

27th September, 2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Malik Saadullah, Admin Officer for respondents present.

Appellant seeks adjournment on the ground that his counsel is not available 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

26th Oct 2022

Appellant in person present. Mr. Muhammad Jan, District Attorney 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

25.01.2022

Tour is Cancelled, therefore, case is adjourned to 24.05.2022 for the same as before.


Reader.

24.05.2022

Nemo for the appellants. Mr. Farhaj Sikandar, District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellants as well as his counsel through registered post and to come up for arguments on 26.07.2022 before the D.B at Camp Court D.I.Khan.



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



(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

26/07/2022

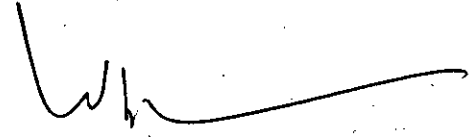
Due to Summer vacation
come for 27/09/2022


Reader

30.09.2021

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy, District Attorney for the respondents present and sought time for submission of written reply/comments. Respondents are directed to furnish reply/comments within 10 days. In case the respondents 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.

Previous date was changed on Reader Note, therefore, notice be issued to the appellant as well as his counsel for the date fixed.



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

26.11.2021

Appellant present in person and Mr. Noor Zaman Khattak, Addl. AG alongwith Malak Saadullah A.D and Pervez Khan, SRO for the respondents No. 1 to 3 present.

Written reply/comments of respondents No. 1 to 3 have been submitted which are placed on record. There is no need for written reply/comments of respondent No. 4 being proforma respondents. To come up for arguments on 25.01.2022 before D.B at camp court, D.I.Khan.



Chairman
Camp Court, D.I.Khan

22.02.2021

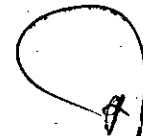
Learned counsel for the appellant present. Preliminary arguments heard. File perused.

Points raised need consideration. The appeal is 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.

Annexed with the memo of appeal is an application for interim relief for directing the respondents to release the pending due salaries of the appellant and to process the case of pensionary benefits at the earliest. Respondents be noticed to submit reply/comments as well as reply to the said application on 24.03.2021 before S.B at Camp Court, D.I.Khan.

Appellant Deposited
Security Process Fee

3/3/21



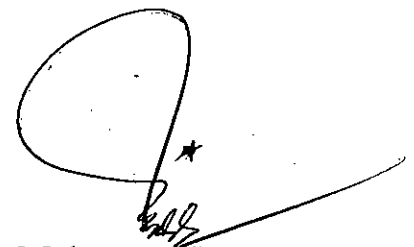
(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

24.03.2021

Appellant in person present. Mr. Muhammad Rashid, DDA alongwith Malik Saad Ullah, Account Officer and Mr. Muhammad Pervaiz, SRO for respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents seeks time to submit the same on the next date of hearing.

Adjourned to 24.05.2021 before S.B at camp court D.I.Khan.



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




Due to COVID-19 therefore to come up
for the same on 30/4/21



FORM OF ORDER SHEET

Court of _____

Case No.- 12790 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/10/2020	<p>The appeal of Mr. Kazim Shah resubmitted today by Mr. Zia-ur-Rehman Kazi 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;"> REGISTRAR</p>
2-	10-2-21	<p>This case is entrusted to touring S. Bench at D.I.Khān for preliminary hearing to be put up there on <u>22.2.21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	22.12.2020	<p>Due to Pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Kazim Shah Principal Research officer Agriculture department received today i.e. on 05.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Page Nos. 19 and 24 of the appeal are illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be flagged.

No. 2846 /S.T.

Dt. 06/10 /2020.

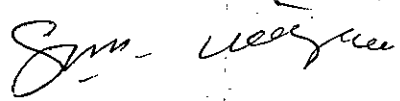

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zia-ur-Rehman Kazi Adv.
Dera Ismail Khan.

Sir

26-10-2020

Resubmitted after
the completion.



26/10/2020

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

Service Appeal No. of 2020 **12790**

Kazim Shah..... Appellant

Versus

Government of KPK & others Respondents

INDEX

S #	Particulars	Annexure	Pages
1.	Copies of the Posting/Transfer order Dated 04.06.1986 (Better Copy) along with regularization Notification Dated 10.02.1986	<u>A & B</u>	14 to 17
2.	Copy of the order No. 5051 Dated 18.12.2014.	<u>C</u>	18
3.	Copy of letter Dated 11.02.2009.	<u>D</u>	19-20
4.	Copies of the application/complaint Dated 26.10.2015 along with letter Dated 02.02.2016.	<u>E & F</u>	21 to 22
5.	Copies of the letter Dated 20.09.2016, 19.09.2016 and Para wise reply of the Appellant.	<u>G & H</u>	23 to 26
6.	Copy of the final Show Cause Notice (SCN) Dated 27.03.2017.	<u>I</u>	27
7.	Copy of the letter Dated 10.07.2017.	<u>I</u>	28
8.	Copies of the impugned Office Order No. SOE (AD)6-52/2016 Dated 12.06.2020.	<u>K</u>	29
9.	Copies of the Departmental Appeals Dated 04.07.2020 along with covering letters Dated 06.07.2020.	<u>L & M</u>	30 to 32
10.	Copy of Crop register of the Agricultural Research Institute Dera Ismail Khan	<u>N</u>	34
11.	Wakalatnama		35

Dated:-05.10.2020

Kazim Shah

Kazim Shah
Principal Research Officer/Ex-Director Agriculture (BPS-19),
Dera Ismail Khan
Through Counsel

Zia-ur-Rahman Kazi
Zia-ur-Rahman Kazi
Advocate High Court
Dera Ismail Khan
5/10/20

①

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

Service Appeal No. of 2020

Kazim Shah

Son of Charagh Hussain Shah, Principal Research Officer/Ex-Director
Agriculture (BPS-19), Agriculture Research Institute, Dera Ismail Khan

Appellant

VERSUS

1. **Government of Khyber Pakhtunkhwa through Secretary Agriculture
Khyber Pakhtunkhwa Peshawar.**
2. **Director General Agriculture (Research), Agriculture University,
Khyber Pakhtunkhwa Peshawar.**
3. **Director, Agricultural Research Institute (ARI) Ratta Kulachi,
District Dera Ismail Khan**
4. **District Comptroller Officer/District Accounts Officer, Dera Ismail
Khan**

Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED
AGAINST THE IMPUGNED OFFICE ORDER NO.SOE (AD)6-
52/2016 DATED 12.06.2020 FOR IMPOSITION OF MINOR
PENALTY OF "STOPPAGE OF TWO ANNUAL INCREMENTS
WITHOUT CUMULATIVE EFFECT AND RECOVERY OF
RS:8,80,277.4/LOSS ACCRUED TO THE GOVERNMENT" AND
ALSO AGAINST THE DEPARTMENTAL APPEAL'S REJECTION
ORDERS (IF ANY) AND TO DIRECT THE RESPONDENTS TO**

Handwritten signature and date:
5.10.2020

RELEASE THE DUE PENSION AND SALARIES OF THE PETITIONER ALONG WITH ALL CONSEQUENTIAL BENEFITS.

PRAYER IN SERVICE APPEAL

- a) On acceptance of instant service appeal, this Tribunal may be pleased to set aside the impugned Office Order No.SOE (AD)6-52/2016 Dated 12.06.2020 of imposition of minor penalty of stoppage of two annual increments without cumulative effect and recovery of Rs:8,80,277.4/loss accrued to the Government" and also to set aside all departmental appeal's rejection orders (if any) with further directions to the Respondents to release the due pension and salaries of the petitioner along with all consequential benefits.
- b) To grant any other relief *ex debito justitiae* due to the Appellant may please be extended in his favour as against the Respondents.

Note:- Addresses given above shall suffice the object of service

Respectfully Sheweth,

The Appellant humbly submits as under:-

1. That Appellant was appointed as Adhoc Assistant Research Officer (BPS-17) in Agriculture Department of Government of Khyber Pakhtunkhwa and later on, his services were regularized through notification Dated 10.02.1988. Copies of the Posting/Transfer order Dated 04.06.1986 along with regularization Notification Dated 10.02.1986 are enclosed as Annexure "A" & "B" respectively.

7
 Muhammad Raza Khan
 Adv.
 5.10.2020

2. That up till 2017, the Appellant has 31 years unblemished service record and now in 2020, he has almost 34 years service at his credit and is going to attain the age of superannuation on 09.09.2020. So, the Appellant is at the verge of his retirement.

3. That in the year 2014/2015, the Appellant was working as Director Agriculture (BPS-18) in Agricultural Research Institute Dera Ismail Khan, when the incumbent Honorable Minister for Agriculture Government of Khyber Pakhtunkhwa pointed out and showed his dissatisfaction on the fallow land adjacent to AZRI Dera Ismail Khan. The undersigned briefed the Honorable Minister that the area is high level and could not be irrigated. The then Honorable Minister showed eagerness to cultivate the fallow land. So, in order to fulfill the aspiration of the Honorable Minister which was in the interest of the public, a proposal for removal of upper soil layer was sent to Director General Agriculture Research Khyber Pakhtunkhwa Peshawar vide letter No. 5051 Dated 18.12.2014. Copy of the order No. 5051 Dated 18.12.2014 is enclosed as Annexure "C".

4. That it is also a matter of record that similar proposal was also forwarded to the Director General Research Khyber Pakhtunkhwa Agriculture Research System Peshawar on 11.02.2009 vide letter No. 2481/DAR(DK)ARI, Dera Ismail Khan of even date but the same was not materialized. Copy of letter Dated 11.02.2009 is enclosed as Annexed "D".

5. That later on, case was sent to Director General Agriculture Research System Peshawar to make cultivable the fallow land of AGRI Dera Ismail Khan for approval and the same was granted through letter of approval Dated 26.12.2014 issued by Director General Agriculture Research System Peshawar. After getting approval, proper advertisement was published in Daily "Mashriq" on 10.02.2015 demanding auction from the eligible contractor for removal of fallow soil to make the land cultivable. In pursuance of the advertisement, auction was held and the highest bidder/contractor was awarded with the contract to lift the upper soil of the fallow land. All this was done for the benefit of the Government interest and exchequer.

6. That after award of contract, the fallow land was divided into two blocks namely BLOCK-A & BLOCK-B. The contractor lifted the upper

Amirul Islam
5/10

soil of Block-A while his work was hindered by the Department in respect of Block-B which constrained the contractor to knock the door of the Court in the shape of Civil Suit which is still pending at the Civil Court, Dera Ismail Khan.

