26th Oct 2022

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

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

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

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

26/07/22 Due to summer vacation case is fix 27/09/2022

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

25.01.2022 Tour is cancelled, therefore, case is adjourned to 26.05.2022 for the same as before.

Reader.

26.05.2022 Appellant in person present. Mr. Muhammad Farooq, Senior Clerk alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present.

Written reply on behalf of respondents received through office, which is placed on file and copy of the same handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 26.07.2022 before the D.B at Camp Court D.I.Khan.

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

30th June 2022 Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Malak Saad Ullah, Admin Officer for respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Let it be fixed on the date already fixed i.e on 26.07.2022 for arguments before D.B at camp court D.I.Khan.

(Mian Muhammad)
Member(E)

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

To

026.11.2021 Junior to counsel for the appellant and Mr. Noor Zaman Khattak, Addl. AG alongwith Malak Saadullah A.D and Pervez Khan, SRO for the respondents present.

Written reply/comments of the respondents are still awaited. Last opportunity is granted to the respondents to submit reply/comments on next date failing which their right to reply/comments shall be deemed as struck off. Case to come up on 25.01.2022 before S.B at camp court, D.I.Khan.

Chairman
Camp Court, D.I.Khan

Due to covid,19 therefore to come up for the same on 01/10/21

Reader

01.10.2021 Nemo for the appellant. Mr. Pervaz Senior Research Officer alongwith 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

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 13901 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/11/2020	The appeal of Mr. Muhammad Usman received today by post Mr. Muhammad Iqbal Kundi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-	10.2.21	This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on 25.2.21 CHAIRMAN
	24.2.21.	On request of Counsel, Case file is requisitioned for today as lawyers will be on strike on 25/2/21.
3.	24/2/21	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. To come up for written reply/comments on 26.05.2021 before S.B at Camp Court, D.I.Khan. Annexed with the memo of appeal is an application for restraining the respondents from making recovery from the appellant. Notice of the said application also be issued to respondents to suspend the order of recovery till further orders, if not acted upon earlier. (Rozina Rehman) Member (J) Camp Court, D.I.Khan

Appellant Deposited Security & Process Fee

BEFORE THE HONOURABLE K.P.K. Services Tribunal Peshawar Camp office **D.I.KHAN**

No _____ D/ 2020

Muhammad Usman **VERSUS** Govt of Khyber Pakhtunkhwa through chief secretary and others

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Petitioner,

(Through Counsel)

Dated:

Advocate High Court D.I.Khan

(1)

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR CAMP OFFICE D.I.KHAN

Service Appeal No 13901 2020

Khyber Pakhtunkhwa Service Tribunal
Diary No. 14482
Dated 11/11/2020

Muhammad Usman S/O Muhammad Ameen
Ex- Field Supervisor Now retired ARI D.I.Khan
R/O Nasir Abad Colony Qilla Road Tank Adda D.I.Khan.

Appellant

VERSUS

1. Govt of Khyber Pakhtunkhwa
   Through Chief Secretary KPK
   Chief Secretary Office Peshawar

2. The Secretary
   Agri, Live stock, Fisheries and co-operative Department
   Govt: of Khyber Pakhtunkhwa
   Civil Secretariat Peshawar.

3. Director General Research
   Government of KPK
   Agriculture Research Office
   University Road Peshawar

4. The Director
   Agriculture Research Institute (ARI)
   Ratta Kulachi D.I.Khan

Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICES TRIBUNAL ACT 1974

PRAYER

On acceptance of instant service appeal this honorable tribunal may be pleased to pass judgement/order by setting aside impugned office order No. 7299-7301/ Estt/DGAR dated 17-06-2020 of respondents No. 3 duly conveyed to the appellant by respondent No. 4 through office letter No. 1205-08/DAR(DK) ARI D.I.Khan dated 25-06-2020 vide which penalty in the shape of stoppage of one annual increment and recovery for Rs. 146712/90 was imposed upon him and appellant may be exonerated from alleged charges levelled against him. It is further prayed that Respondents may be directed not to recover the alleged recovery from the appellant till disposal of instant service appeal in the interest of justice.

Filed to-day
Registrar
11/11/2020

Respected Sheweth,

While aggrieving from office order No.7299-7301/Estt/DGAR Dated 17-06-2020 of respondent No. 3 duly conveyed to the appellant by respondent No. 4 through office letter No. 1205-08/DAR (DK) ARI D.I.Khan dated 25-6-2020 vide which penalty in the shape of stoppage of one annual increment and recovery of Rs. 146712/90 was imposed upon appellant. Appellant filed review petition/ departmental appeal on 12-07-2020 of through proper channel against impugned office order dated 17-6-2020 respondent No. 3. Hence, while not receiving any reply of review Petition/ Departmental appeal after expiry of stipulated period of three month, instant service appeal is being filed before this August Tribunal inter alia on the following facts and grounds.

BRIEF FACTS OF THE CASE

1. That appellant had been serving in Agriculture department since 1977 and served the department at various positions with dedication, honesty and dignity and thereafter retired from service as a Field Supervisor (BPS-14) in 2017 at ARI D.I.Khan on 11-08-2017 He always performed his duly efficiently and properly according to the expectation /satisfaction of his superiors.

2. During posting as Field Assistant (BPS-09) a proposal for removal of upper soil layer of the fellow land adjacent to AZRI D.I.Khan to the extent of 3 to 4 feet from Block A and B respectively was sent to the Director General Agriculture Research System Khyber Pakhtunkhwa Peshawar by Director ARI D.I.Khan vide letter No 5251 dated 18-12-2014 which was accepted and approved by respondent No. 3 vide approval No. 4081/Acett/DGAR dated 16-04-2015. In this regard eligible contractors were invited to participate in the auction proceeding for removal of surface of ibid land through advertisement published in daily Mashriq dated 10-02-2015 by Director ARI D.I.Khan (respondent No. 4) and one Muhammad Mohsin Shuja was declared to be highest bidder who thereafter authorized Mr. Salim Khan to work on his behalf vide authority letter dated 24-04-2015. . It is pertinent to mention that an agreement was executed between main contractor and sub-contractor Saleem Khan which was very much in the knowledge of respondent No. 4. Neither appellant was consulted in this regard by respondents No. 4 nor he was informed in respect of said change. Apart from that matter in question was not handled by appellant nor was he informed properly to assist the alleged supervisory committee by respondents No. 4. Copies of a proposal dated 18-12-2014 approval dated 16-04-2015, Newspaper cliping dated 10-02-2015, agreement and authority letter dated 24-04-2015 are enclosed and marked as **Annexure A, B, C & D**.

3. That during removal of surface layer from block A and B of ibid land by sub contractor appellant was unaware from all ups and downs even he was neither consulted during the course of contract in progress nor he was conveyed about constitution of the alleged supervisory committee to assist ibid committee. As long as letter No. 1546-47 dated 19-5-2015 issued by respondent No. 4 is concerned it is fake and factitous. It was neither acknowledged by him nor matter in question was brought in his knowledge by respondents No 4 in respect of ibid land nor it's progress was shared with him even no any copy of letter dated 19-05-2015 was addressed to him for assistance of alleged supervisory committee and no any correspondence were made with him on subject matter meaning thereby that ibid letter dated 19-5-2015 was not delivered to him in respect of assistance of alleged supervisory committee as no any proper direction was given to him by competent authority. It is further submitted that ibid letter was received by some un-known person being not regular employee of the department even copy of the said letter was not sent to the high ups for information. Apart from that letter No. 2752/DAK(DK) dated 24-11-2017 as well as other letters were addressed to the sub-contractor by respondent No. 4 without taking the appellant into confidence even copy of ibid letter was not sent to appellant. It thus reveals that respondent No. 4 has concocted a false and fabricated story to save his own skin. Copy of alleged letter dated 19-5-2015 and alleged acknowledgement dated 19-5-2015 and letter dated 24-11-2015 along with other correspondence are enclosed and marked as **Annexure E, F & G.**

4. That despite unaware from the activities of sub-contractor appellant was served with charge sheet and statement of allegation bearing Nos. Nil dated Nil by worthy Chief Minister of Khyber Pakhtunkhwa in which it was alleged as under.
   a) Rendered 13 Acres of precious government land unfit for agriculture purpose due to illegal extra excavation of top soil to the extent of 5 to 6 feet.
   b) Allowed unchecked excavation of the land in total disregard to specification in the advertisement floated.

c) Allowed the highest bidder Muhammad Mohsin Shuja to sublet the contract in question to Mr. Salim Khan without lawful authority and took no notice against them.

d) Failed to protect government interest by showing the slackness in supervision of excavation by the contractor.

It is a necessary to mention that stereo type allegations were levelled against appellant as well as other Officials namely Nazir Hussain Shah DGAR Mr. Kazim Shah Director ARI D.I.Khan Mr. Shahid Iqbal Khatak farm Manager and one Inayat Hussain Shah research Officer by competent authority without taking into account the power of accused officials and nature of duty performed by them. Copies of charge sheet and statement of allegation are enclosed as marked and **Annexure H & I.**

5. That detail reply to alleged charge sheet/statement of allegations was furnished by appellant. In which he categorically denied from all charges levelled against him. It was also contended in his reply that neither alleged supervisory committee was constituted by Director ARI D.I.Khan nor existed. Alleged letter No. 1546-47 dated 19-5-2015 issued by Director ARI D.I.Khan is fake, factitious and after thought just to save his own skin. The alleged letter was neither served upon him nor acknowledgement was obtained from him, which is evident from the peon book. As neither any directions/ instructions are available in black and white nor any correspondence in respect of assistance of alleged contract is a available in the official record therefore he could not be held responsible for slackness in respect of assistance of excavation work. It was further contended that as no any assignment in respect of Assistance to supervisory committee of excavation work was delivered to him therefore he neither visited the sight nor he submitted any report in this regard. Apart from that allegations of keeping the ibid land unfit for agriculture purpose is absolutely incorrect and baseless because wheat Crop was sown/ cultivated on the ibid land in the year 2015-16 and yield of 29.11 mounds of wheat was obtained from ibid land, which is evident from the crop register of ARI D.I.Khan. Copy of reply of the charge sheet/statement of allegations and relevant portion of crop register are enclosed and marked as **Annexure J & K**.

6. That as long as the allegations of allowing the highest bidder Muhammad Mohsin Shuja for subletting the ibid contract to the Salim Khan is concerned it was neither allowed by appellant nor he was empowered to do so thus question of allowing highest bidder to sublet the work to someone also does not arise on the part of appellant hence it would be unjustified to enrope him in the said issue.

