

29<sup>th</sup> September, 2022

Appellant in person present. Mr. Asif Masood Ali Shah,  
Deputy District Attorney alongwith Mr. Muhammad Pervaiz Khan,  
Senior Research Officer for respondents present.

Appellant seeks adjournment on the ground that his counsel is  
indisposed today. Adjourned. To come up for arguments on 26.10.2022  
before the D.B at Camp Court D.I.Khan.



(Salah Ud Din)  
Member (Judicial)  
Camp Court D.I.Khan



(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

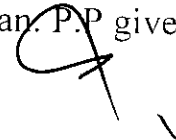
26<sup>th</sup> Oct 2022

Appellant in person present. Mr. Kabir Ullah Khattak,  
Additional Advocate General alongwith Parvez Khan SRO for  
respondents present.

Lawyers are on strike today. To come up for arguments on  
23.11.2022 before D.B at Camp Court, D.I Khan. P.P given to the  
parties.



(Rozina Rehman)  
Member (J)  
Camp Court, D.I Khan



(Kalim Arshad Khan)  
Chairman  
Camp Court, D.I Khan

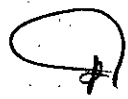


17.12.2021

Appellant with counsel present.

Noor Zaman Khan Khattak learned District Attorney alongwith Malik Saadullah Administrative Officer and Parvez Khan SRO for respondents present.

Former submitted rejoinder with a request for adjournment. Request is accorded. To come up for arguments on 21.02.2022 before D.B at Camp Court, D.I.Khan.

  
(Rozina Rehman)  
Member (J)

  
Chairman  
Camp Court, D.I.Khan

21/2/22

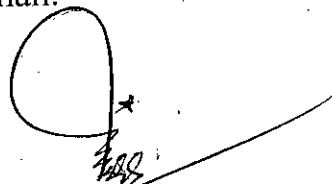
Due to retirement of the Honorable  
Chairman to come up for the same  
as before on 28/6/2022


  
Pervaiz

28<sup>th</sup> June 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Muhammad Pervaiz Khan, SRO and Malak Saadullah, Admin Officer for respondents present.

Learned counsel for the appellant sought adjournment to prepare the case. Adjourned but as a last chance. To come up for arguments on 28.07.2022 before D.B at camp court D.I.Khan.

  
(Mian Muhammad)  
Member(E)


  
(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

30.09.2021

Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy, District Attorney for the respondents present.

Reply/comments on behalf of respondents No. 1 to 3 & 6 have already been submitted.

Learned Deputy District Attorney sought time for submission of written reply/comments. Respondents No. 4, 5 & 7 are directed to furnish reply/comments within 10 days. In case the respondents No. 4, 5 & 7 failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 26.11.2021 at Camp Court D.I. Khan. In the meanwhile, operation of the impugned order would remain suspended, if not acted upon earlier, till the date fixed.



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COURT D.I.KHAN

26.11.2021

Junior to counsel for the appellant and Mr. Noor Zaman Khattak, Addl. AG alongwith Malak Saadullah A.D and Pervez Khan, SRO for the respondents present.

Representative of the respondents has furnished reply/comments, which is placed on file. To come up for arguments on 16.12.2021 before the D.B at camp court, D.I.Khan. In the meanwhile, operation of the impugned order shall remain suspended, if not acted upon earlier, till the date fixed.

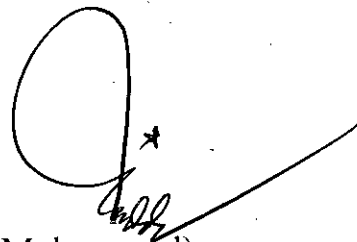


Chairman  
Camp Court, D.I.Khan

25.03.2021 Counsel for the appellant present. Mr. Muhammad Rashid, DDA alongwith Malik Saad Ullah, Administrative Officer for respondents No. 1,2,3, and 6 present.

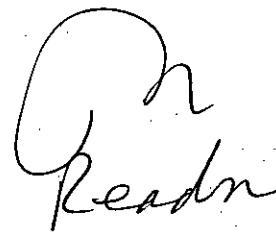
Representative of respondents No. 1,2,3, and 6 has submitted written reply/comments which is placed on file. Notices be issued to respondent No. 4,5 and 7 for submission of written reply/comments.

Adjourned to 24.05.2021 before S.B at camp court D.I.Khan. In the meanwhile, operation of impugned order would remain suspended, if not acted upon earlier, till the date fixed.



(Mian Muhammad)  
Member(E)  
Camp Court D.I.Khan

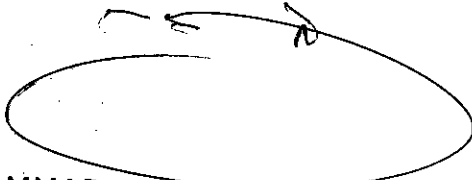
*Due to COVID, 19 therefore to  
come up for the same on 30/9/21*



28.10.2020

Appellant is present in person. Mr. Muhammad Farooq, Senior Clerk on behalf of respondent No. 6 and Mr. Usman Ghani, District Attorney, for all the respondents are also present.

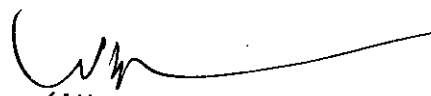
Learned District Attorney on behalf of respondents No. 1 to 7 is seeking time to contact the respondents and furnish written reply/comments on the next date of hearing. Time is given. File to come up for written reply/comments on 25.11.2020 before S.B at Camp Court, D.I.Khan. In the meanwhile, operation of impugned order would remain suspended, if not acted upon earlier, till the date fixed.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT D.I.KHAN

25.11.2020

Appellant in person and Mr. Muhammad Jan, learned DDA alongwith M/S Abdul Qayum Director and Saad Ullah Administrative Officer for respondents present.

Written reply/comments on behalf of respondents not submitted. Representatives of respondents seeks time to submit reply/comments. To come up for reply/comments on 21.12.2020 before S.B at Camp Court, D.I.Khan. In the meanwhile, operation of impugned order would remain suspended, if not acted upon earlier, till the date fixed.

  
(Atiq-Ur-Rehman)  
Member (E)  
Camp Court, D.I.Khan

21-12-2020



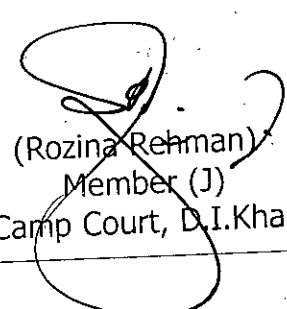
*Due to COVID 19, the case is adjourned  
To 25.3.2021 for the same.*



Form- A  
**FORM OF ORDER SHEET**

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

Case No. 10003 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/08/2020	<p>The appeal of Mr. Muhammad Akram Khan received today by post through Mr. Muhammad Iqbal Kundi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">   <b>REGISTRAR</b> </p>
2-	<p>14.9.2020</p> <p>24.09.2020</p>	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>24.9.2020</u></p> <p style="text-align: right;">   <b>CHAIRMAN</b> </p> <p>Counsel for appellant present. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 28.10.2020 before S.B at Camp Court, D.I.Khan.</p> <p>An application for restraining respondents from recovery of the disputed amount was also filed. In the meanwhile, operation of impugned order would remain suspended, if not acted upon earlier.</p> <p style="text-align: right;">   <b>(Rozina Rehman)</b>  <b>Member (J)</b>  <b>Camp Court, D.I.Khan</b> </p>

Appellant deposited Security & Process Fee  
 30/9/20

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR  
CAMP OFFICE DERA ISMAIL KHAN**

SERVICE APPEAL No. 10003 2020

Muhammad AKRAM KHAN v/s GOVT OF KHYBER PAKHTUNKHWA  
THROUGH CHIEF SECRETARY  
AND OTHERS

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APPELLANT  
THROUGH COUNCIL

*[Signature]*

①

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**CAMP OFFICE DERA ISMAIL KHAN**

SERVICE APPEAL No. 10002 2020

Muhammad Akram Khan S/O Muhammad Umar

PRO Entomology Section Agriculture Research Institution DIKhan

R/O Basti Kanaria Noor Abad Colony Sheikh Yousaf Adda DIKhan

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9401

Date 31/8/2020

APPELLANT

V/S

- ✓ 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary K.P.K Peshawar.
- ✓ 2) The Secretary, Agriculture, Livestock, Fisheries and Co-operative Department, Govt. of Khyber Pakhtunkhwa Peshawar.
- ✓ 3) The Director General, Agriculture Research Govt. of Khyber Pakhtunkhwa Peshawar.
- 4) The Secretary, Provincial Assembly Khyber Pakhtunkhwa Provincial Assembly Secretariat Peshawar.
- 5) The Chairman Public Account Committee (Agriculture) Provincial Assembly K.P.K Peshawar
- ✓ 6) Director, Agriculture Research Institution Ratta Kulachi District DIKhan.
- 7) Secretary Public Accounts Committee (Agriculture) provincial assembly KPK Peshawar.

RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL ACT 1974**

*Filed to-day*  
*Registrar*  
*31/8/2020*  
**PRAYER**

*[Signature]*

ON ACCEPTANCE OF INSTANT SERVICE APPEAL THIS HON'BLE TRIBUNAL MAY BE PLEASED TO PASS AN ORDER FOR SETTING ASIDE THE IMPUGNED ORDER No. 359/962/DAR(DK) DATED ARI D.I.KHAN THE 10-03-2020 VIDE WHICH OFFICE ORDER BEARING NO.SO(ACCTT) AD/PAC/2014-15 DATED PESHAWAR THE FEB: 24<sup>TH</sup> 2020 OF SECTION OFFICER (AB & A) CONVEYED TO APPELLANT IN RESPECT OF FIXING 20% RECOVERY OUT OF TOTAL RECOVERABLE AMOUNT FOR RS. 930750/- ASSESSED BY ALLEGED ENQUIRY COMMITTEE ON ACCOUNT OF LOW PRODUCTION OF SUGARCANE UNDER CESS, WHILE CONDUCTING DE-VOVO ENQUIRY AND





APPELLANT MAY BE EXONERATED FROM THE PENALTY IMPOSED UPON HIM IN THE INTEREST OF JUSTICE. AND THEY MAY FURTHER BE DIRECTED NOT TO RECOVER THE ALLEGED RECOVERY FROM APPELLANT TILL DISPOSAL OF INSTANT SERVICE APPEAL.

