


26/07/2022

Due to summer vacation

come for 27/09/22

  
Reader

27<sup>th</sup> 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

26<sup>th</sup> Oct 2022

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

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



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



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

25.01.2022


Tour is cancelled, therefore, case is adjourned to 25.05.2022 for the same as before.

  
Reader.

25.05.2022

Learned counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents present.

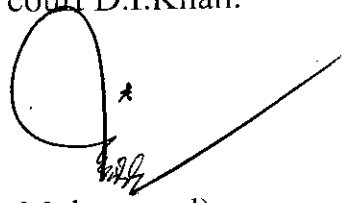
Written reply on behalf of respondents received through office, which is placed on file and copy of the same handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 26.07.2022 before the D.B at Camp Court D.I.Khan.


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

30<sup>th</sup> 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

27.10.2021

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Parvaiz S.R.O for respondents present.

Reply on behalf of respondents was not submitted. Request for adjournment was made on behalf of respondents. Last chance is given with direction to furnish the same within 10 days in office, positively. To come up for arguments on 26.11.2021 before D.B. at Camp Court, D.I.Khan.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, D.I.Khan



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

26.11.2021

Appellant present in person and Mr. Noor Zaman Khattak, Addl. AG alongwith Malak Saadullah A.D and Pervez Khan, SRO for the respondents 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 and the case will be decided on the basis of available record. Case to come up on 25.01.2022 before S.B at camp court, D.I.Khan.



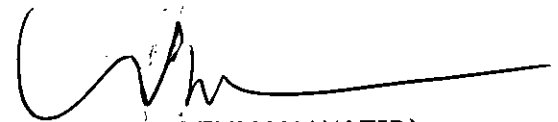
Chairman

Due to COVID-19 therefore to  
come up for the same on 29/9/21

Om  
Reedv

29.09.2021

Learned counsel for the appellant present. Mr. Mr. Usman Ghani, 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 27.10.2021 at Camp Court D.I. Khan. The restraint order already granted vide order sheet dated 23.02.2021 shall remain suspended till the date fixed, if not acted upon earlier.

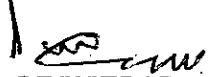


  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COURT D.I.KHAN

Form- A

FORM OF ORDER SHEET

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

Case No.- 13902 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/11/2020	<p>The appeal of Mr. Shahid Iqbal Khattak 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.</p> <p> REGISTRAR</p>
2-	10.2.21	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>23.2.21</u></p> <p> CHAIRMAN</p>
	23.02.2021	<p>Learned counsel for the appellant present. Preliminary arguments heard. File perused.</p> <p>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.</p> <p>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.</p> <p> (Rozina Rehman) Member (J) Camp Court, D.I.Khan</p>

Appellant Deposited  
Security & Process Fee

3/2/21

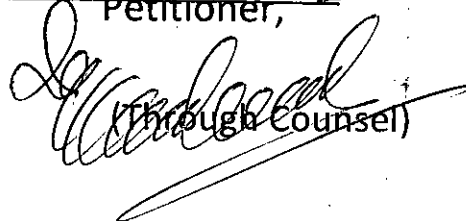
No \_\_\_\_\_ D/ 2020

Shahid Iqbal Khattak VERSUS Govt of Khyber Pakhtunkhwa  
Through Chief Secretary & others

INDEX:

S.No	Documents	Annexure	Pages
1.	Contents of services Appeal along with Affidavit Contents of stay application along with Affidavit		1-6
2.	Appreciation letter	A	7
3.	Proposal dt 18/12/2014, Approval dt 16-4-2015 Newspaper Clipping, Agreement and authority letter	B, C, D E & F/1	8-12
4.	Copy of letter dt 19/5/2015, Pwv Book dt 19/5/15 letter dated 24-11-2015 along with other correspondence	F, G, H H-1 and H2	13-17
5.	Copies of Charge sheet and statement of allegation	I & J	18-19
6.	Reply of statement of allegation & portion of Crop Register	K & L	20-23
7.	Questionnaire and notice of enquiry	M & N	24-25
8.	Show Cause notice and reply	O & P	26-30
9.	letter dt 10/7/2017	Q	31
10.	letter dt 12/6/2020, 17/6/2020 and Promotion letter	R S and T	32-34
11	Copy of Review Petition and Departmental Appeal	U	35-40
12	Copy of Civil suit	V	41-50
13	wakalat nama		51

Petitioner,

  
(Through Counsel)

Dated: 6-11-2020

Advocate High Court D.I.Khan

①

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR CAMP OFFICE**

**D.I.KHAN**

Service Appeal No 13902 2020  
Shahid Iqbal Khatak S/O Usman-ud-Din  
Farm Manager  
R/O Agriculture Research Centre Ahmad Wala Karak.

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 14481

Dated 11/11/2020

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 APEAL UNDER SECTION 4 OF KPK SERVICES TRIBUNAL ACT 1974**

**PRAYER**

On acceptance of instant service appeal this honorable tribunal may be pleased to pass judgment/order by setting aside office order No SOE(AD)6-52/2016 dated 12-06-2020 of respondents No. 2 onward submitted by respondents No.3 vide order No. 7299-7301/ Estt/DGAR dated 17-06-2020 duly received by appellant on 01-07-2020 through Director ARS Karak vide Dairy No. 112 dated 01-07-2020 wide which penalty in the shape of stoppage of one annual increment and recovery for Rs. 220069/35 was imposed upon him and appellant may be exonerated from alleged charges leveled against him. It is further prayed that Respondents may be directed not to recover the alleged recovery form the appellant till disposal of instant service appeal in the interest of justice.

*[Handwritten signature]*

Filed to-day

*[Handwritten signature]*  
Registrar  
11/11/2020

Respected Sheweth,

While aggrieving from office order No. 7299-7301/Estt/DGAR Dated 17-06-2020 of respondent No. 2 duly conveyed to the appellant on 01-07-2020 by DIRECTOR ARS Karak the office letter No. 7299-7301/Estt/DGAR dated 25-06-2020 Through dairy No. 112 dt 01-07-2020 vide which penalty in the shape of stoppage of one annual increment and recovery of Rs. 220069/35 was imposed upon him. Appellant filed review petition/ departmental appeal on 20-07-2020 against impugned office order dated 17-06-2020 of respondent No. 3 duly received on 01-07-2020 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 2009 and served the department at various positions with dedication, honesty and dignity and was working as Research officer and additional duty of Farm Manager in 2014-15. He always performed his duty efficiently and properly according to the expectation /satisfaction of his superiors. Copies of Appreciation letter is enclosed as **Annexure "A"**.
2. During posting on additional duty of Farm Manager (BPS-17) 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 he was informed properly to supervise the same by respondents No. 4. Copies of a proposal dated 18-12-2014 approval dated 16-04-2015, Newspaper clipping dated 10-02-2015 agreement and authority letter dated 24-04-2015 are enclosed and marked as **Annexure B, C, D, & E, F**
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 supervising committee designating the appellant to be member of alleged committee. As long as letter No. 1546-47 dated 19-5-2015 issued by respondent No. 4 is concerned it is fake and factitious. It was neither acknowledged by him nor matter in question was brought in his knowledge by respondents No 4 with appellant in respect of ibid land nor it's progress was shared with him even no any correspondence were made with him on subject matter meaning thereby that ibid letter dated 19-5-2015 was not delivered to him for supervising the ibid contract. 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 24-11-2015 was 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 being considered to be so called member of alleged supervising committee. 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 F, G, & H, H/1, H/2**
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.