7. That despite exonerating the appellant from alleged charges mentioned in the alleged charge sheet /statement of allegation alleged enquiry committee was constituted by competent authority to probe into the alleged matter. While appearing before alleged enquiry committee neither any questionnaire was given to him nor asked for any reply even neither opportunity of cross examination upon prosecution was afforded to the appellant nor statement of prosecution witness was recorded in his presence even no any departmental representative appeared before alleged enquiry committee along with relevant record in his presence. Apart from that after concluding the enquiry neither copy of enquiry proceeding nor enquiry report were supplied to the appellant though being mandatory under the law. Copy of Notice dt 24/10/16 is enclosed as Ann. (L)

8. That appellant was then served with show cause notice bearing No.669-72/DAR(DK) dated 28-03-2018 by competent authority containing un-founded and baseless allegations as were levelled in the alleged charge sheet/ statement of allegation which was also replied by him. Copies of show cause notice and its reply are enclosed and marked as **Annexure M & N**

9. That thereafter appellant and other 4 accused officials were directed by competent authority to appear before Engineer Muhammad Naeem Khan Secretary Energy and Power Department for

personal hearing on 18-7-2017 vide letter dated 10-7-2017. Copies of letter dated 10-07-2017 is enclosed and marked as **Annexure O.**

10. That after that matter in question was kept pending for more than 3 years and then suddenly on 12-6-2020 minor penalty in shape of stoppage of one annual increment and recovery for Rs. 146712/90 was imposed upon him by competent authority vide office order No. SOE(AD)6-52/2016 dated 12-06-2020 which was conveyed/communicated to him by respondent No.4 vide letter No. 1205-08/DAR(DK) dated 25-6-2020. It is pertinent to mention that appellant was promoted from BPS-09 to BPS-14 by competent authority during alleged matter meaning thereby appellant was considered to be exonerated from alleged charges mentioned in the alleged charge sheet/statement of allegation as matter in question had been come infractuous in question has becomes infractous promotion letters. Copy of letter dated 12-06-2020 and 25-06-2020 and promotion letter are enclosed and marked as **Annexure P, Q & R**

11. That appellant filed review petition/departmental appeal on 12-07-2020 through proper channel before competent authority against office order dated 12-06-2020 for redressal of his grievances but no heed was paid to his review petition/ departmental appeal by respondents within stipulated period of three months. Copies of the review petition /departmental appeal dated 12-07-2020 is enclosed and marked as Annexure S.

12. That while not responding to review petition/departmental appeal dated 12-07-2020 with in stipulated period of three months instant service appeal is being filed before this August tribunal inter alia on the following grounds.

GROUNDS OF APPEAL

1. That impugned order dated 12-07-2020 in respect of imposition of minor penalty in the shape of stoppage of one annual increment and recovery of Rs. 146712/90 upon appellant is wrong void against law and facts of case as well as material available on record. The impugned order dated 12-06-2020 for imposition of minor penalty is illegal void ab-initio and as such ineffective upon the valuable rights of the appellant thus the same is liable to be reversed, recalled and set at naught.

2. That alleged enquiry proceeding has been conducted in utter disregard of violation of law because neither statement of prosecution was recorded in presence of appellant nor any departmental representative was appointed to bring record against appellant. Even no any opportunity was given to the appellant by alleged enquiry committee to cross examine the prosecution witness during enquiry proceeding.

3. That according to law alleged enquiry report was to be supplied to appellant by alleged enquiry committee being mandatory under the law, but enquiry committee failed to do so. Thus impugned order dated 12-06-2020 cannot to be passed without supply of enquiry report to the appellant meaning thereby appellant was not fairly handled /treated. Thus impugned order 12-06-2020 being without lawful authority is liable to be recalled and set aside.

4. That no fair and proper opportunity was given to the appellant by the alleged enquiry committee to defend his position in proper manner.

5. That alleged charge sheet/ statement of allegation is same and stereo typed which were served upon the entire five officials including appellant. Whereas separate charge sheet/ statement of allegation was to be served upon each accused according to irregularities if committed by him and powers conferred upon the official, which has been presumed to be misused. Thus on such flimsy and in appropriate charge sheet /statement of allegation appellant cannot be penalized.

6. That appellant was elevated from BPS-09 to BPS-14 during pendency of alleged compliant meaning thereby Govt: was satisfied from his performance while elevating him. The complaint

in question as well as alleged enquiry report has become infractuous thus government cannot open such a past and close chapter after promotion of appellant as well as passing of more than three years and three months of alleged enquiry. Hence appellant cannot be penalized on such invalid and infructuous enquiry report.

7. That appellant had categorically stated in his statement that the appellant had neither remained Chairman nor member of the alleged supervisory committee nor directions were given to him to assist the alleged supervisory committee in excavation work. Even alleged letter No. 1546-47 dated 19-05-2015 issued by Director ARI, D.I.Khan was neither served upon appellant nor was the same acknowledged by him. It seems to be fake and after thought duly manipulated by making it peace and parcel of the file by Director ARI D.I.Khan to save his skin. So how appellant was involved on such allegation which have no nexus with appellant? It further strengthens the plea of petitioner when respondents No 4 himself took up the matter in question with Sub-contractor vide letter Dated 24-11-2017 (Annexure G) as well as other correspondence.

8. That one of the accused Nazeer Hussain Shah DGAR being head of the department was awarded minor punishment in the shape of **CENSURE** whereas all other accused including the appellant were treated differently and were penalized in the shape of stoppage of increments and recovery of different amount. Thus appellant and other accused were not similarly treated despite the fact accused Nazeer Hussain Shah DGAR had approved the proposal to excavate the ibid land. According to the constitution of Pakistan every citizen may be similarly treated for the same act done by different people. Thus in the above scenario the appellant was to be similarly placed and treated.

9. That matter of excavation is subjudice before Civil Judge V D.I.Khan and quantity of soil excavated is yet to be decided by the court that whether excess excavation has been done or not. So in such situation competent authority was not liable to impose minor penalty upon him. Copy of the plaint pending before civil Judge V D.I.Khan is enclosed and marked as **Annexure T.**

10. That impugned order dated 12-06-2020 is not tenable under the law, therefore the same is liable to set aside and recalled.

11. The appellant may be allowed to raise additional grounds during the Course of arguments.

In view of the submission made above it is benignly prayed that instant service appeal of appellant may be accepted as prayed for in the heading of the appeal in the best of interest of justice.

Petitioner

Muhammad Usman

Dated: 28-10-2020

Through Counsel

Muhammad Iqbal Kundi
Advocate High Court D.I.Khan

Affidavit

I Muhammad Usman S/O Muhammad Ameen R/O Nasir Abad Colony Qilla Road Tank Adda D.I.Khan. state on oath that contents of instant service appeal are correct and nothing has been concealed from this Tribunal.

Deponent

(6)

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR CAMP OFFICE D.I.KHAN

Misc Application in Service Appeal No. _____/2020

Muhammad Usman

.....Appellant

Versus

Government of Khyber Pakhtunkhwa Chief Secretary and other

.....Respondents

APPLICATION FOR RESTRAINING THE RESPONDENTS NOT TO RECOVER RS. 220069/35 FROM APPLICANT TILL DISPOSAL OF INSTANT SERVICE APPEAL.

Respected Sir,

That instant application is being filed with the service appeal filed by applicant against office order dated 12-06-2020 vide which he was penalized to the extent of stoppage of one annual increment and recovery of Rs. 146712/90, the contents of which may read with main service appeal.

That applicant has good prima fascia case and balance of convenience also tilts in his favour. That applicant will suffer irreparable loss even his main service appeal will become infructuous if respondents are not restrained from recovery of Rs 146712/90from applicant.

That his honorable tribunal has ample power to restrain the respondents from recovery of Rs. 146712/90.

It is therefore prayed that respondents may be restrained not to recover penalty amount of Rs. 220069/35 from applicant till disposal of his main service appeal in the interest of justice.

Applicant

Through counsel

AFFIDAVIT

I, Muhammad Usman son of Muhammad Ameen R/O Nasir Abad Colony Qilla Road Tank Adda D.I.Khan. do here by solemnly affirm on oath and stated that constant of instant application are correct and nothing has been concealed from this court.

Noor-ur-Rehman
R.O & A.C
ATTESTED
No.
Commissioner D.I.Khan

Deponent

Ann-(A) (7)

AGRICULTURAL RESEARCH INSTITUTE
DERA ISMAIL KHAN – KHYBER PAKHTUNKHWA

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

No. 5050 /DAR[DK], Dated ARI, DIKhan the 18-12-/2014

To

The Director General
Agriculture Research
Khyber Pakhtunkhwa
Peshawar

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.

Attested
MEHDI KHAN
Advocate
Legal Advisor Wapda, Pesco

18/12
Director
o/c

No. 5052 /DAR[DK],

Copy to:

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

18/12
Director
o/c

ANN-(B)
(70)
(8)

Government of Khyber Pakhtunkhwa
Agricultural Research System
At Agricultural University, Peshawar.
Office Phone: 091-9.5530, Fax: 091-9216509
E-mail Address: [illegible]@yahoo.com

No. 4081 /DGR
Dated 16/04 /2015

The Director,
Agricultural Research Institute,
Ratta Kulachi, D.I.Khan.

Subject: **AUCTION OF LIFTING OF UPPER SOIL SURFACE**

Memo:

Reference your office letter No.935/DAR/D dated 27.02.2015 and subsequent reminder No.1206/DAR (DK) dated 08.04.2015 on the subject noted above.

Approval is hereby accorded as per rule for the lifting of upper soil surface of 13 acres land at your institute to remove only upto the limit specification and deposit the amount 2228600/- in Government receipt which will be considered additional income in addition to already assigned targets for the year.

You will be entirely responsible for any deficiency observed in the entire process as well as removal of soil as per specification.

Director General
Agricultural Research
Khyber Pakhtunkhwa
at University of Agriculture
Peshawar

SA-Acctt & pl
For further n/a.
20/4

Director Agriculture Research Institute
Diary No. 613
Date 21.4.2015
D.I.Khan

M. IQBAL KUNDI
Advocate High Court
Legal Advisor (Wapda Pesco)

ANN-(ج)

(9)

دفتر زرعی تحقیقاتی ادارہ رتہ کلاچی ضلع ڈیرہ اسماعیل خان

کوٹیشن مطلوب ہیں

زرعی تحقیقی ادارہ ڈیرہ اسماعیل خان کے زیر انتظام رقبہ متصل ایرڈ زون ریسرچ انسٹیٹیوٹ بائی پاس روڈ پر واقع۔ جس کی سطح نہر سے بلند ہونے کی وجہ سے ناقابل کاشت ہے۔ اس رقبہ کو قابل کاشت بنانے کے لئے حکام بالا۔ رقبہ سے مٹی اٹھوا کر اس کو قابل کاشت بنانے کی منظوری دی ہے۔ ٹھیکیدار حضرات سے سربمہر کوٹیشن مطلوب ہیں جو مورخہ 24 فروری 2015ء بروز منگل وقت 12 بجے تک بذریعہ ڈاک یا کوریئر سروس دفتر ہذا کو موصول ہو۔ چاہئیں۔ موصول شدہ کوٹیشن اسی دن بوقت 2 بجے دوپہر ٹھیکیداران / ان کے نمائندگان کی موجودگی میں کھولے جائیں گے۔ نقشہ زمین دفتری اوقات میں حاصل کیا جا سکتا ہے۔ رقبہ کی تفصیل درج ذیل ہے۔

Block-A رقبہ 36 کنال 2 مرلہ گہرائی 3 فٹ تک مٹی اٹھائی جائیگی۔ بائی پاس کی شرقی سائیڈ

Block-B رقبہ 69 کنال 5 مرلہ گہرائی 4 فٹ تک مٹی اٹھائی جائیگی۔ بائی پاس مغربی سائیڈ

