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 05.10.2027

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)

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)

8-3-22 Due To between t of the Honthe Chiaran

Soid Karned Khin 1 & Cont

Service Appeal No. 327/2017, Said Kamal Kham VS Grot

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

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

مة بسيا

25.02.2019 Côunsel 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.

CHUNCE

(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.

MIN

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.

Menda

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

Counsel

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.

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 Khh) Member (Muhammad Hamid Mughal) Member

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 infronted 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.

Appellent 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)

Sec.

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.

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-	11-09-2017	This case is entrusted to S. Bench for preliminary hearing
	•	to be put up there on 18-04-2017
		CHARMAN
	,	3
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.
		(Ahniad Hassan Member
		$\hat{\chi}^{(q)} \hat{\epsilon}_{q}^{(q)} \hat{\tau}_{q}^{(q)} \cdot \cdot \cdot $

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 counse! 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. $\frac{593}{3}$ /S.T, Dt. $\frac{28}{3}$ /2017

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Tal Muhammad Khan Adv. Mardan.

In ref. is fara a a countral it is brown that

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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

S.No.	Description of documents	Annexture	Page
1 '	Appeal along with affidavit		1-7
<u>t</u> 2	Application for Condonation of Delay		8
3	Affidavit		9
44-	Recommendation letter of PSC	A	10
5 🖊	Leave application	В	11
6,00	Leave application returned order by Chief Conservator Peshawar	С	12
7_ :	Application for Leave Dated, 16-05-2016	D	13
8	Final Notice for appearance	Е	14
9	Final Show cause Notice in Daily Mashriq & TheNews	F & G	15-18
10	Order of Removal from service	. Н	19
11	Departmental Appeal	Ι	20 - 21
12	Marks sheet of the appellant Dated, 13-05-2015	J	22
13	Result Notification of the appellant Dated, 26-02-2016.	K	23-24
14	Comprehensive Oral Examination Dated, 14-03-2016	L	25
15	Ph.D Comprehensive Exam: Oral Part of Said Kamal Khan Appellant Dated,17-05-2016	М	26
16	Registration Form submitted to the DASAR Dated, 02-08-2016	N	27
17	Ph.D Comprehensive Exam: Oral Part of Said Kamal Khan Appellant (Reappear) Dated,15-08-2016	. O	28
18	Wakalat Naama	i	29

Counsel for the Appellant

Taj Muhammad Khan

Advocate

Date: 1-4-2017

BEFORE THE HONOURABLE CHAIRMAN KPK SERVICE TRIBUNAL

PESHAWAR.

Ehyber Pakhtukhw: Service Tribunal

Appeal No. 327/2017 CS-

Diary No. 289

Dated 27-3-201

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

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

Registrar 10/4/1)

1

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.
- 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

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 Appelaint is passed exparte.
- 2. That the appellant was not served personally.
- 3. That the appellant is alleged to have been served through publication.

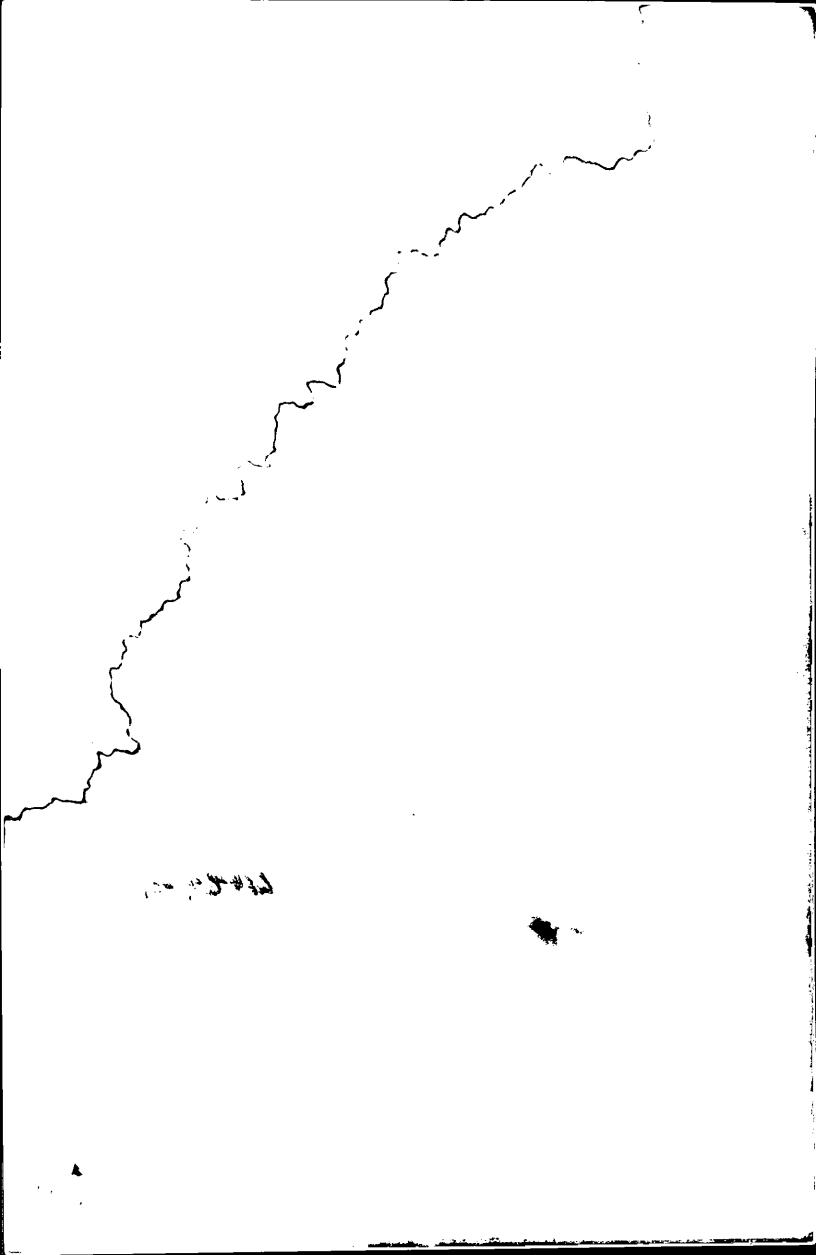
- 4. That the appellant has submitted certificate from Agricultural University