*So*  
*Andeed*



- 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. Inayat Hussain Research Officer and one Muhammad Usman Field Supervisor 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 I & J.**

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 supervision of alleged contract is available in the official record therefore he could not be held responsible for slackness in respect of supervision of excavation work. It was further contended that as no any assignment in respect of supervision 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 K & L.**
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. It is submitted <sup>that</sup> approval of subletting was accorded by respondents No. 4 vide letter No. 1503/DAR(DK) dated 15-5-2015 (Ann G/1)
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 appellant was given questionnaire which was properly replied by him. But 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. Copies of reply to questionnaire, Notice of inquiry are enclosed and marked as **Annexure M & N.**
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 O & P.**
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 Q.**

*Handwritten signature*

Through

- 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. 220069/35 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 ~~Director ARS Karak~~ Director General letter No. 7299-730/Estt DGAR dated 17-06-2020 ~~vide~~ diary No. 112 dated 01-07-2020. It is pertinent to mention that appellant was promoted from BPS-17 to BPS-18 by competent authority during alleged matter meaning there-by appellant was considered to be exonerated from alleged charges mentioned in the alleged charge sheet/statement of allegation as the matter in question had become infructuous after his promotion letters. Copy of letter dated 12-06-2020 and 17-06-2020 and duly received on 01-07-2020, promotion letter are enclosed and marked as Annexure R, S & T.
- 11. That appellant filed review petition/departmental appeal on 20-07-2020 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 20-07-2020 is enclosed and marked as Annexure U.
- 12. That while not responding to review petition/departmental appeal dated 20-07-2020 with in stipulated period of three months instant service appeal is being filed before this August tribunal inter alia on the following grounds.

GROUND OF APPEAL

- 1. That impugned order dated 12-06-2020 conveyed to the petitioner on 01-07-2020 in respect of imposition of minor penalty in the shape of stoppage of one annual increment and recovery of Rs. 220069/35 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 to penalized.
- 6. That appellant was promoted from BPS-17 to BPS-18 during pendency of alleged complaint meaning thereby Govt: was satisfied from his performance while promoting him in BPS-18. The complaint in question as well as alleged enquiry report has become infructuous thus government cannot open such a past and close chapter after promotion of appellant as well as

*Seal/Signature*

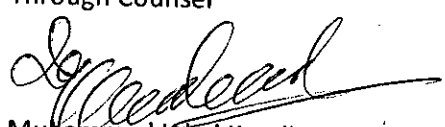
passing of more than three years and three months of alleged enquiry hence appellant cannot be penalized on such invalid and infructuous enquiry report.

- 7. That appellant had categorically stated in his statement that the appellant had never remained member of the alleged supervisory committee nor directions were given to him to supervise the 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 the same was 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 through 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 V**.
- 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.*

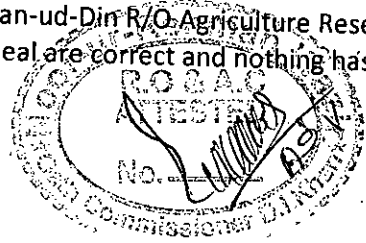
Dated: 28-10-2020

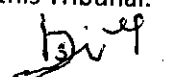
Petitioner  
Shahid Iqbal Khattak

Through Counsel  
  
Muhammad Iqbal Kundi  
Advocate High Court D.I.Khan

**Affidavit**

I Shahid Iqbal Khatak S/O Usman-ud-Din R/O Agriculture Research Ahmad Wala Karak state on oath that contents of instant service appeal are correct and nothing has been concealed from this Tribunal.



  
Deponent

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

Misc Application in Service Appeal No. \_\_\_\_\_/2020

Shahid Iqbal Khatak

.....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. 220069/35, 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 220069/35 from applicant.

That his honorable tribunal has ample power to restrain the respondents from recovery of Rs. 220069/35.

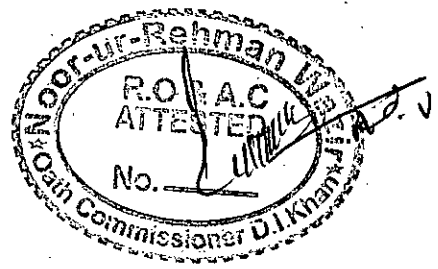
*It is therefore prayed that respondents may be restrained not to recover penalty amount of Rs. 220069/35 from applicant till disposal of his main service appeal in the interest of justice.*

*Jaid*  
Applicant

*Shahid Iqbal Khatak*  
Through counsel

**AFFIDAVIT**

I, Shahid Iqbal Khatak son of Usman-ud-Din resident of Agriculture Research Centre Ahmad Wala Karak. do here by solemnly affirm on oath and stated that constant of instant application are correct and nothing has been concealed from this court.



*Jaid*  
Deponent

7

ANN-A

AGRICULTURAL RESEARCH INSTITUTE  
DERA ISMAIL KHAN - KHYBER PAKHTUNKHWA



0956-740090

Web: [www.agrires.kp.gov.pk](http://www.agrires.kp.gov.pk)  
Email: [aridikhan@yahoo.com](mailto:aridikhan@yahoo.com)  
Email: [aridik1986@gmail.com](mailto:aridik1986@gmail.com)

0966-740415



No. 1676 /DAR[DK] Dated ARI, DIKhan the 28-09 /2017  
To

Mr. Shahid Khattak  
Research Officer (Wheat)  
ARI, DIKhan

Subject: APPRECIATION

Memo:

Consequent upon approval of two Wheat varieties (Israr Shaheed & Shahid-17) in Provincial Seed Council, this institute feels honour & privilege to award appreciation letter to you.

On your performance & continuous hard work, release of these two varieties is definitely a pride and honour for this institute, research system and the whole province as well. Hope these varieties will contribute worth to the national economy as well as wheat growers of D.I.Khan.

This institute is thankful to you and expects continuous hard work in future too.

*Attested*  
*Shahid*

*Shahid*  
Director

8



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

ANN-B

No. 5052 /DAR[DK], Dated ARI, DIKhan the 18 /2012

7

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

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

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

No. 5052 /DAR[DK],

*B.M.* 18/12  
Director  
%

Copy to:

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

*B.M.* 18/12  
Director  
%

*1/4 D*  
*For attested*  
*Accorded*

Legal Advisor  
Agriculture Department  
Peshawar



9

C

70

8

ANN-75



Government of Khyber Pakhtunkhwa  
Agricultural Research System

At Agricultural University, Peshawar.

Office Phone: 091-92-6530, Fax: 091-92-6529

E-mail Address: aris@yahoo.com

No. 4081 /DGR  
Date: 16/04 /2015

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

Subject: AUCTION OF LIFTING OF UPPER SOIL SURFACE

Memo: [unclear]

Reference your office letter No.935/DARD 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 of the year.

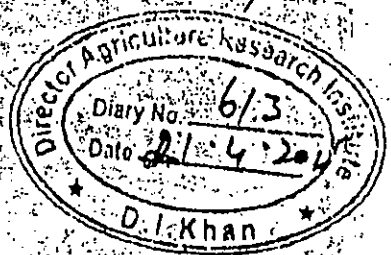
You will be entirely responsible for any deficiency observed in the entire process as well as removal of soil as per specification.

SA. Acelle PL

*for further info.*

*Em.  
20/4*

*[Signature]*  
Director General  
Agricultural Research  
Khyber Pakhtunkhwa  
at University of Agriculture  
Peshawar



*[Signature]*

**M. IQBAL FUNDI**  
Advocate High Court  
Legal Advisor Wapda Pesco

(unclear)

# دفتر زرعی تحقیقاتی ادارہ رقبہ کلاچی ضلع ڈیرہ اسماعیل خان کوٹیشن مطلوب ہیں

زرعی تحقیقی ادارہ ڈیرہ اسماعیل خان کے زیر انتظام رقبہ متصل ایرر ڈزون ریسرچ اسٹیشن ہائی پاس روڈ پر جس کی سطح نہر سے بلند ہونے کی وجہ سے ناقابل کاشت ہے۔ اس رقبہ کو قابل کاشت بنانے کے لئے حکام رقبہ سے مٹی اٹھوا کر اس کو قابل کاشت بنانے کی منظوری دی ہے۔ ٹھیکیدار حضرات سے مزہمہر کوٹیشن مطلوب ہے جو مورخہ 24 فروری 2015ء بروز منگل وقت 12 بجے تک بذریعہ ڈاک یا کوریئر سروس دفتر ہذا کو موصول چاہئیں۔ موصول شدہ کوٹیشن اسی دن بوقت 2 بجے دوپہر ٹھیکیداران ان کے نمائندگان کی موجودگی میں 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 اٹھائی جائیگی۔ ہائی پاس کی شرقی سائید