شرائط وضوابط :۔ (1) کامیاب بولی دہندہ کو کل رقم کا 1/4 حصہ موقع پر جمع کرانا ہوگا اور بقایا رقم مجاز آفیسر کی منظوری کے بعد یکمشت جمع کرانی ہوگی۔ (2) مجاز آفیسر سے منظوری کے بعد اور رقم جمع کرانے کے بعد رقبہ حوالہ ٹھیکیدار جائیگا۔ (3) مٹی ادارہ ہذا کے آفیسر کے زیر نگرانی اٹھائی جائیگی۔ (4) مقرر حد سے زیادہ مٹی اٹھانے کی صورت محکمہ کو یہ اختیار حاصل ہوگا کہ وہ ٹھیکیدار کو جرمانہ کرے اور زمین کی حالت کی درستگی بھی کرائے۔ (5) مٹی اٹھانے کے بعد ٹھیکیدار کو زمین کو لیزر لیول کر کے دینا ہوگا اور نالے اور بنے بھی بنا کر دینے ہونگے۔ (6) گورنمنٹ کے تمام مجاز ٹیکس جن میں انکم ٹیکس اور سیلز ٹیکس شامل ہے جمع کرانے ہوں گے۔ (7) ٹھیکیدار حضرات اپنی کوٹیشن کے ہمراہ مبلغ 100,000/- روپے کا کال ڈیپازٹ بنام ڈائریکٹر زرعی تحقیقاتی ادارہ ڈیرہ اسماعیل خان دینا ہوگا۔ کال ڈیپازٹ نہ ہونے کی صورت میں کوٹیشن شامل نیلامی نہیں ہوگی۔ (8) آفیسر مجاز کو یہ اختیار حاصل ہے کہ وجہ بتائے بغیر بولی منظور کرے یا مسترد کر دے اور کامیاب بولی دہندہ کو جملہ شرائط اسٹامپ پر دستخط کر کے دینی ہوں گی۔

ڈائریکٹر

زرعی تحقیقاتی ادارہ رتہ کلاچی ڈیرہ اسماعیل خان

ANF(P) 711

Attested

ضلع ڈیرہ اسماعیل خان

دفتر زرعی تحقیقاتی ادارہ رتہ

(10)

کوٹیشن مطلوب ہیں

زرعی تحقیقاتی ادارہ ڈیرہ اسماعیل خان کے زیر انتظام رقبہ متصل ایریڈ زون ریسرچ انسٹیٹیوٹ بائی پاس روڈ پر واقع ہے۔ جس کی سطح نہر سے بلند ہونے کی وجہ سے ناقابل کاشت ہے۔ اس رقبہ کو قابل کاشت بنانے کیلئے حکام بالا نے رقبہ سے مٹی اُٹھوا کر اس کو قابل کاشت بنانے کی منظوری دی ہے ٹھیکدار حضرات سے سربمہر کوٹیشن مطلوب ہیں۔ جو مورخہ 24 فروری 2015 بروز منگل وقت 12:00 بجے تک بذریعہ ڈاک یا کوئیر سروس دفتر ہذا کو موصول ہو جانے چاہیں موصول شدہ کوٹیشن اُسی دن بوقت 02:00 بجے دوپہر ٹھیکدار اران / اُن کے نمائندگان کی موجودگی میں کھولے جائیں گے۔ نقشہ زمین دفتری اوقات میں حاصل کیا جاسکتا ہے۔ رقبہ کی تفصیل درج ذیل ہے۔

Block-A رقبہ 36 کنال 2 مرلہ گہرائی 3 فٹ تک مٹی اُٹھائی جائیگی۔ بائی پاس کی شرقی سائیڈ

Block-B رقبہ 69 کنال 5 مرلہ گہرائی 4 فٹ تک مٹی اُٹھائی جائیگی۔ بائی پاس مغربی سائیڈ

شرائط ضوابط

1۔ کامیاب بولی دہندہ کو کل رقم کا 1/4 حصہ موقع پر جمع کرانا ہوگا۔ اور بقایا رقم مجاز افسر کی منظوری کے بعد یکمشت جمع کرانی ہوگی۔

2۔ مجاز افسر سے منظوری کے بعد اور رقم جمع کرانے کے بعد رقبہ حوالہ ٹھیکدار کیا جائیگا۔

3۔ مٹی ادارہ ہذا کے افسر کے زیر نگرانی اُٹھائی جائیگی۔

4۔ مقرر حد سے زیادہ مٹی اُٹھانے کی صورت میں محکمہ کو یہ اختیار حاصل ہوگا کہ وہ ٹھیکدار کو جرمانہ کرے۔ اور زمین کی حالت کی درستگی بھی کرائے۔

5۔ مٹی اُٹھانے کے بعد ٹھیکدار کو زمین کو لیزر لیول کر کے دینا ہوگا۔ اور نالے اور بنے بھی بنا کر دینے ہونگے۔

6۔ گورنمنٹ کے تمام مجوزہ ٹیکس جن میں انکم ٹیکس اور سلیز ٹیکس شامل ہے۔ جمع کرانے ہوں گے۔

7۔ ٹھیکدار حضرات اپنی کوٹیشن کے ہمراہ مبلغ -/100,000 روپے کا کال ڈپازٹ بنام ڈائریکٹر زرعی تحقیقاتی ادارہ ڈیرہ اسماعیل خان دینا ہوگا۔ کال ڈپازٹ نہ ہونے کی صورت میں کوٹیشن شامل نیلامی نہیں ہوگی۔

8۔ افسر مجاز کی یہ اختیار حاصل ہے۔ کہ وجہ بتائے بغیر بولی منظور کرے یا مسترد کردے۔ اور کامیاب بولی دہندہ کو جملہ شرائط اسناد دستخط کرکے دینی ہوں گی۔

ڈائریکٹر

زرعی تحقیقاتی ادارہ رتہ کلاچی ڈیرہ اسماعیل خان

M.IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pesco

126107

Rupees 45 — ۴۵ روپیہ

ATTESTED
No.
Notary Public D.I.Khan

24/06/015

معاہدہ شراکت نامہ

مابین ① سلیم خان ولد پائندہ خان ساکنہ وارنڈہ بلوچ چاولہ، تحصیل کلاچی ڈیرہ اسمٰعیل خان ... فریق اول

② محمد محسن شجاع ولد شجاع عالم ساکنہ الیدر ہاؤس فورٹ روڈ ڈیرہ اسمٰعیل خان ... فریق دوم

شرائط و ضوابط معاہدہ ہذا

1۔ کامیاب بولی دہندہ کو کل رقم کا 25% حصہ موقع پر جمع کرانا ہوگا اور بقایا رقم مجاز آفیسر کی منظوری کے بعد مکمل جمع کرانا ہوگی (2) مجاز آفیسر سے منظوری کے بعد اور رقم داخل کرانے کے بعد رقبہ حوالہ ٹھیکیدار کیا جائے گا۔

(3) محکمہ ادارہ ہذا کے آفیسر کے زیر نگرانی رکھائی جائیگی (4) مقررہ حد سے زیادہ مٹی اٹھانے کا ٹھیکیدار

محکمہ کو یہ اختیار حاصل ہوگا کہ وہ ٹھیکیدار کو جرمانہ کرے اور زمین کی حالت کی درستگی کروائے (5)

مٹی اٹھانے کے بعد ٹھیکیدار کو زمین کو لیول کر کے دینا ہوگا اور نالے اور بند بھی بنا کر دینے ہونگے

6۔ گورنمنٹ کے تمام محصول ٹیکس جنرل سیلز ٹیکس اور سیلز ٹیکس شامل ہے جمع کرانے ہونگے

7۔ ٹھیکیدار صورت رقم کو کمیشن کے ہمراہ مبلغ 100000/- کا کال ڈیپازٹ بنام ڈائریکٹر ریونیو تحصیلدار ادارہ

ڈیرہ دینا ہوگا کال ڈیپازٹ نہ ہونے کی صورت میں کمیشن شامل نہیں ہوگی 8۔ مجاز افسر

کو یہ اختیار حاصل ہے کہ وجہ بتا کر بولی منسوخ کرے یا مسترد کر دے اور کامیاب بولی دہندہ کا

حصہ صدر کی مناسب پر دستخط کر کے دیئے ہونگے۔ کمیشن کا ذمہ دار تحصیلدار ہوگا۔

12103-6449732-1 12101-9018352-7 12401-1005123-1

محمد محسن شجاع — سلیم خان — نذر محمد ولد عبدالرحمٰن

فریق دوم — فریق اول — مدعی

ANN-D/1

(12)

Rupees 45 ۴۵ روپیہ

Advocate High Court
Legal Advisor Wapda Peshawar

ATTESTED
No.
Notary Public D.I.Khan

24/4/015

اقراری تحریر بابت ٹھیکہ

میں محمد محسن شجاع ولد شجاع ملیا قوم سلتہ البدر ہاؤس موضع روڈ ڈیرہ اسمٰعیل خان
مورخہ 21/04/2015 بذریعہ 1311 مورخہ Auction of lifting of upper soil
کہ مناظر بوجہ مصروفیات کاروباری خانگی ٹھیکہ مندرجہ کو پایہ تکمیل تک پہنچانے جملہ انتظام والتزام
کرنے سے قاصر و معذور ہیں اس لئے اپنی جانب سے اقراری سلیم خان ولد پائندہ خان سکنہ
وغیرہ بوجہ پیوند رشتہ چچازاد ڈیرہ اسمٰعیل خان کو مختیار خاص مقرر کرکے لکھ دیتا ہوں کہ مختیار خاص مذکور مناظر کی
جانب جملہ انتظام والتزام ٹھیکہ کرے۔ ٹھیکہ کی بابت متعلقہ محکمہ سے مکمل معلومات لے کر معاہدہ
کرے۔ افسران بالا متعلقہ سے گفت و شنید کرے۔ معاہدہ جات، بیعانات، اقرار نامہ جات بطور ٹھیکہ
وصول کرے۔ اصلیات لے۔ یا دے۔ رقم داخل کرے۔ لنکوں۔ چیکس دے
ٹھیکہ کو زیر اختیار پندرہ کرے۔ ٹھیکہ کو پایہ تکمیل تک پہنچائے۔ مشاورت کرے۔ مناظر کی
جانب ٹھیکہ کی بابت ہر قسم امور و لوازمات سرانجام دے۔ مزید جو اختیارات ٹھیکہ مندرجہ کی بابت
مناظر کو حاصل ہیں مناظر جملہ اختیارات، فرض، حکم کلاں مختیار خاص موصوف کو تفویض کرتا ہے
مختیار خاص کا ٹھیکہ کی بابت ہر قسم فعل مناظر کے مساوی و قابل عمل ہوگا۔ کوئی عذر و اعتراض نہ ہوگا

لہٰذا مختیار نامہ خاص محمد سلیم خان مختیار خاص سند الحرر ہے۔ مورخہ 24/04/2015

12103-2468740-1 محمد ولد عبدالرحمٰن
12101-1005123-1 محمد محسن شجاع
12101-9019352-7 سلیم خان
12103-4449732-7 نواز خان شاہ ولد عبدالرحمٰن

SYS NWFP PESHAW

001

ANN-E (12) (13)

Agricultural Research Institute, DIKhan

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

No. 1546-47 /DAR (DK) dated ARI, D.I.Khan the 19/05/2015

To

1. Chairman, Auction Committee, ARI, DIKhan
2. Farm Manager, ARI, DIKhan

Subject: **SUPERVISION OF LIFTING OF UPPER SOIL SURFACE AT ARIDZONE AREA**

Memo:

It is brought to your notice that on the approval of competent authority, Contractor has been allowed to lift upper soil surface at Aridzone area at prescribed depth i.e 3 feet in Block-A and 4 feet Block-B.