Respectfully Sir,

While aggrieving from the office order No.359-962/DAR(DK) AR/ dated 10/3/2020 passed by the Respondent No.7 vide which 20% of total alleged embezzlement / negligence amounting to Rs.930750/- assessed by alleged Enquiry Committee during De-Nove Inquiry was imposed/fixed upon him. Appellant filed Review Petition/Departmental Appeal on 07/4/2020 against ibid impugned order dated 10/3/2020 appellant then received a letter No. ~~1379-1407~~ <sup>on 28-7-2020</sup> /DAR (DK) dated 20/07/2020 issued by Director ARI D.I.Khan<sup>fin</sup>, which reference of letter No. PA/KP/PAC/AGRI/F-UP/2014-15/20/8164 dated 15/06/2020 in respect of declining the appeal of appellant on the ground that appeals again decision of public accounts committee can not be entertained, was given. Hence instant Service Appeal is being filed before this august Tribunal inter alia on the following facts and grounds.

**BRIEF FACTS OF THE CASE**

- I. The appellant was posted as Farm Manager from ~~26/04/2011 to 26/11/2013~~  ~~ARI DI Khan vide office order No. 1504-90~~ ~~dated 19/08/2009 and~~ 1427/31 dated 26/04/2011 respectively. It is pertinent to mention that ~~crushing~~ *crushing* season of Sugar Cane Crop for the year 2010-2011 ended on 15/04/2011 and sugar cane produce obtained from cultivated area of 10 Acre was dispose off / sold in March 2011 which reveals that during tenure of appellant as Farm manager Sugar Cane Crop was neither crushed not sold. Period of posting period of Appellant is available in Para No.7 of alleged De-Novo Enquiry report. Copy of the Posting orders are enclosed and marked as Annexure A .
- II. That according to para 2.4.7 of the audit report for the year 2010-11 it was alleged that 830 Monds of Sugar Cane produce was obtained on 14 Acres Land which is less than standard produce of 650 to 800 monds per Acre as per audit report and charge of misappropriation of Extra produce 2723 monds was leveled against appellant and other officers. Reply of ibid Audit Para was submitted in which it was stated that allotted Land for Sugar Cane Crop was 10 Acres and not 14 Acres. ~~fully~~ *fully* admitted by alleged inquiry committee in his alleged DE-NOVO inquiry report. According to the decision of DAC the alleged mis-appropriation was subjected to production of ~~be~~ *be* the record of Flood effected land for verification

within 2 weeks. The decision of DAC was complied. Details of land of 10 Acres was given and amount to the tune of Rs. 47954/- deposited by Director A.R.I. DIKHAN (Kajim Shah) were provided to the high ups as well as audit Department. Copy of Audit Para, Decision of DAC and second reply with detail of land and deposit receipt receipts are enclosed and marked as Annexure B, B/1 to B/3

III. That ibid matter was referred to Public Accounts Committee (PAC) Provincial Assembly KPK. Who directed the competent authority to Constitute Committee comprising on Zaheerullah Khan Distt. Director Agriculture Kohat and Amanullah Distt. Director D.I.Khan and Jahanzeb Khan member of internal Audit to probe into the matter who submitted detail report regarding subject matter vide which certain suggestions in the shape of conclusion and recommendations, duly reproduced as under:-

- 1) "The Director General Audit Khyber Pakhtunkhwa Peshawar is advised to direct his staff for actual inspection of record instead of setting of Audit para on verbal discussion with the department as mentioned in their advance para.
- 2) All the inputs relating to sugarcane crop has been issued by office of Director. Sugarcane Institute Mardan & the Director A.R.I DIKhan did not maintain the accurate receipt/ issued record.
- 3) Record of Sugarcane Section at A.R.I DIKhan is still incomplete since 2007 till to date.
- 4) The financial year and status of the para neither explained by the department nor audit department during DAC & PAC meetings.
- 5) Further recommended that the audit office may be directed to collect complete record of CESS Project inputs issued by Director Sugarcane Institute Mardan to ARI DIKhan and conduct detail audit in presence of sugarcane experts.
- 6) The audit office also be directed to collect the detail of funds provided under regular budget by Provincial Budget for Sugarcane Section since 2007 till todate.
- 7) At present the responsibility of loss could be fixed due to misunderstanding in between the concerned department and audit department and meaningless and time wasting correspondence made by the department on the DP No.2.4.7" Copies of direction of PAC and 1<sup>st</sup> enquiry report are enclosed and marked as Annexure (C&D).

*Agreed*

IV. That despite acting upon the recommendations of 1<sup>st</sup> enquiry Report being proper and correct for just conclusion Respondents preferred to conduct De-Novo inquiry

on the subject matter and another Enquiry Committee comprising on Akhtar Ali Shah (BPS-19) project Director Certification Project Agriculture Department as Chairman and Abdul Rauf (BPS-17) Section Officer (AB & A) Agriculture Department as member, was constituted to conduct De-Nevo Enquiry into the matter, who conducted the ibid enquiry at their own without giving an opportunity to the Appellant to participate in the proceeding of alleged enquiry committee for defending himself even no any questionnaire was given to him to answer the same but abruptly responsibility was fixed upon him in his absentia to the extent of 20% of the total alleged loss of Rs.930750/- as per para 6 of the De-Novo Inquiry report without taking into the consideration the non posting of Appellant ~~as~~ Firm Manager at the time of crushing season of sugar cane which ended on ~~ended on~~ 15/4/2011 even as a time of disposal of produce of sugar cane in March 2011. As appellant had been performing his duty on post of Farm Manager Since 26/04/2011 to 26/11/2013 meaning thereby ibid responsibility was wrongly fixed upon Appellant to the extent of 20% out of total alleged loss to the tune of Rs.930750/-. It is pertinent to mention that one Inayat <sup>Shah</sup> ~~Hussain~~ was holding the post of Farm Manager at the time of Crushing Season of Sugar Cane in 2010-2011 as well as at the time of <sup>Selling of</sup> sugar cane produce meaning there by crushing season as well as selling period of sugar cane came to an end prior to taking over the charge of Farm manager by appellant detail of posting of officials are available in para 7 of DE-NOVO inquiry report. Copy of De-Novo inquiry report is enclosed as (Annexure-E).

*Signature*

- V. That direction was issued by the Assistant Secretary PAC Provincial Assembly KPK to implement the recommendation of alleged De-Novo inquiry committee report and also take disciplinary action against the responsible for non production of record of CESS fund at SCRI Mardan vide letter No.PA/KP/PAC/Agr/D.P.2.4.7/2014-15/20/4517-19 dated 18/2/2020. Copy of letter dated 18/2/2020 is enclosed and marked as Annexure-F.
- VI. That Section officer (AB&A) directed the Director General Agriculture to issue charge sheet and statement of allegation against the delinquent officials who were allegedly held responsible of alleged loss of Rs.930750/- due to low production of sugarcane vide letter No.SO(Acctt) AD/PAC/2014-15 dated 24/2/2020 but neither any charge sheet nor statement of allegation were served upon appellant by Competent Authority even no any departmental inquiry was conducted by respondents in this regard & respondents straight away demanded recovery from

appellant and other officials vide letter No.3448-49/Audit/OGAR dated 27/2/2020 on the basis of alleged DE-NOVO inquiry committee report. Copies of letter dated 24/2/2020 and 27/2/2020 are enclosed as Annexure -G&H

VII. That Director ARI DIKhan served letter No.459-62/DAR(DK) dated 10/3/2020 upon appellant and demanded proportionate recoverable share @ rate of 20% of total loss of Rs.930750/- from the appellant without charge sheeting him and serving statement of allegation upon him. Copy of the letter dated 10/3/2020 is enclosed and marked as Annexure-I.

VIII. That being aggrieved from the impugned letter No. dated 10/3/2020 of Director ARI DIKhan review Petition / Departmental Appeal was filed by the appellant on 7/4/2020. Copy of the Review Petition is enclosed & marked as Annexure-J.

IX. That Director General Agriculture Research was informed by the Section officer (AB&A) that appeal against Public Accounts Committee can not be entertained at this stage vide letter No.SO(Acctt) /AD/PAC/2014-15/8164 dated 15/6/2020 duly received vide diary No.2196 dated 17/6/2020. *Received by office of Director General in respect of it a letter no 1399-1402/DAR(DK) dated and dated 20/7/2020 was issued by Director ARI D.I.Khan duly received by appellant on 27-7-2020. vide which order dt 15/6/2020 was conveyed to him and directed the appellant by respondent No.6 to deposit his proportionate recoverable share, <sup>which was</sup> received by him on 27/7/2020. Copy of the letter dated 15/6/2020 and 20/7/2020 are enclosed and marked as Annexure-K&L.*

*Standard*

X. That feeling aggrieved from the order dated 20/7/2020 received on 27/7/2020 an instant Service appeal is being filed in this Hon'ble Tribunal against office order dated 24/2/2020 and 10/3/2020 inter alia on the following grounds:-

**GROUND OF SERVICE APPEAL**

- a. That impugned order dated 24/2/2020 & 10/3/2020 passed by the Competent Authority is wrong void and not according to Law vide which proportionate recovery to the extent of 20% of the total alleged loss of Rs.930750/- recommended by alleged inquiry committee was fixed upon appellant thus the same is liable to be set aside.
- b. That according to para 5 of alleged DE-NOVO inquiry report dated 17/12/2019 ARI D.I.Khan is comprising on varous sections which indicate that sugar cane section is a separate entity being managed and controlled by incharge sugar section and Farm Management is different entity being managed and controlled by Farm Manager. As Appellant was Farm Manager at ARI DIKhan From

26/04/2011 to 26/11/2013 had no concern with affairs, deeds and misdeeds of sugar cane section so how proportionate responsibility was fixed upon him by alleged DE-NOVO inquiry committee?

