016 positively.
6. Incomplete applications or those received after due date shall not be entertained.
7. Original documents will have to be produced at the time of interview.
8. The candidates serving in Government, Semi Government and Autonomous Bodies should route their applications Through Proper Channel. They must submit No Objection Certificate from their concerned department/institution along with the application form.
9. Eligibility in all aspects shall be reckoned upon closing date of advertisement.
10. Only Short listed candidates will be called for test/interview.
11. No TA/DA shall be admissible during test/interview. The candidates shall be called for test/interview through their email & Contact Nos addresses only. However, Contact Nos. must be provided for quick correspondence.
12. Landline telephone Number, Mobile Number, Postal and Email addresses must be written on the application form.
13. The selected candidates will be governed by rules/regulation of Bacha Khan University, Charsadda.
14. The University reserves the right to increase or decrease the number of post(s), not to fill any post and reject any application, without showing any reason.

GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Pesh: 15th July, 2016

NOTIFICATION

No.SO(Estt)FE&WD/1-50/PF Said Kamal/2016: WHEREAS, Mr. Said Kamal Khan Assistant Director (BS-17) Institutional & Human Resource Development & Management (I&HRD&M) Directorate of Forest Department absented himself from duty with effect from 02-03-2015;

AND WHEREAS, on his unauthorized absence from duty with effect from 02-03-2015, three notices were served upon him vide Director I&HRD&M letters No. 1113/HRD/Estt: dated 13-05-2015, No. 1156/HRD/Estt: dated 25-05-2015 and No. 16/I&HRD/Estt dated 03-07-2015 on his home address for resumption of duty forthwith, but he failed to comply;

AND WHEREAS, another two notices in terms of Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, were published in the Daily "**Mashriq**" Peshawar dated 29-02-2016 and the Daily "**The News**" Peshawar dated 29-02-2015 directing him to report for duty within 15 days from the date of publication of the notice, but he failed to resume his duty;

AND WHEREAS, in the circumstances, it is not practicable to give him any further opportunity of showing cause for the action proposed to be taken by the competent authority against him;

NOW, THEREFORE, the Competent Authority, in exercise of the powers conferred upon under sub-Rule(1)(b) of Rule-4 of the Khyber Pakhtunkhwa Government Servants (Appointment Promotion & Transfer) Rules 1989, read with Rule-4(b)(iii) and Rule-9, of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby impose the major penalty of **"Removal from service"**; upon Mr. Said Kamal Khan Assistant Director (BS-17) Institutional & Human Resource Development & Management (I&HRD&M) Directorate of Forest Department, with effect from 02-03-2015.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

No.SO(Estt)FE&WD/1-50/PF/Said Kamal/2016: 2551-57 Dated Pesh: 15th July, 2016

Copy is forwarded to:-

1) PSO to Chief Secretary, Khyber Pakhtunkhwa.
2) PS to Secretary Forestry, Environment & Wildlife Department.
3) Chief Conservator of Forests, Central and Southern Forest Region-I, Peshawar.
4) Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
5) Director Budget and Accounts Environment Department.
6) Director I&HRD&M, Forest Department.
7) Mr. Said Kamal Khan, s/o Faqir Muhammad, Village & Post Office Mehrdi, Tehsil Daragai Malakand District.
8) Master file.
9) Office order file.

(SYED KAZIM HUSSAIN SHAH)
SECTION OFFICER (ESTT)

attested

BC-10-6060
TAJ MUHAMMAD KHAN
LL.M, PCS (J)
Advocate High Court
Distt: Mardan

BEFORE THE HONOURABLE CHIEF MINISTER GOVT: OF KHYBER PAKHTUNKHWA PESHAWAR

THROUGH PROPER CHANNEL.

Subject: Appeal / Review / representation against the order No.SO(est) FE & ND / 1- 56 PF Said Kamal Khan of removal from service issued against the petitioner dated, 15-07-2016.

Prayer: On acceptance of the present appeal the impugned order may kindly be set aside and the petitioner may please be reinstated in service with full back benefits.

Respected Sir,

The following facts would provide brief background to the subject appeal / petition.

1. That the appellant was Assistant Director I&HRD&M shami road Peshawar.
2. That the petitioner got extra ordinary leave for completion of his Ph.D degree.
3. That after availing the granted leave the appellant joined the duty despite non completion of Ph.D course.
4. That the appellant was directed by his director (Ph.D course) to clear his pending paper till April, 2016 and also directed him to submit his research work till November, 2016 otherwise his Ph.D would be considered as dropped.
5. That the appellant applied for leave but got no reply for the same till date.

attested

BC-10-6060
TAJ MUHAMMAD KHAN
LL.B, PCS (SJ)
Advocate High Court
Distt: Peshawar

BEFORE THE HONOURABLE CHIEF MINISTER GOVT: OF KHYBER PAKHTUNKHWA PESHAWAR

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5. That the appellant applied for leave but got no reply for the same till date.

attested

BC-10-6060
TAJ MUHAMMAD KHAN
LL.M., PCS (H)
Advocate High Court
Distt: Peshawar

6. That the appellant has utilized five years in Ph.D. So he started collection of his research work to complete his Ph.D and during this period the petitioner remained busy in his Ph.D studies. (Relevant documents are attached here with).
7. That no notice was ever served upon the appellant.
8. That no show cause notice has been given to the appellant.
9. That no show cause notice has been served upon the appellant.
10. That no enquiry has been conducted.
11. That the appellant was condemned unheard.
12. That no personal hearing has been given to the petitioner.
13. The impugned order is against natural justice.
14. That the requisite procedure as contemplated in E&D rules 2011 was not adopted at all.
15. That the appellant got knowledge of the impugned order on 12-12-2016.
16. That the appellant is 41 years old and the petitioner has now become overage and would not be able to get any job despite his Ph.D degree.

PRAYER,

It is therefore most humbly prayed that an acceptance of this appeal, Your good self may very graciously be pleased to set aside the removal order of petitioner dated, 15-07-2016, and reinstate the appellant into service with full back benefits.

Dated, 26-12-2016

SAID KAMAL KHAN
Ex Assistant Director
I&HRD&M
House No.3 Qazi Bashir Road
Mardan Cantt.

attested

TAJ MUH[illegible]
LL.M
Advocate High Court
Distt. Mardan

THE UNIVERSITY OF AGRICULTURE, PESHAWAR (PAKISTAN)
OFFICIAL TRANSCRIPT OF RECORD

Name: Said Kamal Khan S/O Faqir Mohammad

C.No.08 Univ.Reg.No. 93-Agr-U-4227 Session: 2007-2010

DOCTOR OF PHILOSOPHY IN AGRICULTURE
SPECIALIZATION (Rural Development)

Course No.	Course Title	Credit Hours	Marks Obtained	Grade
RD-712	Advanced Macroeconomics	4	80	A
RD-714	Resource & Environmental Economics	4	90	A+
RD-715	Resource & Environmental Policy	4	70	B+
RD-716	Agrarian Reforms & Rural Development	4	74	B+
RD-717	Rural Development Policies	3	81	A
RD-719	Women and Rural Development	3	85	A
RD-796	Special Problem	2	90	A+
AEE-704	Monitoring & Evaluation of Agril. Extension	4	80	A
AEE-705	Communication Strategies in Agri. Ext.	4	80	A
AEE-706	Advanced International Agricl. Ext. Systems	3	76	B+
			CGPA	3.71

Deficiency (Non-Credit) Courses

Stat-702	Applied Statistics	4	69	B
CS-701	Software Application & Res. Orientation	3	80	A

The examination was taken as a whole

ERRORS AND OMISSIONS ACCEPTED

Prepared by:

Checked by:

Dated: 13-05-2015

Controller of Examinations

Grading Procedure: The equivalence of marks %age, letter grade & grade point is as under:

Marks %age	Letter grade	Grade Point
90-100	A+	4.00
80-89	A	3.67
70-79	B+	3.33
65-69	B	3.00
56-64	C+	2.50
50-55	C	2.00
Below 50	E	0.00

attested

BC-10-6060
TAJ MUHAMMAD KHAN
LL.B, PCS (LL)
Advocate High Court
Distt. Mardan

14	54	Maryam Tariq D/O Muhammad Tariq 2007-Agr-U-14892	Prof. Dr. Shaukat Hussain	2013-2017 Plant Pathology	71.67	Pass
15	88	Zulqarnain S/O Fazal Subhan 2007-Agr-U-14864	Dr. Zafar Iqbal	2013-2017 Agricultural Chemistry	81.33	Pass
16	35	Mohammad Ilyas Khan S/O Mohammad Younis Khan 81-Agr-U-51	Dr. Ihsan Mabood Qazi	2013-2016 FST	-	Absent
17	38	Shah Alam Khan S/O Sher Bahadur Khan 97-Agr-U-5414	Prof. Dr. Muhammad Ayub	2013-2016 FST	-	R.L. UFM
18	46	Nasir Khan S/O Faridoon 96-Agr-U-5227	Dr. Yasir Durrani	2013-2016 FST	--	Absent
19	47	Kashif Akbar S/O Said Akbar 2003-Agr-U-10485	Prof. Dr. Muhammad Ayub	2013-2016 FST	77.00	Pass
20	34	Arshad Farooq S/O Fazl-i-Subhan 93-Agr-U-4331	Prof. Dr. Zafrullah	2013-2016 AEE	77.00	Pass
21	62	Ahmad Abrar Khan S/O Mukhtar Ahmad Shakeb 2007-Agr-U-15156	Prof. Dr. Muhammad Idrees	2013-2017 AEE	73.00	Pass
22	08	Said Kamal Khan S/O Faqir Mohammad 93-Agr-U-4227	Dr. Malik Muhammad Shafi	2007-2010 Rural Development	74.00	Pass
23	84	Muhammad Ashfaq S/O Muhammad Nawaz Khan 2007-Agr-U-14805	Dr. Inayatullah Jan	2013-2017 IDS (Economics)	73.33	Pass
24	23	Ishtaiq Ahmad Khan S/O Iftikhar Ahmad Khan 94-Agr-U-4550	Prof. Dr. Sarzamin Khan	2005-2008 Poultry Sci.	76.00	Pass
25	44	Sajid Ur Rehman S/O Latif Ur Rehman 2007-Agr-U-16533	Prof. Dr. Sarzamin Khan	2013-2016 Poultry Sci.	72.33	Pass
26	34	Zia Ur Rehman Khalil S/O Inayat Khan Khalil 2005-Agr-U-12565	Prof. Dr. Abdur Rahman	2012-2015 Livestock Mgt. & ABG	71.33	Pass

NOTE: *This result is declared as a notice only. It does not in itself confer any right or privilege independent of the award of proper degree/ certificate. Errors and omissions, if any, are subject to subsequent rectification.*

(Liaqat Ali) 26/02/2

Controller of Examinations

Copy to:

1. Director Advanced Studies & Research
2. Concerned Deans
3. Concerned Chairmen/Directors
4. Concerned Student Advisors
5. Students Concerned
6. File

attested

BC-10-6060

TAJ MUHAMMAD KHAN

DIRECTORATE OF ADVANCED STUDIES AND RESEARCH
THE UNIVERSITY OF AGRICULTURE, PESHAWAR

No/DASR/AUP/ 42/Acad-2/195

Dated 14/03/2016

The Controller of Examinations
The University of Agriculture,
Peshawar

Through Director Advanced Studies and Research

Subject: Comprehensive Oral Examination of Mr. Kamal Khan

Registration No. 9317 dated 26-02-2016 University Registration No. 93-(M)-4-4 Roll No. 2 Class No. 2 Programme Comprehensive Examination. Under University regulation No. 13.2 page 34 (Minor and regulations 2008 onwards) the following committee is proposed for oral comprehensive examination.

Major Faculty of Prof. Dr. Noor P. Khan
Chairman Department of Prof. Dr. Humayun Khan
Director Advanced Studies and Research
Examiners of the Written Comprehensive Sheet
Dr Malik Muhammad (Major Field I)
Prof. Dr. Humayun Khan (Major Field II)
Prof. Dr. Muhammad (Minor Field III)
Sheet

Prof. Dr. Malik Muhammad Shafi
Major Supervisor/Chairman Advisory Committee
Department of Rural Development (IDS)

15/03/2016
Director Advanced Studies & Research

Examiners to be filled by the Vice Chancellor: Please

Prof. Dr. Fazl Hag (Major/Shafi)
Dr. Danish Jan (Minor/MS)

Controller of Examinations / Director Advanced Studies

The requirements is completed
Foreign Student Affairs
Copy

15/03
15/3/16

For kind information as marked at "A" above

P.T.O

15/03

Kindly fix the date and time in consultation with Dean and DASAR

22/03/2016

Dr. Malik Muhammad Shafi

attested

BC-11-6060
TAJ MUHAMMAD KHAN
Advocate (J)
Advocate High Court
Distt. Mardan

INSTITUTE OF DEVELOPMENT STUDIES
THE UNIVERSITY OF AGRICULTURE
PESHAWAR-PAKISTAN
☎ +92919216918 ☏ +92919216520

No. 78/Acad-2/105

Dated: 17/05/2016

1. Prof.Dr. Noor P. Khan — Dean, F/O RSS
2. DASAR
3. Director IDS
4. Dr. Malik Muhammad Shafi — (Major Field-I)
5. Prof. Dr.Humayun Khan — (Major Field-II)
6. Prof. Dr. Muhammad Idrees Khattak — (Minor Field)
7. Prof. Dr. Fazal-i-Haq — (VC Nominee-I)
8. Dr. Dawood Jan — (VC Nominee-II)

Subject: **Ph.D Comprehensive Examination (Oral Part) for Mr. Said Kamal Khan**

Ph.D Comprehensive examination (oral part) of Mr. Said Kamal Khan Ph.D scholar, Institute of Development Studies is scheduled to be held on May 20, 2016 at 9:00 A.M in the Dean office.

You are requested to attend the meeting in person.

Dr. Malik Muhammad Shafi
Chairman Supervisory Committee
Mr. Said Kamal Khan, Ph.D scholar

Copy to:

1. Secretary to Vice Chancellor
2. The Controller of Examinations
3. All members
4. ✓File for record

attested

BC-[illegible]
TAJ MUHAMMAD KHAN
LL.B, PCS (J)
Advocate High Court
Distt. Mardan

Director General
Agricultural Research
The University of Agriculture Peshawar

THE UNIVERSITY OF AGRICULTURE, PESHAWAR

Price Rs.30/-

S. No. 2346

Copy for Director Advanced Studies and Research

All columns must be filled. Over writing is not acceptable

Recent Picture

aid Kamal Khan Father's Name Faiz ur Mohammad Class No. 08 Reg.No. 93-Agt-U-4227
irst admission Feb. 2007 Degree ☐ M.Sc (H)/ ☐ M.Phil/ ☐ MS/ ☐ M.Sc/ ☐ MA/ ☑ PhD
ation Rural Development Semester No. 20

ion of less than 12 and more than 18 Cr. Hrs. is not allowed in a semester except last semester in Ph.D.

s to be enrolled in current semester (Spring or Fall 20)

se No.	Course Title	Cr. Hrs.	Major/Minor/Deficiency course
187	Seminar I (Synopsis)	1	
188	Seminar II (Defense)	1	
299	Dissertation (Thesis)	20	

GPA/CGPA in previous semester 3.71

s failed/Not appeared in Exam/ to be improved. Spring/Fall

se No.	Course Title	Cr. Hrs.	Semester	Result

13118 35

21-8-08

s/Thesis/Dissertation approved by BASAR ☐ Yes ☐ No, Comprehensive Qualified ☑ Yes ☐ No, DMC attached ☑ Yes ☐ No)

rmation given above is correct. Any incorrect information shall lead to the cancellation of my admission.

registration from for a particular semester must be submitted to the DASAR within due dates.
dent will be required to repeat those courses of the previous semester in which he/she had failed, at the first available opportunity provided
s/her maximum workload, including the courses to be repeated by him/her, will not exceed the normal load.
end of 1st semester if a student obtain less than 2.00 GPA such student will be promoted on academic probation to 2nd semester.
end of 2nd semester, student must obtain minimum CGPA of 2.00 and pass at least 50% of the courses to be promoted to 3rd semester.
udent does not fulfill any of the preceding conditions, he/she shall cease to be on the rolls.
change in registration of course work shall be made within 2 weeks of the beginning of classes on "Drop and Add" form.
rmon should not sign forms after this period.