You are requested to supervise the area time to time and Mr. Muhammad Usman-I, F/Asstt: will also assist your task.

19/5

DIRECTOR

M.IQBAL KHAN
Advocate Court
Peshawar

Peon Book Of _____ ANN-(F)

(14)

No.	Date	NAME	Description	By whom delivered	Acknow-legement
9	5/10/15	Chairman Auction Committee etc.	1545-47	—	[illegible]
		Rider	815-814		[illegible]
		Rider	813		[illegible]
	do	ACH	817+821+830		[illegible]
	do	EXH	816+820+819+824		[illegible]
	do	Peshkar R.O.	816		[illegible]
	do	Exh	823		[illegible]

Attested

[illegible]

Legislative Assembly

ANN-(G) 275

AGRICULTURAL RESEARCH INSTITUTE
DERA ISMAIL KHAN — KHYBER PAKHTUNKHWA

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

(15)

No. 2752 /DAR[DK], Dated ARI, DIKhan the 24. 11. /2015

To

Mr. Salim Contractor
S/O Paind Khan
R/O Wanda Balochan
DI Khan

Subject: **Lifting of Soil Surface**

Mem;

Refer to this office work order No. 1503/DAR(DK) dated 15.05.2015.
As per conditions of the said contract you were allowed to lift the soil up to 3 feet in block A and up to 4 feet in block B while the period of the lifting of this soil was only six months but it is regret-full to say that you have not followed the proper conditions of the said contract and lifted more than the specified range more over although the period of lifting the soil surface has been completed but you are still continue to lift the said soil for more than two months after the laps of specified period. (Two months extra)
At this stage you are directed to immediately stop the lifting of the soil from the area. Moreover, plane the said soil and prepare the banas of the land as per conditions of the contract.

Director

C;C to NO: 2753—54

1. The Director General Agril; Research System, Peshawar for information
2. Mr. Kazim Shah Oil Seed Botanist to pursue the case accordingly as per directive of the worthy DG Agril; Research System, KPK Peshawar.

Director

Attested

Legal Advisor
Pesco

Agricultural Research Institute, DIKhan
Phone: 0966-740046, 740090 Fax: 0966-740415

G-1

No 1503 / DAR (DK) dated ARI, DIKhan the 15/05/2015

To

Mr. Muhammad Salim
s/o Paind Khan
r/o Wanda Balochan
DIKhan

Attorney of Muhammad [illegible]

Subject: **WORK ORDER OF LIFTING OF UPPER SOIL SURFACE**

Memo:

In continuation to this office No.1311/DAR[DK], dated 21.04.2015 and Attorney dated 24.04.2015, you are hereby allowed to start subjected work in "A" Block as per your request.

You are directed to deposit the remaining amount of Rs.1069500/- on or before 31 May, 2015.

Director

Attested

M. IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pesco

Agricultural Research Institute, D.I.Khan
Phone: 0966-740046, 740090 Fax: 0966-740415

(17)

No. 2867 /DAR (DK) ARI, D.I.Khan dated the 10/12/2015

ANN-(G/2) (G/2)

To,

Mahammad Salim
s/o Paind Khan
r/o Wanda Balochan
D.I.Khan.

Attorney of Muhammad Mohsin Shuja

LAND LAVELLING OF UPPER SOIL SURFACE EXCAVATED LAND OF ARI, DIKHAN

Memo:

As the terms & conditions marked on tender notice and stamp paper (copy attached) were accepted by you and you were bound to make lazer land leveling of all the land after completion of excavation of upper soil surface. But neither have you made lazer land leveling of the A-Block from which you have excavated the soil nor B-Block according to your agreement.

Therefore, you are advised to make land leveling of all the land by lazer so that it could be easily irrigate and cultivate the crop.

Director

Attested

M.IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pesco

ANN-(H)

(18)

CHAR

I, Pervez Khattak, Chief akhtunkhwa, as Competent Authority, hereby charge you, Mr. Muhai ssistant (BS-09) Agriculture Research Institute, D.I Khan as follows:-

That you while posted as -09) Agriculture Research Institute, D.I Khan, committed the following irregularities: -

a. Rendered 13 acres of precious government 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. Allowed the highest bidder Mr. Muhammad Muhsin Shujja to sublet the contract to Mr. Saleem Khan without lawful authority and took no action against them.
d. Failed to protect government interest by showing slackness in supervision of the excavation by the contractor.

2. By reason of the above, you appear to be guilty of misconduct, inefficiency and corruption under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer/inquiry committee, as the case may be.

4. Your written defense, if any, should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

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

6. A statement of allegations is enclosed.

(PERVEZ KHATTAK)
CHIEF MINISTER, KHYBER PAKHTUNKHWA.
COMPETENT AUTHORITY

Attested

MUBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pesco

ANN-(I)

(19)

~~155~~

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Muhammad Usman, Field Assistant (BS-09), Agriculture Research Institute D.I Khan, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATION

i. Rendered 13 acres of precious government land misfit for agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet.

ii. Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated.

iii. Allowed the highest bidder Mr. Muhammad Muhsin Shujja to sublet the contract to Mr. Saleem Khan without lawful authority and took no action against them.

iv. Failed to protect government interest by showing slackness in supervision of the excavation by the contractor.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule-10 (1) (a) of the ibid rules.

i. _____

ii. _____

3. The inquiry officer/committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

(PERVEZ KHATTAK)
CHIEF MINISTER, KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Attested

M.IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pesco

ANN-(J)

(20)

To

1. Zakir Hussain Afridi
Commissioner, Mardan

2. Mr. Zahirullah Khan
District Director Agriculture
Kohat

Subject: Inquiry

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.	[illegible] میں ایک ادنیٰ اہلکار ہوں۔ اور سرکار کی کوئی مجاز اتھارٹی نہیں۔ اور نہ ہی قانونی طور پر کسی کو دینے کا مجاز نہیں۔ جس کے معاملہ کے سلسلہ میں [illegible] عرض ہے کہ نہ تو میری اس سلسلہ میں کوئی ڈیوٹی لگائی گئی۔ اور نہ ہی مجھے کسی لیٹر کا کوئی علم ہے۔ اور نہ ہی کسی کمیٹی کے بارے مجھے کوئی علم ہے۔ [illegible] میں پیش کی گئی رپورٹ پر مجھے اس کا علم ہوا۔ کہ اس قسم کا کوئی لیٹر فائل میں موجود ہے۔ اس دوران میری کسی ریکارڈ کمیٹی نے مجھ سے رابطہ کیا۔ حقیقت یہ ہے کہ اس وقت کے ڈپٹی کمشنر صاحب نے زبانی سرکاری طور پر رقبہ [illegible] کے لئے دیا تھا۔ اور وہ بھی دفتر میں آکر بات۔ اور ہدایات دیں کہ لیبر کی مدد اخلاط کے طرف پر دیکھ کر کوئی کہ ساتھ حفاظ پر کام ہو رہا ہے۔ اور یہ بھی صرف ایک فرد تھا۔ بلاک B کے بارے میں نہ مجھے کہا گیا اور نہ ہی میں وہاں پر گیا۔ جب میرے پاس کوئی لیٹر نہ تھا تو میں مداخلت کرنے کا مجاز بھی نہ تھا۔

attested

M. IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pesco

B.	Allowed unchecked excavation of land in total disregard to the specification in the advertisement floated.	[illegible]
C.	Allowed the highest bidder Mr. Mohammad MohsinShuja to sublet the contract to Mr. Saleem Khan without lawful authority and took no action against them.	[illegible]
D.	Failed to protect Govt. interest by showing slackness in supervision of the excavation by the contractor.	[illegible]

Yours obediently

Muhammad Usman 1

Field Supervisor

ARI, D.I.Khan.

Attested

M. IQBAL KHOKHAR
Advocate High Court
Legal Advisor [illegible]

Crop Register Of The Agricultural Research Institute D.I.Khan. (22)

ANN-(K)

Block Location G.P.4, A.Zone, S.Boring, Falka area, pond area and gate. Season 2015-16

Name Of Crop	Variety	Area	Date Of Sowing	Mathod Of Sowing	Quantity Of Seed	Pesticide (weedicide) Kind	Pesticide (weedicide) Quantity	Fertilizer Kind	Fertilizer Quantity	Date Of Harvesting	Produce
Wheat	Hashim-08 P.Basic	K — M 15 — 0	07/11/2015	Drill	95 DSR P.NO.153	Axial+Allymet DSR.P.NO.	788ml+07 bottle 168	SSP+Urea DSR P.NO.146,163	04 bags+04 bags		454 bags/50kg transferred to main store Register P.NO. (174)
	"	24 — 0	08/11/2015	"	152 DSR P.NO.153	Axial+Allymet DSR.P.NO.	1260ml+1.5 bottle 168	SSP+Urea DSR P.NO.146,163	06 bags+06 bags		
	"	32 — 0	12/11/2015	"	202 DSR P.NO.153	Axial+Allymet DSR.P.NO.	1680ml+02 bottle 168	SSP+Urea DSR P.NO.146,163	12 bags+07 bags		
A.Zone	"	16 — 0	15/11/2015	"	101 DSR P.NO.153	Axial+Allymet DSR.P.NO.	840ml+01 bottle 168	SSP+Urea DSR P.NO.146,163	04 bags+04 bags		
G.P.4	"	59 — 0	18/11/2015	"	440 DSR P.NO.153	Axial+Allymet DSR.P.NO.	3698ml+03 bottle 168	SSP+DAP+Urea DSR P.NO.146,163	17+2+13 bags		155 bags/50kg of A.Zone transferred to main store register P.NO. (174)
	"	30 — 0	25/11/2015	"	282 DSR P.NO.153	Axial+Allymet DSR.P.NO.	1680ml+02 bottle 168	SSP+Urea DSR P.NO.146,163	10 bags+06 bags		
A.Zone (New subsoil area)	"	40 — 0	28/11/2015	"	365 DSR P.NO.153	Axial+Allymet DSR.P.NO.	2135ml+02 bottle 168	DAP+Urea DSR P.NO.	08 bags+09 bags 02 167,163		
	"	52 — 0	29/11/2015	"	463 DSR P.NO.153	Axial+Allymet DSR.P.NO.	2775ml+3.5 bottle 168	DAP+Urea DSR P.NO.	10 bags+12 bags 02 167,163		165 bags of G.P.4 each of 50 kg transferred to main store register P.NO. (174)

Total = 268 kanal

5.3 kanal deducted vide Director diary No. 637, dated 08/04/2016 and net area is 262.7 kanals.

