

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 19 /2017

Dr. Hakim

V/S

Govt: of KPK.

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APPELLANT

THROUGH:

*M. Asif Yousafzai*  
M.ASIF YOUSAFZAI

(ADVOCATE SUPREME COURT),

*Taimur Ali Khan*  
TAIMUR ALI KHAN

(ADVOCATE HIGH COURT),

*S. Noman Ali Bukhri*  
S. NOMAN ALI BUKHRI

ADVOCATE PESHAWAR.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 19 /2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1309

Dated 22-12-2016

Dr. Hakim Khan S/O Malik Zardad Khan,  
Ex-Research Officer Hazara Agriculture Research station Abbotabad, Agriculture  
Deptt: Khyber Pakhtunkhwa Recently Asstt: Professor Agriculture Deptt: Hazara  
University Haripur.  
R/O Malik Zardad Colony, Battagram.

(Appellant)

**VERSUS**

1. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt: of KPK, Agriculture, Live stock & Cooperatives  
Department, Peshawar.
3. The Secretary Establishment Khyber Pakhtunkhwa, Peshawar.
4. The Director General Agriculture Deptt: Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST  
THE ORDER DATED 13.10.2016 COMMUNICATED TO THE APPELLANT ON  
25.11.2016 WHEREBY HIS DEPARTMENTAL APPEAL OF THE APPELLANT  
FOR ACCEPTANCE OF HIS RESIGNATION FROM DATED 31.08.2009 FROM  
THE SERVICE OF AGRICULTURE DEPARTMENT TO TAKE UP ANOTHER  
APPOINTMENT IN HAZARA UNIVERSITY HAS BEEN REJECTED FOR NO  
GOOD GROUNDS AND IN VIOLATION OF THE TRIBUNAL'S DIRECTIONS  
DATED 20.04.2016.

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 13.10.2016  
MAY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO ACCEPT

Re-submitted to -day  
and filed.

Registrar  
Registrar

9/11/17

HIS DATE OF RESIGNATION FROM 31.08.2009 FROM THE SERVICE OF AGRICULTURE DEPARTMENT WHEN THE APPELLANT GOT ANOTHER SERVICE IN HAZARA UNIVERSITY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was working in Agriculture department as research officer and performed his duty up to the entire satisfaction of his superiors.
2. That some post of assistant professor was advertised in Hazara University. The appellant applied to the post of Assistant Professor through proper channel and department permission which was granted.
3. That the appellant was selected on 11.11.2010 for the post of assistant professor and gave his resignation from dated 31.08.2009 from Agriculture department to join the post of Assistant Professor in Hazara University. (Copy of appointment order dated 11.11.2010 and resignation letter are is attached as Annexure-A&B)
4. That the department accepted the resignation of the appellant w.e.from 31.7.2010 instead of 31.08.2009 vide notification dated 9.2.2011 and declared his unauthorized absence the period from 31.8.2009 to 31.7.2010 and also treated the said period as extra ordinary leave without pay, but the fact is that the appellant never remain absent from his duty but he was waiting for posting in the Agriculture Research Deptt:. (Copy of notification 9.2.2011 is attached as Annexure-C)
5. That the appellant filed departmental appeal which was also rejected and then the appellant filed Service appeal No. 557/2013 which was decided on

20.4.2016 with the direction to remit the case to the respondent department with the direction to once again examine the case of the appellant and to decide the same afresh, preferably within a period of two months on its merits, according to law. (Copy of judgment dated 20.4.2016 is attached as Annexure-D)

6. That the appellant filed an appeal on 16.7.2016 as remainder to decided the issue according to the judgment dated 20.4.2016 however the department did not consider his claim according to the judgment dated 20.4.2016 and rejected his appeal on 13.10.2016 which was communicated to the appellant on 23.11.2016. (Copies of appeal and rejection order are attached as Annexure-E&F)
7. That now the appellant come to this august Tribunal on the following grounds amongst others.

**GROUND:**

- A) That the impugned order dated 13.10.2016 is against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant was discriminated as other official Dr. Ayab Khan was also applied with the appellant to the appointed to the post of Assistant Professor but he his resignation was accepted 31.8.2009 but the appellant resignation was not accepted on 31.8.2009.
- C) That the appellant has fulfilled all the formalities which are necessary to apply to another post but despite that his resignation was not accepted on his due date which is against the law and rules.
- D) That the appellant did not remain absent from his duty but actually he was waiting for posting in the Agriculture Research Deptt: but despite that the

period from 31.8.2009 to 31.7.2010 was declared unauthorized absence and treated the said period as extra ordinary leave without pay, which means that the appellant was penalized for his no fault.