- 7. That during the entire process, the utmost care and caution was taken by the undersigned to save the interest of the Government and it is a matter of record that from this entire process, the Government exchequer has been benefited a lot. Neither the land has been made misfit nor any harm have been done to the interest of the Government.
- 8. That everything was smooth sailing when on 26.10.2015, the then Revenue Minister in order to settle score with his political rival who was by that time holding the charge of incumbent Minister for Agriculture, moved an application/complaint to the Director General Ehtesab Commission regarding alleged illegal excavation of soil in Agriculture land at District Dera Ismail Khan. The copy of the application/complaint Dated 26.10.2015 was forwarded to worthy Chief Secretary, Khyber Pakhtunkhwa, who then forwarded the same to worthy Secretary Agriculture. Copies of the application/complaint Dated 26.10.2015 along with letter Dated 02.02.2016 are enclosed as Annexure "E" & "F" respectively.
- 9. That contents of letter Dated 02.02.2016 reflects that initially, one Dr Gulyar, District Director Livestock & Dairy Development (Extension) Kohat enquired the matter in a patently illegal manner and might have submitted his report to the quarter concerned because the Appellant is not in possession of outcome/report of said inquiry.
- 10. That later on, abruptly through covering Letter No. 1437-40/DAR(DK)ARI Dated 20.09.2016, the Appellant received charge sheet/statement of allegations and to enquire the charges, inquiry committee was also constituted. The Commissioner Mardan was appointed as head of the inquiry committee. The proceedings of the inquiry committee were held in flagrant violation of law because neither the statement of any prosecution witness was recorded in presence of the Appellant nor any departmental representative was appointed to bring on record against the Appellant. The appellant has not been associated in the inquiry proceedings within the four corner of law. However, just as an eye wash, the Appellant was directed to

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submit reply through Letter No. 689/PSC(M) Dated 19/09.2019 which was accordingly submitted. Copies of the letter Dated 20.09.2016, 19.09.2016 and Para wise reply of the Appellant are enclosed as Annexure "G" & "H" respectively.

11. That after that on 27.03.2017, the Appellant received final Show Cause Notice (SCN) issued by the Honorable competent authority containing same unfounded and baseless allegations as were leveled in the charge sheet/statement of allegations. However, the same was duly replicated by the Appellant on 05.04.2017. It is a matter of record that in the afore stated final Show Cause Notice (SCN), the competent authority also tentatively propose the imposition of minor penalty of stoppage of two annual increment without cumulative effect & recovery of Rs. 8,80,277.4 loss accrued to the Government. Copy of the final Show Cause Notice (SCN) Dated 27.03.2017 is enclosed as Annexure "I".

12. That vide letter 10.07.2017, all the five Accused including the Appellant were directed to appear for personal hearing on 18.07.2017 before Engineer Muhammad Naeem Khan, the worthy Secretary Energy and Power Department and they did appear before the afore stated date. Copy of the letter Dated 10.07.2017 is enclosed as Annexure "J".

13. That afterwards, the matter went in deep slumber for long 3 Years and 3 Months and no proceedings whatsoever were conducted or finalized when suddenly on 12.06.2020, through impugned Office Order No. SOE (AD)6-52/2016, the minor penalties as stated earlier have been imposed upon the Appellant. The salary of the Appellant has also been stopped illegally from 01.10.2019 and for release of the salary, proper application has been moved along with under taking to refund the same. The Appellant has also floated his option for pre-mature retirement which was due on 05.07.2019. The actual date of retirement of the Appellant is 09.09.2020. Copies of the impugned Office Order No. SOE (AD)6-52/2016 Dated 12.06.2020 is enclosed as Annexure "K".

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- 14. That feeling aggrieved from the impugned imposition of minor penalties Order Dated 12.06.2020, the appellant preferred three separate departmental appeals before the worthy Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar, Honourable Chief Minister Khyber Pakhtunkhwa, Peshawar and Honourable Governor of Khyber Pakhtunkhwa, Peshawar, but despite lapse of statutory period, the same have not been responded so far. Copies of the Departmental Appeals Dated 04.07.2020 along with covering letters Dated 06.07.2020 are enclosed as Annexure "L" & "M" respectively.
- 15. That having left with no other efficacious or alternate remedy, now the appellant is going to preferred instant service appeal within time on the following amongst other grounds:-

G R O U N D S

- a. That impugned imposition of minor penalties Order Dated 12.06.2020 over the Appellant is against law, fact of the case and material available on the record. The impugned action and imposition of minor penalty Order is patently illegal, void ab initio and ineffective upon the valuable rights of the Appellant. Thus, impugned Order Dated 12.06.2020 along with Departmental Appeals rejection order (if any) and stoppage of salaries along with payment of pensionary benefits is liable to be reversed and set aside.
- b. That alleged departmental proceedings has been conducted in flagrant violation of law governing the conduct of Departmental proceedings because neither the statement of any prosecution witness was recorded in presence of the Appellant. No Departmental representative was appointed to bring on record against the Appellant. The Appellant has not been associated in the inquiry proceedings within the four corners of law. Thus, the impugned imposition of minor penalty order Dated 12.06.2020 is liable to be struck down.

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- c. That about 32 years long unblemished service career of the Appellant has been stigmatized by imposition of minor penalties and more alarmingly at the verge of his retirement, therefore, the impugned action is liable to be reversed and the case of the appellant also need sympathetic consideration on legal as well as on humanitarian grounds.
- d. That it is a matter of record that after the process of auction, the excavated land comprising of Block-A & Block-B was cultivated by the Department and this fact is evident from the copy of Crop register of the Agricultural Research Institute Dera Ismail Khan. Copy of the same is enclosed as Annexure "N".
- e. That it is also a matter of record that vide Letter No. 5051 Dated 18.12.2014, the Appellant sought sanction of Director General, Agriculture Research System Peshawar which was accordingly granted vide Letter Dated 26.12.2014 issued by the Worthy Director General, therefore, the impugned action is not sustainable in the eyes of law and is liable to be struck down.
- f. That the Appellant may please be allowed to raise legal and factual grounds at the time of hearing of instant Service Appeal.

It is therefore, most humbly prayed that Service Appeal may please be allowed as prayed in the prayer clauses of the instant Service Appeal.

Dated:-05.10.2020

Kazim Shah
Kazim Shah
 Principal Research Officer/Ex-Director
 Agriculture (BPS-19), D.I.Khan
 ID Card No. 12101-8174077-9
 Cell No. 0306-3163202
 Adress:- C/O Gandapur Cement
 Agency, Sheikh Yousaf Ada, Dera
 Ismail Khan
Through Counsel

Zia-ur-Rahman Kazi
Zia-ur-Rahman Kazi
 Advocate High Court
 Dera Ismail Khan
 5/10/20

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

Service Appeal No. of 2020

Kazim Shah Appellant

Versus

**Government of Khyber Pakhtunkhwa through Secretary Agriculture
and others Respondents**

AFFIDAVIT

I, **Kazim Shah**, Principal Research Officer/Ex-Director Agriculture (BPS-19) the Appellant, do hereby solemnly affirm and declare on oath:-

1. That accompanying service appeal has been drafted by my Counsel following my instructions
2. That all Para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Kazim Shah

Deponent

Dated:-05.10.2020

Identified by

Zia-ur-Rahman Kazi
ZIA-UR RAHMAN KAZI
Advocate High Court
DILKON

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

Service Appeal No. of 2020

Kazim Shah Appellant

Versus

Government of KPK & others..... Respondents

SERVICE APPEAL

MEMO OF ADDRESSES OF THE PARTIES

APPELLANT

Kazim Shah

Son of Charagh Hussain Shah, Principal Research Officer/Ex-Director
Agriculture (BPS-19), Agriculture Research Institute, Dera Ismail Khan.

RESPONDENTS

1. **Government of Khyber Pakhtunkhwa** through Secretary Agriculture
Khyber Pakhtunkhwa Peshawar.
2. **Director General Agriculture (Research)**, Agriculture University,
Khyber Pakhtunkhwa Peshawar.
3. **Director, Agricultural Research Institute (ARI)** Ratta Kulachi,
District Dera Ismail Khan
4. **District Comptroller Officer/District Accounts Officer**, Dera Ismail
Khan

Dated:-05.10.2020

Your Humble Appellant

Kazim Shah

Kazim Shah
Principal Research Officer/Ex-Director
Agriculture (BPS-19), D.I.Khan

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BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No of 2020

Kazim Shah Appellant

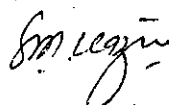
Versus

Government of KPK & others..... Respondents

SERVICE APPEAL

CERTIFICATE

Certified that this is first ever service appeal involving the instant subject matter and that the Petitioner has not filed any other petition or service appeal earlier in this tribunal regarding the above stated controversy.



Petitioner

(11)

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

Service Appeal No of 2020

Kazim Shah Appellant

Versus

Government of KPK & others Respondents

SERVICE APPEAL


List of Books refereed:

1. The Constitution of Islamic Republic of Pakistan, 1973.
2. The K.P.K Civil Servant Act, 1973.
3. The Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules 2011.
4. K.P.K Appointment, Promotion, Transfer Rules 1989.
5. K.P.K Service Tribunal Act, 1974.
6. Judicial Precedents, favouring the case of the Petitioners.


Counsel for Petitioner 5/10/2020

Note:-

Service Appeal with annexures along with four sets thereof are being presented in four separate enclosed covers.


Counsel for Petitioner 5/10/20

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

Service Appeal No of 2020

Kazim Shah Appellant

Versus

Government of KPK & others..... Respondents

SERVICE APPEAL

AN URGENT APPLICATION FOR INTERIM RELIEF IN THE SHAPE OF DIRECTING THE RESPONDENTS TO RELEASE THE PENDING DUE SALARIES OF THE APPELLANT SINCE 01.10.2019 TILL 09.09.2020 WITH FURTHER DIRECTIONS TO THE RESPONDENTS TO PROCESS THE CASE OF PENSIONARY BENEFITS AT THE EARLIEST.

Respectfully Sheweth,

1. That Appellant is going to file instant service appeal, contents of the same may please be read as part and parcel of main Petition.
2. That due to the initiation of the disciplinary proceedings against the Appellant, the Respondents have stopped the salaries of the Appellant since 01.10.2019. The Appellant attained the age of superannuation on 09.09.2020. The disciplinary action against the Appellant has been culminated into the passing of impugned Order Dated 12.06.2020, therefore, minus impugned recovery till the disposal of instant appeal, the Respondents are bound to pay the due salaries and pensionary benefits of the Appellant but they are refusing to comply with their constitutional duties.
3. That the Appellant has raised strong points of law in the main Petition, which shall require thorough probe and adjudication.

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- 4. That if the Respondents are not directed to pay the outstanding dues afore stated, the Appellant would suffer irretrievable loss and the purpose of instant service appeal would die.
- 5. That refusal of interim relief might generate numerous complications as well as shall expose the Appellant to colossal losses.
- 6. That the refusal of interim relief shall place the Appellant in an inconvenient situation vis a vis Respondents.

It is thus humbly prayed that *pendente lite*, the interim relief asked for may please be extended in favour of the Appellant and as against the Respondents.

Kazim Shah

Dated:-05.10.2020

Kazim Shah
 Principal Research Officer/Ex-Director
 Agriculture (BPS-19), D.I.Khan
 ID Card No. 12101-8174077-9
 Cell No. 0306-3163202
 Adress:- C/O Gandapur Cement
 Agency, Sheikh Yousaf Ada, Dera
 Ismail Khan
Through Counsel

Zia-ur-Rahman Kazi
Zia-ur-Rahman Kazi
 Advocate High Court
 Dera Ismail Khan

AFFIDAVIT

I, **Kazim Shah** Son of Charagh Hussain Shah, Principal Research Officer/Ex-Director Agriculture (BPS-19), Agriculture Research Institute, Dera Ismail Khan, Appellant do hereby solemnly affirm and declare on Oath that the contents of instant application are true and correct and that nothing has been concealed or kept secret from this Service Tribunal.

Kazim Shah
Deponent

Identified by:-

Zia-ur-Rahman Kazi
Zia-ur-Rahman Kazi
 Advocate High Court,
 Dera Ismail Khan

ORDER

Dated Tamab, the 4/6 /1986.