Wheat straw auctioned vide challan No. 23, dated 25/05/2016 of (84.25 acre) amounting of Rs: 61310/=

FARM MANAGER ARI, D.I.Khan

DIRECTOR Agricultural Research Institute D.I.Khan

Attested

M. AQEEL KUNDI Advocate High Court Legal Advisor Peshawar

FARM MANAGER
ARI, D.I.Khan

Combine Harvester bill

Bill No Nil dated 24/04/2016
of M/S Haji Mohammad Amin & Sons
Harvester Macheen Karamat Abad
Bannu Road DIKhan. on a/c of Harvesting
of 72 acres @ RS = 2240/-
amounting to RS = 161280/- verified.

Combine Harvester bill

Bill No Nil dated - 13-06-2016
of Haji Mohammad Amin &
Sons Harvester Macheen
Karamat abad Bannu Road
DIKhan on a/c of Harvester
of 16.57 acres @ RS = 2240/-
amounting to Rs = 37117/=

FARM MANAGER
ARI, D.I.Khan

FARM MANAGER
ARI, D.I.Khan

Mix grain
of all varieties
57 bags/50kg
transferred
to main store
register P.NO.
175

FARM MANAGER
ARI, D.I.Khan

(23) (L) Annexure

Agricultural Research Institute, D.I.Khan

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

No. 1655-59 / DAR [DK], Dated ARI, DIKhan the 24/10/2016

To

1. Inayat Hussain Shah, SRO (Agro), ARI, DIKhan
2. Shahid Iqbal, Research Officer, ARI, DIKhan
3. Muhammad Usman, F/Asstt: ARI, DIKhan
4. Rehmat Ullah Shah, F/Asstt: ARI, DIKhan
5. Zeeshan Ali Shah, Daily Paid Labour

Subject:- **INQUIRY**

Memo:-

Please refer to letter No.1505-6/DDA; dated 24.10.2016 of District Director Agriculture, Kohat on the subject noted above.

You all are directed to attend the office of Commissioner Mardan, Division Mardan on 26.10.2016 for above noted inquiry proceedings regarding soil excavation, positively as mentioned in the above referred letter.

Director

No._____ /DAR[DK],

Copy to:

1. Commissioner Mardan Division Kohat for information please.
2. District Director Agriculture, Kohat for information w/r to his letter referred above.

Attested

Director

(24)

ANN-(M)

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. Muhammad Usman, Field Assistant (BS-09) Agriculture Research Institute, D.I.Khan 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 4 of the said rules.-

(a) Rendered 1.1 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 the excavation by the Contractors.

2. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of stoppage of one annual increment & recovery of Rs Rs 146712/-9/- on account of loss caused to 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)
CHIEF MINISTER, KHYBER PAKHTUNKHWA
(COMPETENT AUTHORITY)

I attested

Diary No
Date

ANN-(N)

(25)

Reply of Show Cause Notice of Muhammad Usman Field Assistant, ARI, Dera Ismail Khan.

Respectfully sheweth,

PRELIMINARY OBJECTION

That your honor is competent to take disciplinary action against officer of BPS-17 and above, whereas I am an employee of BPS-9 working on the post of Field Assistant /Supervisor in Agriculture Department. There alleged show cause notice served upon me by your good self is without lawful authority. Hence the same is not sustainable under the law and is thus liable to be recalled.

Sir,

Before submitting reply to the alleged show cause notice No. Nil, dated. Nil it is submitted with great distress that copy of alleged findings of inquiry committee has not been annexed with the subject show cause notice, where as it has been mentioned in para-5 of alleged SCN that the same has been enclosed with it. Thus in the absence of findings of the inquiry committee it will be difficult for me to submit an appropriate reply. However despite that para wise reply to the alleged show cause notice is being furnished as under:-

A. That clause (a) of allegation of SCN is absolutely incorrect and baseless. In this regard it is submitted that I have neither been authorized by competent authority to supervise the contractors work in respect of lifting of upper soil surface from the department's land measuring 13 acres nor I was part of the auction committee as well as alleged supervisory committee. Therefore I was not aware of terms and conditions of the contract and it was not intimated to me that how much soil surface was to be lifted. I had visited the site off and on just to see the progress of the work of Block 'A' and no any specific directives were given to me by Director in respect of checking the measurement of depth of excavation. As long as allegation of rendering 13 acres of agriculture land misfit for agriculture purpose is concerned, it is totally baseless and misconceived. It can easily be assessed from the wheat harvesting report for the year 2015-2016, that yield of wheat crop at the rate of 34 mounds per acre has been obtained from Block 'A' of land in question which is worth higher than the average wheat yield as per record of the Statistical office, District D. I .Khan **(Annexure-A)**. So how it was assessed by the inquiry committee that land in question has become misfit for agriculture purpose. Hence allegation of inquiry committee is not acceptable to the prudent mind because the land in question is fertile and fit for cultivation as per department record **(Annexure-B)**. I am not responsible in any manner what so ever, therefore I deserve to be absolved from allegation (a).

B. That clause (b) of show cause notice is incorrect. In this regard it is submitted that I was neither competent nor authorized by high officials to supervise the excavation work, as the supervisory committee letter No. 1546-47, dated 19/5/2015 was not dispatched to me as per department record **(Annexure-C)**. As I was neither having any information in respect of terms and conditions

Attested

M. IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pesco

of the contract nor being intimated to me that how much soil surface is to be lifted from the land in question, so how allegation of allowing unchecked excavation of land has been imposed upon me by inquiry committee?. Hence allegation is required to be dropped on my part and deserve to be declared not responsible of the said act/omission.

C. That allegation (c) is baseless and incorrect. In this regard it is submitted that I was not competent and not authorized to supervise the excavation work for lifting the upper soil surface of the land in question as in (Annexture-B), then how I failed to protect Government interest and showed slackness in supervision of excavation by contractor. I was neither member of the auction committee nor supervisory committee, then how allegation of failure was imposed upon me. The inquiry committee has wrongly imposed upon me the said allegation. Therefore the same is warranted to be recalled.

Sir,

I am innocent in all respects and wrongly enroped me in the aforesaid allegations by inquiry committee. I have always performed my duties to the entire satisfaction of my superiors. My total service record is cleaned and unblemished. I have served the department for more than forty years and also going to retire on 10-08-2017. During the whole service I have neither been charge sheeted nor any complaint is available in my service record.

In view of the submissions made above it is humbly requested that I may be absolved from all the allegations mentioned in the alleged show cause notice and I may b honorably exonerated from all the charges and alleged show cause notice may be recalled.

Yours Faithfully,

Dated: 07/04/2017

M. Usman-1
Field Assistant
ARI, D. I. khan

M.IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pesco

(27)

No 29 SRO, S/Cane, ARI, D.I.Khan Dated 28/03/2017.
To

The Director
ARI, D.I.Khan

Subject: **COMPLAINT REGARDING ILLEGAL EXCAVATIN OF SOIL IN AGRICULTURE LAND AT DISTRICT, DIKHAN.**

Memo:

Please refer to your office letter NO.669-72/DAR(DK) dated.28.03.2017. Show cause notice does not contain the enclosure (Findings of the inquiry committee) as mentioned on S.No.5 of the show cause notice. We the following could not prepare reply without committee findings as mentioned at S.No.4. Therefore higher ups may please be approached to provide the copies of aforesaid findings so that the reply could be submitted in due course of time to avail the personal hearing opportunity.

1. **Mr. Kazim Shah Ex-Director.** _____
2. **Mr. Inayat Hussain Shah R.O.** _____
3. **Mr. Shahid Iqbal Khjattak. R.O.** _____
4. **Mr. Usman. Field Assistant.** _____

Attested

M.IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda

Ann-(O)

(28)

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

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. AGRICUTURE (RESEARCH) KAZIM SHAH, EX-DISTT DIRECTOR AGRICUTURE, 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.

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 DK
11/7

P.S. to Secretary
Energy & Power

Director Agriculture Research Institute
Diary No. 878
Date 11-07-17
D.I.Khan

Attested
M.IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Peshawar

ANN-(P)

(29)

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK FISHERIES & COOPERATIVE DEPARTMENT

Dated Peshawar, the June 12th, 2020

2212
17/06/20

ORDER:

NO. SOE (AD)6-52/2016:- WHEREAS, Mr. Muhammad Usman, Field Assistant (BS-09) Agriculture Research Institute, D.I Khan 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.

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 one annual increment & recovery of Rs. 146712.9 on account of 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.

Attested

MUBAL KUNDI
Advocate High Court
Legal Advisor Wapda Peshawar

DGAR

(AHMAD HUSSAIN)
SECTION OFFICER-ESTT:

Agricultural Research Institute, D.I.Khan
Phone: (0966) 740 046, 740 090 *Fax:* (0966) 740 415

ANN-(9)

No. 1205-08/DAR(DK)ARI, DIKhan, the 25-06 /2020.

(30)

To

1. Mr. Kazim Shah
   Ex Director
   ARI, DIKhan

2. Mr. Inayat Hussain Shah
   Ex Research Officer
   ARI, DIKhan

3. Mr. Muhammad Usman
   Ex Field Assistant
   ARI, DIKhan

Subject: **OFFICE ORDER REGARDING ILLEGAL EXCAVATION OF SOIL IN AGRICULTURE LAND AT DISTRICT DIKHAN**

Memo;

Kindly refer to worthy Director General No 7299-7301/Estt;/DGAR dated 17.06.2020 copy attached

Enclosed please find herewith the copies of order issued from the section officer Establishemt Govt of Khayber Pakhtoon khawa, Agric. Livestock and Cooperative Department Peshawar vide No. SOE (AD) 6-52/2016 dated 12.06.2020 copies attached regarding imposing the minor penalties against the officer/officials.

It is therefore directed to deposit the amounting as noted against you as mentioned by worthy DGAR letter and submit the copies of challans to this office immediately for onward submission to the quarter concern please.

Director

Copy to:

Director General Agriculture Research System KP Peshawar
for information please.

Attested

M.IQBAL KUNDI
Advocate High Court
Legal Adviser Wapda Peshawar

ANN- Q/1

31

DIRECTORATE GENERAL AGRICULTURE RESEARCH

KHYBER PAKHTUNKHWA, 25130, PESHAWAR

☎091-9221271 web: www.agrires.kp.gov.pk 091- 9221270

E-mail: dgragriresearch@gmail.com

No 7299-7301 /Estt/DGAR Dated the Peshawar 17/06/2020

To

The Director
Agriculture Research Institute
Dera Ismail Khan.

The Director
Agriculture Research Station
Ahmad Wala Karak.

Subject: - **OFFICE ORDER REGARDING ILLEGAL EXCAVATION OF SOIL IN AGRICULTURE LAND AT DISTRICT D.I.KHAN.**

Memo: -

Enclosed please find herewith the copies of orders received from the Section Officer (Estt) Government of Khyber Pakhtunkhwa, Agric. Livestock & Cooperative Department, Peshawar vide No. **SOE (AD) 6-52/2016; dated 12-06-2020** regarding imposing the minor penalties against the following officers/official, which may please be implemented in letter and spirit.

It is therefore, desired to direct the officers /official of your Institute /Station to deposit the amounting as noted against each into the Government Treasury and submit the copies of challans to this office immediately for favour of onward submission to the quarter concerned.