Kamal Khan
Student Signature

nan and Dean: Please Sign only if all columns are filled.

r Supervisor ture and Stamp)	Chairman/Director (Signature and Stamp)	Dean (Signature and Stamp) (Fresh Admission only)	DASAR (Signature and Stamp)	Director Finance (Sign after DASAR signature only)

attested

INSTITUTE OF DEVELOPMENT STUDIES
THE UNIVERSITY OF AGRICULTURE, PESHAWAR
(Khyber Pakhtunkhwa – Pakistan)
Phone # 091-9216528

No 110 /Acad-2/IDS
Dated: 15 /08/2016

1. Prof. Dr. Noor P. Khan (Dean, F/ORSS
2. Prof. Dr. Muhammad Jamal DASAR
3. Prof. Dr. Humayun Khan Director, IDS
4. Dr. Malik Muhammad Shafi (Major Field-I)
5. Prof. Dr Humayun Khan (Major Field-II)
6. Prof. Dr. Idrees Khatak (Minor Field-III)
7. Prof. Dr. Fazle Haq (VC Nominee-II)
8. Dr. Dawood Jan (VC Nominee-I)

Subject: **Ph.D Comprehensive Examination (Oral Part) for Mr.Said Kamal (Re-appear)**

Ph.D comprehensive examination (oral part) of Mr. Said Kamal Ph.D scholar, Institute of Development Studies was held on 20-05-2016. Result was declared on 26-05-2016. The scholar was declared failed by securing 53.14% marks. Therefore, as per clause No.13.7 of the Post-graduate Rules & Regulations 2008 onwards it is re-scheduled to be held on 26 /08/2016 at 9-00 am in the Dean's office.

You are requested to attend the meeting in person.

15/8

Dr. Malik Muhammad Shafi
Chairman Supervisory Committee of
Mr. Said Kamal. Ph.D Scholar

Copy to:
1. Secretary to Vice Chancellor
2. The Controller of Examination
3. All Members
4. File for record

attested

BC-10-6060
TAJ MUHAMMAD KHAN
LL.M. PCS (J)
Advocate High Court
Distt. Peshawar

WAKALATNAMA

IN THE COURT OF Chairman KPK Service Tribunal Peshawar

In Re: _____ of 20

Said Kamal Khan

VERSUS

Chief Secretary to Govt of KPK & others

Counsel for the appellant

I/We, the above appellant

Hereby appoint Mr. _____, Mr. Taj Muhammad Khan Advocate & Mr. Jamil Khan Advocate, in the above mentioned matter to do all the following acts, deed or things or any of them, that is to say:

1. To act, appear and plead in the above mentioned case, and to file for bail on my/our behalf in this Court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or in any other stage of its proceedings until final decision.
2. To present pleadings, appeal, cross objections or petitions for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case at all its stages.
3. To withdraw or compromise the said cause or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said case.
4. To receive money and grant receipts therefore and do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case.
5. To employ any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate(s), whereby he/they may think fit to do so.

And I/We hereby agree to ratify whatever the Advocate(s), or their substitutes shall do in the case.

And I/We hereby agree not to hold the Advocate(s), or their substitutes responsible for the result of the said case in the consequence of his/their absence from the court when the said case is called up for hearing.

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

And I/We hereby agree that the Advocate(s), would only appear at the place of institution of the case and he/they would be at liberty to withdraw from the case in case it is transferred to some other place.

INWITNESS WHEREOF I/We set my/our hands(s) to these presents the contents of which have been explained to and understood by me/us this the 27 day of March 2017 at Peshawar.

Attested and accepted subject to the terms regarding fees.

~~MA'US SAMA ARYANI~~
Advocate, Mardan.

M. Jamil Khan
M. JAMIL KHAN
ADVOCATE

Advocate

BC-10-6060
TAJ MUHAMMAD KHAN
LL.M. PCS (J)
Advocate High Court
Distt: Mardan

Executant (s)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 327 OF 2017

Said Kamal Khan Ex-Assistant Director resident of House No.3
Qazi Bashir Road Mardan Cantt Mardan .....Petitioner

VERSUS

1. Chief Secretary to Government of Khyber Pakhtunkhwa Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa Forestry Environment and Wildlife Department Peshawar
3. Chief Minister Khyber Pakhtunkhwa through Chief Secretary to Government of Khyber Pakhtunkhwa Peshawar
4. Government of Khyber Pakhtunkhwa thourgh Chief Secretary Government of Khyber Pakhtunkhwa Peshawar..... .... Respondents.

Respectfully Sheweth

Para wise comments on behalf of the respondents.

Preliminary objections

i- That the appellant has got no cause of action
ii- That the appellant has got no locus standi
iii- That the appeal is not maintainable
iv- The appeal is time barred
v- That the appeal suffers from mis-joinder and non-joinder of necessary parties
vi- The appellant has not come with clean hands
vii- That the appellant is estopped by his act to file instant appeal.

On facts

1. Correct to the extent that the appellant was appointed as Assistant Director I&HRD (BS-17) vide Administrative Department Notification No. SO (Estt)/Envt/1-28 /2k5 dated 15.11.2008.
2. Correct to the extent that Khyber Pakhtunkhwa Public Service Commission recommended the appellant for the post of Assistant Director vide letter No. 85116 dated 3.6.2006
3. Correct to the extent that the Government of Khyber Pakhtunkhwa issued appointment letter of the appellant as stated in para-1 above.

4. Incorrect. There was no compulsion on the appellant to get admission in Ph.D. The admission in Ph.D was his own choice and appellant did not get the permission of department in this regard. It was his own choice..

5. The appellant applied for Extra Ordinary Leave because as per leave rules para-4 stipulates that "study leave should not ordinarily be granted to Govt servant of less than 05 years service", and the appellant after 3 months of joining, applied for the leave.

Furthermore the detail of leave availed by the appellant is as under:-

i. 730 days w.e.f. 2.2.2009 sanctioned vide Admn: Department order dated 31.1.2009

ii. 730 days w.e.f. 2.2.2011 sanctioned vide Admn: Department order dated 12.4.2011

iii. 365 days w.e.f. 3.2.2013 to 1.2.2014 sanctioned vide Admn: Department order dated 15.4.2014 subject to the condition that no further extension will be allowed in future.

6. Duration for completion of Ph.D Degree is 4-years, however, inspsite of availing 5 years Extra Ordinary leave, the appellant did not complete his Ph.D and it seems that he may have joined some other service which is not known to this office and was thus not serious in completion of of Ph.D. Any Department can not afford Nine (9) years leave of an employee for studies.

7. The appellant applied for earned leave w.e.f. 2.3.2015 on the grounds for "**supervising construction of his house**" and left the office on 1.3.2015 without waiting for the fate of the said leave. His leave application was rejected by the Chief Conservator of Forests Central Southern Forest Region-I Peshawar and returned with the remarks that under the rules further leave is not permissible to be granted and the same was endorsed to the appellant vide letter No.1113/HRD/Estt dated 13.5.2015 through registered post. Para No.6 above is contradictary to this para as he applied for leave to "supervise construction of his house" whereas in para-6 above he complained of shortage of academic staff. (Copy of application attached as Annex-A)

8. As already explained vide para-7 above, the appellant never bothered to visit office after submission of the leave application for 90 days w.e.f. 2.3.2015 on the grounds for supervising of construction works of his house. The leave application which is attached as Annex-D with the appeal was never sent to this office. The same is a fraudulant tactic of the appellant to cover his absence period and intends to get the undue favour from the Honorable court. The same has neither been signed by the Controlling Officer nor available in the record of any office.

9. Incorrect, false and against the decorum of public service. The appellant knew that his leave application was rejected as per his statement vide para-7 of his appeal that his leave application was rejected by the Chief Conservator of Forests Central Southern Forest Region-I,Peshawar, as per rules invogue. Furthermore, his statement is clear example of his casual attitude towards service.

10. Incorrect. On the wilfull absence of the appellant from duty w.e.f. 1.3.2015 explanation was called vide Director I&HRD&M letter No.1010/I&HRD&M/Estt dated 7.4.2015, No. 1156/I&HRD&M/Estt dated 25.5.2015, and final notice served vide No.16/I&HRD&M/Estt dated 3.7.2015 on his home address through Registered Post, but the appellant neither resumed duty nor furnished any reply. Furthermore, on his casual visit to office on 7.4.2015, the office Assistant Establishment showed him the above said explanation letter regarding his absence, but he refused to sign the receipt of the same and took a picture of the same with his cell phone. Similarly on 23.7.2015 the appellant again visited the office and the final notice was shown to him which was served upon him as already explained above. It establishes the fact that the appellant was fully aware of the proceedings and has received all the letters explained above.