 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- 4-2-17

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

Date: - 26.3.20/7

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

House No. 3 Qazi Bashir Road Mardan Cantt:

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:-

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: 26.3.20/7

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.

Date: 26.3.20 12 1237-0

Deponent

Said Kamal Khan

RECRUTEMENT OF WAN ASSITY DIRECTORS (HRD) IN INTEGRATED SPECIALIZER UNIT

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

Mer: da Orde		Domicile/ Zone.	Adjustment.
1	Anvar Ali 8/0 Amir Navab Khan	Buner/3	Merit quota.
2 ·	Muhammad Ibrahim Khan S/O Sherin Khan	Moh: Agy/1	Gwn quota.
5.	Muhammad Shakesb 5/0 Dildar Khan	Peshawar/2	Own quota.
/ #	Said Kemal Khan S/O Faqir Kuhammad	MKD: Agy/3	Own quota.

Zonal state will be as follows:-

	Merit 1	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total.
ment:-	11	1	1	.1 1	-	•	4
	-				·	-	4

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

Original application (with enclosive of the recommendee are sent for your Kindly acknowledge its recept.

Dy:Secretary_I.

te High C . C Mardan

BC/-10-6060
TAJ MUHAMMAD KHAN
LLM, PCS (J)
Advocate His Court
Bist: Marcas

APPLICATION FOR LEAVE

Item 150 7 must be filled in by all applicants whether Gazetted or non-Gazetted. Item No. 2 applies in the case of an application for privilege leave under the C.SR (Vide Article 825 C.R.S) Item No. O applied only in the case of Gazetted Officers. 1. Name glapplicant. 2. Post held Department or office. Pay 4. 5. Nature period of leave applied for & that from which required. 6. Grounds on which leave is applied for Feb. 2014 7. Date of return from the last leave and the nature and period 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 2 2 2 2 1 2 1 5 Remarks // recommendation of the Controlling Officer Signature Designation 10. Report of the Audit Officer Signature Designation

attested

BC-10-6060 TAJ MUH/MMAD KHAN LL.M PCS (J) Advocate High Court ~.1

Shami Road Peshawar Chief Conservator of Forests Phone # 091-9212177 Fax # 9211478 Central Southern Forest Region-1 E-mail: ccfforests.pesh@gmail.com Khyber Pakhtunkhwa Peshawar Æ Dated Peshawar the /04/2015 Director I&HRD& Management Peshawar. EARNED LEAVE. Subject:-Reference your letter No.1006/I&HRD&M/Estt dated 10.4.2015 Memo:-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 13 /5/2015 dated 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. Kesovirce Dev & Mgt Peshawar. 24 D-Establishment-6 M, PCS (J) ate High Court

APPLICATION FOR LEAVE.

,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	rom 1 to 5 must be fined in by all applica	mis whether Gazetted of non-Gazetted.
<u>;</u>	Item No.8 applies in the case of an applica	ation for privilege leave under the C.SR (Vide
1	Article 826 C.R.S)	
1	Name of Applicant.	Said Kamao Khan
2.	Post Held.	Assistant Director
3.	Department or Office.	1 & HRD & M
4.	Pay.	37253/=
5.	Nature & Period of Leave applied	Earned Leaves one year Esix
	for & that from which required	months: 31-5-2015 -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.	Carned Leave (Three months)
8.	Certified that I have no present intention of	of applying for any other leave, or of retiring
	from Government service with in a period	l of three months from the date on which I may
	rejoin from the above leave, if granted.	
Dated.	16.5.2015	Dannat-
,	•	Signature of Applicant
9.	Remarks and recommendation of the con	trolling Officer.
	· · · · · · · · · · · · · · · · · · ·	
	a Ho	Signature.
	atto	Designation
10.	Report of Audit Officer.	l.o
,	BC	10-6060
_	11 0	AMMAD KHAN 1, PCS (J) te Bjah Court
Date.	Cis	te Marcan t: Marcan
	1	Signature
		Designation
,		



Directorate of

Management Khyber

Institutional & Hun 1. R source Development & khwa Forest Department

Shami Road, Peshawar Phone No. (091)9212459, Fax 091-5243293 Email Ihrd.kpforest@gmail.com /I&HRD&M/Estt dated /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. 10/2/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.

> l¤ştitutional & Human Resource De√a & Management Peshawar

AMMES (J) ic Marsen

rices see revers For Insurance except in case of Stamps affixed uninsured letters of not more than the inftial weight prescribed in the Post office dude or on which he acknowledgement is due. Initials of Receiving Officer Insured for Rs. (in figures) insured

Removal from service in cases of willful absence.