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

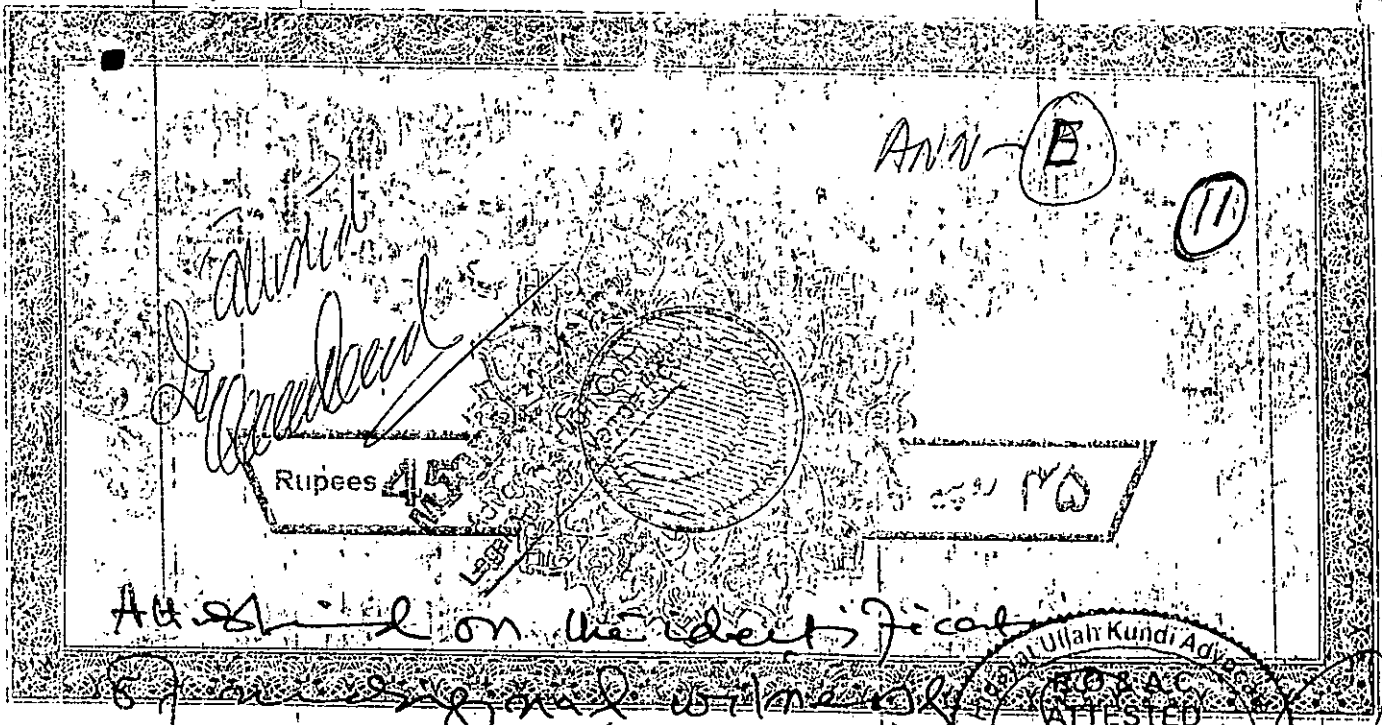
- شرائط و ضوابط :- (1) کامیاب بولی دہندہ کو کل رقم کا 1/4 حصہ موقع پر جمع کرانا ہوگا اور بقایا رقم مجاز آفیسر کے بعد کیے گئے جمع کرانی ہوگی۔ (2) مجاز آفیسر سے منظوری کے بعد اور رقم جمع کرانے کے بعد رقبہ حوالہ دیا جائیگا۔ (3) مٹی ادارہ ہذا کے آفیسر کے زیر نگرانی اٹھائی جائیگی۔ (4) مقررہ حد سے زیادہ مٹی اٹھانے کی اجازت نکلنے 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 لیز لینا کر کے دینا ہوگا اور نالے اور بنے بنی بنا کر دینے ہونگے۔ (6) گورنمنٹ کے ٹیکس جن میں آگم ٹیکس اور سیلز ٹیکس شامل ہے جمع کرانے ہوں گے۔ (7) ٹھیکیدار حضرات اپنی کوٹیشن کی مبلغ 100,000 روپے کا کال ڈیپازٹ بنام ڈائریکٹر زرعی تحقیقاتی ادارہ ڈیرہ اسماعیل خان دینا ہوگا۔ ڈیپازٹ نہ ہونے کی صورت میں کوٹیشن شامل نیلامی نہیں ہوگی۔ (8) آفیسر مجاز کو یہ اختیار حاصل ہے کہ وہ آفیسر بولی منظور کرے یا ستر دکر دے اور کامیاب بولی دہندہ کو جملہ شرائط اسٹامپ پر دستخط کر کے دینی ہوں گی۔

**ڈائریکٹر**

**زرعی تحقیقاتی ادارہ رقبہ کلاچی ضلع ڈیرہ اسماعیل خان**

*Handwritten signatures and stamps at the bottom of the page.*





Attested on the 12th of October 2023

معاهده شہر اربو نام

24/10/23

1. سلم خان ولد پانڈھن سنگھ دائرہ بھولور اور تحصیل جھانسی ضلع اتر پردیش  
 2. محمد حسن شہار علی ولد شہار علی سنگھ دائرہ بھولور اور تحصیل جھانسی ضلع اتر پردیش

شہر اربو اور بھولور

Attested Deed

1. کتاب بھولور میں رقم کا پانڈھن سنگھ نے اپنے بیٹے کو اپنا حصہ لے کر لیا اور اسے اپنے نام سے لکھا گیا ہے۔  
 2. جھانسی ضلع میں شہر اربو اور بھولور کے درمیان زمین کی خرید و فروخت کے بارے میں ایک معاہدہ ہے۔  
 3. جھانسی ضلع میں شہر اربو اور بھولور کے درمیان زمین کی خرید و فروخت کے بارے میں ایک معاہدہ ہے۔  
 4. جھانسی ضلع میں شہر اربو اور بھولور کے درمیان زمین کی خرید و فروخت کے بارے میں ایک معاہدہ ہے۔  
 5. جھانسی ضلع میں شہر اربو اور بھولور کے درمیان زمین کی خرید و فروخت کے بارے میں ایک معاہدہ ہے۔

1-1-23 / 1005-1-1401 / 7-2-1835-901-12101 / 1-32-64497-103  
 محمد حسن شہار علی / سلم خان / شہار علی ولد پانڈھن سنگھ  
 محمد حسن شہار علی / سلم خان / شہار علی ولد پانڈھن سنگھ



ANN - (E)

(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.

*Attested*  
*Muhammad Usman-I.*

DIRECTOR

c/c

*J. B. S.*

AGRICULTURAL RESEARCH INSTITUTE  
D.I. KHAN  
High Court  
Peshawar



No. 2752 /DAR(DK), Da  
To

the 24 / 11 / 2015

15

ANN - (H)

Mr. Salim Contract  
S/O Paid 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.

*[Signature]*  
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.

*[Signature]*  
Director  
(Third in command)

*[Signature]*  
Attested

*[Handwritten note]*

7



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

A-1

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

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

0.2  
22-7-15  
[Signature]

16

Attorney of Muhammad Salim  
Subject: WORK ORDER OF LIFTING OF UPPER SOIL SURFACE

Menfo:

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.

[Signature]  
Director

Attended  
[Signature]

M. RASUL KUNDI  
Advocate High Court  
Legal Advisor Wanda Pasco



17

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

ANN - 6/5 4/2

Mahammad Salim  
s/o Paing Khan  
70 Wanda Balochan  
D.I. Khan.