- E) That the Hazara University Registrar wrote a letter to the appellant on 12.10.2011 that if the Agriculture Deptt: did not accept the resignation of the appellant w.e.from 31.8.2009, then the Hazara University will not release his salaries for the period of 1.9.2009 to 31.7.2010 and will finalized the case of the appellant which will cause great finance loss to the appellant for his no fault on his part. (Copy of letter dated 12.10.2011 is attached as annexure-G)
- F) That the appellant has been condemned unheard and has not been treated according to law and rules.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

*Hakim Khan*

APPELLANT

Dr. Hakim Khan

THROUGH:

*M. Asif Yousafzai*  
M.ASIF YOUSAFZAI

(ADVOCATE SUPREME COURT),

*Taimur Ali Khan*  
TAIMUR ALI KHAN

(ADVOCATE HIGH COURT),

*S. Noman Ali Bukhri*  
S. NOMAN ALI BUKHRI

ADVOCATE PESHAWAR.



HAZARA UNIVERSITY MANSEHRA, PAKISTAN

Phone No: 0997-414163 Fax No. 0997-530046

Email: huregistrar@yahoo.com

No. 4(75) HU/Reg/2010/2083

November 11, 2010

**OFFICE ORDER**

Consequent upon the recommendation of the Selection Board held on July 21 to 23, 2010 by item No.29 and subsequent approval of the Syndicate item 24 held on October 21, 2010, the Competent Authority is pleased to modify the appointment order in respect of Dr. Hakeem Khan S/o Malik Zardad Khan issued Vide No. 4(2)-HU/Reg/2010/2083 dated November 11, 2010 to the extent as follow:-

- His appointment shall stand approved as Assistant Professor in BPS-19 (19680-970-39080) w.e.f 01-09-2009 from the date he joined Hazara University and performed duty as such
- His term and condition of service effective from 01/09/2009 shall as under:-

**TERMS AND CONDITIONS**

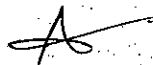
1. He remained on probation for a period of one year w.e.f. 01-09-2009
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. He will have to serve 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit three months salary in lieu thereof.
4. He had signed an undertaking to work to best of his abilities, honesty and commitment at Hazara University.
5. He had provided Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Mansehra/Hazara University Hospital.
6. Medical facility will be provided to his family/dependents as admissible under rules of Hazara University at DHQ Mansehra and Ayub Medical Complex, Abbottabad.
7. Other terms and condition (if any) except related service statutes 2006 of the TTS and those prescribed by HEC for TTS, would remain the same.

  
REGISTRAR

**Copy to:**

1. PS to Vice Chancellor
2. PA to Registrar
3. Coordinator Haripur Campus
4. Dean Faculty of Sciences
5. Treasurer
6. Deputy Director Audit
7. Personal File
8. Person Concerned
9. Relevant Files

**ATTESTED**



B (6) 12

To

The Secretary to Govt. of Khyber Pakhtunkhwa  
Agril; Livestock & Coop; Deptt;  
Peshawar

Through Proper channel

Subject: Resignation from Service to join Hazara University

Sir,

It is stated that I applied for the post of Assistant Professor in Hazara University through proper channel and departmental permission was granted vide Govt. of NWFP Agril; Livestock & Coop; Deptt; No. SOE(AD)7-55/06-07 dated 03-10-2006(Annex I). I was appointed as Assistant Professor of Agriculture (BPS-19) vide office order No. F.No.4(2)HU/Reg/2010/2082 dated 11.11.2010 (Annex-II).

It is therefore requested that my resignation may be accepted under the CSR-418, Page No. 132 (on the condition that my Services and other benefits will be transferred to the University) and I may be relieved from 31.8.2009 evening. It is further stated that I have got no salary from the department during this period except for October 2010, which will be deposited back in to the Government treasury through challan before relieving from the department. The University authorities will release my salary on production of NOC/relieving from the department.