(14)

No. 13/24/Estt/D.A. In pursuance of the Government of W.P.F. Agriculture Department's Notification No. SOE(AD)II(2) 280/85, dated 31.5.1986, the following adhoc Assistant Research Officers are hereby posted against the existing vacancy of Assistant Research Officers in R-17 in the schemes noted against each name:-

*Annexure
"A"*

Sl. No. Name of adhoc Asstt. Research Officer.	Name of scheme with place of posting.
1. Mr. Kazim Shah	Vegetable scheme (permanent) in the Horticulture/Vegetable group at Agril. Research Station, Mingora (Swat).
2. Mr. Afsarullah Khan	Accelerated Potato Improvement Production Project of Vegetable Group at ARS, Mingora (Swat).
3. Mr. Zahirullah Khan	-do-
4. Mr. Azim Khan	-do-

Sd/- (MUSTAFA SIDDIQ)
Director General,
Agril. Research, W.P.F.,
Tamab (Peshawar).

No. 13/24/Estt/D.A.

Copy forwarded to the Manager, Government Printing and Stationery Department, W.P.F., Peshawar, for publication in the next official gazette.

Director General,
Agril. Research, W.P.F.,
Tamab (Peshawar).

8680-87

No. 13/24/Estt/D.A.

Copy to:-

1. The Section Officer (Estt), Govt. of W.P.F., Agri. Deptt; Peshawar
2. The District Accounts Officer, Saidu Sharif (Swat);
3. The Director (North), Agril. Research Station, Mingora (Swat);
4. The Asstt. Accounts Officer, W.P.F., Tamab (Peshawar);
5. All concerned,

for information and necessary action.

*Approved
[Signature]
8/10/86*

[Signature]
Director General,
Agricultural Research, W.P.F.,
Tamab (Peshawar).

Better Copy

ORDER

Dated Tarnab, the ___/04/06/1986

No. _____/3/24/Estt:/D___ In pursuance of the Government of NWFP, Agriculture Department's Notification No. SOE (AD)II(2) 280/85: dated 31.05.1986, the following adhoc Assistant Research Officers are hereby posted against the existing vacancy of Assistant Research Officer in B-17 in the schemes noted against each name:-

S.No.	Name of adhoc Research Officer	Asstt:	Name of scheme with place of positing:
1	Mr. Kazim Shah		Vegetable scheme (permanent) in the Horticulture/Vegetable group at Agril Research Station Mingora (Swat)
2	Mr. Afsarullah Khan		Accelerated Potato Improvement Production Project of Vegetable Group at ARS, Mingora (Swat).
3	Mr. Zahirullah Khan		---do---
4	Mr. Azim Khan		---do---

Sd/-(Muhammad Siddiq)
Director General
Agril. Research, NWFP,
Tarnab (Peshawar)

No. _____/3/24/Estt:/___

Copy forwarded to the Manager Government Printing and Stationary Department Tarnab, Peshawar, for publication in the next official gazette.

Sigd:-/
Director General
Agril. Research NWFP.
Tarnab (Peshawar).

No. 8680-87 /3/24/Estt:/___

Copy to:-

1. The Section Officer (Estt:) Govt: of NWFP Agri: Department, Peshawar.
2. The District Accounts Officer, Saidu Sharif (Swat).
3. The Director (North) Agril. Research Station, Mingora (Swat).
4. The Asstt: Accounts Officer, Tarnab (Peshawar).
5. All concerned

For information and necessary section.

Sigd:-/
Director General
Agril. Research NWFP.
Tarnab (Peshawar).

Amesure
u B's



GOVERNMENT OF N.W.F.P.
AGRICULTURE, FORESTS & COOPERATION
DEPARTMENT

DATED PESHAWAR / 1988

NOTIFICATION:

No. SOE(AD)II(2)280/83 in pursuance of NWFP Adhoc Civil Servants (Regularization of Service) Act, 1987, the Provincial Government are pleased to regularise the appointment of the following B-17 Officers of Agriculture Department w.e.f. from 19-3-1987 in relaxation of the provision of their relevant Service Rules/Conditions of appointment:-

EXTENSION WING (Agral. Officers)

Sl. No.	Name/Father's Name	Date of birth	Educational qualification	Date of appt/assumption of charge
1.	Mr. Sultan Hussain s/o Mohammad Faqir.	3-11-57	M. Sc. Agri.	20-9-1984
2.	Mr. Ihsanullah s/o Rahimullah	4-1-1956	M. Sc. (hon) Agri.	24-9-1984
3.	Mr. Nisar Ahmad s/o Bedruzzaman.	1-4-1961	-do-	29-9-1984
4.	Mr. Mohammad Hanif s/o Mohammad Yusuf	3.5.1961	-do-	27-9-1984
5.	Mr. Umar Daraz s/o Muzamil Shah	1.7.1959	-do-	24-9-1984
6.	Mr. Wazir Ahmad s/o Mohammad Rauf	20-2-1961	-do-	1-2-1986
7.	Mr. Fayaz-Ud-Din s/o Sabihuddin.	3-4-1960	-do-	5-2-1986
8.	Mr. Mohammad Iftikhar Afzal s/o Mohammad Afzal Khan.	20-4-1960	-do-	25-1-1986
9.	Syed Ghulam Murtaza Shah s/o Syed Sakini Sarwar Shah	9.3.1961	-do-	25-1-1986
10.	Mr. Mohammad Iqbal s/o Mohammad Khan	22-4-1956	-do-	25-1-1986
11.	Mr. Ahmad Khan s/o Faqir Ghulam Mohammad	15-6-1960	-do-	6-2-1986
12.	Mr. Sadur Rehman s/o Muhammad Sayaruddin	12-2-1960	-do-	29-1-1986
13.	Mr. Naveed Iqbal s/o Pir Mohammad Khan	24-3-1961	-do-	6-2-1986
14.	Mr. Javed Maqbool s/o Mr. Maqbool Butt.	4-1-1962	B. Sc. (Hons) Agri. 4 years course	22-1-1986
15.	Mr. Khalid Saleem s/o Mr. Khan Mir Khan.	1-6-1961	B. Sc. (Hons) Agri. Barani College.	25-1-1986
16.	Mr. Mohammad Saeed Khan s/o Ghulam Rasool Khan	1-1-1958	B. Sc. (Hons) Agri. 4 years course	23-3-1986

Dr.
19/8

Amesure
u B's

Agricultural Research Officers:
Research Wing

17-	Mr. Mohammad Sultan s/c Saïd Azam	15-3-1956	M.Sc. (Hons) Agri.	25-12-1984
18-	Mr. Mohammad Subhan s/c Abdul Shaker	15-5-1957	-d-	13-6-1984
19-	Mr. Abid Salim s/c Mulla-dad Khan	18-8-1961	-d-	27-7-1985
20-	Mr. Afsarullah s/c Latifullah	25-2-1962	-d-	12-6-1986
21-	Syed Kazim Shah s/c Chiragh Shah	10-5-1960	-d-	14-6-1986
22-	Mr. Azim Khan s/c Aalam Khan	5-5-1961	M.Sc. Agri.	16-6-1986
23-	Mr. Anjad Khan s/c Mohammad Shafi	2-12-1962	-d-	15-6-1986
24-	Mr. Imran Ali s/c Akbar Ali	9-4-1961	M.Sc. Agri.	16-6-1986
25-	Mr. Abdur Rah s/c Abdul Wajid	1-2-1961	M.Sc. Agri.	18-6-1986

Water Management Officers:
Water Management Wing

26-	Mr. Javed Iqbal s/c Mohammad Janan	1-4-1964	M.Sc. (Hons) Agri.	31-8-1986
27-	Mr. Benram Jan s/c Rajan Shah	8-8-1961	B.Sc. Agri. Engr.	30-6-1986
28-	S. Alamgir s/c Jahan Zeb	27-3-1959	-d-	26-6-1986
29-	M. Shamsad Hussain s/c Sukmat Khan	3-5-1959	-d-	27-8-1986
30-	Mr. Saadullah Khan s/c Rehim Gul	1-3-1962	M.Sc. (Hons) Agri.	27-8-1986
31-	Malik Allah Bakash s/c Mohammad Ibrahim	24-4-1961	-d-	27-8-1986
32-	M. Mohammad Khurshid s/c Gul Afzal Afridi	1-5-1960	B.Sc. Agri. Engr.	25-8-1986
33-	M. Mohammad Azeem s/c Farhat Mohammad Naasim	2-8-1959	B.Sc. Agri. Engr.	27-8-1986
34-	Mr. M. Aslam Khan s/c Hakim Khan	28-6-1959	M.Sc. (Hons) Agri.	31-8-1986
35-	Mr. M. Zahir Ali s/c Abdul Dayyan	6-4-1958	B.Sc. Agri. Engr.	7-9-1986
36-	Mr. Javid Ali s/c Fazal Ali	1-11-1959	M.Sc. Agri.	1-9-1986
37-	Mr. Jamil Khan s/c Taj Mohammad	10-4-1958	B.Sc. Agri. Engr.	31-6-1986
38-	Mr. Saq Nawaz s/c Jaffar Khan	1-1-1959	B.Sc. (Hons) Agri. 4 years course	20-9-1986
39-	Mr. Mohammad Sarid s/c Mohammad Miskeen Khan	12-4-1959	B.Sc. Agri. Engr.	1-9-1986

Atul

40-	Mr. Sherzade s/o Mr. M. Abdullah.	19-12-1960	B. Sc. (Hons) Agri. 4 years course	20-6-1986
41-	Mr. Muhammad Afzal s/o Mr. M. Khalilur Rehman	1.1.1963	B. Sc. Agril. Engg.	27-8-1986
42-	Mr. Muhammad Sulaiman s/o Mr. Hammad Zaman.	1.1.1955	M. Sc. (Hons) Agri.	1-9-1986

17

Notes:-

- 1: The period of adhoc appointment of all officers mentioned above is also extended upto 19-3-1987.
- 2: The civil servants whose services are regularized under this Notification shall rank junior to all civil servants belonging to the same service, who are in service on regular basis on 19-3-1987 & shall also rank junior to such other persons, if any, who in pursuance of the recommendations of the NWFP Public Service Commission made before 19-3-1987, are to be appointed to the respective services, irrespective of their actual date of appointment.
- 3: The seniority inter se of the civil servants, whose services are regularized under this notification within the same service shall be determined on the basis of their continuous officiation in such service, provided that if the date of continuous officiation in the case of two or more civil servants is the same, the civil servant older in age shall rank senior to the younger civil servant.

SECRETARY AGRICULTURE

Encl: No. SOB(AD) II(2) 280/83/4847-58 Dated Pesh: the 10/2/1988

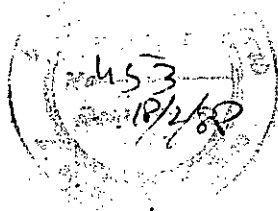
- Copy forwarded for information and n/action to the:
- 1- Director General, Agriculture (Extension) NWFP, Peshawar.
 - 2- Director Research (IIPAN) NWFP Agricultural University.
 - 3- Director General, Agricultural Research Inset: Tarnab.
 - 4- Director, Agricultural Engineering, NWFP, Tarnab.
 - 5- Dy: Director, Soil Conservation, NWFP, Peshawar.
 - 6- Director, Water Management, NWFP, Peshawar.
 - 7- Manager Government Printing Press, Peshawar.
 - 8- Section Officer (R-1) S&GAD, Government of NWFP, Peshawar.
 - 9- All Officers concerned.
 - 10- Accountant General, NWFP, Peshawar.
 - 11- All DAOs/Agency Accounts Officers in NWFP.
 - 12- Personal files of all officers concerned.
 - 13- Secretary, NWFP Public Service Commission, Peshawar.