- c. Appellant was not holding the post of Farm Manager during the crushing period of sugarcane (i.e 15-04-2011) and at the time of disposal/selling of produce of sugar cane for the year 2010-2011 even neither any assignment nor any direction was given to him in this regard. Thus he had wrongly been induced by the alleged inquiry Committee while fixing responsibility of proportionate recovery to the extent of 20% of the total alleged loss of Rs.930750/-. Thus order dated 24/2/2020 and 10/3/2020 passed by the Competent Authority in respect of ibid recovery is liable to be set at naught.
- d. That the period commencing from 26-04-2011 to 26-11-2013 being posting period of appellant on the post of Farm Manager was neither crushing period of Sugarcane nor selling time of sugar cane (that is March 2011), which had come to an end prior to his posting as Farm Manager (26/4/2011). It is pertinent to mention that sugarcane produce had already been sold by incharge Sugarcane Section in March 2011 (Prior to his posting as Farm Manager). So it is not understandable to the prudent mind that how he was held responsible in such alleged matter which had not occurred during his posting period as Farm Manager and how proportionate recovery to the extent of 20% of the total alleged loss of Rs.930750/- was fixed upon him? it thus clearly indicates that the recommendation of alleged inquiry Committee as well as order dated 24/2/2020 and 10/3/2020 in respect of fixing of responsibility for recovery of proportionate amount is wrong and withoutful Authority. Hence the same is liable to be set aside/recalled.
- e. That neither any charge sheet nor statement of allegations were issued to the appellant in respect of ibid matter nor any proper departmental inquiry was conducted against him despite the fact PAC and respondent No.2 had directed the upper Echolon to take appropriate action against delinquent officials within period<sup>of</sup> one month but respondent failed to do so and just relied upon the recommendation of alleged a DE-NOVO inquiry report submitted ~~the~~ the ibid inquiry Committee on the direction of PAC. Thus the order dated 24/2/2020 and 10/3/2020 are not tenable under the Law and is reliable to be set aside.
- f. That neither any show cause notice nor opportunity of personal hearing was given to the appellant by competent authority before passing of order of

*Seyan Deed*

proportionate recovery to the extent of 20% of total alleged loss of Rs.930750/- meaning thereby that appellant had been condemned unheard.

g. That impugned recovery of Rs.930750/- was fixed in excess by the alleged inquiry Committee if it is presumed to be true because the rate of sugarcane was fixed to the tune of Rs.145/- per mond in the year 2010 & 2011 by the government, so in this way if alleged less sugarcane crop of 3723 monds is multiplied with Rs.145/- Per Mond then the impugned recovery will come to Rs.519835/- (i.e 3723x145= 519835).

h. That similarly alleged inquiry Committee had not taken into account the quantity of seeds of sugarcane supplied to the various growers out of the produce but the quantity of said seeds were not reduced from the alleged misappropriated produce of 3723 monds. Despite the fact proper details in this regard had been provided by Director ARI DIKhan to the alleged inquiry committee thus the assessment as well as the recommendation of the alleged inquiry Committee in respect of misappropriation of 3723 monds of produce is wrong and incorrect.

i. That alleged loss sustained by the government on low production of sugarcane yield under CESS fund had wrongly been calculated by the alleged inquiry Committee in their alleged report as neither details of seed supplied to the

*growers nor an amount of Rs.141,954 deposited by Director <sup>ARI</sup> through various receipts have not been deducted from alleged recovery of Rs.930750/- assessed by alleged inquiry committee in their alleged Report.*

j. That one of the member Mr.Abdur Rauf Section Officer AB&A (BPS-17) of alleged inquiry Committee is below the rank of appellant (BPS-19) was not competent to conduct inquiry against appellant thus alleged inquiry Committee constituted by the PAC and Competent Authority was illegal and incompetent and said Committee was not authorized to conduct alleged inquiry against appellant.

*Signature*

k. That respondents have erred in Law while not taking into consideration in respect of not fixing responsibility upon Director sugarcane Institute Mardan as well as Inayat Hussain Shah the then Farm Manager at ARI DIKhan. They have further erred that the alleged inquiry Committee did not direct the Audit Office to collect complete record of Cess Project issued by the Director Sugarcane Institute Mardan to ARI DIKhan as well as not re-auditing of a ibid matter in presence of Sugarcane expert.

l. That recommendation of the 1<sup>st</sup> inquiry Committee was proper and according to Law. The alleged De-Novo inquiry Committee was required to take into

consideration the recommendation of 1<sup>st</sup> inquiry Committee before concluding the De-Novo inquiry but they failed to do so. The alleged De-Novo inquiry report is full of flaws and based on malafide just to enrope the appellant in the alleged allegation.

m. That impugned order dated 24/2/2020 and 10/3/2020 are not tenable under the Law thus the same are liable to be set aside.

In view of above submission it is humbly prayed that instant appeal of appellant may be accepted as prayed for in the heading of the Appeal.

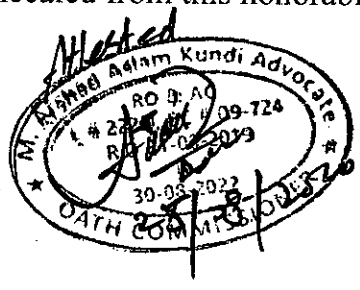
Yours faithfully,

*Amir*  
MUHAMMAD AKRAM KHAN

*Amir* through counsel  
Muhammed Iqbal Kundi  
Advocate High Court

**AFFIDAVIT**

I Muhammad Akram Khan S/o Muhammad Umar R/o Basti Kanara Noor Abad Colony Sheikh Yousaf Adda DIKhan . Solemnly affirm on oath and state that contents of appeal are correct and nothing has been concealed from this honorable Tribunal.



Deponent

*Amir*

(9)

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

Civil misc Petition No \_\_\_\_\_/2020  
In service Appeal No \_\_\_\_\_/2020

Muhammad Akram Khan

Versus

Govt of KPK and Others

**APPLICATIONS FOR RESTRAINING THE RESPONDENTS NOT RECOVER THE PROPORTIONATE AMOUNT OF ~~20% OF~~ OF THE TOTAL LOSS OF RS. 930750/-**

**Respected Sir,**

1. That instant application is being filed along with service appeal and contents of service appeal may be treated piece and parasol of this application.
2. That applicant has good prima facie case and balance of convention also tilts in favor of applicant.
3. That applicant will suffer irreparable loss if the impugned recovery is made from applicant the appeal of the applicant will become infructious.
4. That this Honouarbale tribunal has ample power to grant status quo in this regard.

In wake of submission mad above it is humbly prayed that the application may kindly be accepted and status quo may be granted to application in respect of nonpayment of 20% of the total loss to the tune of Rs 930750/- till disposal of his service appeal.

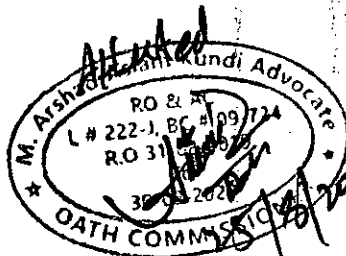
Your Humble Applicant

*Umar Khan*  
Muhammad Akram Khan

*through counsel*

Affidavit

*I Muhammad Akram Khan s/o Umar Khan  
R/o D.I. Khan Solemnly affirm on oath and  
State that contents of Application are correct  
and nothing has been concealed from This tribunal*



*Deponent*

*Umar Khan*



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

Civil misc Petition No \_\_\_\_\_/2020  
In service Appeal No \_\_\_\_\_/2020

Muhammad Akram Khan

**Versus**

Govt of KPK and Others

**APPLICATION FOR CONDONATION OF DELAY.**

Respected Sir,

1. That appellant had received copy of impugned order No. SO(Account)AD/PAC/2014-15/8164 dated 15-06-2020 section Office (AB+A) from the office of director ARI D.I.Khan on 27-07-2020 which was accompanied with letter No. 140407/DAR/DK D.I.Khan dated 20-07-2020.
2. That the appeal of the appellant is within time as impugned order dated 15-06-2020 has been received on 27-07-2020, if period from 15-06-2020 to ~~28~~ 07-2020 is deducted then appeal of the appellant is within time.
3. That due to COVID 19 Supreme Court has passed Notification that period spent during COVID 19 is to be condoned and appeal may not be dismissed on the point of limitation and cases are to be decided on merit.
4. That the departmental appeal had been filed on 07-04-2020 against impugned order dated 10-03-2020 and then all the provincial offices as well as courts remained close from 26-03-2020 till 25-07-2020. Therefore copy of the impugned order dated 15-06-2020 and 10-03-2020 were received on ~~28~~ 07-2020 therefore period from ~~15-06~~ 2020 till ~~28~~ 07-2020 are condonable.
5. That this honorable Tribunal has ample power to condoned the delay.



In view of above submission made above it is humble prayed that appeal filed by applicant may be treated within time and if the appeal of the appellat is time board in to interest of justice.

Your Humble Applicant

*Au*

Muhammad Akram Khan

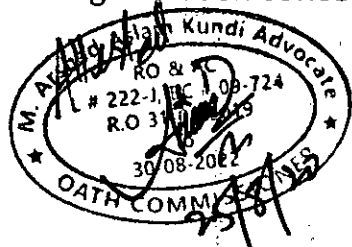
Through Counsel

*[Signature]*

Advocate High Court

**AFFIDAVIT**

I, Muhammad Akram Khan S/O Umar Khan Do herby solemnly affirm and declare on oath that the contents of the application is true and correct to the best of my knowledge and belief and nothing has been concealed.



Deponent

*Au*

ANN - (A)

12

AGRICULTURAL RESEARCH INSTITUTE  
DERA ISMAIL KHAN - KHYBER PAKHTOON

Phone Lines  
0966 - 740090  
0966 - 740184, 740046



Fax & E-Mail  
0966 - 740415  
aridikhan@yahoo.com

No. \_\_\_\_\_/DAR [DK], ARI, D.I.Khan

Dated: \_\_\_\_/\_\_\_\_/2011

OFFICE ORDER

In continuation to this office order No. 1404-8/DAR dated 23.04.2011 following changes in additional duties are revised / assigned to following officers as mentioned below with immediate effect in the best interest of public service.

S.No	Name of Officer/Official	Duties assigned
1	Mr. Abdul Majeed, Asstt Botanist Rice	Vehicle Pool
2	Mr. Muhammad Akram Khan, Research officer	Farm Management, however he will continue his additional duties of colony work.
3	Mr. Muhammad Amjad Nadeem Research officer	Chairman Purchase & auction Committee
4	Mr. Inayat Hussain Shah Research officer	Agronomist

*Attested*  
*[Signature]*

--Sd--  
Director

No: 1427-31/DAR (DK)

Dated: 26/4/2011

Cc to:

- The Director General Agriculture Research Khyber Pakhtun Khawa, Peshawar for his kind information please.
- All concerned for compliance.
- Circulate among all staff.

Noted  
[Signature]  
26/4

Noted  
[Signature]  
26/4

Noted  
[Signature]  
26/4

Noted  
[Signature]  
26/4/2011

Noted  
[Signature]  
26/4

[Signature]  
26/4/11  
Director

[Signature]

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ANN-B

DRAFT PARA NO.2.4.7, 2.4.6  
DEPARTMENT AGRICULTURE (RESEARCH WING)  
YEAR 2011-12.