Thanks

Yours sincerely

*Hakim Khan*

Dr. Hakim Khan  
Research Officer  
HARS Abbottabad  
Dated 26-11-2010.

*DAR M.*  
*[Signature]*  
26/11/10

*1/0 2092 /DAR Dated 26/11/20*

ATTESTED  
*A*

*A.O please*  
*Forwarded to*  
*DGIR for necessary*  
*action please*

*[Signature]*  
26/11/10

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK AND COOP. DEPTT:

Dated Peshawar, the 9/2/2010

**NOTIFICATION.**

NO. SOE (AD) 7-55/2006.- The Competent authority is pleased to accept the resignation tendered by Dr. Hakim Khan, Research Officer(BS-17) Hazara Agricultural Research Station, Abbottabad from service with effect from 31/07/2010 subject to refund of one month salary in lieu of advance notice, as required under the terms & conditions of his appointment / service.

The period of his un-authorized absence with effect from 31-8-2009 to 31-7-2010 is hereby treated as extra-ordinary leave without pay.

**SECRETARY AGRICULTURE.**

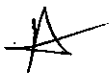
Encls. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Hazara Agricultural Research Station, Abbottabad.
3. The District Accounts Officer, Abbottabad.
4. Officer concerned.
5. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

  
(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT:

**ATTESTED**





BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

SERVICE APPEAL NO. 557/2013

Date of institution ... 19.03.2013  
Date of judgment ... 20.04.2016



DR. HAKIM KHAN  
S/o Malik Zardad Khan,  
Ex-Research Officer Hazara Agriculture Research Station Abbottabad Agriculture  
Deptt: Khyber Pakhtunkhwa Recently Asstt: Professor Agriculture Depatt:  
Hazara/University Haripur.  
R/o Malik Zardad Colony, Battgram. ... (Appellant)

VERSUS

1. The Secretary to Govt: of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Deptt: Peshawar.
2. The Chief Secretary Khyber Pakhtunkhwa Peshawar.
- ~~3. The Hon'ble Chief Minister Khyber Pakhtunkhwa Peshawar.~~
4. The Secretary Establishment Khyber Pakhtunkhwa Peshawar.
5. The Director General Agriculture Deptt: Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF THE RESPONDENTS NO.1 TO 3 VIDE ORDER NO. SOE (AD) 7-55/2006 DATED 09.02.2010 OF THE RESPONDENT NO.1, NO. SOE (AD) 7-5506-07 DATED 27.12.2011 OF RESPONDENT NO.2 AND ALSO NO. SOE (A.D) 7-55/06/07 DATED 21.02.2013 OF RESPONDENT NO.3 WHO DID NOT CONSIDER THE/ RESIGNATION OF APPELLANT WITH EFFECT FROM 31.08.2009 A REQUESTED BY THE APPELLANT BUT RESPONDENT GAVE EFFECT TO THE RESIGNATION WITH EFFECT FROM 31.07.2010 AND THE INTERVENING PERIOD WAS TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY, WHICH IS ILLEGAL, UNLAWFUL AND AGAINST THE RULES, TREATED DISCRIMINATORY AS THE SAME RELIEF IS EXTENDED TO OTHER AND DEPRIVING THE APPELLANT.

**ATTESTED**

A

Mr. Ziaullah, Government Pleader.

For appellant.  
For respondents.

MR. PIR BAKHSI SHAH  
MR. ABDUL LATIF

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

**ATTESTED**

EXAMINER

9

JUDGMENT

PIR BAKHASH SHAH, MEMBER: Appellant was a Research Officer (BPS-17) in the Agriculture Department. He was selected as Assistant Professor in Hazara University vide order dated 05.08.2009. This order was further modified vide order dated 11.11.2010 in the following manner "the appointment shall stand approved as Assistant Professor in BPS-19 w.e.f 01.09.2009 from the date he joined Hazara University and professional duty as such" According to record his resignation from Agriculture Department was accepted w.e.f. 31.07.2010 vide notification dated 09.02.2010 and his unauthorized absence w.e.f 31.08.2009 to 31.07.2010 was treated as his Extra Ordinary Leave without pay. It evident that the appellant stands retired from Agriculture Department w.e.f 31.07.2010. In this appeal under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, he has made the following prayer "Therefore, it is requested that the respondents may please be directed to consider/give effect to the resignation of the appellant w.e.f. 31.08.2009 and impugned order dated 31.07.2010 and its refusal by the respondents may please be set aside".