(vii)



الله اعلى أو الما المارية

البيرشاه وله حزل شاه وغيره . (٤٠٠) مره وقل وله مراد خان سكنه مكان فبير الإالقابل منيونفشك منيشن (شن إنزامت

ائس جودوروا بشاور بدريد 1 عمر في 2 محن فل بحران دارة ان مروار في متر في 3 خوشد ف 4 عبدواهم بحران دار ان ؟ ساتان تسميت 6 فراست ? ساست 8 بشر كي 9 لجيًّا فزرا وكر لن 10 سما 7 درگي بود 11 سما 7 برگ مين 11 فون برا 🕻 بر 13 سا ؟ ن مروره 14 رسا. و15 يغيّل و16 را حادثر ان مجوالطيف طال 17 سنة نفرت دوه 18 مرا تأل 19 و المراد 10 فوبرير 21 كوريز 22 در شاو 23 كونياش 24 كونيان بهران وسوتان 25 دوئيو 16 زايد و 1 شارت . وقر الناهل 29 إدشاء كي يه كالبرالستاد خالق ، 29 متام هم 30 تامن بحد 1 وسبيب الشر32 جاعت الذر بهران مهانيوم مكان 33 سمانان مناهب مرم ا34 ينازي برو55 طوشيوه 36 والايت مرج ادفر ان هميز أكالل 37 مولفاره يوه 38 مبسبت الشرفان 39 شغا مست الشرفان 40 كتابعت الشر 14 الرابط بهزان 42 يرد كن يجم 43 نسم يتم 44 أكر يجم 45 لهديكم بشين مان بسود مان شاه جان بحران خركم يكمهذابيه وكم برثيره ويتم وكثر يمكم مرارة بيم مرادا يمكم تر قان ختل الى خان بو بالم ياد شر تحديدًا تحد ولد مها انتقار بن في في أند وطن أنى الرض في الرض في المرابع بهران بهرا الخل دخران شر المثل المودخان دلد المثل شان برايد خان اولدا فودخان بسها 1 كند دخر المم خان اسلنا معل والشروار عجل خان المثل كي بهر اسها ي يكي وخر تعمل ولي وكل شاه داد اجرشاء دجرتي عالم يزين عالم يزين عالم و الرطن، جبيب الرحن وسوانان المتيد ، لي في في وتران مو الفئل خالى معلى جان وقد شوه سعامن الله ولات بلي خدستادشان بقر هرود سرا : شایون بیم زدید شاید آل مناره اید انداد هرواد باب کوبرشا ، بتور بدشاه شاید شده ای شاره سرافی شاه رسرا به این براه کس دهر این قافل شاه ساکوان ایمانیمو کی تعمیل وشل جارمده به معدستدند با ا موال عماستول أنيم كالتحيل أمان ادرحول لمرييج يون شكل سجاسطة م سئول إليم كو ذريوا فراد كاشتراد علع کہا جاتا ہے کہامیا 9 رونا 0 رونا 10 وقتیارت 2016 -03-01 کو جاسم عدالت ہوکر ہی وی متندسہ بنا کریں ہورت ویکھ

برما مری ہونے کے میں مند عمل جمادے خلاف پھرف کا روائی عمل الی جا تھی۔ (مہرحدالت) (انتظاما کم)

EVANGUES CHAPTERS

.... ريا ميم (١٩) مددر ذكر عم امنال كالش شور دام دود درسترل بنادر دامدر وربر واستاه ر سائن نے مائل تارکیل پھڑ تھی قسل دھی آئی ال حودی حرب الوادی بر حزه می سند د ما شیم - غویی تشده توی د کلی فرکنده یایی کمک عمواز خریشه سند اولی فالرفراد بالحاسب لللتكرماة كرة ديها سياسة الحق كاجاز 24-02-2016 Des Des Vinter 24-02-2016 200-15 الم مورد وما شرور الدينا ورفاه كا وماني مرسرت أمودين وتكريب فرزكاره المياصب صنياته بالمراوق واست يسائح أن ي 101-20-27 مس وهذا يو حالت ماوك

عقاق التيوافري وتيره عام ترائهات وتيره لبرطاب 2000 رهد 18-05-2015 کیمت چش 2016-03-11 استجار ہام: (21) کرائی 14 بھے ہیلا 15 بنا یہ ہوتان 14 سروح فکم 21 مسيرے تکمیدو: (مجن بنم 2 شورتم دخروں کی دخن 30 جنووں فاش ۱۹۱ مد ۹۶ فران براء بادست فر (دفران ساء تا فروفر دوم) ساکنن کا 3 سارای بردم لاگشیل و نقی بارمده روحد معد الامنوان عرستول إليم كالمحيل آمان ادرسمولي لجريه ني حكل ريدا النظام مستدل بيم مركز بذريد العبدى اشتمار مثن كيا Jan 2016 12.03.2016 CF2.08, Dellate جوا ك مشدر إلى به موست و كريا مرق احت كامير و عمد نهار بديخاف يعرف إيعال ص عدا المهوا يحل

ل ارمان الدي المال الرمان الانتام)

دالت محررة وركار ولي الله المع الحرارة والمراد للناء ساء ميرا لله هام ما لل فير تال وقير و فيراهد 1894 عد 2015 - 10 - 05 سمر يحق 1014 - 10 - 10 اشتيار عام: 2 فو تلاش مرف كل ولى ولد باسروند 6 بازار يهرة مر ياسف وزوان ينجم الإونتار يمونب والإنياض 4 كابرنتن 5:4 كنيل 4:4 على برائ في جرير و و عدد 2! الرف برمال أم فان 12 مَلَّى مُعَافَرُولُولِ إِنْ مِنْ أَوْسَاءٌ * جِنْدُ وَهِ مَعَافَلُو 2 جَاوَةٍ بكرك ميدانك برق شمائيزا بلا كانت (١١٥ فه برأو لأيدح لأماكان هما طيخوط المع بارمد بعدران ہ موان عرستول دلیم کی بھیل آسان درسمول الربھ سے او خل عنظام سقل المم كذوح الدواعجاد في كابانات كاسا 0 يوكا 0 يوكا 0 يوكا 10 1 - 10 20 كرما شرميالي يوكرون ك فدر ڈاکری بسیرے دی فرم طائری ہے کے کسوے شرافہارے