S.No	Name of officer/official	Institute/Station	Minor penalties imposed
1	Mr. Kazim Shah Ex-Director,	ARI D.I.Khan	Stoppage of two annual increments without cumulated effect and recovery of Rs. 880277.40
2	Mr. Inayat Hussain Shah, Ex-Research Officer	ARI D.I.Khan	Stoppage of one annual increments and recovery of Rs. 220069.35
3	Mr. Shahid Iqbal Khattak Ex-Farm Manager ARI D.I.Khan	ARS Ahmad Wala Karak	Stoppage of one annual increments and recovery of Rs. 220069.35
4	Mr. Muhammad Usman Field Assistant	ARI D.I.Khan	Stoppage of one annual increments and recovery of Rs. 146712.9

Encl: As Above.

DIRECTOR GENERAL

Endst. Even No & Date.

Copy of the above is forwarded to:-

1. The Section Officer (Estt) Government of Khyber Pakhtunkhwa, Agric. Livestock & Cooperative Department, Peshawar w/r to his order No. as quoted above for information.

M. IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Peshawar

GOVERNMENT OF KHYBER PAKHTUNKHWA

ANW-(R)-32

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURAL RESEARCH

Office: at Agricultural University Peshawar
Phone #: 0092-91-9221271
Fax #: 0092-91-9221270
E-mail: dgraup@yahoo.com

OFFICE ORDER

Consequent upon the recommendation of Departmental Promotion Committee meeting held on 4.2017, the Competent Authority is pleased to promote the following Research Inspectors (BPS-11) to the of Research Supervisor (BPS-14) on regular basis with immediate effect except S. No 6 & 11 with effect 04.04.2017 (i.e. date of DPC) in terms of provision contained in Establishment Department's circular letter, d 2nd September, 2004, as the official S. No 6 & 11 proceeded on retirement with effect from 07-04-2017 .) & 09.05.2017 (A.N) on attaining the age of superannuation. All those officials who were promoted will be probation for one year and extendable to another year.

NAME AND DESIGNATION	INSTITUTE/ STATION	PROMOTED TO THE POST
Mr. Muhammad Raziq Research Inspector (BPS-11)	SCRI, Mardan	Research Supervisor (BPS-14)
Mr. Muhammad Usman-I Research Inspector (BPS-11)	ARI, D.I.Khan	Research Supervisor (BPS-14)
Mr. Sher Afzal Research Inspector (BPS-11)	SD, ARI, Tarnab	Research Supervisor (BPS-14)
Mr. Muhammad Qayyum Research Inspector (BPS-11)	ARI, Swat	Research Supervisor (BPS-14)
Mr. Amir Nabi Research Inspector (BPS-11)	SPN, Tarnab	Research Supervisor (BPS-14)
Mr. Bashir Ahmad Research Inspector (BPS-11)	ARI, D.I.Khan	Research Supervisor (BPS-14)
Mr. Bakht-E-Karam Research Inspector (BPS-11)	ARI, Swat	Research Supervisor (BPS-14)
Mr. Fazli Rabi Research Inspector (BPS-11)	ARI, Swat	Research Supervisor (BPS-14)
Mr. Hakim Ullah Research Inspector (BPS-11)	SPN, Tarnab	Research Supervisor (BPS-14)
0 Mr. AzimGul Research Inspector (BPS-11)	ARI, Swat	Research Supervisor (BPS-14)
1 Mr. Sayyat Khan Research Inspector (BPS-11)	SPN, Tarnab	Research Supervisor (BPS-14)
2 Mr. Rahmat Ali Research Inspector (BPS-11)	ARI, Swat	Research Supervisor (BPS-14)
3 Mr. Khalil Ur Rahman Research Inspector (BPS-11)	ARI, Swat	Research Supervisor (BPS-14)
4 Mr. Fazal Hussain Research Inspector (BPS-11)	SD, ARI, Tarnab	Research Supervisor (BPS-14)
5 Mr. Kamal Khan Research Inspector (BPS-11)	ARI, Swat	Research Supervisor (BPS-14)
6 Mr. Khadim Research Inspector (BPS-11)	SD, ARI, Tarnab	Research Supervisor (BPS-14)
7 Mr. Muhammad Naeem Research Inspector (BPS-11)	SD, ARI, Tarnab	Research Supervisor (BPS-14)

On their promotion the transfer/posting of the following are hereby ordered in the best interest of public service.

S.#.	Name and Designation	From	To
1	Mr. Muhammad Raziq Research Supervisor (BPS-14)	Office of the Director, SCRI, Mardan	Office of Director SCRI Mardan against the existing vacancy of Research supervisor (BPS-14)
2	Mr. Muhammad Usman-I Research Supervisor (BPS-14)	Office of the Director, ARI, D.I.Khan	Office of Director ARI D.I.Khan against the existing vacancy of Research supervisor (BPS-14)
3	Mr. Sher Afzal Research Supervisor (BPS-14)	Office of the Senior Director, ARI, Tarnab.	Office of Senior Director ARI Tarnab against the existing vacancy of Research supervisor (BPS-14)
4	Mr. Muhammad Qayum Research Supervisor (BPS-14)	Office of the Director, ARI, Mingora, SWAT.	Office of Director, HARS, Abbottabad, against the existing vacancy of Research supervisor (BPS-14)
5	Mr. Amir Nabi Research Supervisor (BPS-14)	Office of the Director, SPN, Tarnab.	Office of Director SPN, Tarnab against the existing vacancy of Research supervisor (BPS-14)
6	Mr. Bashir Ahmad Research Supervisor (BPS-14)	Office of the Director, ARI, D.I.Khan	Office of Director, ARI D.I.Khan against the existing vacancy of Research supervisor (BPS-14)
7	Mr. Adnan Ud Din Research Supervisor (BPS-09)	Office of Director, BARS Kohat	Office the Director, SPN, Tarnab against the existing vacancy of Field Assistant (BPS-09)
8	Mr. Bakht-E-Karam Research Supervisor (BPS-14)	Office of the Director, ARI, Mingora, SWAT.	Office of Director, BARS Kohat against the existing vacancy of Research supervisor (BPS-14)
9	Mr. Abdul Wahab Research Supervisor (BPS-11)	Office of the Director, ARS, Baffa, Mansehra	Office of Director, ARI, Mingora, SWAT, against the existing vacancy of Research Inspector (BPS-11)
10	Mr. Fazli Rabi Research Supervisor (BPS-14)	Office of the Director, ARI, Mingora, SWAT.	Office of Director ARS, Baffa Mansehra against the existing vacancy of Research supervisor (BPS-14)
11	[illegible]	[illegible]	Office of Director, SPN, Tarnab against the [illegible]

Advocate High Court
Legal Advisor

33

	Mr. AzimGul Research Supervisor (BPS-14)	Office of the Director, ARI, Mingora, SWAT.	Office of Director, ARI Mingora, Swat against the existing vacancy of Research supervisor (BPS-14)
	Mr. Sayyat Khan Research Supervisor (BPS-14)	Office of the Director, SPN Tarnab.	Office of Director, SPN, Tarnab against the existing vacancy of Research supervisor (BPS-14)
	Mr. Zahid Akhtar Research Supervisor (BPS-11)	Office of the Director, HARS, Abbottabad	Office of Director, ARS, Baffa, Mansehra against the existing vacancy of Research Inspector (BPS-11)
	Mr. Rahmat Ali Research Supervisor (BPS-14)	Office of the Director, ARI, Mingora, SWAT.	Office of Director, ARI Mingora, Swat against the existing vacancy of Research supervisor (BPS-14)
	Mr. Khalil Ur Rahman Research Supervisor (BPS-14)	Office of the Director, ARI, Mingora, SWAT.	Office of Director, ARS S/Nourang, Bannu against the existing vacancy of Research supervisor (BPS-14)
7	Mr. Fazal Hussain Research Supervisor (BPS-14)	Office of the Senior Director, ARI, Tarnab.	Office of Senior Director, ARI Tarnab against the existing vacancy of Research supervisor (BPS-14)
8	Mr. Kamal Khan Research Supervisor (BPS-14)	Office of the Director, ARI, Mingora, SWAT.	Office of Director, ARI D.I.Khan against the existing vacancy of Research supervisor (BPS-14)
9	Mr. Khadim Research Supervisor (BPS-14)	Office of the Director, ARI, Tarnab.	Office of Senior Director ARI Tarnab against the existing vacancy of Research supervisor (BPS-14)
0	Mr. Muhammad Naeem Research Supervisor (BPS-14)	Office of the Director, ARI, Tarnab.	Office of Director, CCRI Pirsabaq against the existing vacancy of Research supervisor (BPS-14)

Sd/-
DR. NAVEED AKHTAR
Director General
Agriculture Research
Khyber Pakhtunkhwa
Peshawar

Copy to :-

No. 6164-6204/Estt/DGAR Dated the Peshawar 20/06/2017

1. *The Accountant General Khyber Pakhtunkhwa Peshawar.*
2. *The Senior Director, Agric. Research Institute, Tarnab (Peshawar).*
3. *The Director, Soil and Plant Nutrition, Agric. Research Institute, Tarnab (Peshawar).*
4. *The Director, Cereal Crops Research Institute, Pirsabak (Nowshera).*
5. *The Director, Sugar Crops Research Institute, Mardan.*
6. *The Director, Agric. Research Institute, Mingora Swat.*
7. *The Director, Agric. Research Institute, D.I.Khan.*
8. *The Director, Agric. Research Station, Serai Naurang Bannu.*
9. *The Director, Agric. Research Station, Bannu.*
10. *The Director, Hazara Agric. Research Station, Abbottabad.*
11. *The Director, Agric. Research Station, Ahmad Wala Karak.*
12. *The Director, Agric. Research Station, Baffa Mansehra.*
13. *The District Accounts Officer, Nowshera, Swat, Bannu, Mansehra, Karak, Abbottabad, Mardan, Kohat and D.I.Khan*
14. *All Officials concerned.*

For information and necessary action.

DIRECTOR GENERAL
Agriculture Research
Khyber Pakhtunkhwa
Peshawar

Attested
MIQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Peshawar

Copy all of Hazal Council

Director Agriculture Research Institute
Diary No. 905
Date 20-6

ANN-S (314)

Agricultural Research Institute, DIKhan

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

(34)

No 1348 /DAR (DK) dated ARI, D.I.Khan the 10 / 07 /2020

To

The Director General
Agricultural Research System
KP, Peshawar

Subject: - **REVIEW PETITION/ DEPARTMENT APPEAL AGAINST THE ORDER NO. SOE (AD)6-52/2016, DATED 12.06.2020 PASSED BY GOVERNMENT OF KHYBER PAKTHOUNKHWA THROUGH SECRETARY AGRICUTURE LIVESTOCK, FISHERIES AND COOPERATIVE DEPPARTMENTS PESHAWAR DULY COMMUNICATED TO THE PETITIONER ON 25.26.2020 BY DIRECTOE ARI, D.I.KHAN VIDE LETTER NO. 1205-08/DAR(DK) ARI, D.I.KHAN DATED 25.06.2020**

Memo:

Kindly enclosed please find herewith in appeal in original in respect of Mr. Muhammad Usman, Ex-Field Assistant ARI, DIKhan for onward submission to competent authority .The following copies are enclose herewith.