2. Arguments heard and record perused.

3. After hearing arguments of both the parties for sufficient long time and perusal of the record, the only ground which appellant could make for a favourable approach of this Tribunal was his alleged ground of discrimination. In this regard a plea was taken that in a similar case, resignation of one Dr. Ayub had been ante-dated by the department which concession, was unjustifiably declined to the appellant. In the circumstances when complete details of the said case are not before us, the department can better judge whether ante-dation of resignation in case of Dr. Ayub was legal, justified and in the domain of the rules regulation and if so whether case of the appellant is identical on all fours with that case. This being so, the Tribunal is inclined to remit the case to the respondent-department with the direction to once

**ATTESTED**

*A*

*[Signature]*

10

again examine the case of the appellant keeping in view the above observations and to decide the same afresh, preferably within a period of two months on its merits, according to law. Appeal is disposed of accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
20.04.2016

*[Signature]*

(PIR BAKHSH SHAH)  
MEMBER

*[Signature]*

(ABDUL LATIF)  
MEMBER

Certified to be true copy

*[Signature]*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTEE

*[Signature]*

Date of Presentation of Application 12-05-2016  
 Number of Words 1200  
 Copying Fee 8  
 Urgent 2  
 Total 10  
 Name of Copyist [Signature]  
 Date of Copying 12-05-2016  
 Date of Delivery 12-05-2016

Dated; 16.07.2016

The Secretary to Govt. of Khyber Pakhtunkhwa  
Agrill; Livestock & Coop; Deptt.  
Peshawar

Subject: Request for rectification of date of resignation from service to take up another appointment in Hazara University

Respected Sir,

It may respectfully be submitted that I had applied for the post of Assistant Professor in Hazara University through proper channel and Departmental permission for the same was granted vide the then Govt. of N.W.F.P Agri; Livestock & Coop; Deptt; No. SOE (AD) 7-55/06-07 (Annex-I). Accordingly the university authority offered me the post of Assistant Professor, BS-19 on TTS basis and I joined the said post from 1<sup>st</sup> Sep, 2009 (Annex-II). My regular appointment as Assistant Professor BS-19 was finally notified vide Hazara University Mansehra, office order No. 4(75)HU/Reg/2010/2083 dated 11<sup>th</sup> Nov, 2010. (Annex-III). I submitted my resignation under article 418(b) C.S.R w.e.f 31<sup>st</sup> Aug, 2009 from the service of the Agriculture Department (annex IV).

The Govt. of Khyber Pakhtunkhwa, Agri; Livestock & Coop; Deptt; vide Notification No. SOE (AD) 7-55/06-07 dated 9<sup>th</sup> Feb, 2011 accepted my resignation from 31<sup>st</sup> July, 2010 subject to refund of one month salary in lieu of advance notice and declared unauthorized absence the period from 31<sup>st</sup> Aug, 2009 to 31<sup>st</sup> July, 2010 and also treated the said period as extra-ordinary leave without pay (Annex-V) without my request whereas during that period I was not absent but waiting for posting in the Agriculture Research department (Annex-VI). The DGR has also submitted to the C.A. for posting me on vacant post for the release of arrears since 10.4.2009 (Annexed-VII). As would appear from the contents of the Article 418-b C.S.R such resignation, service in which counts, is not a resignation from the Public Service for which neither refund of salary is required nor the condition of one month notice is applicable (Annexed-VIII).

*Sir; as stated in Annex-VI and VII above, I was kept on waiting for posting and never absented from duty. The notification for extraordinary leave without pay mentioned in Annex V ante (Annex-V) may graciously be reviewed and I may be granted either arrears for the period (1.9.2009 to 31.7.2010) for which I was made to wait in the secretariat for posting or my resignation may be accepted from 31. 8 2009 as I have requested. In case of acceptance of my resignation from 31.8.2009 only then Hazara University will release my salary for the period 1.9.2009 to 31.7.2010 (Annex-IX).*

It is further submitted that in a similar case, resignation of Dr. Ayub Khan Research Officer, had been antedated by the department vide Govt. of Khyber Pakhtunkhwa, Agri; Livestock & Coop; Deptt; Notification No. SOE (AD) 1-79/87 dated 2<sup>nd</sup> June, 2011 (Annex-X) which concession was

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unjustifiably denied to the appellant. The KP Services Tribunal has also directed the department to revisit the case of appellant and decide it afresh in the light of the case of Dr. Ayub Khan (decision attached as Annex-XI).