0313-5117044, 0343,9007044

eshawar Electric Supply Company (PESCO) invites seated bids from PEPCO / WAPDA / DISCO's Pre-qualified 8 Registered manufacturers and approved repairing workshops under the category M. 1 (flem-lv) registered with Incom at and Sales Tax Department; for the execution of a Work Order / Rate Contract for repair of detailed Brown damage Distribution Transformers ASJ9WHEREIS basis:

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و في المعلام آباد على عالم الد مرول فك فريد وفروضت كيت مورد ١٠٠ ما كان دول ١٠٠ ١١٤٤٠ ١٩٤ عارون كان و

مُرْفِد احول أما تُرَكِّد شِينَة كَافِيرٍ الْوَثْوَا كَا لِلْمِينَ اللَّهُ مِنْ مِولًا

وسة وكرة است د فاست كرد ا جائداً -

دُوا **عِ ک**َ ابِدُ بِمُنْزِلِهُ بِنِکَ مَكِلُ **ا**بِ كَامَدَمِت مِی 11 مالیست ت للعذهبر برارى فرادلت - الليد كري 1862-1863-1950، 1931-1331، 3311185، 3313، 5186258 كالكنار الكنار الكنار

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آب نے و دوسال کی ممئی کی دوغاست کی جو کد محل البات سے معودی کے بعد آب کومورف

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03-07-2015 وزريدر ووالك فلوذيهي محمة باسال وي في مامروي موت فيريخ تواسول

مازن إند (انساد واسوار) بريد 2011 كفت آب كومل كما باناي كرآب الراس كا اثامت

ا 15 ام ے الد الدرال زوق برماشر مور فير ما مرى كامتول ويدينا تم المورت وكرا ب كو ظال

نير بختر تن امن ماز فين أيد (النهاط واستعداد) بحريد 2011 كم قاصد لمبر 9 كم قت يمغرف كالدوالي كرت

The was a second of the second ش بالل ACK NG 2004 ميل كا وكاماب مل على جايون الزوائل بعذ كري كافض مرتبط ما الومال عن مجيف كيط كل الم كالم كل شرورت

76-5015192,0312-99-5414-4034 0335-9288183 CM (ATTAL 9333-5353871,0733.5364310 0307-5489678, 9536-9198448

CORRIGENDUM

Reference Advertisement No. INF (P) No. 623 appearing to different newspaper, for purchase of following items. The opening hate of the same tender is extended and will be opened on 0/03/2016 at 11:00ans in the presence of bidders or their epresentatives in the Conference Room by the Tender Opening

Toute: Terms and Condition of the previous advertisement will be الناست كا في وقالت ولا القبل في مودر ول الدال

	or this contigendum.	
S.No	Name of Items	CDR R.
ı	Purchase of Equipments for A&E	
2	Laparoscope High Definineation Camera	2%
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	No Hospital Director	12

NOTICE INVITING TENDERS

It accordance with KPPRA Procurement-Rulbs 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, emilated with C&W Department and should have adequate financial soundness, relevant experience, personnel capabilities, require equipment and others trictuded in ITB.

	5500,7117D.					
SI.	Name of work	Receded Category of PEC	1 .	Period	Last date of submission	Oate of opening and time.
1	Halsing of Boundary Walls and Frang of Barbod Wire of GTVC (B) Half Baba Mingora Swat	C-6	2% of bid security	As per work order,	15/03/2018 at 12:00 hrs	15/03/2016 14:00 lws.
2	Repair / Rehabilitation of Post Earths lake damages to District Court Sway on Intra October 2015 (2015-16).	C-6	-du-	-do-	do	-00-
	Repair / Rchabilitation of Post Earthquake damages on 26th October 2016 Swat (2015-16). SH:- Session Courts Residential / Bußding.	C-6	-do-	do-	-do-	do
	Reconstruction of existing Gove Primary, Middle & High Schools (50-each) in Kiryber Pathirskinus on need that's ADP NO 258146206 (2015-16) Eth. GGPS Tangdam (RK-82)	C-6	do	F 15.5	do	-do-
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لجور (مرتوم) ولدبسيرا حمد بنور (مرتوم)، مكته 7. المور (مردم) دار بشراحمه بلور (مرحم) ملكته و(5)آف بيكنك نبير (رغيري آف ليز XLVI أف 2001 مبيا كدن بيك آف آب کے خلاف واپس وم ول رقم سنط -717: اخراجات زیردفد، آراً ر PC 37 ریدودل مال 2001ء کے تحت دائر کیا ہے۔ لبذا آپ 30 دن کے اعدا عراصالت سے دفائے ، ستى بولاكر 30 يوم كل دست فتم اوسف ادر جب تك كدقم حتى وصول تربع وماسة الإرافزا كبلع المازت ساده درخواست يربس ك ما ركمات إيآب كيف موزون وكداو عدا مرسادرمردالت عبارق كاكا-