*Amir
RBR*

No. 1234 dt 14/2/88

Misal/9-2-88

*forwarded to Syed Kazim Shah
DAD (S) & ASD Khan*



Z. H. Khan
Administrative Officer
to Director Resc
NWFP Agril: University
Peshawar.

AGRICULTURAL RESEARCH INSTITUTE
DERA ISMAIL KHAN - KHYBER PAKHTUNKHWA



Landline (0966) 740 090
Fax (0966) 740 415
Email: aridikhan@yahoo.com



No. 5051 /DAR[DK], Dated ARI, DIKhan the 18 / 12 /2014
To

The Director General
Agriculture Research
Khyber Pakhtunkhwa
Peshawar

Annexure
"C"

18

Subject: OPTION REGARDING UTILIZATION OF UN-CULTIVATED LAND

Memo:

During visit and briefing on Dairy Farm at Ratta Kulalchi, DIKhan, Honourable Minister for Agriculture, Khyber Pakhtunkhwa pointed out and showed dis-satisfaction on the fallow land (approximately 18 acres) adjacent to AZRI, DIKhan. However, Honourable Minister for Agriculture were briefed that the area is high level and could not be irrigated. A proposal already submitted vide this office No.2481/DAR[DK], dated 11.02.2009 (copy enclosed).

As the proposal at S.No.1 is not feasible i.e exchange of land because, now AZRI possess only 10 acres of land. Option is remained only to remove the upper soil layer upto 3-4 feet as proposed at S.No.2.

Therefore, your goodself is once again requested to kindly accord sanction for the removal of upper soil surface so that the area could be irrigated and brought under crop.

No. 5052 /DAR[DK],

Acidic
W

18/12
Director
9/2

Copy to:

P.S to Honourable Minister for Agriculture, Livestock & Cooperation Deptt. Khyber Pakhtunkhwa, Peshawar for his kind information.

18/12
Director
9/2

Y/D



D

2481 /DAR(DK), ARI, D.I.Khan

Dated: 11/12/2009

To

The Director General Research
NWFP Agricultural Research System
Peshawar

Subject:

OPTIONS REGARDING UTILIZATION OF 25 ACRES UN-
CULTIVATED LAND.

Memo:

Please refer to your office No. 11202/Audit/DGAR dated 16-11-2009 on the subject.

It is submitted that Government of NWFP, Agricultural Research Department had transferred/mutated 179 acres & 13 marlas of agricultural land to the Arid Zone Research Institute (AZRI), Dera Ismail Khan, which is a component of the Federal Government, for carrying out arid research activities under the Coordinated Research Programs in 1970's vide letter No. SOA1(FAD) 1-(13) 70-11 dated 29-11-1974.

Later, 20 acres land was exchanged between Agricultural Research Institute (the donor) and Arid Zone Research Institute (the recipient), Dera Ismail Khan vide letter No. 1992/PA/DGR dated 20-06-2000 for the construction of AZRI colony adjacent to ARI, D.I.Khan residential colony. But despite of lapse of about 10 years, no construction work has been started, rather the land is being utilized for cultivation of crops by the AZRI. Similarly, out of the total area of 20 acres land of this institute, received possession from AZRI, 4 acres are cultivable while rest of 16 acres is un-command and hence can not be cultivated under the existing situation.

Being away from the main research campus of ARI, D.I.Khan there are management problems that cause uneconomical and extra expenditure/burden on the regular budget. This 20 acres land adjacent to AZRI area can not be utilized properly for research purposes by the ARI, D.I.Khan. Whereas, AZRI possesses about 160 acres in neighborhood and, therefore, can manage the above mentioned 20 acres land effortlessly/efficiently. Moreover, 11 kanals and 11 marlas land, received from AZRI, has already come under the D.I.Khan By-pass Road for which Rs. 1067042/- payment has been received and deposited to the Government treasury.

Also, AZRI has handed over about half of the total 20 acres land to Fruit and Vegetable and Dairy Development Project of Agriculture, Livestock and Cooperative

Annexure
"D"

19

Attended
W.S.

AGRICULTURAL RESEARCH
DERA ISMAIL KHAN - NWFP

Phone Lines

0966 - 740090
0966 - 740046 Ext. 201



Fax & E-Mail

0966 - 740415
nadim.amjad@gmail.com

No. 9481 /DAR(DK), ARI, D.I.Khan

Dated: 11/2/2009

Department, Govt. of NWFP, which the AZRI received from ARI, D.I.Khan for construction of colony. In compensation for these 10 acres, Agriculture Extension Department was supposed to handover an equivalent piece of land from the Seed Farm, Ratta Kulachi, D.I.Khan which has yet to be materialized.

Keeping the above mentioned facts in view, following are the two feasible options for further necessary action.

1. Since AZRI has transferred half of the land (about 10 acres) to Fruit and vegetable Mandi and Mela Ground and another half is being used for cultivation and not for construction of colony therefore this 10 acres land may be retransferred back to its parent department (ARI, D.I.Khan). Another 10 acres land could be taken from Agriculture Extension Department, which possesses huge acreage adjacent to this research institute, for smooth running of research activities in the best interest of public service. Out of the total area of 20 acres land this institute received from AZRI near D.I.Khan By-pass Road, 10 acres could be transferred/mutated to Agriculture Extension Department and rest of 10 acres be handed over back to AZRI.
2. If it is not possible, then sanction, for removal of upper soil layer up to 3-4 feet depth of the said area (20 acres), adjacent to AZRI main field blocks, may be accorded to bring it under command for irrigation/cultivation.

Director

Atkinson
W. H. ...



MINISTER

MINISTER FOR REVENUE & ESTATE
KHYBER PAKHTUNKHWA

PS/C.S.I.P. No. Peshawar
Diary No. 10469 (use)
Date 30/10/15

No. PS/Min:Rev/KPK/27/2015/268
Dated 26.10.2015

SUBJECT: COMPLAINT REGARDING ILLEGAL EXCAVATION OF SOIL IN
AGRICULTURE LAND AT DISTRICT D.I.KHAN.

Dear Sir/A-a-a!

Amme...
"E"
21

I would like to draw your attention towards corruption in Agriculture Department in D.I.khan by which land worth 600.00 (M) has been destroyed by auctioning the soil of said land on 2.2 (M) even not getting approval by Secretary Agriculture and Director General Research Nazir Hussain Shah who has been under NAB inquiry before, for illegal cutting of trees and on what grounds he has been posted as DGR is a big question mark.

It is a matter of great concern that why soil has been auctioned which results as land is unable for cultivation for long period secondly as per market rate the soil taken & still illegal act is in progress if calculated is more than ten times from the auction money and is going beyond day by day.

The Tehsil member Haji Kamran Zafar complaint is being forwarded to you with documentary and pictorial proof and expect strict necessary action to ensure zero tolerance for corruption stance of PTI and Provincial Govt. for which independent Ehtesab Commission is established.

In this regard the Ehtesab Commission need/required proof/help (if any) for smooth proceeding the complainant will be available.

With Regards

Yours sincerely

AS
30/11

Secy, Agriculture
Report by
15/11/15

Ali Amin
(Ali Amin Khan Gandapur)

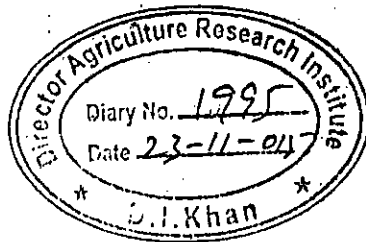
The Director General
Ehtesab Commission,
Khyber Pakhtunkhwa

C.S

Chief Secretary
Govt of Khyber Pakhtunkhwa

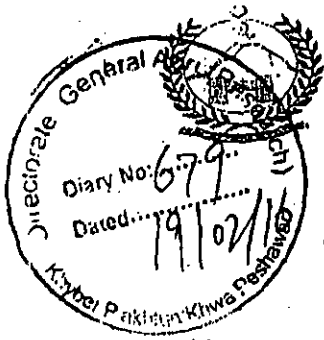
The Chief Secretary
Khyber Pakhtunkhwa.

Secretary Agriculture
Diary No. 9369



90

22



**GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT**

No. PS/Secy(Agri)/Exc/DIK/2015
Dated Peshawar the 2nd Feb, 2016

The Director General
Agriculture (Research)

Subject:-

**COMPLAINT REGARDING ILLEGAL EXCAVATION OF
SOIL IN AGRICULTURE LAND AT DISTRICT D.I.KHAN**

*Annexure
& F*

Vide No.PS/MIN/REV/KPK/2-7/2015/268. Dated 26/10/2015 Mr. Ali Amin Khan Gandapur, Minister for Revenue & Estate filed a complaint with Director General Ehtesab Commission with copy to Chief Secretary alleging illegal excavation of soil and causing damage to Agriculture Research land at D.I.khan. The matter was inquired through Dr. Gulyar, District Director Livestock & Dairy Development (Extension) Kohat. During the inquiry it has been transpired that neither the said excavation was required nor done with the permission of competent authority. Moreover, there was no check on the contractor who was given free hand, due to which he excavated up-to 6 feet at Block-B, where he had to excavate 4 feet. In Block-A also the contractor lifted 1 feet in depth extra soil, resulting the land too deep and has damaged 13 acres of precious government land rendering it misfit for agriculture purpose. Furthermore, no land leveling has been done to bring the land into cultivable form.

The competent authority has directed for referring the case for necessary action under E&D rules and other penal laws. In view of above, you are directed to clear the position being Director General Agriculture (Research).

Ali Amin Khan

Dispatcher
Dated:.....
Agri. Livestock & Coop
Deptt: Peshawar

Jan 22/2/16

[Signature]
SECRETARY AGRICULTURE

[Signature]

AAO. Head. 8/12

*Kazim Shah PS-0 ARI D.I.K
Pl. submit complete report
with your personal
comments immediately
19/2/16*



Agricultural Research Institute, D.I. Khan

Phone: 0966-740046, 740090 Fax: 0966-740415

No. 1937-40 /DAR (DK) dated ARI, D.I. Khan the 20 / 09 /2016

To

1. Kazim Shah the then Director, ARI, DIKhan
2. Mr. Inayat Hussain Shah, Research Officer ARI, DIKhan
3. Mr. Shahid Iqbal Khattak, Farm Manager, ARI, DIKhan
4. Muhammad Usman, Field Asstt: ARI, DIKhan

23

Annexure
"G"

Subject: INQUIRY (CHARGE SHEET/STATEMENT OF ILLATION)

Memo:

Please refer to letter NO.689/PSC(M), dated 19.09.2016 issued by Assistant Commissioner (Rev), Mardan Division Mardan (copy attached) which is self explanatory for information and further necessary action.

Enclosed please find herewith one copy of each of Charge sheet and statement of allegation. You are directed to produce necessary acknowledgment of above mentioned both official documents for onward submission to the quarter concerned as desired by the competent authority.

[Signature]
Director

No. _____ /DAR[DK]m

Copy to:

1. Assistant Commissioner (Rev), Mardan Division Mardan, for favour of information and with the request that Mr. Muhammad Usman, Field Asstt: has gone for performing Hajj and he is on Ex-Pakistan leave till 15.10.2016.
2. Director General, Agrc. Research System, KPK, Peshawar for information.