Draft Para No.	Caption of para	Decision of the D.A.C	2 <sup>nd</sup> Reply of the department in response to the DAC decision	Comments of Finance Department	Comments of the Audit Office	Recommendation Of PAC
2.4.7	<p>Misappropriation of Rs.1542500/- Due of non account of sugarcane quantity</p> <p>Para 23 of the General Financial Rules Volume 1 requires that every Government Officer should realize fully and clearly that he will be held personally responsible for any loss sustained by Government through fraud or negligence on his part or on the part of his subordinate staff.</p> <p>During scrutiny of accounts record of Director, ARI, Dikhan for financial year 2011-12, it was come to notice that the incharge of sugarcane section cultivated 14 acres (as per verbally mentioning by incharge, no detail was given in crop register of land for sowing of sugarcane crops, but it was astonished to note that only a few mound i.e. 830 mound of sugar shown as a produce of the same while standard produce of sugarcane is 650 mound to 800 mound per acre. It seemed that the remaining produced was misappropriated it is essential to brought to the notice of higher ups that a huge quantity of sugarcane was not shown on concerned crop register and misappropriated.</p> <p>The same needs an inquiry at appropriate level to fix responsibility and insure recovery under intimation to audit.</p> <p>When pointed out in February 2013, it was replied that the area under Sugarcane CESS project was 10 acres and not 14 acres which can be confirmed from SCRI, Mardan from which 5 acres land was received from Agriculture Extension, which was barren area and not cultivated since 12 years. Therefore, the germination of Sugarcane was failed. The produce came from only 5 acres from this produce also seed used for the sowing. Yield of crop is satisfactory.</p> <p>Reply is not satisfactory, the matter is reported to the notice of higher ups for information and necessary action under intimation to audit.</p>	<p>Minutes of the DAC meeting on Advance Para for the year 2011-12 held on 3-4-5 and 6 September, 2013 under the chairmanship of Secretary Agriculture, KPK, Peshawar</p> <p>Miss appropriation of Rs.1.543 million due to non accountable of sugarcane quantity. Para settled subjected to production of record of flood effected land due to Audit office for verification within 2 weeks</p>	<p>According to the crop register four (4) acre Sugarcane varieties (Ratoon) was maintained as seed under "CESS" program which was 50% affected by the floods during 2010 (Copy of crop register and flood report is attached), the remaining two acre was harvested. The Officer Incharge has been retired in 2014. However, there is no evidence in the record that any land was acquired from Agric. Extension. 04 acre ratoon crop was maintained and yield recovered was 1184 mound and amount is deposited in the Government treasury vide receipt No. 161, 162, 124 and 181 (Copy attached) as reported by Inayat Hussain Shah, Incharge Sugarcane.</p>			

*Inayat Hussain Shah*

$32500 + 10920 + 26000 + 19500 = 88920/-$

DIRECTOR  
Agriculture Research Institute  
Dikhan

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ANN - (B) B-1

Detail of demonstration plots under "CESS" in 2010-11

S. No	Name of Grower	Location	Area of D/plots	Date of Sowing	Seed Used	Inputs used	Varieties
1	Raza Muhammad	Shorkot	04 Kanal	20.09.2010	50 Mon	DAP-1bag Urea 1 bag Potassium 1 bag Furadon 1 bag	
2	Atta Muhammad	Deyal	04 Kanal	16.09.2010	50 Mon	-do-	
3	Sona Khan	Zafarabad	04 Kanal	12.10.2010	50 Mon	-do-	
4	Abdul Rasheed	Gara Hayat	04 Kanal	18.10.2010	50 Mon	-do-	
5	Malik Ghulam Shabbir	Band Korai	04 Kanal	15.10.2010	50 Mon	-do-	
6	Malik M. Ramzan	Ghabby	04 Kanal	22.10.2010	50 Mon	-do-	

*Signature*

PROJECED BY SRO Sugarcane  
ARI, D.I. Khan  
Agril. Research Institute  
D.I. Khan

Detail of demonstration plots under "CESS" in 2011-12

ANN. P/1

S. No	Name of Grower	Location	Area of D/plots	Date of Sowing	Seed Used	Inputs used	Varieties
1	Haji Jamshed Malik	Muqeem Shah	04 Kanal	21.10.2011	50 Mon	DAP-1bag Urea 1 bag Potassium 1 bag Furadon 2 bags	
2	Malik Javed	Ketch	04 Kanal	24.10.2011	50 Mon	-do-	
3	Pappu	Lukhra	04 Kanal	15.10.2011	50 Mon	-do-	
4	Qasim	Muqeem Shah	04 Kanal	15.09.2011	50 Mon	-do-	
5	Hashim	Shor Kot	04 Kanal	16.09.2011	50 Mon	-do-	
6	Yasin	Gomal Kalan	04 Kanal	15.10.2011	50 Mon	-do-	

*J. Alantia*  
*M. Akbar*

*M. Akbar*  
SRO Sugarcane  
ARI, D.I. Khan  
Dist.

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ANN B-2

CULTIVATED AREA AT ARI, DIKHAN IN 2009-10, 2010-11 & 2011-12.

S.No	Sections	Cultivated Area								
		2009-10			2010-11			2011-12		
		A	K	M	A	K	M	A	K	M
01	Farm Manager	103	4	0	88	5	0	104	6	0
02	Horticulture Section	19	2	5	17	4	0	17	4	0
03	Agronomy Section	02	5	0	01	2	0	0	6	6
04	Wheat Section ✓	12	3	0	9	6	0	08	1	0
05	Entomology Section	01	0	0	01	0	0	01	0	5
06	Soil Chemistry Section	0	1	15	0	1	12	Nil	Nil	Nil
07	Oil Seed Section	01	0	5	0	5	0	01	0	13
08	Sugar Cane Section SUGAR RICE ✓	05	1	0	06	5	0	07	1	10
	<b>Total Cultivated Area</b>	<b>145</b>	<b>1</b>	<b>5</b>	<b>125</b>	<b>4</b>	<b>12</b>	<b>140</b>	<b>3</b>	<b>14</b>

1 Acre K = Kanal M= Marla

Remarks:

July - August 2010 a very huge flood hit the D.I.Khan District and main source of Irrigation i.e. Chashma Right Bank Canal was damaged. Therefore due to non availability of irrigation water, the irrigation during this year was tube well.

*Ellested  
M. M. M. M. M.*

(91)

Challan No. 4 dated 5.3.2011

S. No. 1198 Book No.

Received Pushy S Lane MLD/11/11

With letter No. 1193/11 dated 21.2.2011

the sum of Rupees RS = 15800/-

in Cash on account of Sal of 112 Mand (4493)

by Cheque in Payment of Ca 158/11/11

RS. 15800/-

*[Handwritten Signature]*

Signature

Designation

Director of Fisheries  
District Fisheries Officer



Ann ~~B~~ C

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Working paper account of audit report for the financial year 2014-15 in respect of Director Agril:Research Institute,D.I.Khan Govt: of Khyber Pakhtunkhwa.

Gist of Observation 2	1st reply of the department in response to audit observations. 3	Decision of the D.A.C 4	2nd Reply of the department in response to the DAC decision 5	Decision Of PAC 6	Reply of the Deptt in response of PAC decision
<p><b>Misappropriation of Rs.1542500/- Due of non account of sugarcane quantity</b></p> <p>Para 23 of the General Financial Rules Volume 1 requires that every Government Officer should realize fully and clearly that he, will be held personally responsible for any loss sustained by Government through fraud or negligence on his part or on the part of his subordinate staff.</p> <p>During scrutiny of accounts record of Director, ARI, DIKhan for financial year 2011-12, it was come to notice that the incharge of sugarcane section cultivated 14 acres (as per verbally mentioning by incharge, no detail was given in crop register of land for sowing of sugarcane crops, but it was astonished to note that only a few monds i.e. 830 monds of sugar shown as a produce of the same while standard produce of sugarcane is 650 monds to 800 monds per acre. It seemed that the remaining produced was misappropriated it is essential to brought to the notice of higher ups that a huge quantity of sugarcane was not shown on concerned crop register and misappropriated.</p> <p>The same needs an inquiry at appropriate level to fix responsibility and insure recovery under intimation to audit.</p> <p>When pointed out in February 2013, it was replied that the area under Sugarcane CESS project was 10 acres and not 14 acres which can be confirmed from SCRI, Mardan from which 5 acres land was received from Agriculture Extension, which was barren area and not cultivated since 12 years. Therefore, the germination of Sugarcane was failed. The produce came from only 5 acres from this produce also seed used for the sowing. Yield of crop is satisfactory.</p> <p>Reply is not satisfactory, the matter is reported to the notice of higher ups for information and necessary action under intimation to audit.</p>	<p>It is stated that in this Para auditor shown 10 acre area but according to the record 04 acre sugar cane varieties were maintained as Ratoon crop in 2010 under "CESS" program from which 50 % crop was damaged by floods. The officer incharge noted it in on DSR page (copy attached). The following yield was recovered from the remaining crop.500 monds seed was used for sowing of demonstrative plots with farmers under "CESS" program and 684 monds seed was sold for Rs.88920/-which was deposited in Govt. treasury vide receipt No.162,124 and 181 (copy attached).The total yield recovered from the crop was 1184 monds not 800 monds. This is the actual position according to the office record.</p> <p>Reply is sound, therefore, it is requested that the Para may kindly be dropped.</p>	<p>Minutes of the DAC meeting on Advance Para for the year 2011-12 held on 3-4-5 and 6 September, 2013 under the chairmanship of Secretary Agriculture, KPK, Peshawar</p> <p>Miss appropriation of Rs.1.543 million due to non accountable of sugarcane quantity. Para settled subjected to production of record of flood effected land due to Audit office for verification within 2 weeks</p>	<p>According to the crop register four (4) acre Sugarcane varieties (Ratoon) was maintained as seed under "CESS" program which was 50% affected by the floods during 2010 (Copy of crop register and flood report is attached), the remaining two acre was harvested. The Officer Incharge has been retired in 2014. However, there is no evidence in the record that any land was acquired from Agric. Extension. 04 acre Ratoon crop was maintained and yield recovered was 1184 monds and amount is deposited in the Government treasury vide receipt No. 161,162, 124 and 181 (Copy attached) as reported by Inayat Hussain Shah, Incharge Sugarcane.</p>	<p>The committee directed the department to conduct inquiry and fix responsibility against the person at fault. Para stands. Progress be reported to PAC within one (1) month.</p>	<p>In pursuance of the recommendations of the Accounts Committee meeting held on 16. the competent authority constituted an committee comprising of Mr.Zahirullah Khar District Director Agriculture Kohat, Mr.Ar (ES-18) District Director Agriculture E department ,D.I.Khan, and Mr.Jehanze member of the internal Audit cell Agric.I probe into the matter and submit the report 15 days vide No. SO(AB&amp;A)AD/PAC/2014-15(KC: dated 17 (copy attached).</p> <p>The committee visited to ARI,DIKhan all the record/correspondences related to the co audit para was produced and they investigate matter in detail.</p> <p>After completion of the enquiry proceedings Committee submitted its report alongwith to the Competent Authority (as attached).</p>