مل بيكنك غد مه نبر ۱۰۰۲ يشاور كينيف يالميلحنسات ١٠٠

برالي 4,04:2016 (اگر به ۱۳۰۰ – ۱۳۰۰

ردور دینادر (۲) سنز قبت بهرادر دو ایزام

روق، بيناور، سكنه 7 يهيتال روف بيناور ـ (١٠)

جمروه روز اليتاور مكنه أيهيمان روذ بياور

79 يا تُؤسِرُ عِن الشبت ، نهرود دواز الشادر اسكنه

(زنزن) تارئ فیش دورد سے عالت انزمزي برائويك ليثنز بذرجه جيف ا إيثا در (۲) سرتكبت بشير بور جوه بشير احمه إ المادر مكت المعينال بدويادر (٢)ي بدوريناوز - مكنه 7 يهال بروز، بياور -الدر روم)يكت 7 يتيال بدوياون بيراهم باور (مرعة) بذر بيدكاري والبدا المورولد بشرام الور (مرحم) عند 7- ميتا مِكِتَكَ كَيْمِرُ (رَكُولُ آب لِيزِ والْمِوالنَّرِ

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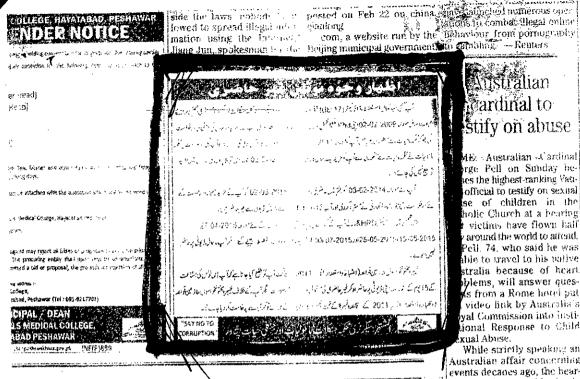
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invitation of Bid

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

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

documents which are containing detailed terms and conditions, सुरेement, procedure for submission of bids, bid security, bid validity, evaluation criteria, clarification / rejection of hids, performance Worre available for the interested bidders at the Office of the Assistant 50), Trade Development Authority of Pakistan (11147), 3rd Floor, Building, Shahrah-e-Faisal, Karachi, free of cost. The bidding also be downloaded from www.tdap.gov.pk free of cost.

5, prepared in accordance with the instructions in the bidding ist reach at the office of the Assistant Directo, (IeXpo), Trade juthority of Pakistan (TDAP), 3rd Floor, Block A, 11C Building,

Anstralian Translator stify on abuse

M&: Australian -Cardinal rge Pell on Sunday bees the highest-ranking Vataofficial to testify on sexual se of children in the holic Church at a bearing victims have flown half around the world to attend. Pell 74 who said he was able to gravel to his pative stralia because of heart. blems, will answer quesas from a Rome hour put video link by Australia's val Commission into instiional Response to Child xnal Abuse.

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

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

A national crowd funding campaign raised the money to fly about 16 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

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

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TERMS & CONDITIONS FOR APPLY:

- 1. Applicants should apply on the prescribes form, available at the office of the Registrar as well as on University
- 2. Original receipt of online payment/Demand Draft (non-refundable) of Rs. 1,500/-in favor of Treasurer, Bedra Khan University, Charaadda, or criline payment to United Back Limited, Charaadda, 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/ISCC, 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 cartificates and three passives sized color photographs should reach the office of the under signed on or before March 18, 2018 positively.
- Incomplete applications or those received after due date shall not be entertained.
- 7. Original documents will nave to be produced at the time of interview.
- 8. The candidates serving in Government, Semi Government and Autonomous Bodies should routed let applications Through Proper Channel, They must submit No Objection Cartifloate from their concerned department/institution along with the application form.
- 9. Eligibility in all aspects shall be reckained upon closing date of advertisement.
- 10. Only Short listed candidates will be called for test/interview.
- 11. No TA/DA shall be adulasible during testinterview. The candidates shall be called for testimerview though their email & Contact Nos addresses only. However, Contact Nos, must be provided for quick correspondence 12. Landing telephone Number, Mobile Number, Postal and Email addresses must be written on the application from 13. The selected candidates will be governed by rules/regulation of Barria Charles University, Charles the
- 14. The University reservor the right to increase or decrease the humber of poster than the propost and refer stplication, without observing any reason,



GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Pesh: 15th July, 2016

NOTIFICATION

No.SQ(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/201

Copy is forwarded to:-

PSO to Chief Secretary, Khyber Pakhtunkhwa.

1)

PS to Secretary Forestry, Environment & Wildlife Department. Chief Conservator of Forests, Central and Southern Forest Region-I, Peshawar. 2)

Chief Conservator of Forests, Northern Forest Region-II, Abbottabad. 3)

Director Budget and Accounts Environment Department. 4)

5) Director I&HRD&M, Forest Department.

Mr. Said Kamal Khan, s/o Faqir Muhammad, Village & Post Office Mehrdi, Tehsil 6) Daragai Malakand District.

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Office order file. 9)

KAZIM HUSSAIN SH SECTION OFFICER (E

TAL MUHAMMAD KHAN : Mairdan

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.

TAL MUHA AMAD KHAN

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.

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Respected Sir,

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- 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.

Advocate High Court

- 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.
- 1.1. 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 15-07-2016, and reinstate the appellant into service with full petitioner dated. back benefits.