Inquiry Committee

1. Zakir Hussain Afridi
Commissioner Mardan.

2. Zahirullah Bisti Director
Agriculture Mardan.

Director

OFFICE OF THE COMMISSIONER (MARDAN DIVISION MARDAN)

24

Dated: 19.09.2016

689 JCC (M)

Annexure
"H"

- 2 Mr. Iqbal Hussain Shah,
Director General Agriculture Research.
- 3 Mr. Kazim Shah the then Director Agriculture Research.
- 4 Mr. Inayat Hussain Shah Research Officer.
- 5 Mr. Shoukat Iqbal Khattak Farm Manager.
- 6 Mr. Muhammad Usman field Assistant c/o the Director Agriculture
Research Institute, (D Khan) Khyber Pakhtunkhwa.

Inquiry

As per approval of the competent Authority, Charge sheet & statement of charges, have been served upon you, wherein you are required to submit written reply to the charges contained therein to the inquiry committee within 07 days.

You are therefore directed to submit your reply to the inquiry committee on or before 26.09.16, failing which ex-parte proceedings will be initiated against you.

A. Usman
[Signature]
 19/9/16
 Assistant to Commissioner (Rev)
 Mardan Division Mardan

Copy to be forwarded to:

- 1. The Secretary to Govt of Khyber Pakhtunkhwa Agriculture Department Peshawar with request to deputate a Departmental Representative to assist the Committee on issues pertaining to the Charge Sheet
- 2. The District Director Agriculture, Kohat is directed to be present on 26.09.2016 at 11:00 AM
- 3. The Section Officer East Agriculture Live Stock & Cooperative Department Peshawar

[Signature]
 19/9/16
 Assistant to Commissioner (Rev)
 Mardan Division Mardan

To

1. Zakir Hussain Afridi
Commissioner, Mardan
2. Mr. Zahir ullah Khan
District Director Agriculture
Kohat

25

Admission
[Signature]

Subject: Inquiry

Kindly refer to the letter No. 689/PSC (M) dated 19-09-2016

Sir,

Parawise reply is presented as under:

S.No.	Statement of allegations	Reply
A.	Rendered 13 acres of precious Govt. Land misfit for agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet.	Excavation of top soil was according to specification i.e. Block-A (05 acres) 3 feet and Block-B (08 acres) 4 feet. In Block-A crop was grown successfully during Rabi 2015-16 producing an average yield of 34 maunds per acre after the excavation whereas Block-B excavation was completed and leveling of the soil was in progress as per terms and conditions. Meanwhile undersigned suffered cardiac problem and left the charge of post of Director, ARI, DIKhan on 3-11-2015. The comments about the progress of excavation were asked by the Director, ARI, DIKhan and the undersigned articulated the facts vide letter No. 174/WB dated 24-2-2016 (Copy attached).
B.	Allowed unchecked excavation of land in total disregard to the specification in the advertisement floated.	No unchecked excavation was allowed until I was in the seat i.e. till 3-11-2015 when I left the charge.

Amirul Hossain 18-04-16

1288

C.	Allowed the highest bidder Mr. Mohammad Mohsin Shuja to sublet the contract to Mr. Saleem Khan without lawful authority and took no action against them.	Sir, Mr. Mohammad Mohsin Shuja, the highest bidder, was not allowed to sublet the contract to anyone else rather he gave attorney to Mr. Saleem Khan to complete his work on behalf of him.
D.	Failed to protect Govt. interest by showing slackness in supervision of the excavation by the contractor.	The contractor was not given free hand and he completed the work as per specification. However, he had to level the soil before handing over to the department as per terms and conditions. During this process, somehow a dispute occurred between the contractor and Mr. Abdul Majeed, the present Director, and the Director ordered to stop the work. As a result, contractor filed a suit in the honorable court against the department. However, the contractor restarted lifting of top soil having heavy machinery during 4-4-2016 to 13-4-2016. I am sure that the contractor excavated extra soil during this period if any.

26

A. Hossain
Wheat Botanist

Yours obediently

g/c
Kazim Shah

Wheat Botanist

ARI, DIKhan



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline)-Rules-2011, do hereby serve you, Mr. Kazim Shah the then Director ARI, D.I Khan, BPS-18 (OPS) as follows:-

1. (i) that consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing vide No. 689/PSC(M), dated 19/09/2016; and
- (ii) on going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defense before the Inquiry Committee,-

I am satisfied that you have committed the following acts / omissions specified in Rule 3 of the said-rules:

- (a) Rendered 13 acres of precious Govt: land misfit for Agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet.
 - (b) Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated.
 - (c) Failed to protect Govt: interest by showing slackness in supervision of the excavation by the Contractor.
2. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of stoppage of two annual increments without cumulative effect & recovery of Rs 880277.4 loss accrued to the Govt. under Rule 4 of the said-rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry committee is enclosed.

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER, KHYBER PAKHTUNKHWA
(COMPETENT AUTHORITY)

Alleged
Wan

Amended
"g"
27





**GOVERNMENT OF KHYBER PAKHTUNKHWA
ENERGY & POWER DEPARTMENT**

First Floor Block-A, Wali Khan Multiplex, Civil Secretariat, Peshawar
Phone No. +92-091-9223626, Fax No.+92-092-9223624

No. P.S. Secy /E&P/2017
Dated 10th July, 2017

Amir Khan
4 J. 20
28

To

- 1. Dr. Nazeer Hussain Shah, ex-DG Agriculture Research, Peshawar
- 2. Mr. Kazim Shah, ex-Distt Director Agriculture Research, D.I. Khan
- 3. Mr. Inayat Hussain Shah, Agriculture Research Officer.
- 4. The Shahid Iqbal Khattak Agriculture Research Officer
- 5. Mr. Muhammad Usman, Field, ARI, D.I. Khan.

Subject: **INQUIRY AGAINST DR. NAZEER HUSSAIN SHAH, EX-D.G. AGRICULTURE (RESEARCH) KAZIM SHAH, EX-DISTT DIRECTOR AGRICULTURE, D.I. KHAN, MR.SHAHID IQBAL KHATTAK RESEARCH OFFICER AND MR. MUHAMMAD USMAN, FIELD ASSISTANT**

Dear Sir,

I am directed to refer to the subject noted above and to intimate that Engineer Muhammad Naeem Khan, Secretary Energy and Power has been deputed by the Chief Minister for Personal Hearing on his behalf in the instant disciplinary case. You are, therefore, directed request to you to attend the office of Secretary Energy and Power at **11:00 A.M. on 18.7.2017** for this purpose.

2. I am further directed to request you to bring relevant record/documents, if you have to submit anything in your defense please.

Ali Khan
2/11/17

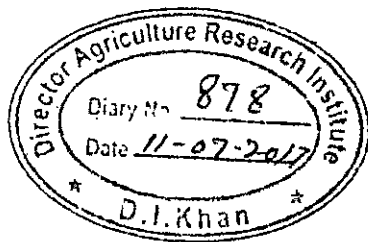
P.S. to Secretary
Energy & Power

Ends: of even No. & Date

- 1. D.G. Agriculture Research, Khyber Pakhtunkhwa, Peshawar with the request to direct the Accused Officers/official to attend the venue of Personal Hearing given above.
- 2. P.S. to Secretary Energy & Power for information.

put to dik
11/7

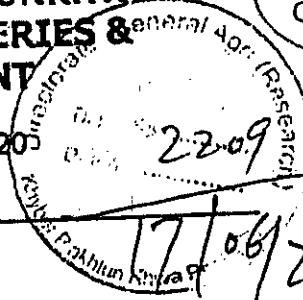
[Signature]
P.S. to Secretary
Energy & Power





GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK FISHERIES &
COOPERATIVE DEPARTMENT

Dated Peshawar, the June 12th, 2020



29

ORDER:

NO. SOE (AD)6-52/2016:- WHEREAS, Mr. Kazim Shah the then Director ARI, D.I Khan (BS-18) (OPS) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

Handwritten signature

2. AND WHEREAS, Mr. Zakir Hussain Afridi (PCS EG BS-20) Commissioner Mardan Division Mardan Chairman (Inquiry Commission) and Zahirullah Khan, District Director Agriculture Kohat (Member Inquiry Committee) were appointed as Inquiry Committee to conduct inquiry against the said officer for the charges leveled against him.

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

4. NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanation of the accused officer, finding of the inquiry committee and in exercising his powers under Rule 14(5)(ii) (Efficiency and Discipline) Rules, 2011 has been pleased to impose the minor penalty of "Stoppage of two annual increments without cumulative effect & recovery of Rs. 880277.4/- loss accrued to the Govt." on the officer.

Sd/-
SECRETARY AGRICULTURE

Endst. of Even No. & Date.

Copy forwarded to:-

1. The Director General, Agriculture (Research), Khyber Pakhtunkhwa, Peshawar for further necessary action under intimation to this Department.
2. The District Accounts Officers D.I Khan.
3. Officer concerned.
4. P.S to Secretary, Agriculture Department.
5. P.A to Deputy Secretary (Admn), Agriculture Department.
6. Master File.

Handwritten signature

Handwritten signature
(AHMAD HUSSAIN)

To

The Worthy
Chief Secretary,
Khyber Pakhtunkhwa
Peshawar

Annexure
"L"

30

Attested
[Signature]

Subject:-

DEPARTMENTAL APPEAL/REVIEW
PETITION AIMED AGAINST THE
IMPOSITION OF MINOR PENALTY
IMPUGNED OFFICE ORDER NO. SOE
(AD)6-52/2016 DATED 12.06.2020 WITH
THE REQUEST TO SET ASIDE/STRUCK
DOWN THE SAME AND DECLARE IT AS
VOID AB INITIO AND INEFFECTIVE UPON
THE VALUABLE RIGHTS OF THE
APPELLANT

THROUGH REGISTERED A.D./THROUGH
PROPER CHANNEL

Respected Sir,

The Appellant humbly submits as under:-

1. That Appellant was appointed as Adhoc Assistant Research Officer (BPS-17) in Agriculture Department of Government of Khyber Pakhtunkhwa and later on, his services were regularized through notification Dated 10.02.1988. Copies of the Posting/Transfer order Dated 04.06.1986 along with regularization Notification Dated 10.02.1986 are enclosed as Annexure "A" & "B" respectively.

2. That up till 2017, the Appellant has 31 years unblemished service record and now in 2020, he has almost 34 years service at his credit and is going to attain the age of superannuation on 09.09.2020. So, the Appellant is at the verge of his retirement.

Attended
W. B. Khan

3. That in the year 2014/2015, the Appellant was working as Director Agriculture (BPS-18) in Agricultural Research Institute Dera Ismail Khan, when the incumbent Honorable Minister for Agriculture Government of Khyber Pakhtunkhwa pointed out and showed his dissatisfaction on the fallow land adjacent to AZRI Dera Ismail Khan. The undersigned briefed the Honorable Minister that the area is high level and could not be irrigated. The then Honorable Minister showed eagerness to cultivate the fallow land. So, in order to fulfill the aspiration of the Honorable Minister which was in the interest of the public, a proposal for removal of upper soil layer was sent to Director General Agriculture Research Khyber Pakhtunkhwa Peshawar vide letter No. 5051 Dated 18.12.2014. Copy of the order No. 5051 Dated 18.12.2014 is enclosed as Annexure "C".

4. That it is also a matter of record that similar proposal was also forwarded to the Director General Research Khyber Pakhtunkhwa Agriculture Research System Peshawar on 11.02.2009 vide letter No. 2481/DAR(DK)ARI, Dera Ismail Khan of even date but the same was not materialized. Copy of letter Dated 11.02.2009 is enclosed as Annexed "D".