*In Accepted*  
*M. Waheed*

*Handwritten Signature*  
DIRECTOR  
Agricultural Research/Insti  
D.I.Khan

25

ANN-D

①

Government of Khyber Pakhtunkhwa, Agriculture Extension Department  
District Kohat



*attested*  
*[Signature]*

ENQUIRY REPORT / FOLLOW UP ACTION OF DP NO.2.4.7 FOR THE YEAR  
2014-15 IN RESPECT OF AGRICULTURE RESEARCH INSTITUTE D.I. KHAN

Conducted by:

Zahirullah Khan  
District Director Agriculture  
Kohat

Amanullah  
District Director Agriculture  
D.I Khan

Jehanzeb Khan  
Audit Officer  
Internal Audit Cell  
Agri: Department  
KPK Peshawar

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YEAR WISE SUGARCANE CROP SOWING RECORD SINCE 2007 TO TILL 2010-11

Table 1\*

Year	Variety Sown	New plantation (NP) or Ratoon crop	Area sown in acre	Date of Sowing	Remarks
2007-08 & 2008-09	IBU-I	NP	04	11/2007	Germination of 02 acre completely failed (Annex-3)
	CSSG 668-676	NP	01	10/2007	Germination of 01 acre partially failed
	CPHS-35	NP	02	12/2007	Germination satisfactory
	SP-302	NP	02	11/2007	Germination satisfactory
2008-09	BU-I	-	02		Harvested & sold for crushing due to poor performance
	CSSG 668-676	-	01		Harvested & sold for crushing due to poor performance
2008-09	CPHS-35	Ratoon Crop	02	-	Harvested. Produce sold as seed to farmers
	SP-302	Ratoon Crop	02	-	Harvested. Produce sold as seed to farmers
2009-10	Variety not mentioned	NP	2.5	Not mentioned	Sown at Farm
	Variety not mentioned	NP	2.5	Not mentioned	Sown at Farm
2009-10	Variety not mentioned	-	2.5	Not mentioned	Issued to 05 Nos farmers for demonstration plots (Annexure-4)
2008-09	Variety not mentioned	Ratoon	1.5 kanal	2/9/2008	NUVYT (experimental plot)
	Variety not mentioned	Ratoon	1 kanal	11/9/2008	Provincial Set-I (experimental plot)
	Variety not mentioned	Ratoon	1 kanal	18/9/2008	Provincial Set-II (experimental plot)
2009-10	Variety not mentioned	NP	1.5 kanal	12/9/2009	NUVYT (experimental plot)
2010-11	Variety not mentioned	NP	1.5 Kanal	11/12/2010	Provincial scheme F.V.T (P)
2010-11	Variety not mentioned	NP	01 Acre	15/12/2010	NUVYT (experimental plot)

*In attached  
Need seed*

CORRESPONDENCE:- (I/c Sugarcane, Director ARI D.I Khan & DGA (R) KPK Peshawar)

Year wise explanation of Table 1<sup>st</sup>:- The germination of variety BU-I in two acre of area of variety BU-I was completely failed & one acre area of variety CSSG-668-676 was partially failed as reported by I/c Sugarcane to director ARI D.I Khan vide his office letter No. 215 dated 6.12.2008 and further mention about the poor performance of varieties BU-I & CSSG-668-676 & requested the uprooting / ploughing the area measuring 2+1, 3 acres respectively which he approved & permit the I/c sugarcane for uprooting and ploughing of field. During one year harvesting stage the I/c Sugarcane ARI D.I Khan further reported the poor performance of variety BU-I (02 acre) & CSSG-668-676 in a few Kanal and recommended the uprooting of both varieties which was accepted. (Annexure-5)

The remaining two varieties CPHS35 & SP-302 measuring in area of 04 acre (each 02 acre) maintained as Ratoon crop up to harvesting. During crop growth period the I/c Sugarcane ARI D.I Khan & Director ARI D.I Khan made a series of correspondence regarding excess water flow from minor 2 disty 5 to the crop standing fields & infrastructure of ARI D.I Khan (Annexure-6).

Responding the correspondence the Director Agriculture Research System Khyber Pakhtunkhwa Peshawar wrote a letter to DG ARI Tarnab and all Directors / Station Incharge of Agriculture Research Stations Khyber Pakhtunkhwa vide his letter No.1233-35 dated 3.8.2014 to constitute a committees at their stations for assessment of damaged at their stations.

In light of that the Director ARI D.I Khan constituted a committee of four officers vide his office order No.350-54 dated 9.8.2010

In report of damaged assessment the committee mentioned the damage of sugarcane crop in seed production & experimental blocks without mentioning the percentage of damage to sugarcane. The I/c sugarcane ARI D.I Khan stately recorded 50% damage to sugarcane crop on 17.8.2010 vide crop register page No.142 (Annexure-7),

*I Accepted*  
*[Signature]*

which was further verified from the record of the District Director Agriculture D.I. Khan that 52% damage occurred to sugarcane crop during heavy flood water in July 2010 (Annexure-8)

During checking of record of financial year 2009-10 only 2.5+2.5 acres sugarcane crop sown at farm mentioning no detail of variety and seed source at crop register vide page No. Nil & only one acre sugarcane crop sown under NUVYT on 15.12.2010 at crop Register vide page No. 154, having no record of produce. Similarly a very little area of one Kanal sown at Farm during 2008-09, 2009-10 & 2010-11 as experimental plots & nothing was recorded about performance at crop register vide Page# 147,148,149, 150 153. The enquiry committee noted with great concern that the varieties of experimental plots were not mentioned

The overall available record of sugarcane at crop register page No.100,142,146,147,148, 149,150,151,152,153,154,155,156,157 is as reflected at Annexure-5

No record was found in crop register after 15.12.2010. it is very astonishing to note that the area of 01 acre sown on 15.12.2010 while reflected at crop register page No.157 for the year 2012-13 instead of 2010-11. The variety wise weight & amount deposited detail is reflected at table 2.

Table 2<sup>nd</sup>

Year wise Sugarcane crop production & amount deposited since 2007 to till 2010-11

Year	Sold / seed or crushing	Amount deposited	Remarks
2008-09	1200	96000	Sold for crushing
2009-10	1334	187420	Sold for Seed
2010-11	797	141954	Sold for Seed
2011-12	300	32000	Sold for crushing
Total	3381	424874	

Amount deposited detail is as under Annexure:9A to 9D

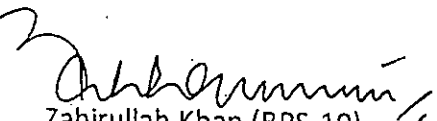
Rs. 96000/- deposited through 05 Nos Challan on a/c of 1200 kg produce sold during 2008-09 (Annex-9-A)  
 Rs. 187420/- deposited through 08 Nos Challan on a/c of 1334 kg produce sold during 2009-10 (Annex-9-B)  
 Rs. 141954/- deposited through 07 Nos Challan on a/c of 797 kg produce sold during 2010-11 (Annex-9-C)  
 Rs. 32000/- deposited through 03 Nos Challan on a/c of 300 kgs produce sold during 2011-12 (Annex-9-D)  
 Note one Challan of Rs. 32500/- on a/c of 250 kgs seed was not provided however the amount deposited vide Receipt No. 162, Challan No. 04 dated 24.12.2009

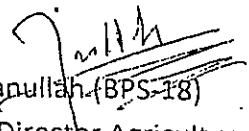
*Attested*  
*[Signature]*


Furthermore there is variation in rates of per 40 kg seed in different dates of deposited & the department could not produce the rate fixation notification or other documents about rate fixation.

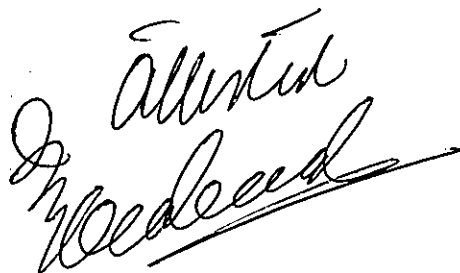
Conclusion & recommendations:-

1. The Director General Audit Khyber Pakhtunkhwa Peshawar is advised to direct his staff for actual inspection of record instead of setting of Audit Para on verbal discussion with the department as mentioned in their advance Para.
2. All the inputs relating to sugarcane crop been issued by office of Director, Sugarcane Institute Mardan & the Director ARI D.I Khan did not maintain the accurate receipt/ issued record.
3. Record of sugarcane section at ARI D.I Khan is still incomplete since 2007 till to date.
4. The financial year and status of the Para neither explained by the department nor audit department during DAC & PAC meetings.
5. Further recommended that the audit office may be directed to collect complete record of CEES project inputs issued by Director, Sugarcane Institute Mardan to ARI D.I Khan and conduct detail audit in presence of sugarcane experts.
6. The audit office also be directed to collect the detail of funds provided under regular budget by provincial budget for sugarcane section since 2007 till to date.
7. At present the responsibility of loss could not be fixed due to misunderstanding in between the concerned department & audit department and meaningless/ time wasting correspondence made by the department on the DP No. 2.4.7

  
 Zahirullah Khan (BPS-19)  
 District Director Agriculture  
 Kohat

  
 Amanullah Khan (BPS-18)  
 District Director Agriculture  
 D.I Khan

  
 Jananzeb Khan  
 Audit Officer  
 Internal Audit Cell  
 Agriculture Department  
 KPK Peshawar

  
 Attested  
 [Signature]

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

091-9211228, 091-9210033, sectionofficerabn@gmail.com

ANN (E)

No.SO (Acctt)AD/PAC/2014-15  
Dated Peshawar, the December 27<sup>th</sup>, 2019

6936  
31/12/

To  
The Assistant Secretary-PAC,  
Provincial Assembly,  
Khyber Pakhtunkhwa, Peshawar.

Subject: MINUTES OF THE MEETING OF PUBLIC ACCOUNTS COMMITTEE ON  
AUDIT REPORT FOR THE YEAR 2014-15 AND FOLLOW-UP BUSINESS.

I am directed to refer to your letter No. PA/K.P/PAC/Min:/2014-15/19/11756-62 dated 04.11.2019 on the subject noted above and to enclose herewith a copy of de-novo inquiry (in original) against Para 2.4.7 for the year 2014-15 for further necessary action as desired please.

(ABDUR RAUF)  
SECTION OFFICER (AB&A)

Endst: No. & Date Even:

Copy is forwarded to the: -

1. Syed Akhtar Ali Project Director (Certification Project) Agriculture, Livestock, Fisheries & Cooperative Department.
2. Director General Agriculture (Research) Khyber Pakhtunkhwa, Peshawar alongwith one set of inquiry report for information please.
3. P.S to Secretary Agriculture, Livestock & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
4. P.A to Additional Secretary Agriculture, Livestock & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
5. P.A to Deputy Secretary Agriculture, Livestock & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
6. Master File.