Table: - Similarity of the cases of the Research Officers, Dr. Hakim Khan and Dr Ayub Khan

	Dr. Hakim Khan, Ex-Research officer	Dr. Ayub Khan, Ex-Research officer
1	Appointed as assistant Professor on TTS Vide No.4(75)HU/Reg/2009/1561. Dated Aug 05,2009 (Annex- II).	Appointed as assistant Professor on TTS Vide No.4(75)HU/Reg/2009/1560. Dated Aug 05,2009 (Annex-XII).
2	Join with the condition that Hazara Uni will amend the notification from TTS to Regular BPS-19. No salary was obtained till the amendment of the order by HU.	Join with the condition that Hazara Uni will amend the notification from TTS to Regular BPS-19. No salary was obtained till the amendment of the order by HU.
3	Not absented because waiting for posting.	Declared absent from duty w.e.f. 1.9.2009 and directed assume duty within 14 days Vide Notification dated 27.3. 2010. (Annex X-III)
4	Assumed duty on 10.8.2010 in the Agric. Research through posting orders dated 10.8.2010 (Annex-VI) and charge assumption was notified vide letter 01.09.2010 (Annex-XIV).	Assumed duty on 17.6.2010 in the Agric. Research through posting order dated 21. 6.2010 (Annex-XV)
5	Not absented, therefore NA.	Served Charge sheet and statement of allegations Vide letters (Annex XVI a, b & c).
6	Hazara Uni amended the order of Assistant Professor from TTS to regular BPS-19 Vide notification No. 4(75)HU/Reg/2010/ 2083 dated 11.11 2010 (Annex-III) .	Hazara Uni amended the order of Assistant Professor from TTS to regular BPS-19 Vide notification No. 4(2)HU/Reg/2010/ 2083 dated 11.11 2010 (Annex-XVIII).
7	After amendment of the order as mentioned in Para 6 above, submitted resignation under article 418(b) C.S.R w.e.f 31 <sup>st</sup> Aug, 2009 from the service of the Agriculture Department (Annex-IV).	After amendment of the order as mentioned in Para 6 above, submitted resignation under article 418(b) C.S.R w.e.f 31 <sup>st</sup> Aug, 2009 from the service of the Agriculture Department (Annex-XIX).
8	Resignation was accepted w.e.f. 31.7.2010 instead of 31.8.2009 and the period from 1.10.2009 to 31.7.2010 was treated as leave without pay for the reason not known (Annex-V).	Resignation accepted w.e.f. 31.8.2009 as was requested (Annexe-X).

ATTACHED  
\*

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Keeping in view the above facts it is requested that my resignation may kindly be accepted from 31-08-2009 as has been done in a similar case of Dr. Ayub Khan, Research Officer.

Yours humble Petitioner *H. Hakim Khan*  
Dr. Hakim Khan, Ex-Research Officer 24/8/16  
Hazara Agriculture Research Station  
Abbottabad

ATTESTED  
*A*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVES  
DEPARTMENT

F 14

No. SO (E) AD-7-55/2006  
Dated Peshawar the 13<sup>th</sup> October, 2016

To

Dr. Hakim Khan,  
Chairman Deptt: of Genetics/Registrar,  
Hazara University, Dhodial, Mansehra.  
Ex-Research Officer Agriculture Research.

Subject:

REQUEST FOR RECTIFICATION OF DATE OF RESIGNATION FROM  
SERVICE TO TAKE UP ANOTHER APPOINTMENT IN HAZARA  
UNIVERSITY.