Agency of Muhammad Mohsin Shuja

LAND LEVELLING 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 laser land leveling of all the land after completion of excavation of upper soil surface. But neither have you made laser 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 laser so that you will be able to irrigate and cultivate the crop.

*[Signature]*  
Director

*[Signature]*  
*[Signature]*

AGRICULTURAL RESEARCH INSTITUTE  
GOVERNMENT OF PUNJAB  
LEGAL OFFICE, WANDA BALOCHAN, PESCO.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

18

ANN I

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Shahid Iqbal Khattak, Farm Manager (BS-17) Agriculture Research Institute, D.I Khan as follows:-

That you while posted as Farm Manager (BS-17) Agriculture Research Institute, D.I Khan (BS-17), 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 defense 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) 7/2/2011  
CHIEF MINISTER, KHYBER PAKHTUNKHWA.  
COMPETENT AUTHORITY

attested  
Shahid Iqbal Khattak





GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

ANN 7

19

DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Shahid Iqbal Khattak, Farm Manager (BS-17), 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 unfit 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. Mr. Zakir Hussain Afridi (BS-20, BS-17)
- ii. Mr. Sahibullah (BS-17) (Retired)

3. The inquiry officer/committee shall, in accordance with the provisions of the ibid rule 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

*Attended  
Recd*

20

ANN - (K)

To

1. Zakir Hussain Afridi  
Commissioner, Mardan

2. Mr. Zahir Ullah Khan  
District Director Agriculture, Kohat

Subject: Inquiry

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

R/Sir,

Para wise reply is presented as under:

*Amir*  
*Dr. Zahid*

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.	R/Sir, it is submitted for your kind information that I am not the competent authority/power to allow any person for any type of excavation work and never assigned any duties regarding the supervision of excavation process. A counterfeit letter No. 1546-47 dated 19-05-15 found in the files show that a supervision committee for land excavation was constituted but this letter was never handed over to any member of the committee mentioned in this letter. Although I have not either received that letter nor verbally informed at the time of excavation. Neither he conducted any meeting of so called committee, nor had been asked

	<p><i>Attested Secretary</i></p>	<p>for any report and also no explanation had been called during the whole excavation process. The then Director verbally told me that I have assigned the duty to checked the excavation process to Mr. Usman, Field Assistant. I found this letter regarding constituting the supervision committee during the first enquiry in December 2015. It is further added that if this committee existed then, the then Director or, the present Director would have asked the committee members about the progress of excavation. Since I never knew that I was a member of the land excavation committee therefore I never visited the site even once. Therefore, it is injustice to charge me in the illegal excavation of 5-6 feet, as I did not even work for the legal excavation process.</p>
B.	<p>Allowed unchecked excavation of land in total disregard to the specification in the advertisement floated.</p>	<p>R/Sir, my submission is the same as mentioned in the reply of Para A.</p>
C.	<p>Allowed the highest bidder Mr. Mohammad Mohsin</p>	<p>R/Sir, it would be unfair to allege me the illegal subletting of the land excavation as I am only Research Officer in</p>

	<p>Shuja to sublet the contract to Mr. Saleem Khan without lawful authority and took no action against them.</p>	<p>BPS-17 and I understand that I have no power to approve or disapprove the sublet case of the land excavation. The then Director, ARI, DI. Khan, a drawing and disbursing officer, may be in better position to explain this charge.</p>
<p>D.</p>	<p>Failed to protect Govt. interest by showing slackness in supervision of the excavation by the contractor.</p>	<p>R/Sir, since no such duties either verbally or in written form were assigned to me regarding supervision of land excavation, therefore, my slackness in this case cannot be charged. It is therefore once again requested to please exclude my name from this enquiry as neither had I received any letter regarding supervision of excavation of land nor supervised the said process. If I would have received the letter No. 1546-47, I would definitely respond and provide genuine information.</p>

In the light of above mentioned facts, I pledged to exclude my name from this enquiry.

*Attested  
Shahid Iqbal Khattak*

Sincerely yours,

Shahid Iqbal Khattak  
Research Officer,  
ARI, DI. Khan

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

23

ANN - (L)

Block Location G.P.U, A. Zone, S. Boring, Falkerah, pond area and Gate Season 2015-16

Name Of Crop	Variety	Area	Date Of Sowing	Method Of Sowing	Quantity Of Seed	Pesticide used for		Fertilizer		Date Of Harvesting	Produce
						Kind	Quantity	Kind	Quantity		
Wheat	Hashim-08 P. Basic	K-M 15-0	07/11/2015	Drill	75 DSR P.No. 153	Axiat + Allyms 700mit + 07bath	168	SSP + 4N 09	04 bags		454 bags/s
"	"	24-0	08/11/2015	"	152 DSR P.No. 153	Axiat + Allyms 1260mit + 15bath	168	SSP + 4N 09	06 bags		then stored
"	"	32-0	12/11/2015	"	202 DSR P.No. 153	Axiat + Allyms 1600mit + 02bath	168	SSP + 4N 09	12 bags +		main store
Zone	"	16-0 ✓	15/11/2015	"	101 DSR P.No. 153	Axiat + Allyms 840mit + 01bath	168	SSP + 4N 09	04 bags +		Register p. 174
G.P.U	"	59-0	18/11/2015	"	440 DSR P.No. 153	Axiat + Allyms 3090mit + 03bath	168	SSP + DAP + 4N 09	17 R +		19/11
A. Zone	"	30-0 ✓	21/11/2015	"	282 DSR P.No. 153	Axiat + Allyms 1600mit + 02bath	168	SSP + 4N 09	10 bags +		55 bags/s
New subsoil area	"	40-0	28/11/2015	"	365 DSR P.No. 153	Axiat + Allyms 2125mit + 02bath	168	DAP + 4N 09	08 bags +		of A. Zone
"	"	52-0	29/11/2015	"	463 DSR P.No. 153	Axiat + Allyms 2775mit + 3.5 bath	168	DAP + 4N 09	10 bags +		transferred +
<p>Total = 268 kanal</p> <p>S. 32 kanal deducted vide Director diary No. 637 dated 08/04/2016 and net area is 262.7 kanals.</p> <p>Wheat &amp; new auctioned vide chel ann NO. 23, dated 25/05/2016 of (84.25 acre) amounting of Rs. 61310/-</p> <p>transferred to main store register p. NO. 174</p>											

FARM MANAGER  
ARI, D.I. Khan

Director's signature  
DIRECTOR  
Agricultural Research Institute  
D.I. Khan

FARM MANAGER  
ARI, D.I. Khan

FARM MANAGER  
ARI, D.I. Khan

Amir  
Ince

(P. To)

ANN - (M)

Questioner

Q1. How much longer stay at this station?

Ans: 07 years.

Q2. What is the normal routine of the Director to subordinate officer/official?

Ans: On peon book the name of peon (Delivering letter), signature of receiving person with name.

Q3. Is it correct that Mr. Kazim Shah the then Director ARI, D. I. Khan issued you instructions either in writing or verbal for supervision of excavation work at block A and B?

Ans. No never

Q4. If yes how many time you inspected the excavation site?

Ans. Not supervised nor visited the excavation site during work. I was busy in the work assigned by the then Director from March 2015 to February 2016 to seeking information from 1999-2014 regarding produce, area, income of the institute at the end submitted 30 pages report.

Q5. If not visited for inspection what were the reasons?

Ans. A. Not received any instructions/directives from the then Director till to date.

Q6. Have you called upon by the Director to submit the progress report of excavation work on daily basis or weekly basis?

Ans. No never

Q7. Have you ever visited to cite during excavation work?

Ans. No never

Q8. If not visited what were the reasons?

Ans. We were unaware from the assigned duty and having no official concern with excavation work.

Q9. How you informed that the excavation being started at site?

Ans. I was not officially informed before or during excavation work but on the day of visit of enquiry officer Dr. Gul yar, Director Livestock Kohat in the month of December 2015, I became informed regarding my nomination as member inspection/supervision committee.