DEAR P

(ABDUR RAUF)  
SECTION OFFICER (AB&A)

No. 12 /Acctt/DGAR;

Dated Pesh: the 02 / 01 / 2020

Copy of the above alongwith its enclosures containing of 09 pages forwarded to the Director Agric. Research Institute, Ratta Kulachi D.J.Khan for information and record

9/1

Director General  
Agric. Research  
Khyber Pakhtunkhwa,  
Peshawar

3

E

**DE-NOVO INQUIRY REPORT**  
**INTO**  
**DP NO. 2.4.7-LOSS TO GOVERNMENT DUE TO LESS YIELD-RS. 1.543**  
**MILLION INTO THE ACCOUNTS OF DIRECTOR AGRICULTURE RESEARCH**  
**INSTITUTE DI KHAN FOR THE YEAR 2011-12.**

1. The PAC in its meeting held on 29.10.2019, while discussing the inquiry report in to the DP No. 2.4.7 submitted by the inquiry committee constituted in light of the PAC directives in its meeting held on 16.10.2017 during follow up PAC business given follow-up PAC recommendations as under (Annex-1):

After detailed deliberation, the committee observed that the Inquiry Committee did not follow the recommendations of PAC as well as TORs mentioned in the Departmental Notification No. SO(AB&A)AD/PAC/2014-15/KC dated 07.10.2017. As the inquiry report was not in line with the PAC recommendations as well as notification issued by the department in this regard, therefore, the PAC recommended to conduct a de-novo inquiry into the matter coupled with initiation of disciplinary action against the officers of the inquiry committee. Para stands. Progress be reported to PAC within one month.

2. Pursuance to the directives of the PAC, the Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperation Department vides Notification No. SO(Acctt.)AD/PAC/2014-15 dated 12.11.2019 (Annex-2), constituted the following inquiry committee for de-novo into the matter

- |   |          |
|---|----------|
| 1. Mr. Akhtar Ali Shah (BPS-19) Project Director,<br>Certification Project, Agriculture Department. | Chairman |
| 2. Mr. Abdur Rauf BPS-17), Section Officer (AB&A), Agric. Department.                               | Member   |

**TORs,**

1. The Committee will check the total land, area under cultivation, price of the procedure & impact of the research activities on the farmers.
2. Fix responsibility and submit report within one month after receipt of this notification.

*By gharib  
 [Signature]*

*[Signature]*



### 3. AUDIT OBSERVATIONS:

MIS APPROPRIATION OF RS. 1542500/- DUE OF NON ACCOUNT OF SUGARCANE QUANTITY.

Para 23 of the General Financial Rules Volume 1 requires that every Government Officer should realize fully and clearly that he will be held personally responsible for any loss sustained by Government through fraud or negligence on his part or on the part of his subordinate staff.

During scrutiny of the accounts record of Director ARI Di Khan for financial year 2011-12, it was come to notice that the in-charge of sugarcane section cultivated 14 acres (as per verbally mentioning by in-charge, no detail was given in crop register of land of sowing of sugarcane crop, but it was astonished to note that only a few mounds i.e. 830 mounds of sugarcane shown as a produce of the same while standard produce of sugarcane is 650 mounds to 800 mounds per acre, it seemed that the remaining produce was mis-appropriated. It is essential to brought into the notice of higher ups that a huge quantity of sugarcane was not shown on concerned crop register and misappropriated.

The same needs an inquiry at appropriate level to fix responsibility and ensure recovery under intimation to audit.

### 4. BRIEF FACTS OF THE CASE..

CESS means the sugar - cane and Sugar-beet development CESS, levied under Section 3 of the Khyber Pakhtunkhwa Finance Ordinance, 1982, The Sugarcane CESS fund is the taxable amount received from the farmers and Mill owners by the Government. This fund is collected at district level and is further deposited in the Government treasury. The food department distributes this amount as per following detail: (Rule,8(4) of CESS Rules, 2015 and is utilized through a committee constituted under CESS rules by Food Department.

• District Committee concerned;	70%
• Highway Authority;	15%
• Sugar Crops Research	10%
• Food Department	3%
• Finance Department	2%

CESS Fund was approved for Sugar Crops Research Institute Mardan with Government notification No. S/13-B/13165-96 dated 5.7.1992.

*Latent  
Mansoor*

5. The Agricultural Research Institute (ARI) Di Khan was established as Maize farm in 1958, which was upgraded to Agricultural Research Station during 1961 and ARI during 1986. It is a multi disciplined institute with the following sections i.e. Horticulture Section, Agronomy Section, wheat section, Entomology Section, Soil Chemistry Section, Oil Seed Section, Sugarcane Section and Farm with the following land availability:

I.	Total Area of the Institute	=	251 Acres.
II.	Area under Crops cultivation	=	145.5 Acres.
III.	Area under Horticulture Crops	=	19 Acres.
IV.	Area under GPU Tropical	=	30 Acres.
V.	Non Cultivated area	=	55 Acres.
VI.	Area under Water pond.	=	1.5 Acres.

5. PROCEDURE ADOPTED.

Director ARI Di Khan was requested (Annex-3) to provide details of land, input used and produce obtained at ARI Di Khan, Whereas Director Sugar Crops Research Institute was asked to provide detail of inputs provided to ARI Di Khan under CESS project during 2009-10, 2010-11 and 2011-12 to cross examine (Annex-4). However no information / detail was provided by Director Sugar Crops Research Institute, Mardan due to non availability at the station (Annex-5). The information provided by Director ARI Di Khan is also contradictory and not properly maintained.

TOR#3. THE COMMITTEE WILL CHECK THE TOTAL LAND, AREA UNDER CULTIVATION, PRICE OF THE PRODUCE & IMPACT OF THE RESEARCH ACTIVITIES ON THE FARMERS.

As per statement provided by Director ARI Di Khan (Annex-6,7&8)

1.	Total Land	=	251 Acres.
2.	Area under Cultivation		
a.	2009-10	=	145 Acres.

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten mark]*

2. The land utilization of the institute provided by Director ARI for the current para and Para 2.4.8 (Annex-9) are quite different for the same year as given:

S#	Section	Details provided under Para 2.4.7 during 2011-12			Details provided under Para 2.4.8 during 2011-12		
		Acres.....	Kanals.....	Marlas	Acres.....	Kanals.....	Marlas
1.	Farm Section	104	6	0	71		
2.	Horticulture Section	17	4	0	58		
3.	Agonomy Section	0	6	6	4		
4.	Wheat Section	05	1	0	6		
5.	Entomology Section	01	0	5	2		
6.	Soil Chemistry Section	0	0	0	2		
7.	Oil Seed Section	01	0	13	Nil		
8.	Sugarcane section	07	1	10	33		
9.	Rice	Nil			03		
10.	Plant Physiology	Nil			01		
11.	Plant Pathology	Nil			01		
12.	Buildings, roads etc.				58		
	Total	140	3	14	239		

3. But the statement provided and record shown is for 2008-09, and 2009-10, wherein, on the record Bannu varieties has been shown poor germination and ploughing during 2008-09 and flood during 2009 damaging the crop, which does not correlate to the present para.

*In witness whereof*

*AR*

- 4. As per statement provided by ARI, Di Khan 5 acres of Sugarcane was grown under CESS program during 2011-12 and 2acres and 1.5 Kanal under provincial program. As per understanding of the committee Sugarcane crop is planted in one year, which takes an year long for maturity and are maintained as ratoon crop for the next year. As per incomplete record available, 5 acres of land has been sown under CESS program at the institute during 2009-10 and 10 acres during 2010-11. So the area as pin pointed by the Audit as 10 acres is correct.
- 5. The standard production of 700 mounds per acre is also justifiable as progressive farmers are obtaining the same production. However, as per report of the Statistical department approved by the Government of Khyber Pakhtunkhwa, the average production of sugarcane for district Di Khan (Annex-10) is as under:
 

2009-10	.....	460.27 mounds.
2010-11	.....	455.28 mounds.
2011-12	.....	455.28 mounds.
- 6. If calculated on the basis of average approved production of the district the production of the farm (10 acres) becomes to 4553 mounds instead of 7000 mounds minus the produce reported by the audit party 830 mounds. The produce for 2011-12 becomes 3723 mounds and its value becomes  $3723 * 250 = 930750/-$ .
- 7. The Sugarcane seed produced at ARI DI Khan under CESS program was mostly used for Demonstration plots with growers under CESS program and also supplied to farmers as seed, but the record and their names and location has not been maintained by the institute, so can't be assessed properly.

8. Fix responsibility and submit report within one month after receipt of this notification.

- 1. Detail of officers posted as Director ARI Di Khan, Farm Manager and Incharge Sugar cane section from 2008 to 2015 are as under (Annex - 11)

*J. Ghantial*  
*M. Akbar*

DIRECTORS ARI DI KHAN.

Sl#	Name	From	To
1.	Dr. Ahmad Bakhsh (Late)	01.01.2008	16.12.2008
2.	Mr. Kazim Shah	17.01.2008	26.01.2009
3.	Mr. Ghulam Shabbir Shah	27.01.2009	16.06.2010
4.	Mr. Kazim Shah	17.06.2010	31.08.2010
5.	Dr. Sanaullah Khan (Late)	01.09.2010	04.10.2010
6.	Mr. Kazim Shah	05.10.2010	24.07.2011
7.	Mr. Abdul Majeed Khan	25.07.2011	17.05.2012
8.	Mr. Muhammad Akram Khan	18.05.2012	26.11.2013
9.	Mr. Kazim Shah	27.11.2013	23.11.2015
10.	Mr. Abdul Majeed Khan	24.11.2015	31.12.2015

FARM MANAGERS

1.	Mr. Inayat Hussain Shah	05.03.2008	18.08.2009
2.	Mr. Muhammad Akram Khan	19.03.2009	21.11.2010
3.	Mr. Inayat Hussain Shah	27.11.2010	25.04.2011
4.	Mr. Muhammad Akram Khan	25.04.2011	26.11.2013
5.	Mr. Shahid Iqbal Khattak	17.11.2013	31.12.2015

IN-CHARGE SUGARCANE SECTION.

1.	Mr. Ghulam Rasool	01.10.2013	01.10.2014
2.	Mr. Inayat Hussain Shah	02.10.2014	31.12.2015

Crushing Season

*Attended  
Muhammad*

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2. The following officers are responsible for alleged embezzlement / negligence for the low production at ARI Di Khan for the year 2011-12 as pin pointed by the Audit Party.