Dated, 26-12-2016

SAID KAMAL KHAN

Ex Assistant Director

I&HRD&M House No.3 Qazi Bashir Road

Mardan Cantt:



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

Said Kamal Khan S/O Fagir Mohammad

C.No.08 Univ Reg. No. 93-Agr-U-4227

DOCTOR OF PHILOSOPHY IN AGRICULTURE SPECIALIZATION (Rural Development)

	Course No	Course Title	Credit	Warks	
	RD-712		Hours	Obtained	Grade
9	RD-714	Advanced Macroeconomics	4:	80	Α
	RD-715	Resource & Environmental Economics	4 N	.90.	A+
	RD-716	Resource & Environmental Policy	4 4	70	B+ .
	RD-717	Agrarian Reforms & Rural Development	4	74	B∔ .
!	RD-719	Rural Development Policies	31		A
÷	RD-796	Women and Rural Development	[3,#3] (€)	85	Α
	· · · · · · · · · · · · · · · · · · ·	Special Problem	. 2	90 '	Α+
		Monitoring & Evaluation of Agril. Extension	4.4	80	Α
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CIRRORS AND OMISSIONS ACCEPTED

Prepared by:

Checked by Date

Dated: <u>13-05-2015</u>

The equivalence of marks %age, letter Grading Procedure:

grade & grade point is as under:

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

Controller of Examinations

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14:	54:	Maryam Tariq D/O	Prof. Dr. Shaukat	2013-2017	71.67	Pass.
1		Muhammad Tariq	Hussain	Plant		
		2007-Agr-U-14892		Pathology		<u> </u>
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13: 1		Fazal Subhan		Agricultural		
A.		2007-Agr-U-14864		Chemistry		
	20	Mohammad Ilyas Khan S/O	Dr. Ihsan Mabood	÷ 2013-2016,	• .	Absent
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1.7		Muhammad Nawaz Khan	Jan	(Economics)		
		2007-Agr-U-14805		2005-2008	76.00	Pass
24	23		Prof. Dr.		.	
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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.

(Liaqui Ali) 26 [2] t

Copy to:

1. Director Advanced Studies & Research.
2. Concerned Deans
3. Concerned Chairmen/Directors.
4. Concerned Student Advisors.
5. Studenth Concerned
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Subject: Comprehensive Orial Estimination (2014)

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Director Advanced Studies and Research.
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INSTITUTE OF DEVELOPMENT STUDIES THE UNIVERSITY OF AGRICULTURE PESHAWAR-PAKISTAN

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Dated: 17/05/2016

Prof.Dr. Noor P. Khan Dean, F/O RSS DASAR 3. Director IDS Dr. Malik Muhammad Shafi (Major Field-I) Prof. Dr. Humayun Khan (Major Field-II) Prof. Dr: Muhammad Idrees Khattak (Minor Field) Prof. Dr. Fazal-i-Haq (VC Nominee-I) 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.

Copy to:

Secretary to Vice Chancellor

The Controller of Examinations

-All members

r. 4. ✓File for record

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



THE UNIVERSITY OF AGRICULTURE, PESHAWAR

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INSTITUTE OF DEVILOPMENT STEDIES THE UNIVERSITY OF AGRICULTURE FESHAWAR (Khyber Pakhtunkhwa – Pakistan) Phone # 091-9216528

-9216528 No<u>// Ø</u> /Acad-2/IDS Dated: / S /08/2016

Prof. Dr. Noor P. Khan (Dean, F/ORSS)
Prof. Dr. Muhammad Jamal DASAR
Prof. Dr. Humayun Khan Director, IDS
Dr. Malik Muhammad Shafi (Major Field-I)
Prof. Dr. Humayun Khan (Major Field-II)
Prof. Dr. Idrees Khatak (Minor Field-III)

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 & Regulation 2008 onwards it is re-scheduled to be held on 26/08/2016 at 9-56 in the Dean's office.

You are requested to attend the meeting in person.

Dr. Malik Muhammad Shah 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

TAJ BC.10-506J MU/IAMMAD KHAN Advocate E.S.(J)

WAKALATNAMA

IN THE COURT OF Chairman KPK Somce Tubunal Poshow
In Re:of 20
Said Kamal Khan
Said Kamal lehan
VERSUS
Chia) C-t +
- Chief xeretary to Got gkpk & others
Counsel for the appellant
I/We, the alove appelant Hereby appoint Mr.
Advocate & Mr. Tamil lehan Advantage (A) Mykammad Khan
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
decision.
2. To present pleadings, appeal, cross objections or petitions for execution, review, revision, withdrawal, compromise or other petitions are affective as a first transfer of the petitions.
necessary or advisable for the prosecution of the said case at all its stages.
o, 19 without of compromise the said cause or submit to arbitration and disc.
4. To receive money and grant receipts therefore and do all other acts and this are
The second file of the progress and in course of the progressian after
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 day of
Attested and accepted subject to the terms regarding fees.
Part of the same o
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BC-10-6060
M. Jamun Muhammad Khan LL.M. PCS (J) Advocate high Court
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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

- 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.
- 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 personal leave.