11. Correct to the extent that show cause were published in the Top Leading news papers of the country i..e. "**Daily Mashriq" and "The News**" dated 29.2.2016, as the appellant was not interested to join the duty and the Department took legal course of action (copies of both the advertisements are attached as Annex-B).

12. Incorrect. The appellant never visited this office after 23rd July 2015 as already mentioned in reply to para-10. His statement is based on false grounds.

13. Incorrect. The Departmental appeal is under process which is maned to the Chief Minister through summary which is not yet received back in the department

14. Incorrect. The said order was issued after adopting all the procedures regarding his removal from service as per Rule-9 of (E&D) Rules 2011 which pertains to procedure in case of "Wilfull absence".

Grounds

1. As already explained in above paras, the appellant neither resumed the duty nor furnished any reply, rather he turned deaf ear to the notices sent to him under registered posts and later on published in Top leading news papers. Under these circumstrances the enquiry was not warranted at all as per Rule-9 of Efficiency & Discipline Rules 2011.

2. Incorrect as already explained vide para 10 above.

3. Incorrect. The apellant was informed properly through registered post for resuming his duty and the appellant paid no attention therefore the same was finally published in the new papers which was as per rules in vogue as already exaplained above reply to para-11.

4. Incorrect. All the notices were sent on his permanent address which was on the official record and the appellant never intimated for his changed address and in the instant case he want to mislead the court to get undue favour.

5. Incorrect. The appellant has never informed this department for change of his address. All the said letters were sent through registered post and were never been returned to this office by postal authorities, which testifies that the letters were received by him at his permanent address. Furthermore, the appellant who remained absconder for more than one year and as per statement in para-4 of the grounds, he was just at 10-Kms Distance from the office, but did not bother to visit the office to enquire about the status of his leave which is a ridiculous statement and totally false.

6. Incorrect as already explained vide above referred paras.

7. Inocrrect. The appellant had no earned leave on his credit having less service.

8. Incorrect as already explained above.

9. Incorrect. The appellant was summoned through notices sent vide registered posts on his permanent address to resume the duty and explain the cause of wilfull absence, but he did not join the duty and denied the course of enquiry against him. Furthermore, the action taken by the Administrative Department regarding removal from service falls squarely in the purview of law and rules.

10. Incorrect as already explained above.
11. Incorrect as already explained above.
12. Incorrect as already explained above.
13. Incorrect as already explained above.
14. Incorrect as already explained above.
15. Incorrect as already explained above.
16. Incorrect as already explained above.
17. Incorrect as already explained above.
18. Incorrect as already explained above.

19. The order issued by the Administrative Department falls squarly in the purview of law and rules on the subject and is not against the principle of natural justice.

20. Incorrect. All the procedure adopted before issuance of notices regarding removal from service as per Rule-9 of the Efficiency & Disciplinary Rules 2011 pertains to procedure in case of wilfull absence from Government duty.

21. Incorrect. The same has already been explained vide above para.

22. Pertains to the record of university

23. Incorrect as explained vide para-9 above.

24. Incorrect as already explained vide para-20 above.

25. Incorrect, as explained above.

26. The department has un-precedently favoured him by granting 5-years Extra Ordinary Leave for completion of his Ph.D and then showed leniency on his 13 months casual presence in office just to complete his Ph.D Degree. Thus 6 (six) years are more than sufficient for completion of Ph.D Degree.

27. Incorrect. The appellant has been "Removed from Service" as per E&D Rules 2011 it does not disqualify for furture employment. Hence the statement is once again based on false assumption.

28. Incorrect as explained in above referred paras in detail.

29. Incorrect. It is not the compulsion by the Department but the desire of the appellant to improve his educational qualification.

30. Incorrect. The appellant has already been removed from service.

PRAYER.

The Special Investigation Unit of Anti-Corruption Peshawar requested the I&HRD&M Directorate for provision of official record of Mr. Said Kamal Khan on the grounds that he was reportedly performing job at different Govt: organizations simountansouly. The appellant has performed only one year duty during his 7-years of service which clearly shows that he had no interest in the job.

The appellant has not come with clean hands and the appeal is based on mere assumptions. The same is based on having no legal footing as well as barred by time therefore may graciously be dismissed with cost.

Chief Secretary to Government
of Khyber Pakhtunkhwa
(Respondent No.1)

Secretary to Government
Khyber Pakhtunkhwa
Forestry Enironment & Wildlife Dept
(Respondent No.2)

(Respondent No.3)

Government of Khyber Pakhtunkhwa
thorough
Chief Secretary Khyber Pakhtunkhwa
(Respondent No.4)

Annex-A (3)

LICATION FOR LEAVE

Notes: Ite be filled in by all applicants whether Gazetted or non-Gazetted.

Item n the case of an application for privilege leave under the C.SR (Vide

Arti

Iten d only in the case of Gazetted Officers.

1. Name of applicant. Said Kamal Khan
2. Post held. Asstt. Director
3. Department or office. I & HRD & EM Environmental Deptt.
4. Pay Rs. 34899/-
5. Nature & period of leave applied for & that from which required. Earned Leave on 1/2 pay Ninety days 2-3-2015
6. Grounds on which leave is applied for. Construction of house.
7. Date of return from the last leave and the nature and period of that leave. Feb. 2014. E.O.L One year
8. Certified that I have no present intension of applying for any other leave, or of retiring from Government service within a period of three months from the date on which I may rejoin from the above leave, if granted.

Signature of applicant

Date 24/2/2015

9. Remarks/recommendation of the Controlling Officer

Signature

Date

Designation

10. Report of the Audit Officer

Signature

Date

Designation

ATTESTED

Director
I&HRD
Department

attested

www.nawaiwaqt.com.pk

اللہ ہی کیلئے ہیں مشرق و مغرب الآیہ

NAWA-I-WAQT PESHAWAR

نوائے وقت

روزنامہ اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت اخبار

AIC CERTIFIED

49 سال

جلد 49

20 جمادی الاول 1437ھ، 29 فروری 2016ء، 15 پھاگن قیمت 12 روپے

بہادر جوانوں نے جانوں کا نذرانہ دے کر عظیم قربانی دی ہے، آصف زرداری

شمالی وزیرستان کے بعد جنوبی وزیرستان میں جاسوسی جہاز گرا

پاک آرمی کے 6 جوان بحق

پاک آرمی کے ہیلی کاپٹر کا حادثہ

3 فوجی جوان شہید

کراچی میں زمین سودا کرنے پر آرمی چیف کا مشکور ہوں، عمران خان

مشترکہ مفادات کونسل کا 28 واں اجلاس

اظہار وجوہ نوٹس نمبر ۔۔۔ ضروری

آپ کسی سے کوئی ۔۔۔ ڈائریکٹر (BS-17) ۔۔۔ ڈائریکٹر کو ۔۔۔ کا ۔۔۔ ۔۔۔ 02-02-2009 ۔۔۔ PMDC ۔۔۔ تعلیم مکمل کرنے کے لئے دی گئی ۔۔۔ آپ نے ۔۔۔ کی ۔۔۔ 02.02.2011 ۔۔۔ 02-07-2014 ۔۔۔ 03-02-2014 ۔۔۔ 02-03-2015 ۔۔۔ آپ نے ۔۔۔ 02-03-2015 ۔۔۔ 25-05-2015, 15-05-2015, 27-04-2015 ۔۔۔ 03-07-2015 ۔۔۔ 2013 ۔۔۔ 01-03-2016 ۔۔۔ غیر حاضری کی صورت میں ۔۔۔ (ڈاکٹر محمد ۔۔۔)

Say No to Corruption

Hayatabad Medical Complex Peshawar
CORRIGENDUM

Reference Advertisement No. INF (P) No. 623 appearing in different newspapers for purchase of following items. The opening date of the same tender is extended and will be opened on 10/03/2016 at 11:00am in the presence of bidders or their representatives in the Conference Room by the Tender Opening Committee.

Note: Terms and Condition of the previous advertisement will be same for this corrigendum.