5. That later on, case was sent to Director General Agriculture Research System Peshawar to make cultivable the fallow land of AGRI Dera Ismail Khan for approval and the same was granted through letter of approval Dated 26.12.2014

issued by Director General Agriculture Research System Peshawar. After getting approval, proper advertisement was published in Daily "Mashriq" on 10.02.2015 demanding auction from the eligible contractor for removal of fallow soil to make the land cultivable. In pursuance of the advertisement, auction was held and the highest bidder/contractor was awarded with the contract to lift the upper soil of the fallow land. All this was done for the benefit of the Government interest and exchequer.

Subhan
Wahid

6. That after award of contract, the fallow land was divided into two blocks namely BLOCK-A & BLOCK-B. The contractor lifted the upper soil of Block-A while his work was hindered by the Department in respect of Block-B which constrained the contractor to knock the door of the Court in the shape of Civil Suit which is still pending at the Civil Court, Dera Ismail Khan.
7. That during the entire process, the utmost care and caution was taken by the undersigned to save the interest of the Government and it is a matter of record that from this entire process, the Government exchequer has been benefited a lot. Neither the land has been made misfit nor any harm have been done to the interest of the Government.
8. That everything was smooth sailing when on 26.10.2015, the then Revenue Minister in order to settle score with his political rival who was by that time holding the charge of incumbent Minister for Agriculture, moved an application/complaint to the Director General Ehtesab Commission regarding alleged illegal excavation of soil in Agriculture land at District Dera Ismail Khan. The copy of the application/complaint Dated 26.10.2015 was forwarded to worthy Chief Secretary, Khyber Pakhtunkhwa, who then

Attest
Zubair 33

forwarded the same to worthy Secretary Agriculture. Copies of the application/complaint Dated 26.10.2015 along with letter Dated 02.02.2016 are enclosed as Annexure "E" & "F" respectively.

9. That contents of letter Dated 02.02.2016 reflects that initially, one Dr Gulyar, District Director Livestock & Dairy Development (Extension) Kohat enquired the matter in a patently illegal manner and might have submitted his report to the quarter concerned because the Appellant is not in possession of outcome/report of said inquiry.
10. That later on, abruptly through covering Letter No. 1437-40/DAR(DK)ARI Dated 20.09.2016, the Appellant received charge sheet/statement of allegations and to enquire the charges, inquiry committee was also constituted. The Commissioner Mardan was appointed as head of the inquiry committee. The proceedings of the inquiry committee were held in flagrant violation of law because neither the statement of any prosecution witness was recorded in presence of the Appellant nor any departmental representative was appointed to bring on record against the Appellant. The appellant has not been associated in the inquiry proceedings within the four corner of law. However, just as an eye wash, the Appellant was directed to submit reply through Letter No. 689/PSC(M) Dated 19/09.2019 which was accordingly submitted. Copies of the letter Dated 20.09.2016, 19.09.2016 and Para wise reply of the Appellant are enclosed as Annexure "G" & "H" respectively.
11. That after that on 27.03.2017, the Appellant received final Show Cause Notice (SCN) issued by the Honorable competent authority containing same unfounded and baseless allegations as were leveled in the charge

Attestation
[Signature]
34

sheet/statement of allegations. However, the same was duly replicated by the Appellant on 05.04.2017. It is a matter of record that in the afore stated final Show Cause Notice (SCN), the competent authority also tentatively propose the imposition of minor penalty of stoppage of two annual increment without cumulative effect & recovery of Rs. 8,80,277.4 loss accrued to the Government. Copy of the final Show Cause Notice (SCN) Dated 27.03.2017 is enclosed as Annexure "I".

12. That vide letter 10.07.2017, all the five Accused including the Appellant were directed to appear for personal hearing on 18.07.2017 before Engineer Muhammad Naeem Khan, the worthy Secretary Energy and Power Department and they did appear before the afore stated date. Copy of the letter Dated 10.07.2017 is enclosed as Annexure "I".

13. That afterwards, the matter went in deep slumber for long 3 Years and 3 Months and no proceedings whatsoever were conducted or finalized when suddenly on 12.06.2020, through impugned Office Order No. SOE (AD)6-52/2016, the minor penalties as stated earlier have been imposed upon the Appellant. The salary of the Appellant has also been stopped illegally from 01.10.2019 and for release of the salary, proper application has been moved along with under taking to refund the same. The Appellant has also floated his option for pre-mature retirement which was due on 05.07.2019. The actual date of retirement of the Appellant is 09.09.2020. Copies of the impugned Office Order No. SOE (AD)6-52/2016 is enclosed as Annexure "K".

14. That feeling aggrieved from the impugned imposition of minor penalties Order Dated 12.06.2020 and having left with

Attorney
W. G. (35)

no other efficacious remedy the instant departmental Appeal is being filed on the following among others ground:-

G R O U N D S

- a. That impugned imposition of minor penalties Order Dated 12.06.2020 over the Appellant is against law, fact of the case and material available on the record. The impugned action and imposition of minor penalty Order is patently illegal, void ab initio and ineffective upon the valuable rights of the Appellant. Thus, impugned Order Dated 12.06.2020 inflicting the unwarranted penalties over the Appellant is liable to be reversed and set aside.
- b. That alleged departmental proceedings has been conducted in flagrant violation of law governing the conduct of Departmental proceedings because neither the statement of any prosecution witness was recorded in presence of the Appellant. No Departmental representative was appointed to bring on record against the Appellant. The Appellant has not been associated in the inquiry proceedings within the four corners of law. Thus, the impugned imposition of minor penalty order Dated 12.06.2020 is liable to be struck down.
- c. That about 32 years long unblemished service career of the Appellant has been stigmatized by imposition of minor penalties and more alarmingly at the verge of his retirement, therefore, the impugned action is liable to be reversed and the case of the appellant also need

Subscribed
Zubair

36

sympathetic consideration on legal as well as on humanitarian grounds.

- d. That it is a matter of record that after the process of auction, the excavated land comprising of Block-A & Block-B was cultivated by the Department and this fact is evident from the copy of Crop register of the Agricultural Research Institute Dera Ismail Khan. Copy of the same is enclosed as Annexure "L".
- e. That it is also a matter of record that vide Letter No. 5051 Dated 18.12.2014, the Appellant sought sanction of Director General, Agriculture Research System Peshawar which was accordingly granted vide Letter Dated 26.12.2014 issued by the Worthy Director General, therefore, the impugned action is not sustainable in the eyes of law and is liable to be struck down.
- f. That the Appellant may please be allowed to raise legal and factual grounds at the time of hearing of instant Departmental Appeal.

It is therefore, most humbly prayed that Departmental Appeal may please be allowed as prayed for.

Kazim Shah

Dated:-04.07.2020

Kazim Shah
Principal Research Officer/Ex-Director Agriculture, D.I.Khan
ID Card No. 12101-8174077-9
Adress:- C/O Gandapur Cement Agency, Sheikh Yousaf Ada, Dera Ismail Khan

To

The Honorable
Chief Minister,
Khyber Pakhtunkhwa
Peshawar

Atulika
W. S. S.

37

Subject:-

DEPARTMENTAL APPEAL/REVIEW
PETITION AIMED AGAINST THE
IMPOSITION OF MINOR PENALTY
IMPUGNED OFFICE ORDER NO. SOE
(AD)6-52/2016 DATED 12.06.2020 WITH
THE REQUEST TO SET ASIDE/STRUCK
DOWN THE SAME AND DECLARE IT AS
VOID AB INITIO AND INEFFECTIVE UPON
THE VALUABLE RIGHTS OF THE
APPELLANT

THROUGH REGISTERED A.D./THROUGH
PROPER CHANNEL

Respected Sir,

The Appellant humbly submits as under:-

1. That Appellant was appointed as Adhoc Assistant Research Officer (BPS-17) in Agriculture Department of Government of Khyber Pakhtunkhwa and later on, his services were regularized through notification Dated 10.02.1988. Copies of the Posting/Transfer order Dated 04.06.1986 along with regularization Notification Dated 10.02.1986 are enclosed as Annexure "A" & "B" respectively.

Attest
[Signature]
(38)

2. That up till 2017, the Appellant has 31 years unblemished service record and now in 2020, he has almost 34 years service at his credit and is going to attain the age of superannuation on 09.09.2020. So, the Appellant is at the verge of his retirement.
3. That in the year 2014/2015, the Appellant was working as Director Agriculture (BPS-18) in Agricultural Research Institute Dera Ismail Khan, when the incumbent Honorable Minister for Agriculture Government of Khyber Pakhtunkhwa pointed out and showed his dissatisfaction on the fallow land adjacent to AZRI Dera Ismail Khan. The undersigned briefed the Honorable Minister that the area is high level and could not be irrigated. The then Honorable Minister showed eagerness to cultivate the fallow land. So, in order to fulfill the aspiration of the Honorable Minister which was in the interest of the public, a proposal for removal of upper soil layer was sent to Director General Agriculture Research Khyber Pakhtunkhwa Peshawar vide letter No. 5051 Dated 18.12.2014. Copy of the order No. 5051 Dated 18.12.2014 is enclosed as Annexure "C".
4. That it is also a matter of record that similar proposal was also forwarded to the Director General Research Khyber Pakhtunkhwa Agriculture Research System Peshawar on 11.02.2009 vide letter No. 2481/DAR(DK)ARI, Dera Ismail Khan of even date but the same was not materialized. Copy of letter Dated 11.02.2009 is enclosed as Annexed "D".
5. That later on, case was sent to Director General Agriculture Research System Peshawar to make cultivable the fallow land of AGRI Dera Ismail Khan for approval and the same was granted through letter of approval Dated 26.12.2014

*Attending
2/2/15* (39)

issued by Director General Agriculture Research System Peshawar. After getting approval, proper advertisement was published in Daily "Mashriq" on 10.02.2015 demanding auction from the eligible contractor for removal of fallow soil to make the land cultivable. In pursuance of the advertisement, auction was held and the highest bidder/contractor was awarded with the contract to lift the upper soil of the fallow land. All this was done for the benefit of the Government interest and exchequer.

6. **That** after award of contract, the fallow land was divided into two blocks namely BLOCK-A & BLOCK-B. The contractor lifted the upper soil of Block-A while his work was hindered by the Department in respect of Block-B which constrained the contractor to knock the door of the Court in the shape of Civil Suit which is still pending at the Civil Court, Dera Ismail Khan.
7. **That** during the entire process, the utmost care and caution was taken by the undersigned to save the interest of the Government and it is a matter of record that from this entire process, the Government exchequer has been benefited a lot. Neither the land has been made misfit nor any harm have been done to the interest of the Government.
8. **That** everything was smooth sailing when on 26.10.2015, the then Revenue Minister in order to settle score with his political rival who was by that time holding the charge of incumbent Minister for Agriculture, moved an application/complaint to the Director General Ehtesab Commission regarding alleged illegal excavation of soil in Agriculture land at District Dera Ismail Khan. The copy of the application/complaint Dated 26.10.2015 was forwarded to worthy Chief Secretary, Khyber Pakhtunkhwa, who then

Amir
20/9/16 (40)

forwarded the same to worthy Secretary Agriculture. Copies of the application/complaint Dated 26.10.2015 along with letter Dated 02.02.2016 are enclosed as Annexure "E" & "F" respectively.