Dated: 23/09/2016

*Sahibzada  
Kamran*

*o/c* *Shahid*  
Shahid Iqbal Khattak  
Research Officer  
ARI, D. I. Khan



Agricultural Research Institute, D.I. Khan

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

(25)

ANN - (N)

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.

No. \_\_\_\_\_ /DAR[DK].

Director

Copy to:

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

*Attested*  
*[Signature]*

Director



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. Shahid Iqbal Khattak, Farm-Manager (BS-17), 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(VI), dated 19/09/2016; and
- (ii) on going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defense before the Inquiry Committee,-

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

- (a) Rendered 13 acres of precious Govt land misfit for Agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet
- (b) Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated.
- (c) Failed to protect Govt interest by showing slackness in supervision the excavation by the Contractors.

2. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of Stopping of one annual increment & recovery of Rs 220069.35/- on account of loss accrued to Agri. under Rule 4 of the said rules.

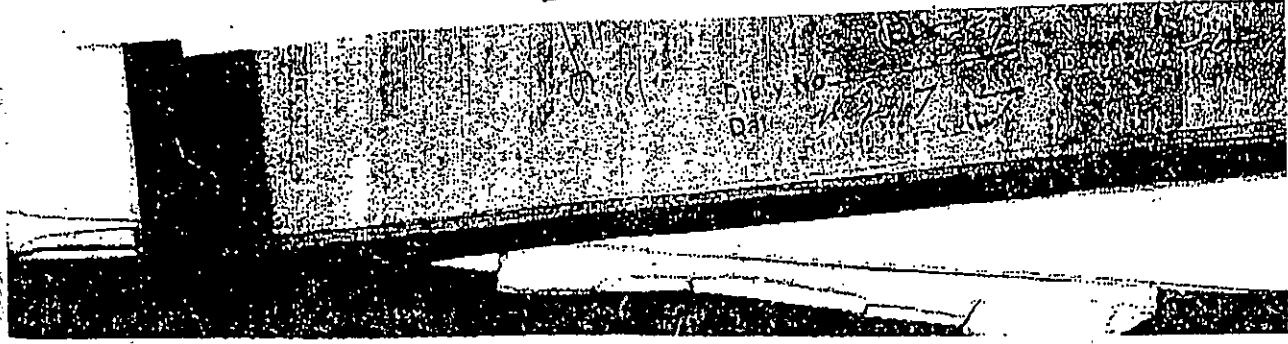
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

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.

*attested*  
*Pervez Khattak*

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





ANM (P)

REPLY OF SHOW CAUSE NOTICE OF SHAHID IQBAL KHATTAKRESEARCH OFFICER, A.R.I, DERA ISMAIL KHAN

Respected Sir,

Before submitting reply to the asserted show cause notice Number NIL, Dated NIL, I submit with great concern and distress that neither copy of the so called findings of inquiry committee nor proceedings of inquiry were enclosed with alleged show cause notice despite the fact that in para no. 5 of the notice it has been enclosed. Therefore, in the absence of findings report it will be difficult for me to submit an appropriate reply. However, I will try my best to furnish para-wise reply to so called and purported acts/omissions mentioned in alleged Show Cause Notice with the help of record available with me.

R/Sir,

It is earnestly submitted that I am innocent and angelic and have not committed so called acts/omissions against me by the inquiry committee in their alleged findings. I have already cleared my position while submitting para-wise reply to the charged leveled against me in the alleged statement of allegations and as well as before the inquiry committee during the course of inquiry proceedings.

Para wise reply is submitted as under:

- a. In regard to para of alleged show cause notice, it is averred/stated that neither letter No. 1546-47 dated 19-05-2015 (**Annexure "A"**) was served upon me by Director nor he has verbally intimated/directed in respect of supervision of excavation work for lifting of upper soil surface of Department's land measuring 13 acres to the extent of 3 to 4 feet, even the ibid letter dated 19-05-2015 was neither acknowledged by me nor handed over to me even upper echelon was intimated in respect of constitution of alleged supervisory committee.

Sir, I was unaware from the constitution of alleged supervisory committee, in which I was nominated to be member in the so called committee. Even during excavation process neither any direction was given to me about the lifting of upper soil surface of the land nor was any progress report obtained from me. As long as the misfit of the land for agriculture purpose is concerned it is submitted that allegations of the misfit of the land for agriculture

*Attested  
by  
[Signature]*

purpose after lifting upper soil surface of the land in question is incorrect/baseless as it is evident from the available record that after lifting the upper soil surface from the land. Department had cultivated wheat crop on **Block "A"** of the land in question in the year 2015-16 and they had obtained yield of wheat crop 34 mounds/acre against the average yield of district D.I. Khan, which was 23.534 mounds/acre in 2014-15 (**Annexure "B"**). This is evident from the record available with the department (**Annexure "C"**). It is further submitted that extra excavation/lifting soil surface to the extent of 5-6 feet is incorrect as Director General Agriculture Research, KP had already approved auction of lifting upper soil surface of the land in question to the extent of 3-4 feet vide letter No. 4081/DGR, dated 16/04/2015 (**Annexure "D"**). The auction was held in transparent manner. Apart from that the land in question was not properly leveled before lifting of upper soil surface so, it is inappropriate to assume that illegal extra excavation was made to the extent of 5-6 feet. Thus, alleged findings of the inquiry committee in respect of para-a are baseless/incorrect and not acceptable to the prudent mind. Therefore, I deserve to be absolved from this charge.

- b. In regard to clause (b) of alleged act/omission it is submitted that as I have neither been properly informed by the Director (Head of Department) so called supervisory committee in respect of supervising and looking after the lifting of upper soil surface from the land in question because I have neither received any directions from upper echelon nor conveyed to me in this regard. Therefore, question of allowing unchecked excavation of the in excess from specified level does not arise on my part. I have already stated neither in reply of statement of allegations that I was neither deputed verbally nor in writing by competent authority for supervision of excavation work. The letter No. 1546-47, dated 19/05/2015, issued by the Director is after thought to save his own skin as the same was not serve upon me at that very time and now I have been made scapegoat. It is pertinent to mention that chairman of the supervisory committee, Mr. Inayat Hussain Shah has also stated that in his statement that he was not aware from the letter, dated 19/05/2015 on basis of which he was nominated to be chairman of supervisory committee. As the alleged letter dated 19/05/2015 does not contain any acknowledgement so, how it was presumed that I was appointed to check the excavation of the land. As I was not deputed to supervise therefore, I have not checked the excavation. Therefore, alleging of allowing unchecked excavation does not arise. I may therefore be absolved from the said charge.

*As All stand  
Accepted*

c. That allegation No. C is incorrect and baseless as I was neither deputed to supervise the excavation work nor any proper direction was given to me so, then how I can be considered to be in failure to protect Govt. interest by showing slackness in respect of supervision of excavation work of the contractor. R/Sir, I have been performing my duties vigilantly and always performed the duty according to expectation of my high ups. There is no complaint against me in respect of performance of my duty. My career is unblemished. The allegation of failure and showing slackness is absolutely void. The inquiry committee has wrongly assessed in their findings thus allegation "c" is also liable to be set aside. I also want that I may be personally heard so that I may explain my position.

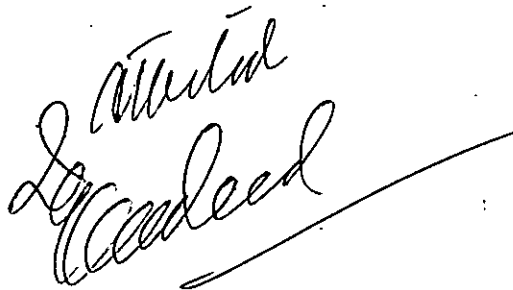
In view of the submissions made above it is benignly requested that I may be honorably exonerated from all the charges mentioned in the findings of the inquiry committee and tentative decision for imposition of penalty of stoppage of one Annual increment and recover of Rs. 220069/35 may be recalled in the interest of justice.

Yours faithfully,



Shahid Iqbal Khattak,  
Research Officer,  
ARI, D.I. Khan.

Dated: 07/04/2017



29 SRO, S/Cane, ARI, D.I.Khan

Dated 28/03/2017.