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

- 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 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.
- 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 Sovernmen of Khyber Pakhtupkhwa (Respondent No.1)

Secretary to Government Khyber Pakhtunkhwa

Forestry Enironment & Wildlife Dept

(Respondent No.2)

Government of Knyben Pakhtunkhwa

Chief Secretary Khyber Pakhtunkhwa (Respondent No.4)

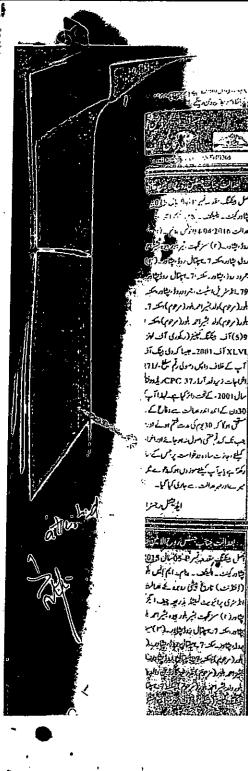
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بليرشاه ولد حزل شاه ولجره . (مه م) مرواد في ولدم إو حال مكنه مكان فبرًا إلا لنا في منيو فلنك مشيش (شن أخزا إن مه ترود د دا جهور فروم. استموطي 2 محل في مران وعزا ن مرد الحاسول 3 قوشولي 4 تمين احريه ان داري س سهان تست ه فراست 7 باست ۱۵ بخرگه بی برنافتر ان 10 سال درگ بین ۱۱ او ای ا ير13 سنة ي مرد ١٤٠ رض ١٤٠ عني ١٤٠ را واختر الي مها طيف عال ١٦ سماة هرت يرو ١٥ مرا الكرا الكرا الإمراد 20 قرم، 21 كريز 21 در 10 / 2 كريال 14 كرمان بران اسهان 12 دينيون 12 نبرا 1 شالت إخران مثل 12 إمثاء كان كام دانت منان، 19 منام في 30 ين جو الأمير بين غذ 32 بايت التي يرمن مها أتيم كان 33 ساتان ما حب مريدة و يازيد 15 فويني 36 وايت مريد وتر ان ميدالمال 37 مراتك ان 18 ا مرين المراق و وقا مرينا فرنان 40 كايرينا فدا 40 ما فقر أو وود 40 يرينا و المراجع 44 كريام 45 المراجع 45 كما و المريخ المثل جلى مسمد جان مراد جلول بروق وكري قطير ليد فكرين و عمي كو قطير كرينا تكهر ان تنجهر ان تنجهر ان تنج تران عمل کی شان او ب^{دا}م بار ش_{یر} قدمت هر باز مهدانشاد میم. آیا آیا مقدوش آنی الرطن بال الوطن به ایم لهرای برا بخارتزین ثر انسل بدار مان بلدانش شان را بد مان داد دان رسا ۱۲ حداد اما خاصط ا معا ملاحله نجل خاص کش که بر رسمای توکه کشواری با در ارای شاد آندای با در از با ماله دست در حد سعاد الرخود بعيب الرطن وسانان بالحمير إلي لياثن وترعن عمد المثل خافق على جاق فوشيده معامن الشد الماقت الخ بنوه رشوق المراد وسرا و شابق فيم زود شاول معاى مقارطيد ومياداب كرونزاد وعرب الدينات في براد مس أن شاد مها و إن يس يكي وفراق قافرشا وما كابي إيرانيو في عمل وفي جود مدرس و درستاند وا بخاق بمامسؤل أبيم أنحنر أمان اوسموق لمرييخ اول خنال ببطيطيع مسؤل ليميم كوبندي اعامري اشجا من با با استركاما ( 10 ما 10 ما 10 ما 10 ما ترجال الا المواحد وكري و تعدر بناكري بعودت وكم رمامرك ويدك در عراد عنال يكرنادالك عرالي الم المرام المرام المرام المرامة

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A national - rowd funding campaign raised the money to fly about 16 victors and supporters so they could be in the same room with Australia's most senior Catholic clergyman. -- Regists

#### 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.

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#### **APPEAL NO. 327 OF 2017**

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

#### **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

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

#### 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:-

- 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 incontradictary 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**

- 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.
- Incorrect as already explained vide above referred paras.



- 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 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.

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- 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 Governmer of Khyber Pakhtunkowa (Respondent No.1)

Secretary to Government Khyber Pakhtunkhwa

Forestry Enironment & Wildlife Dept

(Respondent No.2)

Government of Khyber Fakhtunk

Chief Secretary Khyller Pakhtunkhwa

(Respondent No.4)

Annex-Ans ring l may Signature Designation Signature Designation

	Annex 7
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10. Report of the Audit Officer

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ردُونِ در (۲) سر عملت بر دُودِ بين شيرًا داروجادر سكنه 7 يعيمال ردز ويناور (١٠) الرود روز اليثاور مكنيه أيهيمتال روزيثاه 79 ماغاس لي النبث مترون وأ الثادر مكنه الدر اروم) داربيرا مراه د (روم) مكند 1. الدر (مروم)ولد بشراح الدر (مروم) ملك و و(5)آف وعنگ نينز (ركوري آف ليز XLVI آف 2001 جيما كردي بيك آل آب ك خلاف دائل ومولى رقم مطلح - كا 7 إ افراجات (يدفد آلار 37 CPC عرفيور مال 2001 - كتحت دائر كإيب لهذاآب 30 دن کے اغد اعراضالت سے دقام کے ۔ محق اوکا کر 30 ہم کی ندست فتم اور نے اور -جب تلدكد فرحتى اصول زيوباسة الزائزا كيكي وزست ماده ودفوامن يرجم اسكاما ركوت ياية ب ينا المادون الوكدا المائد برساورم والت. عبارق كاكيا-

الإجتل جزا

ل يكتي مند بر 4- 16 مال دون يادركند . لمين . عامد أيم إلى ألم (إنان عرن فين رويد في تعالن تأمري براتويت ليثذ بذريعه جيف اليخر ينا در (١) سرتيت بشر باد واد و بشراهم ا عادر كد المحال بدادابد (٢) رود وادر كد 7 بديال بنية بيابد الراروم) يكتر ويتألي المرات المات واع البر(مزميز) لأفريخوا