1. To, the Honorable Governor KPK
2. To, the Chief Minster KPK
3. To, the Chief Sectary KPK

Encl. As above

Director

No. 1349 /DAR (DK)

Copy to:

Mr. Muhammad Usman Ex- Field Assistant ARI, DIKhan for Information.

Director

MUHAMMAD ... UNDI
... Court
... Peshawar

ANN - S

(35)

Government of Khyber Pakhtunkhwa
Through Chief Secretary
Province of Khyber Pakhtunkhwa
Peshawar

Subject: **REVIEW PETITION DEPARTMENT AL APPEAL AGAINST THE ORDER NO. SOE(AD) 6-52/2016 DATED 12-06-2020 PASSED BY GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY AGRICULTURE LIVESTOCK, FISHRIES AND COOPERATIVE DEPARTMENT PESHAWAR DULY COMMUNICATED TO THE PETITIONER ON 25-6-2020 BY DIRECTOR ARI D.I.KHAN VIDE LETTER NO. 1205-08 /DAR(DK) ARI D.I.KHAN.**

Respectfully Sheweth,

With profound regards. It is submitted that petitioner has been aggrieved from impugned order SOE(AD) 6-52/2016 dated 12-06-2020 passed by Secretary Agriculture , Livestock, Fisheries and Cooperative Department Government of Khyber Pakhtunkhwa duly Communicated to him by Director ARI D.I.Khan vide letter No. 1205-08/DAR(DK), Dated 25-06-2020. Therefore instant review petition is being filed against ibid order dated 12-06-2020 vide which he was awarded minor punishment of stoppage of one annual increment and recovery of Rs. 146217/90 on account of alleged loss sustained by government. Brief facts of the case and grounds of review petition or being furnished as under:

BRIEF FACTS OF THE CASE

1. That the petitioner had been serving the Agriculture Department since 1977 and served the Department at various positions with dedication, honesty and dignity. He always performed his duty efficiently and properly up to the expectation /satisfaction of his superiors. He is also having 40 years unblemished service career record. At time of occurrence of alleged matter petitioner was posted as Field Assistant (BPS-9) at ARI Dera Ismail Khan. He was promoted in (BPS 14) as Field/Research Supervisor in (BPS-14) on 20-06-2020.

2. That proposal for removal of upper soil layer of the fallow land adjacent to AZRI, D.I.Khan was sent to the Director General Agriculture Research System Khyber Pakhtunkhwa, Peshawar by Director ARI D.I.Khan on vide letter No. 5251 dated 18-12-2014 which was accepted and approved by DGAR Khyber Pakhtunkhwa, Peshawar. In this regard eligible contractors were invited to participate in the auction proceeding for removal of surface soil ibid land through tender notice published in Daily Mashriq dated 10-02-2015 by Director ARI, D.I.Khan. After holding action Muhammad Mohsin Shuja was declared to be highest bidder. It is pertinent to mention that matter in question was neither in the domain of petitioner nor he had any nexis with the job duty performed by him, as he was performing duty of Field Assistant in those very days.

3. That during removal of surface soil layer from ibid land petitioner remained unaware from all ups and downs happened in this regard, He had never been assigned duty to assist the alleged supervisory committee in respect of the excavation process. The letter No.1546-47 dated in 19-05-2015 issued by Director ARI, Dera Ismail Khan seems to fake as neither and supervising committee was constituted nor he was verbally directed to assist the alleged committee in excavation of soil, even I did letter was not deliver to him. It is pertinent to mention that no any progress/report in respect of excavation was obtained from petitioner during work in progress, meaning thereby that alleged supervising committee was neither constituted not existed, The whole file of ibid case is blank/silent except the allied letter dated 19-05-2015 as no any correspondence with the petitioner is available in this connection in the Official record.

4. That letter on petitioner was served which charge sheet and statement of allegation bearing No. Nil dated nil signed by Honorable Chief Minister Government of KPK on the subject in issue. In which it was alleged that he had committed the following irregularities.

a) Rendered 13 Acres of precious government land unfit for agriculture purpose due to illegal extra excavation of top soil to the extent of 5 to 6 feet.
b) Allowed unchecked excavation of the land in total disregard to specification in the advertisement floated.
c) Allowed the highest bidder Muhammad Mohsin Shuja to sublet the contract in question to Mr. Salim Khan without lawful authority and took no notice against them.
d) Failed to protect government interest by showing the slackness in supervision of excavation by the contractor.

It is pertinent to mention that stereo type allegation were levelled against the petitioner as well as other accused namely Nazeer Hussain Shah DGAR, Mr. Kazim Hussian Shah and one Inayat Hussain Shah Research Officer by honorable chief minister in the alleged charge sheet/statement allegation because the aforesaid allegation were leveled/framed upon all the accused without taking into account the authority/powers and nature of duty assigned to him.

Copies of charge sheet/statement of education or enclosed and marked as **Annexure A & B.**

5. That detail reply to alleged charge sheet/statement of allegations was furnished by appellant. In which he categorically denied from all charges levelled against him. It was also contended in his reply that neither alleged supervising committee was constituted by Director ARI D.I.Khan, nor existed. Alleged letter No. 1546-47 dated 19-5-2015 issued by Director ARI D.I.Khan is fake and after thought just to save his own skin. The alleged letter was neither served upon him nor acknowledgement was obtained from him, even no any directions/ instructions in respect of assistant to the alleged supervisory committee are available in black and white. The inspection/supervision of excavation work was not piece and parcel of his duty performed by him as Field Assistant therefore he neither visited the sight nor he Directed to do so during excavation of ibid land. Therefore he cannot be held responsible for wrong doing of others. Apart from that allegations of keeping the ibid land misfit for agriculture purpose is wrong and incorrect baseless because Wheat Crop was sown/ cultivated on the land in the year 2015-16 and yield of 29.11 mounds of Wheat was obtained from ibid land, which is evident from the crop register of ARI D.I.Khan. Copy of reply to charge sheet/statement of allegations crop register are enclosed and marked as **Annexure C & D**.

6. That as long as allegation of allowing the highest bidder Muhammad Mohsin Shuja for subletting the same to Mr. Salim Khan is concerned, It is submitted that petitioner had never allowed to sublet the hybrid contract nor he being Field Assistant was Authorized to do so as the matter in question does not come under the domain of his powers, therefore question of allowing highest bidder to sublet the work to other party by petitioner does not arise thus it would be and justified to charge him on illegal subletting of land excavation.

7. It was further contended by petitioner that he was not assigned duty to assist the alleged supervisory committee in excavation of ibid land so he had neither visited the sight nor assisted the alleged committee in ibid work thus slackness on the part of petitioner has wrongly been assessed without taking into consideration the true picture.

8. That despite dropping the petitioner from the alleged charges levelled against him in the ibid charge sheet/statement of allegation an alleged enquiry committee was constituted by honorable Chief Minister. Petitioner also participated in the alleged enquiry proceedings who just obtained a written statement/reply from him but he was not allowed to cross examine the prosecution witness and proceeding of enquiry committee was held in flagrant violation of law. Neither statement of any prosecution witness was recorded in the presence of petitioner or any Departmental representative was appointed to bring relevant record against him. Petitioner was neither associated in the enquiry proceedings in any manner, whatsoever, even after conclusion of alleged enquiry, no any enquiry report was supplied to petitioner whereas it was mandatory under the law. Copies of written statement given the enquiry committee are enclosed as **Annexure E.**

9. That show cause notice bearing No. 669-72/DAR(DK) dated 28-03-2017 was served upon petitioner by Worthy Chief Minister containing some unfounded and baseless allegations as were leveled in the charge sheet/statement of allegation. However the same was duly replied by petitioner on 28-03-2017. It is pertinent to mention that competent authority tentatively proposed the imposition of minor penalty of stoppage of one annual increment and recovery for Rs. 146217/90 of alleged loss occurred to the government meaning thereby government had already made up their mind to award him minor penalty as such.

   Copies of show cause notice dated 28-03-2017 and its reply are enclosed and marked as **Annexure F & G.**

10. That vide letter dated 10-07-2020 all the five accused including petitioner was directed to appear before Engineer Muhammad Naeem Khan the worthy Secretary Energy and Power Department for personal hearing a 18-07-2017 deputed by the Honorable Chief Minister.
    Copy of letter dated 10-07-2017 is enclosed and marked as **Annexure H.**

11. That afterwards the matter was kept into deep slumber for long 3 years and 3 months when suddenly on 12-06-2020 minor penalty of stoppage on one annual increment and recovery of Rs. 146217/90 was imposed upon him by government through Secretary Agriculture, Livestock, Fisheries and Cooperative Department KP, vide impugned office order No. SOE(AD)6-52/2016 dated 12-06-2016 which was conveyed/communicated to him by Director ARI D.I.Khan vide letter No.125-08/DAR(DK), dated 25-06-2020.
    Copies of impugned order dated 12-06-2020 and letter dated 25-06-2020 are enclosed and marked **Annexure I & J.**

12. That feeling aggrieved from impugned order dated 12-06-2020 for imposition of minor penalty of stoppage of one annual increment and recovery of Rs. 146217/90 having left no any other efficacious remedy, instant review petition is being filed on the following amongst other grounds.

GROUNDS

1. That impugned order dated 12-07-2020 in respect of imposition of minor penalty in the shape of stoppage of one annual increment and recovery of Rs. 146712/90 upon Petitioner is wrong void against law and facts of case as well as material available on record. The impugned order dated 12-06-2020 for imposition of minor penalty is illegal void ab-initio and as such ineffective upon the valuable rights of the Petitioner thus the same is liable to be reversed, recalled and set at naught.

2. That alleged enquiry proceeding has been conducted in utter disregard of violation of law because neither statement of prosecution was recorded in presence of Petitioner nor any departmental representative was appointed to bring record against appellant. Even no any opportunity was given to the Petitioner by alleged enquiry committee to cross examine the prosecution witness during enquiry proceeding.

3. That according to law alleged enquiry report was to be supplied to Petitioner by alleged enquiry committee being mandatory under the law, but enquiry committee failed to do so. Thus impugned order dated 12-06-2020 cannot to be passed without supply of enquiry report to the Petitioner meaning thereby Petitioner was not fairly handled /treated. Thus impugned order 12-06-2020 being without lawful authority is liable to be recalled and set aside.

4. That no fair and proper opportunity was given to the Petitioner by the alleged enquiry committee to defend his position in proper manner.

5. That alleged charge sheet/ statement of allegation is same and stereo typed which were served upon the entire five officials including appellant. Whereas separate charge sheet/ statement of

allegation was to be served upon each accused according to irregularities if committed by him and powers conferred upon the official, which has been presumed to be misused. Thus on such flimsy and in appropriate charge sheet /statement of allegation Petitioner cannot be penalized.

6. That Petitioner was promoted from BPS-09 to BPS-14 during pendency of alleged compliant meaning thereby Govt: was satisfied from his performance while elevating him. The complaint in question as well as alleged enquiry report has become infractuous thus government cannot open such a past and close chapter after passing of more than three years and three months of alleged enquiry.