- a. Mr. Ghulam Rasool Incharge Sugarcane Section
- b. Mr. Muhammad Akram Khan Farm Manager
- c. Mr. Abdul Majeed Khan Director
- d. Mr. Kazim Shah Director

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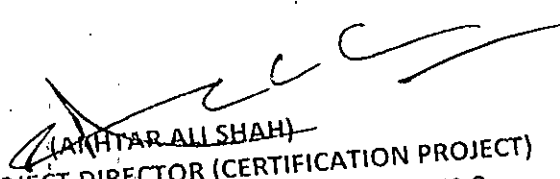
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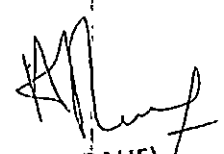
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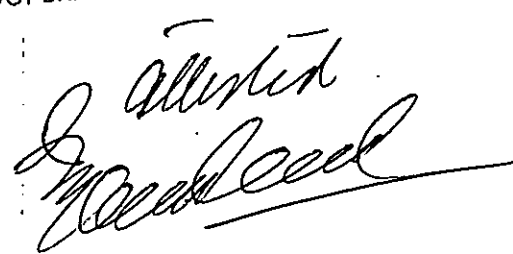
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9. RECCOMENDATIONS.

1. As per direction of the PAC after conducting the inquiry, the persons shown at Para has been found responsible for the alleged embezzlement / negligence in low production of Sugarcane under CESS and the amount may be recovered from them as per proportion given vide Para 8(2) above.
2. No proper record of CESS Fund has been maintained at ARI Di Khan nor any record available at Sugarcane Research Institute (SCRI) Mardan. Hence disciplinary action is also proposed against responsible for non provision of record of CESS Fund at SCRI, Mardan (Annex-5).

  
(AKHTAR ALI SHAH)  
PROJECT DIRECTOR (CERTIFICATION PROJECT)  
AGRICULTURE, LIVESTOCK, FISHERIES &  
COOPERATION DEPARTMENT

  
(ABDUR RAUF)  
SECTION OFFICER (AB & A)  
AGRICULTURE, LIVESTOCK, FISHERIES &  
COOPERATION DEPARTMENT



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ANN - (X)

25/9

# Provincial Assembly of Khyber Pakhtunkhwa

No.PA/KP/PAC/Agri./DP-2.4.7/2014-15/20/11  
Dated Peshawar, the 19/02/2020.

Diary No. 44  
Dated 19/02  
Section

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Agriculture, Livestock and Cooperation Department.

Subject: - MINUTES OF THE MEETING OF PAC ON AUDIT REPORT FOR THE YEAR 2014-15 AND FOLLOW-UP BUSINESS.

Dear Sir,

I am directed to refer to your letter No.SO(Acct)AD/PAC/2014-15 dated 27-12-2019 on the subject cited above and to say that inquiry involved into above mentioned Draft Para received with your letter under reference, it was considered by the competent authority and agreed to the recommendations of Inquiry Report.

You are, therefore, requested to implement the recommendations of the inquiry Committee and to recover the amount from the held responsible (s) and also take disciplinary action against the responsible for non production of record of CESS Fund at SCRI, Mardan and report progress to this Secretariat immediately, so that the same could be placed before PAC for its final decision.

(a/ amir kh 02

(AAMIR KHAN)

ASSISTANT SECRETARY-PAC

E. No.PA/KP/PAC/Agri./DP-2.4.7/2014-15/20/ 4517-18 Dated 18/02/2020.

Copy of the above is forwarded for information and necessary action to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
2. The Director General, Audit, Khyber Pakhtunkhwa, Peshawar.
3. The PA to Addl: Secretary-PAC, Provincial Assembly of Khyber Pakhtunkhwa

*Dr. Gulistan  
Wahid*

(a/ amir kh 02

ASSISTANT SECRETARY-PAC



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COÖPERATIVE  
DEPARTMENT

091-9211228, 091-9210033, sectionofficeraba@gmail.com

No.SO (Acctt)AD/PAC/2014-15  
Dated Peshawar, the February 24<sup>th</sup>, 2020

To

The Director General,  
Agriculture (Research),  
Khyber Pakhtunkhwa, Peshawar.

Subject:

**MINUTES OF THE MEETING OF PAC ON AUDIT REPORT FOR THE YEAR  
20014-15 AND FOLLOW UP BUSINESS.**

I am directed to refer to the subject noted above and to enclose herewith provincial Assembly letter No. KP/KP/PAC/Agri:DP-2.4.7/2014-15/20/4516 dated 18.02.2020 and to state the recover the amount per proportionate from the following officer / official as per inquiry report which has already been sent to you and submit charge sheet and statement of allegations against those delinquent officer / officials reflected within a month time. In order to submit implementation report to Provincial Assembly:

✓ Mr. Ghulam Rasool Incharge Sugarcane Section	50%
✓ Mr. Muhammad Akram Khan Farm Manager	20%
✓ Mr. Abdul Majeed Khan Director	15%
✓ Mr. Kazim Shah Director	15%

**Issuance of charge sheet and statement of allegation to the following:**

- ✓ Mr. Noor ul Haq Farm Manager SCRI Mardan
- ✓ Mr. Habib ur Rehman Accountant
- ✓ Mr. Maqbool Ahmad Storekeeper

**Encls. As Above:**

**Endst. No. & Date Even:**

Copy is forwarded to the: -

1. Assistant Secretary-PAC Provincial Assembly of Khyber Pakhtunkhwa, Peshawar for information w/r to his letter referred to above.
2. P.S to Secretary Agriculture, Livestock & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. P.A to Additional Secretary Agriculture, Livestock & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
4. P.A to Deputy Secretary Agriculture, Livestock & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
5. Master File.

(ABDUR RAUF)  
SECTION OFFICER (AB&A)

SECTION OFFICER (AB&A)





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ANN-1



**Agricultural Research Institute, D.I. Khan**

Phone: (0966) 740 046; 740 090 Fax: (0966) 740 415

No. 459-62 /DAR [DK] dated ARI, DIKhan the 10-03- /2020

- To
1. Mr. Ghulam Rasool  
Ex Incharge Sugar Cane Section ARI, DIKhan
  2. Mr. Muhammad Akram Khan  
Ex Farm Manager ARI, DIKhan
  3. Mr. Abdul Majeed Khan  
Ex Director ARI, DIKhan
  4. Mr. Kazim Shah  
Ex Director ARI, DIKhan

Subject: MINUTES OF THE MEETING PAC ON AUDIT REPORT FOR THE YEAR 2014-15 AND FOLLOW UP BUSINESS

Memo:  
Reference to the Section Officer (AB&A) Govt of KP Peshawar letter No. SO(Acctt:)/AD/PAC/2014-15 dated 24.02.2020 with reference to Assistant Secretary PAC Provincial Assembly of KPK letter No. PA/KP/PAC/DP/2,4,7/2014-15/20/4516 dated 18.02.2020 and Director General Research letter No. 3348-49/Audit/DGAR dated 27.02.2020. Copies attached.

In this regard you are hereby informed that as directed by the Assistant Secretary PAC in his above referred letter to implement the recommendations of Inquiry Committee regarding recovery of amount of draft para No. 2.4.7 for the year 2014-15 proportionate recoverable share mentioned in the Section Officer (AB &A) letter referred above are narrated as follow for your information.

- |    |  |     |
|----|--|-----|
| 1. | Mr. Ghulam Rasool Ex Incharge Sugar Cane | 50% |
| 2. | Mr. Muhammad Akram Khan Ex F.M           | 20% |
| 3. | Mr. Abdul Majeed Khan Ex Director        | 15% |
| 4. | Mr. Kazim Shah Ex Director               | 15% |

You are hereby further directed to deposit the same amount in to Govt treasury through challan under proper head of account and attested copy of the same may be sent to this office for onward submission to quarter concerned please.

Encl: 03 Pages

*M. Ali Shah*  
Director

Copy to:  
Worthy Director General Agriculture Research System KPK Peshawar for information please

*I attested  
Abdul Majeed*

The Worthy Chief Secretary  
Agriculture, Livestock, Fisheries and Cooperative Department  
Government of Khyber Pakhtunkhwa  
Civil Secretariat Peshawar

ANN-J

40

Subject REVIEW PETITION /DEPARTMENTAL APPEAL

Respectfully sheweth,

The appellant/ Petitioner being Farm Manager has been aggrieved from the alleged office order No. 459-962/DAR(DK) ARI D.I.Khan dated 10-03-2020 while imposing penalty upon him for recovery of 20% of total alleged loss amounting of Rs. 1.543 Million sustained by Government Exchequer due to low production of sugar Cane yield at Agriculture Research Institute D.I.Khan. Therefore instant Review Petition/ departmental appeal is being filed against the impugned order/letter dated 10-03-2020 inter alia on the following grounds:-

1. That according to Para 5 of alleged De-Novo enquiry report dated 17-12-2019 ARI D.I.Khan is comprising on the following Section.

1.	Horticulture Section	8.	Oil Seed Section
2.	Agronomy Section	9.	Sugarcane Section
3.	Wheat Section	10.	FARMS Section
4.	Rice Section	11.	Food Technology Section
5.	Maiz & Millet	12.	Physiology Section
6.	Entomology Section	13.	Pathology Section
7.	Soil Chemistry Section		

Which clearly indicate that sugar cane Section is separate entity which is being managed and Supervised by Incharge sugarcane Section? As appellant/ Petitioner had been performing duty as Farm Manager ARI Dera Ismail Khan for the period commencing from 26-04-2011 to 26-11-2013 and he was neither given any assignment/mandate in respect of sowing and production of sugarcane yield under CESS Fund Program nor the said project/Section comes under the domain of Farm Manager where as incharge sugarcane Section was wholly sol responsible to manage, control and dispose off the yield under the supervision of Director ARI Dera Ismail Khan. Therefore Petitioner/ Appellant had been wrongly induced in the alleged case by alleged Enquiry Committee and had wrongly imposed recovery of 20% of the alleged loss upon him. Thus on this sole ground Petitioner/appellant is not liable to pay the ibid penalty.

2. That as Petitioner /appellant was neither posted as Farm Manager at the time of sowing of sugarcane yield nor at the time of crushing and its disposal so it is not understandable that how he was involved in the alleged case by the alleged Enquiry Committee and how penalty has been imposed upon him? Thus on this ground also penalty imposed upon Petitioner /appellant is without lawful authority and is liable to be recalled.
3. That alleged enquiry report is based on presumption and alleged Enquiry Committee has just relied upon the oral assertion/information of Audit report they have neither collected the correct information nor have gone through record while conducting alleged Enquiry, even independent enquiry has not been conducted by alleged enquiry committee.
4. That while conducting alleged De-Novo Enquiry Petitioner /appellant was neither called to appear before alleged Enquiry Committee nor any question-are was given to him for explaining his position in respect of so-called losses sustained by the Government Exchequer due to low production even, no any show cause Notice has been served upon him by the competent authority in this regard. So in this way Petitioner /appellant is

*Attended  
S. M. Khan*

4A

condemned unheard thus in such a situation findings and recommendations of alleged Enquiry Committee for imposing responsibility and imposing penalty upon Petitioner /appellant is wrong, incorrect and against the facts and circumstances even without lawful authority.