مالك إلا مخطوراً إلاول ورسرو كوف عام ك فينون كم ووعد كالموس على صدة فيذروبن وكي ود فاست م اس كال كالمينة ولي المولى المقر ل التبيينا عن كار في شد درمونت المورث ويك ذراف / كال فدماؤث والم ويوكن مرف بروال بارى كياموا فالمرأول موكار

الميرثاه ولد حزل ثناه وليره مالمه م) مردع في ولدم إد خال مكنه مكان لبز 1 بالقابل طبية للنك تشيش (عثل ) فزومش إذ كه يمودندها بشاو بذرير استمرفي و محق في مراق الدياق مرداد في و فيشول و تمييما مديران داروي مساتان تمست ة فراسد 7 باسد 2 يمرك و كل برا وفران ما الدلايدا ١ ما ايري بي ١١ وايد | لير13 سانان بردرمه ارضا. ١٠٠ عميم ١٥٠ را واليفرّ التاهينا لملقب مكان ١٦ سمان هوت ود ١٥ الواوّان ١٥ الحالمية 20 أوبري 21 أوزر : 22 فريمة 22 كل فيالي 24 كل تاي المواحدة ال 25 دولودة 1 فيال يا وقران هل 28 إدثاء كي ه كام دانستار فان ، 29 قدم في 30 نائ غدا 3 مبيب عند 32 جاري الله بهرون مهاتية على 33 سهمان ساحب مريره الما يأزي در 35 في شيور 36 ولايت مريره وكر ان حيراتيا ل 37 مر لكاروي 84. حسیسط بنوا 3 فقت است النوان که مکاری الله 18 استان الم الدول به این بخود این برای این الم برای به این بخود به کید فکرانش جای سود بیان شاه جای بهران دکمی قلبون به کلیتری الجدیش و بخواری فکه براین بخواردان فکر بخران هل این ساین از دیار در از دو مرا نواز دو مراهای برگی فرانی از دولی نی افزین الم توان برای این در مراهای نه موان بحداثها وقوص تر انشول سادر عان دار المن المساق سها به قان دارا وقان مدا اکا سد به از ان خوان سالمک مناه علودار میکن عاص الال کی بر سماه یا می وفر الله دل اگر ازاد دارا می وان ام ند شدند فرحد . مقد را المرض سحب المرکن سمانان المحد الله ال متوجون حراص النان علی خال چان فرد شده سام اعد المانت الحق ار میستان خوارد دست شاده و در دیندگان مای نامه با دادند میداند به بیوان مرسد مدرست این استان این مین آن شد سناه بار در این تولیم نام برای بین مایسی و تامیل انشیا برا مدرست به این این از مین آن شد سناه بار در این تولیم نیز برای نام برای نام بین این بین این با در در به با برای انتزاد این از مین کسال به بین کارش سنان در سن ایام را ارزی مین از این مین از این مین از در به با برای انتزاد اً كاما ا ب كراما 0 ، 00 ، 00 ، 10 ا 10 1 كنام ها أي الأوال الرك الأر قا كري الورعاط

فرمانری و نے کس مدی جماد نے قائد بھارت کاروال کی اول باکی امر صالت ) (والا ماک)

经可能提出基础。 2 of 15.8.2015 at 1341 men ב.... בו בים (אל מכו ול א מינ ל אינ ا بند ها دود در سرل چاهد ه دفير و او مديد اوسان. مدمان او سال داد کار کار کار اسان اسان ما کار کار اد مودل حرب الوادل عرجومي ..... و ط شيء أقد مي مندم توي إلا عي فكند إلا كي كل حوا فريط ... بعل مشكران والمساورة ويا تراك المالية 5-11-02-06-02-1/ 24-03-2016 2012 Se كالمعدوما فرحاله فأوادك والأوجاء المرود كمرك لرقائدال مسرفعة لل نجرال بال كُ أَنْ أَنْ مُو 102-2014 سرة فَكُمَّا مُرْحَالِت جَامًا

الروالد ((الامام)

مست تلهدو بحقائم الإستاري والتي الما التي الما الاين الما حديد إلا نفاق عراسيّل أيم أن كل آراق ودسمول فريط بولى حكل بيداسط في مسؤل ينم كوز وجدا عبدته المتهاد ما كا Janks / 12 27- 2015 - 12 05 October

Eller of the state of the مختل التحاولون ولجره عام فراكات وليم ركيم هد العلالة رهد 2015-2014 آکس ایل 2014-2013 آنتیکه عام (13 كما يُلِي بالماء إلى الماء أوالما المراج المراجع ا فإلى ويعادة فريان بروء وسدفر (دوين سماة ة فروكز والما المنان كالمطراع المرازل هيلون المساعد لكا لكاهد إلى إيلىمين وكم ليرطائم لكاحدة كالبحدث يم نهديدي ليكتم للكه وأثاري والهاكل (/capa)

بخال ۱۲۰۰ مرا ته دامهای فرقان دفیر. لِرکمه ۱۹۹۱ يني الايكر 10 نيب 10 لإنماء» تايرنت 10 كول. و تَلْحُ يُرْبُونُ مِن سِيرِونِ 1 مِن 2: الرّل برما قائم عن 10 المكانفيات فياعي السهايه بما زور مرطروا با الماد لایکلیم و شارانلایمندرما از در بری گزیده آل ایم که ایم شاری با مدرور envolutary and for the period الماليولا المالية والمراجعة والمراكز ورماحة كالاحتام

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## 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:**

- 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.e 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 recommends 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 Muhamman Khan Advocate

I Affidavit.

I do Solemnly affirm & state.

Had whatever stated above are correct to the best of my

unwhale and belief

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