S.No	Name of Items	CDR Rs.
1	Purchase of Equipments for A&E	
2	Laparoscope High Definincation Camera system with Chytodeochoscope	1% (02 envelop)
3	Vessel Sealant	
4	Purchase of Furniture for A&E	1%
5	Purchase of Instruments for A&E	1%

Say No to Corruption

Hospital Director
Hayatabad Medical Complex Peshawar

Info@KPCont *Info@KPCont *Send-KP to 8333 INFIP1613

NOTICE INVITING TENDERS
(Single Stage Two Envelope Procedure)

1. CAW Department, Building Division District Swat, Government of Khyber Pakhtunkhwa invites sealed Bids from eligible firms / contractor in accordance with KPPRA Procurement Rules 2014 on single stage two envelope procedure for the following works. The bidders should be registered with Pakistan Engineering Council (PEC) in relevant category & field of specialization, enlisted with CAW Department and should have adequate financial soundness, relevant experience, personnel capabilities, require equipment and others as included in ITB

Sl. No	Name of work	Required Category of PEC	Bid Security	Period of completion	Last date of submission	Date of opening and time
1	Raising of Boundary Walls and Fixing of Barbed Wire of GTVC (B) Haji Baba Mingora Swat	C-6	2% of bid security	As per work order.	15/03/2016 at 12:00 hrs	15/03/2016 14:00 hrs.
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4	Reconstruction of existing Govt. Primary, Middle & High Schools (50 each) in Khyber Pakhtunkhwa on need basis ADP NO.258(40708 (2016-16)	C-6	-do-	-do-	-do-	-do-
5A	do- GGHS Tangdar (PK-82)	C-6	-do-	-do-	-do-	-do-
5B	do- GGHS Totaib (PK-82)	C-6	-do-	-do-	-do-	-do-
5C	do- GGHS Khwazai	C-6	-do-	-do-	-do-	-do-

PESCO TENDER NOTICE

Peshawar Electric Supply Company (PESCO) invites sealed bids from PEPCO / WAPDA / DISCO's Pre-qualified & Registered manufacturers and approved repairing workshops under the category M-1 (item-v) registered with Income Tax & Sales Tax Department, for the execution of a Work Order / Rate Contract or repair of Detailed below Transformers / Other Equipment and SWITCHGEAR bids.

Tender No	Transformer Capacity	Approximate Qty (Nos)	Categories	Date & Time: Submission of Bids	Date & Time: Opening of Bids
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

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No political or apolitical pressure on me: NAB chief

Amir Mate

No complaint can be brushed under the carpet ... accountability ... CHAIRMAN, Chairman National Accountability Bureau ... Omar Zaman ... said there ... political, political ... movement for ...

RAWALPINDI: General (retd) ... outgoing Commander United States Central Command, calls on Chief of Army Staff Gen ... Pervez Musharraf ...

COAS vows to dismantle ...

Punjab working on women uplift as per Quaid's vision: Shahbaz

Rejects criticism of Protection of Women against Violence Bill

By Naveed Malik

LAHORE: Punjab Chief Minister Shahbaz Sharif on Sunday said his government ... Women against Violence Bill ... Punjab ... women development ...

Annex-B

18

COLLEGE HAYATABAD, PESHAWAR
UNDER NOTICE

side the laws, nobody ... posted on Feb 22 on china. ... lowed to spread illegal ... mation using the Internet ... Liang Jun, spokesman for the ... Beijing municipal government, ... qiandong ... com, a website run by the ...

Invitation of Bid

FOR SERVICES OF A CAR RENTAL COMPANY FOR TEXPO 2016 (APRIL 7-10, 2016)

Development authority of Pakistan (TDAP), an autonomy established of trade and business, under the Ministry of Commerce, invites ... Car Rental Firms registered with Income Tax and Sales Tax ... Car Rental Services for TeXpo 2016.

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... prepared in accordance with the instructions in the bidding ... must reach at the office of the Assistant Director (TeXpo), Trade ... Authority of Pakistan (TDAP), 3rd Floor, Block-A, LTC Building,

attested

Director
Tr. Human Resource Dev.
Khyber Pakhtunkhwa Forest Depti.
Peshawar

Australian cardinal to testify on abuse

Mr. Australian Cardinal George Pell on Sunday becomes the highest-ranking Vatican official to testify on sexual abuse of children in the Catholic Church at a hearing ... victims have flown half around the world to attend. Pell 74 ... said he was unable to travel to his native Australia because of heart problems. ... will answer questions from a Rome hotel ... video link by Australia's Royal Commission into Institutional Response to Child Sexual Abuse.

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Air strike targets suspected IS convoy in Libya

TRIPOLI: Aircraft attacked a convoy carrying suspected Islamic State militants near the northwestern Libyan town of Bani Walid early on Sunday, an official said.

	BPS-18	...
7	Deputy Director ... BPS-18	...
8	Deputy Director ... BPS-17	...
9	Assistant Director ... BPS-17	...
10	Web Administrator BPS-17	...
11	Secretary to Chairman BPS-17	...
12	Assistant Registrar (Meeting) BPS-17	...
13	Assistant Registrar Legal BPS-17	...
14	Assistant Librarian BPS-17	...
15	Assistant Director Sports, BPS-17	...
16	Assistant Accounts Officer BPS-17	...
17	Assistant Director Works BPS-17	...

TERMS & CONDITIONS FOR APPLY:-

1. Applicants should apply only on the prescribed form available at the office of the Registrar or download from University website http://www.bkuc.edu.pk/.
2. Original receipt of online payment/Demand Draft (non-refundable) of Rs. 1,000/- in favor of Treasurer, Bacha Khan University, Charsadda or online payment to Allied Bank Limited, Charsadda, Main Branch Code-0222 Account No-0991741-2 must be attached with application form (s)
3. The candidates having Foreign Degree/Certificate will provide Equivalency Certificate from HEC/BOC, Islamabad
4. Less than 3.00/4.00 CGPA will be considered Second division.
5. Application Forms complete in all respects along with all relevant document/experience certificates and three passport sized photographs should reach the office of the under signed on or before March 18, 2016 positively
6. Incomplete applications or those received after due date shall not be entertained.
7. Original documents will have to be produced at the time of interview.
8. The candidates serving in Government, Semi Government and Autonomous Bodies should route their applications Through Proper Channel. They must submit No Objection Certificate from their concerned department/institution along with the application form.
9. Eligibility in all aspects shall be reckoned upon closing date of advertisement.
10. Only Short listed candidates will be called for test/interview.
11. No TA/DA shall be admissible during test/interview. The candidates shall be called for test/interview through their email & Contact Nos. addresses only. However, Contact Nos. must be provided for quick correspondence.
12. Landline telephone number, Mobile Number, Postal and Email addresses must be written on the Application Form
13. The selected candidates will be governed by rules/regulation of Bacha Khan University, Charsadda.
14. The University reserves the right to increase or decrease the number of post(s) not to fill any post and reject any application, without assigning any reason.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 327 OF 2017

Said Kamal Khan Ex-Assistant Director resident of House No.3
Qazi Bashir Road Mardan Cantt Mardan .....Petitioner

VERSUS

1. Chief Secretary to Government of Khyber Pakhtunkhwa Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa Forestry Environment and Wildlife Department Peshawar
3. Chief Minister Khyber Pakhtunkhwa through Chief Secretary to Government of Khyber Pakhtunkhwa Peshawar
4. Government of Khyber Pakhtunkhwa thourgh Chief Secretary Government of Khyber Pakhtunkhwa Peshawar..... .... Respondents.

Respectfully Sheweth

Para wise comments on behalf of the respondents.

Preliminary objections

i- That the appellant has got no cause of action
ii- That the appellant has got no locus standi
iii- That the appeal is not maintainable
iv- The appeal is time barred
v- That the appeal suffers from mis-joinder and non-joinder of necessary parties
vi- The appellant has not come with clean hands
vii- That the appellant is estopped by his act to file instant appeal.

On facts

1. Correct to the extent that the appellant was appointed as Assistant Director I&HRD (BS-17) vide Administrative Department Notification No. SO (Estt)/Envt/1-28 /2k5 dated 15.11.2008.
2. Correct to the extent that Khyber Pakhtunkhwa Public Service Commission recommended the appellant for the post of Assistant Director vide letter No. 85116 dated 3.6.2006
3. Correct to the extent that the Government of Khyber Pakhtunkhwa issued appointment letter of the appellant as stated in para-1 above.

4. Incorrect. There was no compulsion on the appellant to get admission in Ph.D. The admission in Ph.D was his own choice and appellant did not get the permission of department in this regard. It was his own choice..

5. The appellant applied for Extra Ordinary Leave because as per leave rules para-4 stipulates that "study leave should not ordinarily be granted to Govt servant of less than 05 years service", and the appellant after 3 months of joining, applied for the leave.