9. That contents of letter Dated 02.02.2016 reflects that initially, one Dr Gulyar, District Director Livestock & Dairy Development (Extension) Kohat enquired the matter in a patently illegal manner and might have submitted his report to the quarter concerned because the Appellant is not in possession of outcome/report of said inquiry.
10. That later on, abruptly through covering Letter No. 1437-40/DAR(DK)ARI Dated 20.09.2016, the Appellant received charge sheet/statement of allegations and to enquire the charges, inquiry committee was also constituted. The Commissioner Mardan was appointed as head of the inquiry committee. The proceedings of the inquiry committee were held in flagrant violation of law because neither the statement of any prosecution witness was recorded in presence of the Appellant nor any departmental representative was appointed to bring on record against the Appellant. The appellant has not been associated in the inquiry proceedings within the four corner of law. However, just as an eye wash, the Appellant was directed to submit reply through Letter No. 689/PSC(M) Dated 19/09.2019 which was accordingly submitted. Copies of the letter Dated 20.09.2016, 19.09.2016 and Para wise reply of the Appellant are enclosed as Annexure "G" & "H" respectively.
11. That after that on 27.03.2017, the Appellant received final Show Cause Notice (SCN) issued by the Honorable competent authority containing same unfounded and baseless allegations as were leveled in the charge

Atul
20/07/17 (41)

sheet/statement of allegations. However, the same was duly replicated by the Appellant on 05.04.2017. It is a matter of record that in the afore stated final Show Cause Notice (SCN), the competent authority also tentatively propose the imposition of minor penalty of stoppage of two annual increment without cumulative effect & recovery of Rs. 8,80,277.4 loss accrued to the Government. Copy of the final Show Cause Notice (SCN) Dated 27.03.2017 is enclosed as Annexure "I".

12. That vide letter 10.07.2017, all the five Accused including the Appellant were directed to appear for personal hearing on 18.07.2017 before Engineer Muhammad Naeem Khan, the worthy Secretary Energy and Power Department and they did appear before the afore stated date. Copy of the letter Dated 10.07.2017 is enclosed as Annexure "I".
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14. That feeling aggrieved from the impugned imposition of minor penalties Order Dated 12.06.2020 and having left with

Admission
2/2/20 (42)

no other efficacious remedy the instant departmental Appeal is being filed on the following among others ground:-

G R O U N D S

- a. That impugned imposition of minor penalties Order Dated 12.06.2020 over the Appellant is against law, fact of the case and material available on the record. The impugned action and imposition of minor penalty Order is patently illegal, void ab initio and ineffective upon the valuable rights of the Appellant. Thus, impugned Order Dated 12.06.2020 inflicting the unwarranted penalties over the Appellant is liable to be reversed and set aside.
- b. That alleged departmental proceedings has been conducted in flagrant violation of law governing the conduct of Departmental proceedings because neither the statement of any prosecution witness was recorded in presence of the Appellant. No Departmental representative was appointed to bring on record against the Appellant. The Appellant has not been associated in the inquiry proceedings within the four corners of law. Thus, the impugned imposition of minor penalty order Dated 12.06.2020 is liable to be struck down.
- c. That about 32 years long unblemished service career of the Appellant has been stigmatized by imposition of minor penalties and more alarmingly at the verge of his retirement, therefore, the impugned action is liable to be reversed and the case of the appellant also need

*Attorney
Zubair* (43)

sympathetic consideration on legal as well as on humanitarian grounds.

- d. That it is a matter of record that after the process of auction, the excavated land comprising of Block-A & Block-B was cultivated by the Department and this fact is evident from the copy of Crop register of the Agricultural Research Institute Dera Ismail Khan. Copy of the same is enclosed as Annexure "L".
- e. That it is also a matter of record that vide Letter No. 5051 Dated 18.12.2014, the Appellant sought sanction of Director General, Agriculture Research System Peshawar which was accordingly granted vide Letter Dated 26.12.2014 issued by the Worthy Director General, therefore, the impugned action is not sustainable in the eyes of law and is liable to be struck down.
- f. That the Appellant may please be allowed to raise legal and factual grounds at the time of hearing of instant Departmental Appeal.

It is therefore, most humbly prayed that Departmental Appeal may please be allowed as prayed for.

Dated:-04.07.2020

Sm. Kazim
Kazim Shah

Principal Research Officer/Ex-Director Agriculture, D.I.Khan
ID Card No. 12101-8174077-9
Address:- C/O Gandapur Cement Agency, Sheikh Yousaf Ada, Dera Ismail Khan

To

The Honorable
Governor,
Khyber Pakhtunkhwa
Peshawar

Amir
Z. J.

44

Subject:-

DEPARTMENTAL APPEAL/REVIEW
PETITION AIMED AGAINST THE
IMPOSITION OF MINOR PENALTY
IMPUGNED OFFICE ORDER NO. SOE
(AD)6-52/2016 DATED 12.06.2020 WITH
THE REQUEST TO SET ASIDE/STRUCK
DOWN THE SAME AND DECLARE IT AS
VOID AB INITIO AND INEFFECTIVE UPON
THE VALUABLE RIGHTS OF THE
APPELLANT

THROUGH REGISTERED A.D/THROUGH
PROPER CHANNEL

Respected Sir,

The Appellant humbly submits as under:-

1. That Appellant was appointed as Adhoc Assistant Research Officer (BPS-17) in Agriculture Department of Government of Khyber Pakhtunkhwa and later on, his services were regularized through notification Dated 10.02.1988. Copies of the Posting/Transfer order Dated 04.06.1986 along with regularization Notification Dated 10.02.1986 are enclosed as Annexure "A" & "B" respectively.

Atiq
Zahid
45

2. That up till 2017, the Appellant has 31 years unblemished service record and now in 2020, he has almost 34 years service at his credit and is going to attain the age of superannuation on 09.09.2020. So, the Appellant is at the verge of his retirement.
3. That in the year 2014/2015, the Appellant was working as Director Agriculture (BPS-18) in Agricultural Research Institute Dera Ismail Khan, when the incumbent Honorable Minister for Agriculture Government of Khyber Pakhtunkhwa pointed out and showed his dissatisfaction on the fallow land adjacent to AZRI Dera Ismail Khan. The undersigned briefed the Honorable Minister that the area is high level and could not be irrigated. The then Honorable Minister showed eagerness to cultivate the fallow land. So, in order to fulfill the aspiration of the Honorable Minister which was in the interest of the public, a proposal for removal of upper soil layer was sent to Director General Agriculture Research Khyber Pakhtunkhwa Peshawar vide letter No. 5051 Dated 18.12.2014. Copy of the order No. 5051 Dated 18.12.2014 is enclosed as **Annexure "C"**.
4. That it is also a matter of record that similar proposal was also forwarded to the Director General Research Khyber Pakhtunkhwa Agriculture Research System Peshawar on 11.02.2009 vide letter No. 2481/DAR(DK)ARI, Dera Ismail Khan of even date but the same was not materialized. Copy of letter Dated 11.02.2009 is enclosed as **Annexed "D"**.
5. That later on, case was sent to Director General Agriculture Research System Peshawar to make cultivable the fallow land of AGRI Dera Ismail Khan for approval and the same was granted through letter of approval Dated 26.12.2014

Attended
26/10/15 (46)

issued by Director General Agriculture Research System Peshawar. After getting approval, proper advertisement was published in Daily "Mashriq" on 10.02.2015 demanding auction from the eligible contractor for removal of fallow soil to make the land cultivable. In pursuance of the advertisement, auction was held and the highest bidder/contractor was awarded with the contract to lift the upper soil of the fallow land. All this was done for the benefit of the Government interest and exchequer.

6. **That** after award of contract, the fallow land was divided into two blocks namely BLOCK-A & BLOCK-B. The contractor lifted the upper soil of Block-A while his work was hindered by the Department in respect of Block-B which constrained the contractor to knock the door of the Court in the shape of Civil Suit which is still pending at the Civil Court, Dera Ismail Khan.
7. **That** during the entire process, the utmost care and caution was taken by the undersigned to save the interest of the Government and it is a matter of record that from this entire process, the Government exchequer has been benefited a lot. Neither the land has been made misfit nor any harm have been done to the interest of the Government.
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Attended
2/10/16

47

forwarded the same to worthy Secretary Agriculture. Copies of the application/complaint Dated 26.10.2015 along with letter Dated 02.02.2016 are enclosed as Annexure "E" & "F" respectively.

9. That contents of letter Dated 02.02.2016 reflects that initially, one Dr Gulyar, District Director Livestock & Dairy Development (Extension) Kohat enquired the matter in a patently illegal manner and might have submitted his report to the quarter concerned because the Appellant is not in possession of outcome/report of said inquiry.
10. That later on, abruptly through covering Letter No. 1437-40/DAR(DK)ARI Dated 20.09.2016, the Appellant received charge sheet/statement of allegations and to enquire the charges, inquiry committee was also constituted. The Commissioner Mardan was appointed as head of the inquiry committee. The proceedings of the inquiry committee were held in flagrant violation of law because neither the statement of any prosecution witness was recorded in presence of the Appellant nor any departmental representative was appointed to bring on record against the Appellant. The appellant has not been associated in the inquiry proceedings within the four corner of law. However, just as an eye wash, the Appellant was directed to submit reply through Letter No. 689/PSC(M) Dated 19/09.2019 which was accordingly submitted. Copies of the letter Dated 20.09.2016, 19.09.2016 and Para wise reply of the Appellant are enclosed as Annexure "G" & "H" respectively.
11. That after that on 27.03.2017, the Appellant received final Show Cause Notice (SCN) issued by the Honorable competent authority containing same unfounded and baseless allegations as were leveled in the charge

Attending
Naeem Khan

48

sheet/statement of allegations. However, the same was duly replicated by the Appellant on 05.04.2017. It is a matter of record that in the afore stated final Show Cause Notice (SCN), the competent authority also tentatively propose the imposition of minor penalty of stoppage of two annual increment without cumulative effect & recovery of Rs. 8,80,277.4 loss accrued to the Government. Copy of the final Show Cause Notice (SCN) Dated 27.03.2017 is enclosed as Annexure "I".

12. That vide letter 10.07.2017, all the five Accused including the Appellant were directed to appear for personal hearing on 18.07.2017 before Engineer Muhammad Naeem Khan, the worthy Secretary Energy and Power Department and they did appear before the afore stated date. Copy of the letter Dated 10.07.2017 is enclosed as Annexure "J".
13. That afterwards, the matter went in deep slumber for long 3 Years and 3 Months and no proceedings whatsoever were conducted or finalized when suddenly on 12.06.2020, through impugned Office Order No. SOE (AD)6-52/2016, the minor penalties as stated earlier have been imposed upon the Appellant. The salary of the Appellant has also been stopped illegally from 01.10.2019 and for release of the salary, proper application has been moved along with undertaking to refund the same. The Appellant has also floated his option for pre-mature retirement which was due on 05.07.2019. The actual date of retirement of the Appellant is 09.09.2020. Copies of the impugned Office Order No. SOE (AD)6-52/2016 is enclosed as Annexure "K".
14. That feeling aggrieved from the impugned imposition of minor penalties Order Dated 12.06.2020 and having left with

Attorney
2/2/21 (49)

no other efficacious remedy the instant departmental Appeal is being filed on the following among others ground:-

G R O U N D S

- a. **That** impugned imposition of minor penalties Order Dated 12.06.2020 over the Appellant is against law, fact of the case and material available on the record. The impugned action and imposition of minor penalty Order is patently illegal, void ab initio and ineffective upon the valuable rights of the Appellant. Thus, impugned Order Dated 12.06.2020 inflicting the unwarranted penalties over the Appellant is liable to be reversed and set aside.