The Director  
ARI, D.I.Khan

Subject: COMPLAINT REGARDING ILLEGAL EXCAVATION 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. *Kazim Shah*

2. Mr. Inayat Hussain Shah R.O. *Inayat Hussain*

3. Mr. Shahid Iqbal Khjattak. R.O. *Shahid*

4. Mr. Usman. Field Assistant. *Usman*

*Attendant  
Ly...  
[Signature]*

ANN @

07 2017 13:23 FAX +919216529

AGRI RES SYS NWFP PESHAW

001

ENERGY POWER

FAK NO. :0919223624

11 Jul. 2017 11:56AM P1



# 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 10<sup>th</sup> 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. AGRICULTURE (RESEARCH) KAZIM SHAH, EX-DISTT DIRECTOR AGRICULTURE, D.I. KHAN, MR. SHAHID IQBAL KHATTAK RESEARCH OFFICER AND MR. MUHAMMAD USMAN, FIELD ASSISTANT

Dear Sir,

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

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

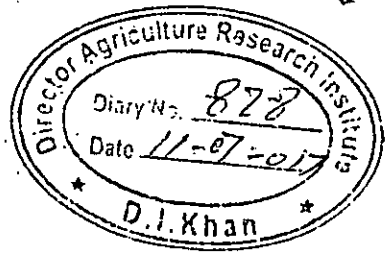
P.S. to Secretary  
Energy & Power

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 informallon.

*put to file  
11/7*

P.S. to Secretary  
Energy & Power

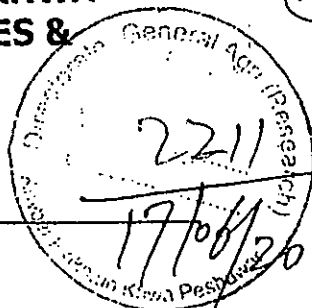


*Latent  
Alleged*



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

Dated Peshawar, the June 12<sup>th</sup>, 2020



32

**ORDER:**

**NO. SOE (AD)6-52/2016:-** WHEREAS, Mr. Shahid Iqbal Khattak, Farm Manager (BS-17), 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. 220069.35/- on account of loss accrued to the Govt." on the officer.

*Attested*  
*[Signature]*

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.

*[Signature]*  
*AGE*

*[Signature]*  
**(AHMAD HUSSAIN)**  
SECTION OFFICER-ESTT:

ANN-3 (33)

DIRECTORATE GENERAL AGRICULTURE RESEARCH

KHYBER PAKHTUNKHWA, 25130, PESHAWAR

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

E-mail: dgragreresearch@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.

*Mr. Shahid Iqbal Khattak*  
*17/06/2020*

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.

112  
17.2020

*I attested*  
*Abulhasan*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

ANN - 7  
34

Dated Peshawar, the October 01, 2018

**NOTIFICATION.**

NO. SOF (ADYV-7/2018/RW)-

On recommendations of the Provincial Selection Board (PSB), the competent authority is pleased to promote the following BS-17 Officers of Agriculture Research to BS-18 on regular basis with immediate effect:-

Sr.No.	Name of Officer	Sr.No.	Name of officer
1.	Mr. Htafullah	2.	Ms. Husina Gul
3.	Mr. Muhammad Yasir Khan	4.	Ms. Humana Gul
5.	Miss Anna Shafi	6.	Miss Summayahayat
7.	Mr. Ahmad Zubair	8.	Mr. Farhan Ali
9.	Miss Sami Ishtiaq	10.	Mr. Muhammad Zaku
11.	Mr. Inuranullah	12.	Mr. Ibraj Hussain
13.	Miss Umbarin Latif	14.	Mr. Abhis Samad
15.	Mr. Khilwat Afridi	16.	Mr. Subhanullah
17.	Mr. Abid Khan	18.	Miss Mahwish Rehman
19.	Mr. Shitab Khan	20.	Mr. Muhammad Ismail
21.	Mr. Irfan Ahmad Shah	22.	Mr. Nurull Haq
23.	Mr. Hussain Ali	24.	Mr. Riaz Ahmad Afridi
25.	Mr. Fakhruddin	26.	Miss Hina Fayyaz
27.	Mr. Muhammad Rashid	28.	Mr. Kamran Shah
29.	Miss Humaira	30.	Miss Mehwish Pida
31.	Mr. Shahid Iqbal Khattak	32.	Mrs. Fabinahahayat
33.	Mr. Muhammad Pervaiz Khan	34.	Mr. Sher Ali Khan
35.	Syed Sadqat Ali Shah	36.	Mr. Yousaf Noor
37.	Mr. Mubashir Ahmad Khan	38.	Mr. Bushorullahi
39.	Mr. Muhammad Zahid Shah	40.	Mr. Anjad Khan
41.	Mr. Khalid Khan	42.	Mr. Muhammad Naseer
43.	Mr. Muhammad Shahid	44.	Mr. Ihsan Ullah
45.	Mr. Anayat ur Rehman	46.	Mr. Latif Khan
47.	Mr. AbdurRehman	48.	Mr. Ibru Amin
49.	Mr. Muhammad Ishaq	50.	Mr. Muhammad Ali
51.	Mr. Muhammad Ismail	52.	Mr. Mukaram Shah
53.	Ms. Ayesha Bibi		

2. They will be on probation for a period of one year in terms of Rule-15 of APJ Rule, 1989. Their posting order will follow subsequently.

*I attested*  
*[Signature]*  
Endst. of even No. & Date,

S/D/-  
SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK AND COOP. DEPTT:

Copy forwarded for information and necessary action to the:-

1. Director General, Agriculture Research, Khyber Pakhtunkhwa, Peshawar with request to furnish adjustment proposal in respect of the above named officers for approval.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officers concerned.
4. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
7. Officers concerned.
8. Personal file.

*[Signature]*

(MANZOOR AHMAD AFRIDI)  
SECTION OFFICER-ESTT:





AGRICULTURAL RESEARCH STATION AHMAD WALA KARAK

PHONE: 0927-304043

Website: www.agrires.kp.gov.pk

E-mail: arsayahmadwalakarak@yahoo.com

ANN-21 (35)

No' 252-253/DAR/ARS KK

Dated 20 / 07 / 2020

To  
Director General  
Agricultural Research  
Khyber Pakhtunkhwa, Peshawar.

Subject: REVIEW PETITION/ DEPARTMENTAL APPEAL AGAINST THE ORDER NO. SOE(AD) 6-52/2016, DATED 12-06-2020 PASSED BY GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY AGRICULTURE LIVESTOCK, FISHERIES AND COOPERATIVE DEPARTMENTS PESHAWAR DULY COMMUNICATED TO THE PETITIONER ON 01-07-2020 BY DIRECTOR ARS, AHMADWALA KARAK VIDE DIARY NO.112 ARS AHMADWALA KARAK, DATED 01-07-2020.

Memo:-

Kindly enclosed please find herewith in appeal in original in respect of Mr. Shahid Iqbal Khattak Ex-Research Officer ARI D. I. Khan for onward submission to comptent authority. The following copies are enclosed herewith,

1. To, The Honorable Governor, KPK
2. To, The Honorable Chief Minister, KPK
3. To, The Honorable Chief Secretary, KPK

Encl: As above

*Shahid Iqbal Khattak*  
*Shahid Iqbal Khattak*

*Shahid Iqbal Khattak*  
DIRECTOR  
ARS Ahmad Wala Karak

NO \_\_\_\_\_ /DAR (KK)

Copy to:

Mr. Shahid Iqbal Khattak Ex-Resecirch Officer ARI DIK for information please.

To

The Honorable Chief Minister  
Khyber Pakhtunkhwa  
Peshawar

16 36

Subject:

REVIEW PETITION/ DEPARTMENTAL APPEAL AGAINST THE ORDER NO. SOE(AD) 6-52/2016, DATED 12-06-2020 PASSED BY GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY AGRICULTURE LIVESTOCK, FISHERIES AND COOPERATIVE DEPARTMENTS PESHAWAR DULY COMMUNICATED TO THE PETITIONER ON 01-07-2020 BY DIRECTOR ARS, AHMADWALA KARAK VIDE DIARY NO.112 ARS AHMADWALA KARAK, DATED 01-07-2020.