I am directed to refer to your appeal of 17/06/2016 and the Services Tribunal Judgment of dated 20/04/2016 in Service appeal No.557/2013 on the subject noted above and to state that your appeal has been considered and regretted on the following grounds of dissimilarity with that of Dr. Ayub Khan, Ex-Research Officer on the following grounds:

- i. Dr. Ayub applied for the post of Assistant Professor through proper channel and on selection on TTS basis requested to relieve him w.e.f 01/09/2009 & to grant of EOL without pay and for the same he was proceeded against and the competent authority exonerated him and accepted resignation from the requested date i.e 01/09/2009. While you absented yourself from duties w.e.f 01/07/2007 to 10/04/2009 and was proceeded against for willful absence and penalty of censure was imposed on you and the absence period regularized as leave without pay. You joined the post at Hazara University on TTS basis during the disciplinary proceedings and submitted resignation on 26/11/2010 requesting to be relieved w.e.f 31/08/2009, and the competent authority.
- ii. Before submission of resignation you worked in the university without proper relieving from the department, while Dr. Ayub requested to relieve him on joining similar post on TTS basis from the date of his joining.
- iii. You were under disciplinary proceedings during the period for the absence and reported for duty on 10/04/2009 and joined the university on 01/09/2009, while disciplinary proceedings were underway against you and has served there till regularization as Assistant Professor vide office order No. 4 (75) HU/Reg/2010/2083 dated 11/11/2010 as evident from the your regularization order in the university.
- iv. You have been paid till 31/08/2009 and the period of your absence in the department has been regularized by accepting your resignation w.e.f 31/07/2010 and declaring the intervening period w.e.f 31/08/2009 to 31/07/2010 as Extra-Ordinary Leave without pay, which cannot be paid nor converted to earned leave under the Revised Leave Rules, 1981.

ATTESTED

(Dr. MIR AHMAD KHAN)  
SECTION OFFICER (Estab)

Endst.No. & date even:

Copy forwarded to:

1. Registrar, Services Tribunal Peshawar w/r to the above quoted judgment.
2. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
3. Master file.

SECTION OFFICER (Estab)



# HAZARA UNIVERSITY MANSEHRA, PAKISTAN

Phone No: 0997-414163 Fax No. 0997-530046

Email: huregistrar@yahoo.com

18  
G  
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F. No. 4(2)-HU/Reg/2011/ 2414

Original  
September 12, 2011

From:

The Registrar  
Hazara University.

To

Dr. Hakim Khan, Assistant Professor,  
Department of Agriculture, Haripur Campus.

Subject:

**PAY FIXATION ACCORDING TO LPC**

Reference your subject request dated 30-6-2011.

I am directed to inform that as per audit observation your resignation has been accepted w.e.f 31-7-2010 by your parent department treating you on leave without pay from 31-8-2009 to 31-07-2010. Whereas you had joined this University on 1-9-2009. The acceptance of your resignation/relieving by your parent department was required w.e.f 31-8-2009 AN.

Therefore, you are required to get relieving from your Parent department accordingly and to deposit the due amount in lieu of prior notice as per demand of your parent department, so your case could be finalized

  
12/10/11

Additional Registrar  
Establishment /Administration

Copy to:

**ATTESTED**

1. PS to Vice Chancellor
2. PA to Registrar
3. Coordinator Haripur Campus
4. Treasurer
5. RDD Audit
6. Personal File
7. Relevant Files



  
12/10/11

Additional Registrar  
Establishment /Administration



**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Dr - Hakim Khan

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Govt: of KPK

(Respondent)  
(Defendant)

I/We, Dr Hakim Khan

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

H. alim  
(CLIENT)

ACCEPTED

M. Asif Yousafzai

**M. ASIF YOUSAFZAI**  
Advocate Supreme Court  
Peshawar.

Taimur Ali Khan

**Taimur Ali Khan**  
Advocate High Court

Syed Nauman Ali Bukhari

**Syed Nauman Ali Bukhari**  
Advocate

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)

2

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S/A P. NO, 19 /2017

Dr. Hakim Khan.

(Appellant)

**VERSUS**

1. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt: of KPK, Agriculture, Livestock & Cooperative Department, Peshawar.
3. The Secretary Establishment Khyber Pakhtunkhwa, Peshawar.
4. The Director General Agriculture Department Peshawar.

(Respondents)

**REPLY ON BEHALF OF RESPONDENT NO. 1,2,3 & 4**

**Respectfully Sheweth:**

**Preliminary objection:**

1. The appeal of the appellant is time-barred.
2. The appellant has no cause of action and locus standi to file the instant appeal in this Honourable Tribunal.
3. All orders have been passed by the the competent authority in accordance with law and rules.
4. The Honourable Tribunal has no jurisdiction to entertain the instant appeal.
5. The appellant has concealed the facts material from this Honourable Tribunal.
6. The Appeal of the Appellant is not maintainable in its present form.
7. The appellant has not come with clean hands to this Hon'ble Tribunal.
8. The instant appeal is against the law and rules.
9. The present appeal is bad in the eyes of law.
10. That the appeal is bad due to non joinder and mis joinder of necessary parties.