Furthermore the detail of leave availed by the appellant is as under:-

i. 730 days w.e.f. 2.2.2009 sanctioned vide Admn: Department order dated 31.1.2009

ii. 730 days w.e.f. 2.2.2011 sanctioned vide Admn: Department order dated 12.4.2011

iii. 365 days w.e.f. 3.2.2013 to 1.2.2014 sanctioned vide Admn: Department order dated 15.4.2014 subject to the condition that no further extension will be allowed in future.

6. Duration for completion of Ph.D Degree is 4-years, however, inspsite of availing 5 years Extra Ordinary leave, the appellant did not complete his Ph.D and it seems that he may have joined some other service which is not known to this office and was thus not serious in completion of of Ph.D. Any Department can not afford Nine (9) years leave of an employee for studies.

7. The appellant applied for earned leave w.e.f. 2.3.2015 on the grounds for **"supervising construction of his house"** and left the office on 1.3.2015 without waiting for the fate of the said leave. His leave application was rejected by the Chief Conservator of Forests Central Southern Forest Region-I Peshawar and returned with the remarks that under the rules further leave is not permissible to be granted and the same was endorsed to the appellant vide letter No.1113/HRD/Estt dated 13.5.2015 through registered post. Para No.6 above is contradictary to this para as he applied for leave to "supervise construction of his house" whereas in para-6 above he complained of shortage of academic staff. (Copy of application attached as Annex-A)

8. As already explained vide para-7 above, the appellant never bothered to visit office after submission of the leave application for 90 days w.e.f. 2.3.2015 on the grounds for supervising of construction works of his house. The leave application which is attached as Annex-D with the appeal was never sent to this office. The same is a fraudulant tactic of the appellant to cover his absence period and intends to get the undue favour from the Honorable court. The same has neither been signed by the Controlling Officer nor available in the record of any office.

9. Incorrect, false and against the decorum of public service. The appellant knew that his leave application was rejected as per his statement vide para-7 of his appeal that his leave application was rejected by the Chief Conservator of Forests Central Southern Forest Region-I,Peshawar, as per rules invogue. Furthermore, his statement is clear example of his casual attitude towards service.

10. Incorrect. On the wilfull absence of the appellant from duty w.e.f. 1.3.2015 explanation was called vide Director I&HRD&M letter No.1010/I&HRD&M/Estt dated 7.4.2015, No. 1156/I&HRD&M/Estt dated 25.5.2015, and final notice served vide No.16/I&HRD&M/Estt dated 3.7.2015 on his home address through Registered Post, but the appellant neither resumed duty nor furnished any reply. Furthermore, on his casual visit to office on 7.4.2015, the office Assistant Establishment showed him the above said explanation letter regarding his absence, but he refused to sign the receipt of the same and took a picture of the same with his cell phone. Similarly on 23.7.2015 the appellant again visited the office and the final notice was shown to him which was served upon him as already explained above. It establishes the fact that the appellant was fully aware of the proceedings and has received all the letters explained above.

11. Correct to the extent that show cause were published in the Top Leading news papers of the country i..e. **"Daily Mashriq" and "The News"** dated 29.2.2016, as the appellant was not interested to join the duty and the Department took legal course of action (copies of both the advertisements are attached as Annex-B).

12. Incorrect. The appellant never visited this office after 23rd July 2015 as already mentioned in reply to para-10. His statement is based on false grounds.

13. Incorrect. The Departmental appeal is under process which is maned to the Chief Minister through summary which is not yet received back in the department

14. Incorrect. The said order was issued after adopting all the procedures regarding his removal from service as per Rule-9 of (E&D) Rules 2011 which pertains to procedure in case of "Wilfull absence".

Grounds

1. As already explained in above paras, the appellant neither resumed the duty nor furnished any reply, rather he turned deaf ear to the notices sent to him under registered posts and later on published in Top leading news papers. Under these circumstrances the enquiry was not warranted at all as per Rule-9 of Efficiency & Discipline Rules 2011.

2. Incorrect as already explained vide para 10 above.

3. Incorrect. The apellant was informed properly through registered post for resuming his duty and the appellant paid no attention therefore the same was finally published in the new papers which was as per rules in vogue as already exaplained above reply to para-11.

4. Incorrect. All the notices were sent on his permanent address which was on the official record and the appellant never intimated for his changed address and in the instant case he want to mislead the court to get undue favour.

5. Incorrect. The appellant has never informed this department for change of his address. All the said letters were sent through registered post and were never been returned to this office by postal authorities, which testifies that the letters were received by him at his permanent address. Furthermore, the appellant who remained absconder for more than one year and as per statement in para-4 of the grounds, he was just at 10-Kms Distance from the office, but did not bother to visit the office to enquire about the status of his leave which is a ridiculous statement and totally false.

6. Incorrect as already explained vide above referred paras.

7. Inocrrect. The appellant had no earned leave on his credit having less service.

8. Incorrect as already explained above.

9. Incorrect. The appellant was summoned through notices sent vide registered posts on his permanent address to resume the duty and explain the cause of wilfull absence, but he did not join the duty and denied the course of enquiry against him. Furthermore, the action taken by the Administrative Department regarding removal from service falls squarely in the purview of law and rules.

10. Incorrect as already explained above.
11. Incorrect as already explained above.
12. Incorrect as already explained above.
13. Incorrect as already explained above.
14. Incorrect as already explained above.
15. Incorrect as already explained above.
16. Incorrect as already explained above.
17. Incorrect as already explained above.
18. Incorrect as already explained above.

19. The order issued by the Administrative Department falls squarly in the purview of law and rules on the subject and is not against the principle of natural justice.

20. Incorrect. All the procedure adopted before issuance of notices regarding removal from service as per Rule-9 of the Efficiency & Disciplinary Rules 2011 pertains to procedure in case of wilfull absence from Government duty.

21. Incorrect. The same has already been explained vide above para.

22. Pertains to the record of university

23. Incorrect as explained vide para-9 above.

24. Incorrect as already explained vide para-20 above.

25. Incorrect, as explained above.

26. The department has un-precedently favoured him by granting 5-years Extra Ordinary Leave for completion of his Ph.D and then showed leniency on his 13 months casual presence in office just to complete his Ph.D Degree. Thus 6 (six) years are more than sufficient for completion of Ph.D Degree.

27. Incorrect. The appellant has been "Removed from Service" as per E&D Rules 2011 it does not disqualify for furture employment. Hence the statement is once again based on false assumption.

28. Incorrect as explained in above referred paras in detail.

29. Incorrect. It is not the compulsion by the Department but the desire of the appellant to improve his educational qualification.

30. Incorrect. The appellant has already been removed from service.

PRAYER.

The Special Investigation Unit of Anti-Corruption Peshawar requested the I&HRD&M Directorate for provision of official record of Mr. Said Kamal Khan on the grounds that he was reportedly performing job at different Govt: organizations simountansouly. The appellant has performed only one year duty during his 7-years of service which clearly shows that he had no interest in the job.

The appellant has not come with clean hands and the appeal is based on mere assumptions. The same is based on having no legal footing as well as barred by time therefore may graciously be dismissed with cost.

Chief Secretary to Government
of Khyber Pakhtunkhwa
(Respondent No.1)

Secretary to Government
Khyber Pakhtunkhwa
Forestry Enironment & Wildlife Dept
(Respondent No.2)

Government of Khyber Pakhtunkhwa
thorough
Chief Secretary Khyber Pakhtunkhwa
(Respondent No.4)

Annex-A (3)

LICATION FOR LEAVE

Notes: Ite be filled in by all applicants whether Gazetted or non-Gazetted.

Iten n the case of an application for privilege leave under the C.SR (Vide

Arti

Iten d only in the case of Gazetted Officers.

1. Name of applicant. Said Kamal Khan
2. Post held. Asstt. Director
3. Department or office. I & HRD & EM Environmental Deptt.
4. Pay Rs. 34899/-
5. Nature & period of leave applied for & that from which required. Earned Leave on 1/2 pay of Ninety days 2-3-2015
6. Grounds on which leave is applied for. Construction of house.
7. Date of return from the last leave and the nature and period of that leave. Feb. 2014. E.O.L One year
8. Certified that I have no present intension of applying for any other leave, or of retiring from Government service within a period of three months from the date on which I may rejoin from the above leave, if granted.