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 Departments, Government of Khyber Pakhtunkhwa Peshawar duly communicated to him by Director ARS, ARS Ahmadwala Karak vide diary No. 112, Dated 01-07-2020. 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. 220069/35 on account of alleged loss sustained by Government. Brief facts of the case and grounds of review petition are being furnished as under:-

Brief Facts of the Case:

*Signature*

1. That the petitioner had been serving the Agriculture Department since September 2009 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 about 11 years unblemished service career record. At time of occurrence of alleged matter petitioner was posted as Research Officer (BPS-17) at ARI, D.I.Khan. He was promoted in BPS-18 on 01-10-2018 as Senior Research Officer.
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 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 proceedings 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 Auction 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 had nexus with the Job duty performed by him, as he was performing duty of Research Officer (Wheat section) and have additional duty of FM 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 supervise the excavation process. The letter No. 1546-47 dated 19-05-2015 issued by Director ARI, D.I.Khan seems to be fake as neither any supervising committee was constituted nor he was verbally directed to supervise excavation of soil, even ibid letter was not delivered 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 nor existed. The whole file of ibid case is blank/silent except the alleged letter dated 19-05-2015 as no any correspondence with the petitioner is available in this connection in the Official record.

4. That later on petitioner was served with charge sheet and statement of allegations bearing No. nil dated nil signed by Honorable Chief Minister Government of Khyber Pakhtunkhwa on the subject in issue. In which it was alleged that he had committed the following irregularities.
- Rendered 13 Acres of precious Government land misfit for Agriculture purpose due to illegal extra excavation of top soil to the extent of 5-6 feet.
  - Allowed unchecked excavation of the land in total disregard to specification in the advertisement floated.
  - Allowed the highest bidder Muhammad Mohsin Shuja to sublet the contract in question to Mr. Saleem Khan without lawful authority and took no action against them.
  - Failed to protect Government Interest by showing slackness in supervision of excavation by the contractor.

It is pertinent to mention that stereo type allegations were leveled against the petitioner as well as other accused namely Nazeer Hussain Shah DGAR, Mr. Kazim Hussain Shah Director, ARI, D.I.Khan, Mr. Shahid Iqbal Khattak Research Officer and one Muhammad Usman Field Assistant by Honorable Chief Minister in the alleged charge sheet/statement of allegation because the aforesaid allegations were leveled/framed upon all the five accused without taking into account the authority/powers and nature of duty assigned to him.

Copies of charge sheet and statement of allegation are enclosed and marked as Annexure A and B.

5. The detail reply to the alleged charge Sheet/statement of allegations was furnished by the petitioner. In which he categorically denied from all charges leveled against him. It was also contended in his reply that neither supervising committee was constituted by Director ARI, nor was existed. Alleged letter No. 1546-47 dated 19-05-2015 issued by Director ARI, D.I.Khan is fake and after thought just to save his skin. The alleged letter was neither served upon him nor acknowledgement was obtained from him, as no any direction/instructions are available in black and white. The inspection/supervision of excavation work was not piece and parcel of his duty performed by him as Research Officer therefore he neither visited the sight nor he was directed to do so during excavation of ibid land. Therefore he cannot be held responsible for wrong doings of others. Apart from that allegations of keeping the ibid land misfit for Agriculture purpose is also wrong and incorrect because Wheat crop was sown/cultivated on the land Block "A" in question in the year 2015-16 and yield of 29.11 mounds of Wheat was obtained from the ibid land which is evident from the harvesting report and crop register of ARI, D.I.Khan.

Copies of reply to charge sheet/statement of allegations, harvesting report and crop register are enclosed and marked as Annexure C, D & E.

6. That as long as allegation of allowing the highest bidder Muhammad Mohsin Shuja for subletting the same to Mr. Saleem Khan is concerned, It is submitted that petitioner had neither allowed to sublet the ibid contract nor he being Research Officer 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 unjustified to charge him on illegal subletting of land excavation.

*By attested  
G. Ahmed*

7. Thus it was further contended by petitioner that he was not assigned duty to supervise the land excavation so he had neither visited nor supervised the sight 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 leveled against him in the ibid charge sheet/statement of allegation an alleged Inquiry Committee was constituted by Honorable Chief Minister. Petitioner also participated in the alleged inquiry proceedings who just obtained written statement/reply from him but he was not allowed to cross examine the prosecution witness and proceeding of inquiry committee was held in flagrant violation of law. Neither statement of any prosecution witness was recorded in the presence of petitioner nor any departmental representative was appointed to bring relevant record against him. Petitioner was neither associated in the Inquiry proceedings in any manner, what so ever, even after conclusion of alleged inquiry, no any inquiry report was supplied to petitioner whereas it was mandatory under the law.

*Alleged  
Proceedings*

Copies of written statement given to enquiry committee is enclosed as Annexure F.

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 alleged 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 of Rs. 220069.35/- alleged loss accrued 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 G and H.

That vide letter dated 10-07-2017 all the 5 accused including petitioner were directed to appear before Engineer Muhammad Naeem Khan the Worthy Secretary Enjery and Power Department for personal hearing on 18-07-2017 deputed by Honorable Chief Minister.

Copy of letter dated 10-07-2017 is enclosed and marked as Annexure I.

That afterwards the matter was kept into deep slumber for long three years and three months when suddenly on 12-06-2020 minor penalty of stoppage on one Annual Increment and recovery of Rs. 220069.35/- was imposed by Govt: through Secretary Agriculture, Livestock, Fisheries and Cooperative Departments KP, vide impugned office order No. SOE (AD)6-52/2016 dated 12-06-2016 dated 12-06-2020 which was conveyed/communicated to him by Director ARS Ahmadwala, Karak vide diary no. 112, dated 01-07-2020.

Copies of impugned order dated 12-06-2020 and diary dated 01-07-2020 are enclosed and marked as Annexure J.

That feeling aggrieved from the impugned order dated 12-06-2020 for imposition of minor penalty of stoppage of one Annual Increment and recovery of Rs. 220069/35 having left no any other efficacious remedy, instant review petition is being filed on the following amongst other grounds.

GROUNDS OF REVISION PETITION:

1. That impugned order dated 12-06-2020 in respect of imposition of minor penalty in the shape of stoppage of one Annual Increment and recovery of Rs. 220069/35 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-intio and as such in-effective upon the valuable rights of the petitioner thus the same is liable to be reversed, recalled and set at naught.
2. That alleged Inquiry proceedings 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 petitioner. Even no any opportunity was given to the petitioner by alleged Inquiry Committee to cross examine the prosecution witness during Inquiry proceedings.
3. That according to law alleged Inquiry Report was to be supplied to petitioner by alleged Inquiry Committee being mandatory under the law, but Inquiry committee failed to do so. Thus impugned order dated 12-06-2020 cannot to be passes without supply of Inquiry 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 Inquiry 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 accused including petitioner. Whereas separate charge sheet/statement of allegation was to be served upon each accused according to irregularities committed by him and powers conferred upon the official, which has been presumed to be misused. Thus on such flimsy and inappropriate charge sheet/statement of allegation petitioner cannot be penalized.
6. That petitioner was promoted from BPS-17 to BPS-18 during pendency of alleged complaint meaning thereby Govt. was satisfied from his performance while promoting him in BPS-18 on 01-10-2018. The complaint in question as well alleged inquiry has become infructous thus Govt. cannot open such a past and close chapter after passing of more than 3 years and 3 months of alleged inquiry.
7. The two wheat varieties named Shahid-17 and Israr shaheed of the petitioner has been approved in 37<sup>th</sup> meeting of the Provincial Seed Council held on 19-09-2017 at Committee Room of agriculture, Livestock, Fishries & Cooperatives department under the Chairmanship of Minister for Agriculture Khyber Pakhtunkhwa, which shows the hard working and honesty of the petitioner.  
Copy of the Minutes and Notification is attached as Annexure K & L
8. That petitioner had categorically stated in his statement that the petitioner had never remained member of the supervisory committee nor directions were given to him to supervise the 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 the same was acknowledged by him. It

*Attended  
by  
[Signature]*

seems to be fake and after thought duly manipulated by making it piece and parcel of the file by Director ARI, D.I.Khan to save his skin. So how petitioner was involved on such allegations which have no naxis with petitioner?