- b. **That** alleged departmental proceedings has been conducted in flagrant violation of law governing the conduct of Departmental proceedings because neither the statement of any prosecution witness was recorded in presence of the Appellant. No Departmental representative was appointed to bring on record against the Appellant. The Appellant has not been associated in the inquiry proceedings within the four corners of law. Thus, the impugned imposition of minor penalty order Dated 12.06.2020 is liable to be struck down.

- c. **That** about 32 years long unblemished service career of the Appellant has been stigmatized by imposition of minor penalties and more alarmingly at the verge of his retirement, therefore, the impugned action is liable to be reversed and the case of the appellant also need

*Attended
Zubair (50)*

sympathetic consideration on legal as well as on humanitarian grounds.

- d. That it is a matter of record that after the process of auction, the excavated land comprising of Block-A & Block-B was cultivated by the Department and this fact is evident from the copy of Crop register of the Agricultural Research Institute Dera Ismail Khan. Copy of the same is enclosed as Annexure "L".
- e. That it is also a matter of record that vide Letter No. 5051 Dated 18.12.2014, the Appellant sought sanction of Director General, Agriculture Research System Peshawar which was accordingly granted vide Letter Dated 26.12.2014 issued by the Worthy Director General, therefore, the impugned action is not sustainable in the eyes of law and is liable to be struck down.
- f. That the Appellant may please be allowed to raise legal and factual grounds at the time of hearing of instant Departmental Appeal.

It is therefore, most humbly prayed that Departmental Appeal may please be allowed as prayed for.

Dated:-04.07.2020

Kazim Shah
Kazim Shah

Principal Research Officer/Ex-Director Agriculture, D.I.Khan

ID Card No. 12101-8174077-9

Adress:- C/O Gandapur Cement Agency, Sheikh Yousaf Ada, Dera Ismail Khan

Annexure
"M"

SI

No: _____/DAR (DK)

Dated: 06 07 2020

To

The Director General
Agriculture Research Peshawar
KP, Peshawar

A. H. Khan
Director

Subject: APPEAL IN RESPECT OF MR. AZIM SHAH, EX PRO (HORTICULTURE)

Memo:

Kindly enclosed please find herewith an appeal in original in respect of Mr. Kazim Shah, Ex-PRO (Horticulture) ARI, DIKhan for onward submission to competent authority.

Kazim
Director

No: 1302 /DAR (DK)

Copy to:

Mr. Kazim Shah Ex-PRO (Horticulture) ARI, D.I.Khan for information

R/L-12582680

Submitted for C. Sect.

52

No: _____/DAR (DK)

Dated: 06/07/2020

To

The Director General
Agriculture Research Peshawar
KP, Peshawar

*Attestation
Wahid*

Subject: APPEAL IN RESPECT OF MR. KAZIM SHAH, EX PRO (HORTICULTURE)

Memo:

Kindly enclosed please find herewith an appeal in original in respect of Mr. Kazim Shah, Ex-PRO (Horticulture) ARI, DIKhan for onward submission to competent authority.

Director
Director

No: 1300 _____/DAR (DK)

Copy to:

Mr. Kazim Shah Ex-PRO (Horticulture) ARI, D.I.Khan for information

RGL-12582681

Submitted for C.M.

53

No: _____/DAR (DK)

Dated: 06/07/2020

Attested
Khan

To

The Director General
Agriculture Research Peshawar
KP, Peshawar

Subject: APPEAL IN RESPECT OF MR. KAZIM SHAH, EX PRO (HORTICULTURE)

Memo:

Kindly enclosed please find herewith an appeal in original in respect of Mr. Kazim Shah, Ex-PRO (Horticulture) ARI, DIKhan for onward submission to competent authority.

[Signature]
Director

No: 1298 /DAR (DK)

Copy to:

Mr. Kazim Shah Ex-PRO (Horticulture) ARJ, D.I.Khan for information

RGL - 1258 2682

Submitted for Governor

Crop Register Of The Agricultural Research Institute. D.I.Khan.

Block Location G.P. 4, A. Zone, S. Boring, Faisalabad, Punjab Season 2015-16

Amendment "N"

(L)

No. Of Crop	Variety	Area	Date Of Sowing	Method Of Sowing	Quantity Of Seed	Pesticide		Fertilizer		Date Of Harvesting	Produce
						Kind	Quantity	Kind	Quantity		
Wheat	Washim-88 Pirbasic	K-19 15-0	07/11/2015	Drill	95 DSR P.No. 153	Axiat+Allyms DIR P.No.	700mit+07bata 168	Ssp+4hes DIR P.No. 146	64 bags		454 bags/50
	"	24-0	08/11/2015	"	152 DSR P.No. 153	Axiat+Allyms DIR P.No.	1260mit+1.5bata 168	Ssp+4hes DIR P.No. 146	06 bags		then stored.
	"	32-0	12/11/2015	"	202 DSR P.No. 153	Axiat+Allyms DIR P.No.	1600mit+02bata 168	Ssp+4hes DIR P.No. 146	12 bags		main store
Zone	"	16-0 ✓	15/11/2015	"	101 DSR P.No. 153	Axiat+Allyms DIR P.No.	840mit+01bata 168	Ssp+4hes DIR P.No. 146	04 bags		Register P-174
P.4	"	59-0	18/11/2015	"	440 DSR P.No. 153	Axiat+Allyms DIR P.No.	3098mit+03bata 168	Up+Dap+4hes DIR P.No. 146	17 RT		174
A. Zone	"	30-0 ✓	21/11/2015	"	282 DSR P.No. 153	Axiat+Allyms DIR P.No.	1600mit+02bata 168	Ssp+4hes DIR P.No. 146	10 bags		55 bags/50
Sub Area	"	40-0	28/11/2015	"	365 DSR P.No. 153	Axiat+Allyms DIR P.No.	2135mit+02bata 168	DAP+4hes DIR P.No.	08 bags 137		of A. Zone
	"	52-0	29/11/2015	"	463 DSR P.No. 153	Axiat+Allyms DIR P.No.	2775mit+3.5 bata 168	DAP+4hes DIR P.No.	10 bags 137		transferred to main store Register P.174
<p>Total = 268 kanal</p> <p>5.3 kanal deducted</p> <p>vide Director diary</p> <p>No. 637, dated 08/04/2016</p> <p>and net area is 262.7 kanals.</p>											
<p>Wheat of new auctioned vide</p> <p>chktan NO. 23, dated 25/05/2016</p> <p>of (84.25 acre) amounting to</p> <p>Rs: 61310/=</p>											
<p>174</p> <p>FARM MANAGER</p> <p>ARI, D.I.Khan</p>											
<p>174</p> <p>FARM MANAGER</p> <p>ARI, D.I.Khan</p>											
<p>174</p> <p>FARM MANAGER</p> <p>ARI, D.I.Khan</p>											

Director
Agricultural Research Institute
D.I.Khan

FARM MANAGER
ARI, D.I.Khan

FARM MANAGER
ARI, D.I.Khan

9.70

وکالت نامہ

کیٹی	کورٹ
ایک روپیہ	فیس

حساب جسٹس صاحبہ سردس ٹریبونل لشار
 Appellant پنجاب
 حکومت KPL وغیرہ نام کاظم شاہ
 دعویٰ یا جرم

سردس اپیل تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی جواب دہی برائے پیشی یا تصفیہ مقدمہ نام
 ضاع امر عمار بن ناصر ایڈووکیٹ ہائی کورٹ / محمد شہاب احمد ڈیکریٹڈ ایڈووکیٹ ہائی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر دفعہ پکا کرے جانے مقدمہ وکیل صاحب
 موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ بیرونی غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
 موصوف ان کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
 بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے
 پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ داپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے بجز
 کوکل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذگری
 نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے
 تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیرونی مقدمہ مذکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا سنوٹی ذگری یک طرفہ یا درخواست حکم استثنائی یا ترقی
 یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادائیگی ٹیچرہ مختصمیری کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ
 از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
 اپیل نگرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے شیر قانون کو بھی ہر امر میں وہی اور دیے
 اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
 صاحب موصوف کو پوری فینس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پوری 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 سند ہے

مورخہ 05 ماہ اگست 2020

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

Accepted

05/10/2020

Sanjiv

Appellant
Kazim

وکالت نامہ

کیٹی ایک روپیہ		کورٹ فیس
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بعدالت جناب جسٹس صاحب سروس ٹریبونل لٹاور

Appellant منجانب

حکومت کے KPL دفتر کاظم شاہ

دعویٰ یا جرم

سروس ایبل

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی و جواب دہی برائے پیشی یا تصفیہ مقدمہ نام
ضواء اسرار، قاضی ایڈووکیٹ ہائی کورٹ، محمد شاہ ایڈووکیٹ ہائی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسائے ڈگری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوقی ڈگری یک طرفہ یا درخواست حکم اقبالی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ مختام بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی 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 سند ہے

مورخہ 05 ماہ المئی 2020

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

Accepted

05/10/2020

S. Nazim

Appellant
Kazmiri

"B"

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

No.

TB

Appeal No. 12720 of 2020

Mazhar Shah Appellant/Petitioner

Versus

Through Secy. Agriculture KPk Pesh. Respondent
 Respondent No. 2

Notice to: Director General, Agriculture Research Institute Agriculture University KPk Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa 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 24-3-2021 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 7/4 Day of March 2021

at Camp Court D.I. Khan

[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.

"B"

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

TB

No.

Appeal No. *12790* of 20 *20*

Mazias Shah Appellant/Petitioner

Versus

through Secy Agriculture Pesh Respondent

Respondent No. *3*

Notice to:

*Director Agriculture, Research Institute (ARI)
Ratta Kulachi D.I. Khan*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa 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 *24-3-2021* 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 *7/14*

Day of *March* 20 *21*

at Camp Court D.I. Khan

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.

"B"

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

No.

TB

Appeal No. 12770 of 2020

Kozim Shah Appellant/Petitioner

Versus

Through Secy. Agriculture Dept. Pesh. Respondent
Respondent No. 4

Notice to:

Distt. Comptroller Officer / Distt. Account. Officer Deza Ismail Khan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa 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 24-3-2021 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 7th

Day of March 2021

at Camp Court D.I. Khan

[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.

"B"

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

No.

TR

Appeal No. 12790 of 20 20

Kazim Shah Appellant/Petitioner

Versus

Through Secy. Agriculture Respondent

Respondent No. I

Notice to:

Govt. of KP through Secy. Agriculture
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa 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 24-2-2021 at 8.00 A.M. If you wish to urge anything against the appellants/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.

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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 7/12

Day of March 20 21

at Camp Court D.I. Khan

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.

"A"

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

No.

APPEAL No. 12790 of 2020

Kazim Shah

Appellant/Petitioner
Camp

Versus

Through Secretary Agriculture KPK Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner Zia-ur Rehman Kazim

AHC D.I. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 26-11-2021 at D.I. Khan.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

At Camp
Court D.I. Khan

Eukhain

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No..... 12790 of 20

Kazim Shah

Appellant/Petitioner

Versus

Through Secretary Agriculture KPK Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner Kazim Shah S/O Churagh Hussain Shah
Principal Research Officer / ex Director Agriculture (BPS-19)
Agricultural Research Institute D.I. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 26.11.2021 at D.I. Khan

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

At Camp
Court D.I. Khan

E. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.