Signature of applicant

Date 25/2/2015

9. Remarks/recommendation of the Controlling Officer

Signature

Designation

Date

10. Report of the Audit Officer

Signature

Designation

Date

ATTESTED
Director
I&HRD
K.P Forest Department

attested

Annex-B

اللہ ہی کیلئے ہیں مشرق و مغرب

DAILY MASHRIQ PESHAWAR

روزنامہ مشرق

روزنامہ اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت اخبار

جلد 49

20 جنوری تا 29 ربیع الاول 1437ھ، 29 فروری 2016ء، 15 جمادی الثانی 1394ھ، قیمت 12 روپے

بہادر پختون جانوں کا نذرانہ دے کر عظیم قربانی دی ہے، آصف زرداری

پاک امریکہ سٹریٹیجک مذاکرات

دونوں ممالک کے خارجہ سطح میں ملاقاتی اور اسٹیکام سے متعلقہ

6 خلاف تحقیقات

لائیڈ لنک کے باعث کیری کمانی میں گرفتاری

3 خواتین سمیت

کراچی میں زمین ہموار کرنے پر آرمی چیف کا مشکور ہوں، عمران خان

مشترکہ مفادات کونسل کا 28 مارچ کو اجلاس

جنرل راحیل

چاہینگے جنرل راحیل

خرید و فروخت / کرایہ

0333-9266594, 0333-6551395

0390-8548036

B-17

0333-3311189, 0333-5186258

0333-5393071, 0333-5364310

0307-5489678, 0336-9198448

0343-5217044, 0343-9087044

0335-9288

0316-8015192, 0312-9965414

Hayatabad Medical Complex Peshawar

CORRIGENDUM

Reference Advertisement No. INF (P) No. 623 appearing in different newspapers for purchase of following items. The opening date of the same tender is extended and will be opened on 10/03/2016 at 11:00am in the presence of bidders or their representatives in the Conference Room by the Tender Opening Committee.

Note: Terms and Condition of the previous advertisement will be same for this corrigendum.

S.No	Name of Items	CDR Rs.
1	Purchase of Equipments for A&E	2%
2	Laparoscope High Definition Camera system with Choledochoscope	2% (01 envelop)
3	Vessel Sealant	
4	Purchase of furniture for A&E	2%
5	Purchase of Instruments for A&E	2%

Say No to Corruption

Hospital Director (01)

Hayatabad Medical Complex Peshawar

• Info@Govt • @Info@Govt • Send SMS to 8333

NTP/613

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5	SHo Govt Tangdhar (Phase-I)	C-6	-do-	-do-	-do-	-do-
6	SHo Govt Tutana Bandai (Phase-I)	C-6	-do-	-do-	-do-	-do-
7	SHo Govt Bawgai (Phase-I)	C-6	-do-	-do-	-do-	-do-

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[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Annex-B

17

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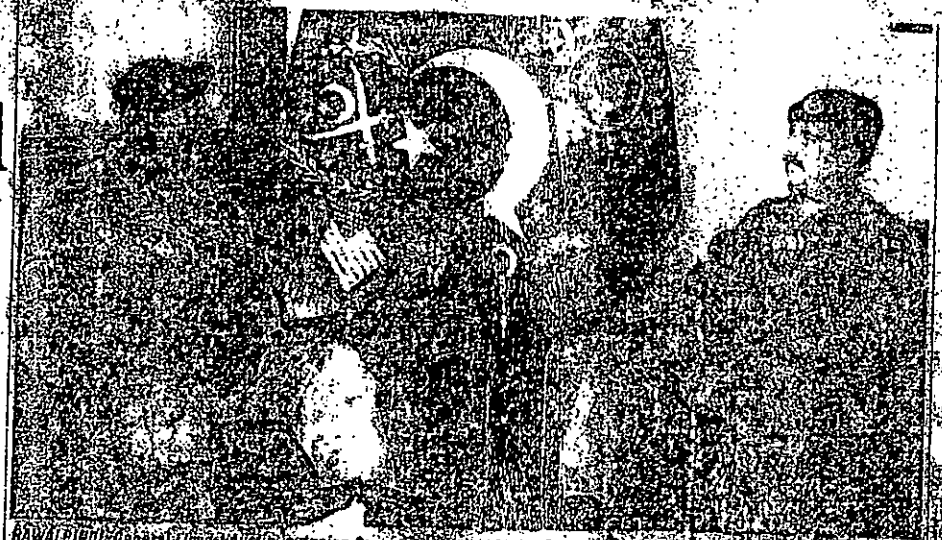
No political or apolitical pressure on me: NAB chief

Arub Nisar

ISLAMABAD: Chairman National Accountability Bureau (NAB) Qamar Zaman Chaudhry said there is no political or apolitical pressure on him to start movement of ...

No complaint can be brushed under the carpet ... accountability ... officers ...



RAWALPINDI: General Lloyd Austin, outgoing Commander United States Central Command, called on Chief of Army Staff General Raheel Sharif ...

COAS vows to dismantle

Punjab working on women uplift as per Quaid's vision: Shahbaz

Reports ... Protection of Women Against Violence Bill ...

LAHORE: ... Chief Minister Shahbaz Sharif ... Women ... Violence Bill ... women development ...

Annex-B

18

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TENDER NOTICE

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have launched numerous operations to combat illegal online behaviour from pornography to gambling. Reuters

CHAIRMAN

"SAY NO TO CORRUPTION"

PAL / DEAN
S MEDICAL COLLEGE
BAD PESHAWAR

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prepared in accordance with the instructions in the bidding must reach at the office of the Assistant Director (TeXpo), Trade Authority of Pakistan (TDAP), 3rd Floor, Block-A, LTC Building,

attested

Director

	BPS-18	Second Class Master's Degree [illegible]	[illegible]
4	Deputy Director BPS-18	First Class Master's Degree [illegible]	[illegible]
5	Assistant Director Exam, BPS-17	Second Class Master's Degree [illegible]	[illegible]
6	Assistant Director BPS-17	First Class M Degree [illegible]	[illegible]
10	Web Administrator BPS-17	First Class [illegible]	[illegible]
11	Secretary to Chancellor BPS-17	First Class Bachelor's Degree [illegible] OR Second Class [illegible]	[illegible]
12	Assistant Registrar Meeting BPS-17	First Class Bachelor's Degree [illegible] OR 2nd Class Master Degree [illegible]	[illegible]
13	Assistant Registrar Legal BPS-17	First Class [illegible] 2nd Class LLB [illegible]	[illegible]
14	Assistant Librarian BPS-17	First Class Master's Degree [illegible] Second Class Master's Degree [illegible] Bachelor Degree [illegible] Graduate with 30 years experience [illegible]	[illegible]
15	Assistant Director Sports, BPS-17	First Class Master Degree [illegible] Second Class [illegible] Second Class Bachelor Degree [illegible]	[illegible]
16	Assistant Auto Officer BPS-17	First Class M [illegible] Second Class M [illegible]	[illegible]
17	Assistant Director Works BPS-17	[illegible]	[illegible]

TERMS & CONDITIONS FOR APPLY:-

1. Applicants should apply only on the prescribed application available at the office of the Registrar or Bacha Khan University website http://www.bkuc.edu.pk/.
2. Original receipt of online payment/Demand Draft (non-refundable) of Rs. 1,500/- in favor of Treasurer, Bacha Khan University, Charsadda, or online payment to United Bank Limited, Charsadda, Main Branch Code-0232 Account No-0991741-2 must be attached with application form (s)
3. The candidates having Foreign Degree/Certificate will provide Equivalency Certificate from HEC/BOC, Islamabad.
4. Less than 3.00/4.00 CGPA will be considered Second division.
5. Application Forms complete in all respects along with all relevant documents/experience certificates and their passport sized color photographs should reach the office of the under signed on or before March 18, 2016 positively.
6. Incomplete applications or those received after due date shall not be entertained.
7. Original documents will have to be produced at the time of interview.
8. The candidates serving in Government, Semi Government and Autonomous Bodies should route their applications Through Proper Channel. They must submit No Objection Certificate from their concerned department/institution along with the application form.
9. Eligibility in all aspects shall be reckoned upon closing date of advertisement.
10. Only Short listed candidates will be called for test/interview.
11. No TA/DA shall be admissible during test/interview. The candidates shall be called for test/interview through their emails & Contact Nos. addresses only. However, Contact Nos. must be provided for quick correspondence.
12. Landline telephone number, Mobile Number, Postal and Email addresses must be written on the Application Form
13. The selected candidates will be governed by rules/regulation of Bacha Khan University, Charsadda.
14. The University reserves the right to increase or decrease the number of post(s), not to fill any post and reject any application, without assigning any reason.

BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

Service Appeal No.327 of 2017

Said Kamal Khan

Versus

Chief Secretary and others

REJOINDER ON BEHALF OF THE APPELLANT

1. The appellant has a cause of action, the appellant has wrongly been removed from service proceeding him Exparte.
2. The appellant has got a locus standi.
3. The appeal is maintainable. The respondents have not pointed out any law which makes the appeal not maintainable.
4. The appeal is very much with in time. The departmental appeal is still undecided and has been filed within the stipulated period.
5. The respondents have failed to point out the one who has wrongly been made and the one who was to be joined in the appeal. Hence the appeal does not suffer from misjoinder non joinder of parties.
6. The appellant has come with clean hands but the respondents have removed the appellant on the basis of bias.
7. The appellant has not made any such action which barred him from submission of the appeal. The appellant is not stopped to file the instant appeal.

ON FACTS:

1. Para 1 of the appeal is admitted needs no reply.
2. Para 2 is admitted to extent of first contention but the remaining para is not replied properly. Properly reply needs to the submitted.

3. Para 3 of the appeal is also not replied properly. Proper reply shall be submitted by the Head of the Department.

4. Para 4 not replied properly the admission in Ph.D was got due to compulsion, as the contract employee had got a stay order against the recommendees of the Public Service Commission. Copies of the writ, orders of PHC and Supreme Court needs to be produced.

5. Para 5 is wrong. There is no such hard and fast rule and the authority can sanction study have at any time.

6. Para 6 of the written reply is wrong. Shortage of the professor and large number of subjects, the professors have to take exam of a particular subject in first six months or 2nd six months of a year. The para shows the bias of one who delayed the appointment and played a pivotal role in rejection of the leave applications and removal of the appellant from service.

7. In reply to para 7 it is submitted that the appellant applied for 3 months and then for one year and six months leave, Chief Conservator Forest was not competent authority for sanctioning his leave. To grant / reject leave of the appellant for 3 months was the mandate of Secretary to the Govt. of Khyber Pakhtunkhwa Forest Department.

8. In reply to para 8 it is submitted that biased one has not only manipulated to reject his application unauthorizedly but also has not received his second application rather has torn and thrown the same.

9. Para 9 is wrong. The appellant came to know after getting the copies for submission of departmental appeal that his leave was rejected. It was the duty of the Head of the Department to send the leave application to authorized officer but he malafidly failed to send the same to the competent authority.

10. Para 10 of the written reply is totally wrong and is based on conjectures, surmises, supposition, presumption and verbal allegation. No notice has been sent nor served upon the appellant. The appellant should have sent the notice to the appellant through

his Director/V.C Agricultural University Peshawar. It is needless to mention that they had enquired from his Director, Agricultural University before sanctioning of his previous leave.

11. In reply to para 11 it is submitted that after getting the copies from his personal file lying in Forest Department, the appellant got knowledge that the notices were published in Newspaper. Before that the petitioner could not get knowledge of the same.

12. Para 12 of the written reply is wrong. Whereas that in appeal is correct.

13. The Departmental Appeal is malafidely delayed by the Department.

14. No proper procedure was adopted and the appellant was not absent from duty. He was busy in his studies during his studies, did not get any pay from the Department and he has wrongly been removed from service.

GROUNDS:

1. Para 1 of the appeal is correct. Not a single notice was either sent or served upon the appellant. The appellant was in Agricultural University and the notices should have been sent /served on the appellant through Director of his studies Agricultural University. The appellant was not his permanent address.

2. Para 2 of appeal is correct.

3. In reply to this Para it is submitted that if the appellant was ever served, the responds should have produced the signature of the appellant as recipient on the registered A/D.

4. In reply to para 4 it is submitted that there is nothing on file/with the reply of the respondents that even a single notice is served on the appellant. It shows that the said notice were not even sent for service on the appellant.

5. In reply to para 5 of the reply it is submitted that an unparlimenary word deserter is used which needs to be expunged from the reply before it is proceeded further and the respondents shall submit a correct reply. It also show the bias of the departmental head. The

department has not sent the notices then how it is presumed that the service is made. When the appellant was not present at his permanent address The said rule also apply on the department. That they while sending the notice to Malakand, should have been sent to the appellant studying at 10km away from them. The appellant has mentioned his address a House No.3 Qazi Bashir Road Mardan Cantt. in various correspondence with the department but malafidely the notice were not sent through the said address.

6. Para 6 is not replied properly. Not a single notice was sent through Director /V.C Agricultural University. Even message could be served telephonically.

7. The appellant was having more than 45 days earned leave at his credit. So he applied for three months leave on half pay.

8. Para 8 is correct.

9. Para 9 of appeal is correct. The reply is not correct.

10-18. Para 10-18 of appeal are correct. The respondents have not replied the main grounds taken by the appellant, and an exparte order. Which has wrongly been passed, not complied the rules and given a fair chance of enquiry charge sheet, statement of allegations enquiry committee, show cause, reply to the show cause personal hearing, and then giving a fair trial to the accused officer, order for penalty is made, but here in the appellant who was studying his Ph.D was not getting any monitory benefit from the department in lieu of pay etc. was proceeded exparte and was removed from service.

19. Para 19 of the appeal is correct. The appellant was condemned unheard. Which is against the natural justice and good norms of justice. i.c none should be condemned unheard.

20. Para 20 of reply is incorrect. The procedure adopted is against the spirit of justice.

21. Para 21 of the appeal is correct. The respondent has not replied properly.

22. Para 22 of the appeal is correct. The record of University which is govt. record and presumption of truth is attached to it according to evidence act. Shows that the appellant was studying his Ph.D at the said University.

23. Para 23 of appeal is correct. Not replied properly.

24. Para 24 of appeal is correct.

25. Para 25 of appeal is correct.

26. The Para 26 of appeal is correct. In reply to this para it is submitted that the department has not unprecedently favourd him. The Govt. has sanctioned more than the leave granted to the appellants and has re-instated various Govt. servants remained absent for several years, but the appellant is facing a biased attitude due to the one for his ulterior motives.

27. Para 27 of reply is incorrect. The stigma of removal from service is enough to reject employment of the appellant in any Govt. Semi Govt. Department.

28. Para 28 of appeal is correct. Respondents have not replied properly.

29. The appellant has neither got any pay during his studies nor the period, due to which he is removed from service the appellant a Govt. Servant has improved his qualification at his own expenses, which would benefit the Govt. as well. Will get a Ph.D scholar in the meager pay of G-17.

30. The appellant has wrongly been removed from service.

In prayer column, the bias, ulterior motive of Director has come to the surface. The application to the Anti Corruption was made by him, when the appellant filed the Service appeal. The Anti Corruption Department investigated the matter and the application was found baseless and is filed.

The ulterior motive of the Director Abid is that he was on contract as Assistant Director. The posts of Assistant Directors were advertised by Public Service Commission in Forest Department. the so called Director also applied and appeared in Public Service Commission but was badly failed. He

filed writ petition and stayed the appointment of recommendees for 2 ½ years wrongly despite the fact that the recommendees were not arrayed as respondents.

Later on he misused and cashed the name of the then Chief Secretary Clamming him his relative, circulated a wrong, illegal, baseless seniority list, where in the contract employee, whose service were regularized only, was made senior to the Public Service Commission recommendees. The other Assistant Director were harassed in the name of then Chief Secretary, while the appellant objected to the same and sought its correction according to law, which infuriated the director, used his connections in rejection of his leave application and lastly played his role in removal of the appellant from service. He managed to appoint/promote himself as Director, despite the fact that he is the junior most in the Assistant Directors serving the department along with the appellants.

PRAYER:

It is therefore prayed that the appeal may please be allowed and the appellant may please be reinstated with all back benefit.

Appellant _____

Dated: 29-01-2019.

Said Kamal Khan

Through his counsel

Taj Muhammad Khan Advocate
Mardan.

Affidavit.

I do solemnly affirm & state that whatever stated above are correct to the best of my knowledge and belief.

ATTESTED

AMJAD HUSSAIN ADVOCATE
Notary Public
Date: 25/2/2019
Distt Court Peshawar