5. That all the facts and figures given by the alleged Enquiry Committee in their alleged Enquiry Report is not based on facts but based on presumption and here say thus no any penalty can be imposed on such flimsy and incomplete report.
6. That no any role has been given to the Petitioner /appellant being Farm Manager by the alleged Enquiry Committee in their alleged report even it does not disclose any irregularity, irresponsibility as well as misappropriation on the part of Petitioner /appellant, so how he has been penalized on the basis of alleged Enquiry Report by competent authority?
7. That alleged loss sustained by the Government Exchequer on low production of sugarcane yield under CESS has wrongly been calculated by the alleged Enquiry Committee in their alleged report as neither yield in the shape of seed provided to the farmers have been mentioned nor the exact cultivated land has been given in alleged report.
8. That Petitioner /appellant being innocent, beyond any shadow of doubt, has wrongly been enroped n the alleged case therefore he deserves to be exonerated from the ibid penalty imposed upon him.
9. That Petitioner /appellant has been performing his duty with zeal and zest and is having unblemished record. He does not think to involve himself in such like activities which are harmful and damaging for the institution.

*In view of the above submissions it is hymbly requested that Petitioner /appellant may be exonerated from all the alleged charges and penalty imposed upon him may be recalled in the interest of justice.*

The Petitioner /appellant remains Sir.

Thanking You.

*Muhammad Akram Khan*  
Your Faith Fully 7/7/04/020

Muhammad Akram Khan  
PRO Entomology Section  
ARI Dera Ismail Khan

*Attested*  
*Muhammad Akram Khan*

42

The Worthy Secretary  
Agriculture, Livestock, Fisheries and Cooperative Department  
Government of Khyber Pakhtunkhwa  
Civil Secretariat Peshawar

Subject REVIEW PETITION /DEPARTMENTAL APPEAL

Respectfully sheweth,

The appellant/ Petitioner being Farm Manager has been aggrieved from the alleged office order No: 459-962/DAR(DK) ARI D.I.Khan dated 10-03-2020 while imposing penalty upon him for recovery of 20% of total alleged loss amounting of Rs. 1.543 Million sustained by Government Exchequer due to low production of sugar Cane yield at Agriculture Research Institute D.I.Khan. Therefore instant Review Petition/ departmental appeal is being filed against the impugned order/letter dated 10-03-2020 inter alia on the following grounds:-

1. That according to Para 5 of alleged De-Novo enquiry report dated 17-12-2019 ARI D.I.Khan is comprising on the following Section.

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*Submitted  
D. Ahmad*

(43) (24)

condemned unheard thus in such a situation findings and recommendations of alleged Enquiry Committee for imposing responsibility and imposing penalty upon Petitioner /appellant is wrong, incorrect and against the facts and circumstances even without lawful authority.

5. That all the facts and figures given by the alleged Enquiry Committee in their alleged Enquiry Report is not based on facts but based on presumption and here say thus no any penalty can be imposed on such flimsy and incomplete report.
6. That no any role has been given to the Petitioner /appellant being Farm Manager by the alleged Enquiry Committee in their alleged report even it does not disclose any irregularity, irresponsibility as well as misappropriation on the part of Petitioner /appellant, so how he has been penalized on the basis of alleged Enquiry Report by competent authority?
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8. That Petitioner /appellant being innocent, beyond any shadow of doubt, has wrongly been enroped n the alleged case therefore he deserves to be exonerated from the ibid penalty imposed upon him.
9. That Petitioner /appellant has been performing his duty with zeal and zest and is having unblemished record. He does not think to involve himself in such like activities which are harmful and damaging for the institution.

*In view of the above submissions it is humbly requested that Petitioner /appellant may be exonerated from all the alleged charges and penalty imposed upon him may be recalled in the interest of justice.*

The Petitioner /appellant remains Sir.

Thanking You.

*Muhammad Akram Khan*  
Your Faith Fully 07/04/2

Muhammad Akram Khan  
PRO Entomology Section  
ARI Dera Ismail Khan

*I attested  
Muhammad Akram Khan*

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

091-9211228, 091-9210033, sectionofficeraba@gmail.com

ANN - (K)

No. SO (Acct) AD/PAC/2014-15  
Dated Peshawar, the 15<sup>th</sup> June, 2020

To

The Director General,  
Agriculture (Research),  
Khyber Pakhtunkhwa, Peshawar.

Subject:

MINUTES OF THE MEETING OF PAC ON AUDIT REPORT FOR THE YEAR  
20014-15 AND FOLLOW UP BUSINESS.

I am directed to refer to your letter No. 5938-40/Acct/DGAR dated 04.05.2020 on the subject noted above and to state that appeals against decision of Public Account Committee cannot be entertained at this stage.

*Handwritten signature*

*Handwritten signature*  
(ABDUR RAUF)  
SECTION OFFICER (AB&A)

Encls: No. & Date Even:

Copy is forwarded to the:-

1. P/A to Special Secretary Agriculture, Livestock, and Cooperative Department Khyber Pakhtunkhwa, Peshawar.
2. P/A to Additional Secretary Agriculture, Livestock, and Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. P/A to Deputy Secretary Agriculture, Livestock and cooperative Department Khyber Pakhtunkhwa, Peshawar.
4. Master File.

*Handwritten signature*  
SECTION OFFICER (AB&A)

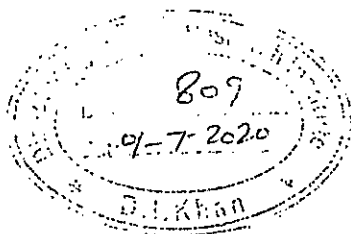
*Handwritten notes:*  
Mr. N. H. / 17/06/2020  
*Signature*

No. 7516-17 /Acct/DGAR; Dated Peshawar the 25/06/2020

Copy of the above is forwarded to:-

1. The Director Agricultural Research Institute D.I.Khan.
  2. Mr. Noor-Ul-Haq Senior Research Officer Sugar Crop Research Institute Mardan.
- For their information.

*Handwritten signature*  
Assistant Account Officer  
Director General,  
Agril: Research,  
Khyber Pakhtunkhwa



*Handwritten notes:*  
17/06/2020  
*Signature*



# Agricultural Research Institute, D.I. Khan

Phone: (0966) 740 046, 740 090 Fax: (0966) 740 415

ANN

45

No. 1398-1462/DAR (DK)

ARI, DIKhan the 20-07- /2020

To


1. Mr. Ghulam Rasool  
Ex Incharge Sugar Cane Section ARI, DIKhan
2. Mr. Muhammad Akram Khan  
Ex Farm Manager ARI, DIKhan
3. Mr. Abdul Majeed Khan  
Ex Director ARI, DIKhan
4. Mr. Kazim Shah  
Ex Director ARI, DIKhan

Subject: MINUTES OF THE MEETING OF PAC ON AUDIT REPORT FOR THE YEAR 2014-15 AND FOLLOWUP BUSINESS

Memo:

Kindly refer to worthy Director General Agriculture Research Khyber Pakhtunkhwa letter No. 7516-17/Acctt./DGAR dated 25.06.2020 on the noted subject as above.

Enclosed please find a copy of the letter issued from section Officer (AB&A) vide No SO/Acctt./AD/PAC/2014-15 dated 15.06.2020 (Copy attached). In the subject letter he stated that appeals against decision of Public Account Committee cannot be entertained at this stage for your information please.

  
Director

No. \_\_\_\_\_/DAR (DK)

ARI, DIKhan the \_\_\_\_\_/2020

Copy to:

Director General Agriculture Research System KPK Peshawar for information please.

Director

Amir  
28/07/2020



# وکالت نامہ

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قیمت ایک روپیہ		کورٹ فیس
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بعدالت جناب سر سید محمد شہباز صاحب خیر خواہ لیسار کما (مدرسہ اسلامیہ) علی گڑھ

منجانب سر سید محمد شہباز صاحب خیر خواہ

ذوالرخسان بنام گورنمنٹ خیر خواہ

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

سر سید محمد شہباز

## باعث تخریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام

گورنمنٹ خیر خواہ لیسار کما (مدرسہ اسلامیہ) علی گڑھ

کے صاحب ذیل شرائط پر دلیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص (رہ) دعوات حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر دعوات کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف مقدمہ تمام پچھری کے علاوہ کسی جگہ یا پچھری کے اوقات سے پہلے یا پیچھے یا بعد از تظہیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف مقدمہ تمام پچھری کے علاوہ کسی جگہ یا پچھری کے اوقات سے پہلے یا پیچھے یا بعد از تظہیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پچھری کے علاوہ اور جگہ سمیت ہونے یا بعد از تظہیل یا پچھری کے اوقات کے آگے پیچھے پیشی ہونے پر مظہر کو کوئی تضمان پیچھے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عائد واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ ہوا اخط صاحب موصوف مل کر وہ ذات خود حضور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا ججاب دعویٰ یا درخواست اجرائے ڈگری و نظر ثانی اپیل و ہرم درخواست پر دخل و تصرف کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کسے اور ہرم کا رد پہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہرم کے بیان دینے اور اس پر چاشنی یا ماضی نامہ و فیصلہ بر حلف کرنے، یا اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ ہر دن از پچھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل و ہرمانی و برآمدگی مقدمہ یا مٹوشی ڈگری یا طرف یا درخواست حکم اختتامی یا قرتی یا گرفتاری مل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی طبعہ عائد بیروی کا اختیار ہوگا اور تمام ساختہ ہوا اخت صاحب موصوف مل کر وہ ذات خود حضور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا ہرمانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا بعد از اس کے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شیر قانون کو بھی ہر امر میں دخی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التواء ہو گیا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا کرنے کی ضرورت ہے۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ مقدمہ سے  
 مورخہ 29.7.2020ء  
 201

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Accepted  
 29/7/2020  
 ذوالرخسان

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.** 113

No.

10002

20

Appeal No. .... of 20

Muhammad Arif Khan

Appellant/Petitioner

Through Chief Secy. Pesh.

Respondent

Respondent No. ....

Director, Agriculture, Research Institution  
Ratta Kulachi Distt. D.I. Khan

Notice to:

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

at Camp Court D.I. Khan

*[Handwritten Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.