- 9. That one of the accused Nazeer Hussain Shah DGAR being head of the department was awarded minor punishment in the shape of CESNURE 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.
- 10. 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 less. 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 M.

- 11. That impugned order dated 12-06-2020 is not tenable under the law, therefore the same is liable to set aside and recalled.
- 12. The Petitioner may give an opportunity of personal hearing in the interest of natural Justice and equity.

*In view of the submissions 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. 220069/35 imposed upon him may be reversed and set aside in the interest of Justice and equity.*

Thanking you,

*Attested  
Shahid Iqbal Khattak*

Your Humble Applicant/Petitioner

*Shahid Iqbal Khattak*

Shahid Iqbal khattak  
Research Officer ARI, D.I.Khan

Dated 20 -07-2020

ANN-V

(41)

تاریخ وار خلاصہ احکام

محکم دلائل سے مزین و متنوع ومنفرد موضوعات پر مشتمل مفت آن لائن مکتبہ

حضرت جناب سپینٹر سول جج صاحب، ڈیرہ اسماعیل خان

خلاصہ حکم

سربراہ ذرائع حکم

رعویٰ ہذا وکالتا وائرشڈ سپیر و عدالت جناب

OS - 22-12-2012

سول جج صاحب / Five / لا جی ڈیرہ اسماعیل خان کیا

22-12-2012

جاتا ہے۔ مدعی اذلیل عدلی

میں 1-12-2012 پیش ہو

Mohammad Aaqib  
Civil Judge VII, D.I.Khan

OS - 22-12-2012

دعویٰ ہذا التوا وائرشڈ سپیر و عدالت جناب

22-12-2012

لہذا در پرتال پیش ہو۔

KHAWAJA ANWAR  
Dero Ismail Khan

حکم عالیہ پرتال کی طرف سے دعویٰ اس پر رد ہو گیا ہے۔  
کامیاب ہو گیا ہے۔  
فردیت و غیرت دستاویزات کے ساتھ  
دستاویزات کی صورت میں پیش کیے گئے۔  
حکایت اور حلف محمد جواد علی خان کی طرف سے  
ڈیرہ اسماعیل خان میں پیش ہو گیا ہے۔  
پرتال میں پیش ہو گیا ہے۔

All

Attested  
[Signature]

GLOBAL KUNDI  
Advocate High Court  
Legal Advisor Wapda Pes

12/12/12

42

دیکھ کر میں ہوں۔ اندر آئے۔ میری رائے کے مطابق

0-02  
23-12-15

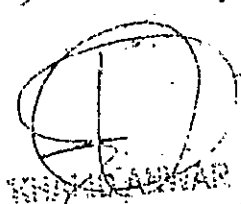
میں نے اس کے بارے میں کوئی رائے نہیں دی۔

میں نے اس کے بارے میں کوئی رائے نہیں دی۔

میں نے اس کے بارے میں کوئی رائے نہیں دی۔

میں نے اس کے بارے میں کوئی رائے نہیں دی۔

میں نے اس کے بارے میں کوئی رائے نہیں دی۔



Civil Judge (D) Dera Ismail Khan

میں نے اس کے بارے میں کوئی رائے نہیں دی۔

25-01-16

06-02-16

میں نے اس کے بارے میں کوئی رائے نہیں دی۔

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.

4526

12-11-16  
12-11-16  
1200

Reader

Signature

Legal Officer  
District Court  
Dera Ismail Khan



سال 2015

بمقتدرہ کوآئی میں  
ڈیپارٹمنٹ کے سربراہان کے پاس  
ڈیپارٹمنٹ کے سربراہان کے پاس  
(فہرست)

0345-98307780

12101-9019352-7

Mohammad Aaqib  
Civil Judge-VII, D.I.Khan  
23-12-15

- 1) ڈیپارٹمنٹ کے سربراہان کے پاس
  - 2) ڈیپارٹمنٹ کے سربراہان کے پاس
  - 3) ڈیپارٹمنٹ کے سربراہان کے پاس
- (فہرست)

(الف) دعویٰ استحقاق حق میں قرار دینے سے بطور تقاضا  
 شدہ حاصل کرنے اور بطور تقاضا شدہ رقم ملوان  
 کے ادارے کے قیام کے دوران نہ ملنے کے بارے میں  
 حلال آبادیا N - میں مقیم A رقم تقاضا کے - 39  
 بطور ادارے کے من قریب واقعہ قریب عہدہ B کے من  
 N - کے قریب مقیم B کے من قریب عہدہ - 1061

collected  
Jalal

ADVOCATE GENERAL  
Adviser High Court  
Legal Adviser Welfare Pesse

بیت سید شہزادہ...  
 2752/DAR/DKI...  
 24/11/2015  
 ...

Qadri  
 Advocate  
 Mr. Aaqib  
 D.I. Khan  
 12-15

...  
 2752  
 24/11/2015  
 ...

...  
 24/11/2015  
 ...

2752/DAR/DKI dated 24/11/2015

...  
 ...

Aaqib  
 D.I. Khan

2752







Handwritten text in Urdu script, likely a legal document or petition.

22-12-15

(15/12)

Sahib

Handwritten signature or name.

Handwritten signature and date: 22-12-15

Handwritten signature: La Mulla

Handwritten signature: M. M. Khan

MR. M. M. KHAN, B.A., LL.B.  
Advocate High Court  
Wazirpur Wadda Peshawar

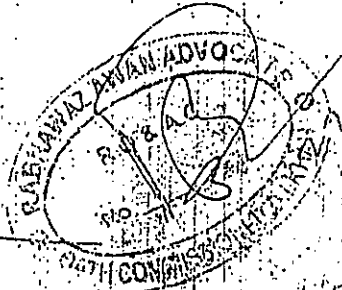
Large handwritten signature and text on the right side of the page.

Sahib

Handwritten text in Urdu script, continuing the document's content.

(15/12)

Sahib



Handwritten signature and text at the bottom right corner.



Inshallah

50

ذات جناب سید محمد علی صاحب مدظلہ العالی

سید محمد علی صاحب مدظلہ العالی

دعویٰ استرداد

درخواست استرداد ... 752 ...

باب عالی اقدسی حسب ذیل عرض رسالہ

1. یہ مقدمہ عنوان بالا ذاتہ کسورالت ...

2. یہ مقدمہ قسری کا ہے ... Balance of convenience ...

3. یہ مقدمہ کے فیصلہ کو اس وقت درکار ہے ...

کچھ اس قدر ... حسب مہارت ...

کسورالت ...

Salim Khan

Salim Khan

12/04/16

50

Charges

*[Faint handwritten text, possibly a list of charges or a summary]*

*[Handwritten signature or name]*

*[Faint handwritten text, possibly a date or reference number]*

*Attested  
J. [Signature]*

**MICHAEL SINDI**  
Advocate High Court  
Kampala Uganda

*[Handwritten signature]*  
20/04/16





"B"

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

No.

TB

Appeal No. 13902 of 200.

Shahid Iqbal Appellant/Petitioner

Versus

Through Chief Secy. Pesh. Respondent

Respondent No. 3

Notice to: Director General Research, Agriculture  
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.

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

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

Given under my hand and the seal of this Court, at Peshawar this 7<sup>th</sup> .....

Day of March 2021

at Camp Court D. I. Khan

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

"B"

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

No.

7B

Appeal No. 13902 of 20 20

Shahid Iqbal Appellant/Petitioner

Versus

Through Chief Secy. K.P.T. Pesh. 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 7/6 .....

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.