7. That Petitioner had categorically stated in his statement that the Petitioner had never remained member of the alleged supervisory committee nor directions were given to him to assist the alleged in excavation work. Even alleged letter No. 1546-47 dated 19-05-2015 issued by Director ARI, D.I.Khan was neither served upon Petitioner nor was the same acknowledged by him. It seems to be fake and after thought duly manipulated by making it peace and parcel of the file by Director ARI D.I.Khan to save his skin. So how Petitioner was involved on such allegation which have no nexis with Petitioner?.

8. That one of the accused Nazeer Hussain Shah DGAR being head of the department was awarded minor punishment in the shape of **CENSURE** whereas all other accused including the Petitioner were treated differently and were penalized in the shape of stoppage of increments and recovery of different amount. Thus Petitioner and other accused were not similarly treated despite the fact accused Nazeer Hussain Shah DGAR had approved the proposal and permission was granted for subletting of the contract. According to the constitution of Pakistan every citizen may be similarly treated for the same act done by different people. Thus in the above scenario the Petitioner was to be dealt with same yard stick.

9. That matter of excavation is subjudice before Civil Judge V D.I.Khan and quantity of soil excavated is yet to be decided by the court that whether excess excavation has been done or not. So in such situation competent authority was not liable to impose minor penalty upon him. Copy of the plaint is enclosed and marked as **Annexure K.**

10. That impugned order dated 12-06-2020 is not tenable under the law, therefore the same is liable to set aside and recalled.

11. The Petitioner may give an opportunity of personal hearing in the interest of natural Justice and equity.

In view of the submission made above it is humbly prayed that instant review Petition against impugned order dated 12-06-2020 may accepted and petitioner be absolved from all the charges leveled against him and impugned penalty in the shape of stoppage of one Annual Increment and recovery of Rs. 146217/90 imposed upon him may be reversed and set aside in the interest of justice.

Petitioner

Muhammad Usman

Ex Field Supervisor ARI D.I.Khan

Attested

Dated: 10-07-2020

M. IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pesco

ANNT (39)

بعدالت جناب سینئر سول جج صاحب ڈیرہ اسماعیل خان

نمبر شمار و تاریخ حکم	مختصر حکم
OS - - - 61 22-12-15	دعوی ھذا وکالتاً از طرف سپریم عدالت جناب سول جج صاحب ڈیرہ اسماعیل خان کیا جاتا ہے۔ مدعی وکیل مدعا عدالت ہذا میں 22-12-15 پیش ہو

Mohammad Aaqib
Civil Judge-VII, D.I.Khan

0-02
22-12-15

دعویٰ جناب عدالت جناب Civil Judge-VII ڈیرہ میں سول جج
بعد از ہڑتال پیش ہو۔

MUHAMMAD ANWAR
Advocate Dera Ismail Khan

جناب عالی: ہڑتال کی وجہ سے دعویٰ آج پیش نہیں کیا جا سکا۔ لہٰذا دعویٰ کے ساتھ لف حلفیہ مرجہ شدہ بمعہ دستاویزات دستاویزات عدالت ہذا میں پیش کیا جاتا ہے۔ وکالت نامہ حق محمد جمیل الرحمان ایڈووکیٹ ڈیرہ ہمراہ لف ہے۔ لہٰذا استدعا ہے کہ ہڑتال جنرل پیش کی جائے۔

22/12

Attested
M.IQBAL KUNDI
Advocate High Court
Legal Advisor Nagra Estate

(40)

23.12.15

[illegible]

2752

24.11.015

[illegible]

25/01/16

[illegible]

NISAR AHMAR
Civil Judge-V Dera Ismail Khan

25-01-16

[illegible]

06/02/16

[illegible]

Note reader
13.02.2016

Presence as before. As the learned Presiding Officer has been transferred and relinquished the charge, so to come up for previous proceedings on 02-03-16.

Reader

4526
12-11-16
12-11-16

Attested
Advocate

(4)

بعدالت جناب ... ڈیرہ اسمٰعیل خان

سال 2015ء

مقدمہ دیوانی نمبر

محمد سکیم ولد باشندہ خان ... بلوچ حال ... ڈیرہ اسمٰعیل خان ..... مدعی

0345-9830778

CNIC 12101-9019362-7

Mohammad Aaqib
Civil Judge-VII, D.I.Khan
23-12-

بنام

(1) سیکرٹری زراعت سروسز KPK پشاور
(2) ڈائریکٹر زراعت ریسرچ و الٹینشن ڈیرہ اسمٰعیل خان
(3) ڈائریکٹر جنرل زراعت محکمہ KPK پشاور

(مدعا علیہ)

(الف) دعویٰ استقرار حق ہذا میں قرار کیا جائے کہ مدعی بطور ٹھیکہ ٹینڈر حاصل کرنے کے اور مطابق ٹینڈر رقم منہا کرنے کے ادائیگی کے ٹھیکہ بابت چھوارہ بم نے اراضی ... K M 39-0 چلاؤ یا ہے جبکہ قطعہ A رقبہ تقریباً ... چھوارہ بم کے من قبل حوالہ مدعا علیہ غیر ... ہے جبکہ قطعہ B جو کہ ... رقبہ 61-0 K M

attested
M. IQBAL KHAN
Peshawar High Court
Peshawar

2752/DAR/DK

24/11/2015

2752

24/11/2015

2752/DAR/DK ARI DIKhan 24/11/2015

P.T.O

Attested

[illegible]

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جناب عالی! [illegible]

① یہ کہ من مدعی بطور [illegible]
اور من مدعی کے بہ [illegible]
کہ نے اراضی مدعا علیہ [illegible]
کی رقم بھی جمع کروائی [illegible]
مورخہ 10/12/2015 [illegible]
اور جس نسبت [illegible]
کی تعمیر و تکمیل [illegible]
2867 مذکورہ دستاویز [illegible]

② یہ کہ بعد منظوری عشکہ [illegible] 109-K کنال [illegible]
مدعی کو سیوا کہ نے کہا [illegible]
جنہوں نے خود بھی [illegible]
تصرف سے 39-K [illegible]
کی صورت میں من مدعی [illegible] 69-K [illegible]
من مدعی نے بلا کسی
سیوا کہ کے حوالہ مدعا [illegible]
اپنے مدعا علیہ [illegible]
کاشت کرتے ہے
جبکہ بعد میں [illegible]
مورخہ 15/05 کو [illegible]

Attested
Advocate

Internal Audit
AG
LEC

[illegible] 2 فٹ مٹی [illegible]

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[illegible] نمبر 252/- [illegible]

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[illegible] نمبر 2752 [illegible]

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[illegible] 500/- روپے مقرر [illegible]

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Attested

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Salim

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GHULAM NAZ AWAN ADVOCATE

(47)

عدالت جناب سینئر سول جج صاحب ضلع ڈیرہ غازی خان

محمد سلیم بنام سیکرٹری زراعت وغیرہ

دعویٰ استقرار وغیرہ

درخواست ہذا دعویٰ قسم امتناعی عارضی تاحکم ثانی قدغن تاکہ مقدمہ مندرجہ عنوان بالا میں مدعیان مندرجہ BTSR مذکورہ چیک کے تکمیل سے روکنے اور کسی قسم مداخلت نہ کرنے سے باز رہیں

جناب عالی! مدعی حسب ذیل عرض رساں ہے

① یہ کہ مقدمہ عنوان بالا دائر کر کے عدالت حضور ارسال کیا جا رہا ہے۔ ہمراہ درخواست ہذا ہے۔ جس کے مندرجات کو ملحوظ خاطر رکھا جاوے۔

② یہ کہ مدعی کا مقدمہ Good Prima facie case ہے اور Balance of convenience بھی مدعی کے حق میں ہے باعث انتظار میں مدعی کا مقدمہ کافی مضبوط ہے جس کا فیصلہ بھی مدعی کے حق میں ہونا قرین امکان ہے۔

③ یہ کہ مقدمہ کے فیصلہ تک کچھ وقت درکار ہے۔ اور دوران مقدمہ قدغن عائد نہ کیا گیا تو مدعیان مندرجہ BTSR چیک کی تکمیل سے مدعی کو روکنے اور کسی قسم کی مداخلت کرنے کے درپے ہیں جس سے مدعی کو ناقابل تلافی نقصان ہوگا۔ لہٰذا عدالت حضور سے استدعا ہے کہ درخواست ہذا حسب صراحت عنوان و تشریح منظور فرمائی جاوے۔

گواہان بطور ثبوت اقبال خان
احمد علی وغیرہ
دستخط بر مہر

محمد سلیم

Salim Khan

محمد سلیم (مدعی)

Salim Khan

attested
M. IQBAL KUNDI
Advocate High Court
Legal Advisor Wapda Pakistan

Sahi

(49)

وکالت نامہ

کورٹ فیس

قیمت ایک روپیہ

بعدالت جناب Before Services Tribunal K.P.K Peshawar Camp office D.I.Khan

منجانب Appellant

بنام Muhammad Usman v/s Govt of K.P.K through Chief Secretary & other

دعویٰ یا جرم Service Appeal

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالاعنوان میں اپنی طرف واسطے پیروی وجوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام D.I.Khan کیلئے Mohammad Iqbal Kundi Adv. High Court

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ مختیار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوا۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہوگیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا ہرجانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور وقبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجرائے ڈگری ونظر ثانی اپیل نگرانی وہر قسم درخواست پر دستخط وتصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی یا راضی نامہ وفیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از کچہری صدر پیروی مقدمہ مذکورہ نظر ثانی واپیل ونگرانی وبرآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ یا درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ محنانہ پیروی کا اختیار ہوگا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور وقبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ 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 ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہرجانہ التواء پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھدیا ہے۔ تاکہ سند رہے

مورخہ 6/11/2010 ء201

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

العبد العبد العبد

Accepted

Iqbal Kundi

Usman

GS&PD.KPSS-1777/2-RST-20,000 Forms-09.05.18/PHC Jobs/Form A&B Ser. Tribunal/P2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. 713

Appeal No. 1290/1 *of 20*20

Muhammad Usman ..... *Appellant/Petitioner*

Versus

Through Chief Secy: KPK ..... *Respondent*

Respondent No. 4

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 26-5-2021 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 May 2021

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.

GS&PD.KP.SS-1777/2-RST-20,000 Forms-09.05.18/PHC Jobs/Form A&B Ser. Tribunal/P2

15/03/2021

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. 12

Appeal No. 13/2021 *of 20* 20

Muhammad Usman ..... *Appellant/Petitioner*

Versus

through Chief Secy. KPK Peshawar ..... *Respondent*

Respondent No. 2

Notice to: — The Secy. Agriculture, Live Stock Govt. of 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 26-5-2021 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.

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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 7th

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.

GS&PD.KP.SS-1777/2-RST-20,000 Forms-09.05.18/PHC Jobs/Form A&B Ser. Tribunal/P2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. 113

Appeal No. 13901 *of 20* 20

Muhammad Usman *Appellant/Petitioner*

Versus

Through Chief Secy. KPK Peshawar *Respondent*

Respondent No. 1

Notice to: — Govt. of KPK Through Chief Secy. 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 26-5-2021 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.

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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 7th

Day of March 20 21

at Camp Court D.I.Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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