- 31
11. That the appellant has been stopped by his own conduct to file the instant appeal.

**Facts:**


1. Correct to the extent that he is an Ex-Research Officer of this Department.
2. Correct to the extent that he has applied for the post of Asstt. Professor; and the department forwarded his case to SO (Esstt) Agriculture L/S Cooperative department. The competent authority allowed the same vide letter No. SO9AD)7-55/06-07 dated 3.10.2006. However he did not submitted any proper departmental permission to the department. He was selected as Asstt: Professor on TTS bases.
3. That although he submitted his resignation w.e.f 31.08.2009 but the same was accepted form 31.07.2010 as he was absent from duty w.e.f 31.08.2009 to 31.07.2010 and mentioned that the said period may be treated as extra ordinary leave with out pay.
4. Not admitted. He was not waiting but was absent from duty from his parent department i.e. from 31 August 2009 to 31st July, 2010. Latter on this period was considered as extra ordinary leave without pay. he submitted his resignation on 26.11.2010 but the honourable Secretary Agriculture accepted his resignation from 31.07.2010 due to his above mentioned absence period.
5. As per judgement the department re-examine his case from each and every aspect as per directives of this honourable Service Tribunal. And after consulting proper rules and laws of civil service the department decided the case and communicated the same to the appellant on 23.11.2016. (copy attached).
6. Not correct the detail is given as per para No.5.
7. The department decision in the subject mater is based on facts and is justified.


Grounds


- A. The impugned order dated 13.10.2016 is based on facts and material on record.
- B. The case of the appellant is totally different with all respect from the case of Dr. Ayub Khan and thus no discriminatory attitude was adopted in his case his resignation w.e from 31.08.2009 was not permissible under the law and rules as mentioned in the above paras.
- C. The appellant was under disciplinary proceeding during the period for his absence from duty at the time he has tendered his resignation. Moreover he has joined the university service prior to his regular appointment orders as Asstt: Professor as depicted and evident from his university service regularization order from office order No.4(75) HU/Reg/2010/2083 dated 11.11.2010.
- D. Not correct. He was absent from duty for which proper disciplinary action was initiated against him. He was absent from 31.8.2009 to 31.7.2010 and the said period was treated as extraordinary leave without pay. The appellant was thus treated according to the rules and regulations.
- E. This department has no concern with the administration of Hazara University that either they release his salary or not. Under the government rules, the resignation of the appellant was accepted by the government which is true and correct in the light of government law & rules.
- F. No. comments, however the respondents seek permission of the Honourable Tribunal for additional grounds during the arguments.
- G. The Department will produce also other proofs at the time of hearing.

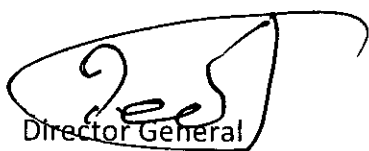
51

It is therefore, humbly requested that the instant appeal may kindly be dismissed with cost.

  
Secretary,  
Government of Khyber  
Pakhtunkhwa  
Agriculture, Livestock & Coop:  
Department Peshawar  
**Respondent No.2**

  
Chief Secretary  
Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.  
**Respondent No.1**

  
Secretary,  
Government of Khyber  
Pakhtunkhwa,  
Establishment Department,  
Peshawar  
**Respondent No.3**

  
Director General  
Agriculture Research  
Khyber Pakhtunkhwa  
**Respondent No.4**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

D. Number  
388 / AAC  
26 / 7 / 17  
6

S.A NO

NO, \_\_\_\_\_ /2015.

Dr. Hakim Khan.

(Appellant)

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt: of KPK, Agriculture, Livestock & Cooperative Department, Peshawar.
3. The Secretary Establishment Khyber Pakhtunkhwa, Peshawar.
4. The Director General Agriculture Department Peshawar.

(Respondents)

REPLY ON BEHALF OF RESPONDENT NO. 1,2,3 & 4

Respectfully Sheweth:

Preliminary objection:

1. The appeal of the appellant is time-barred. ✓
2. The appellant has no cause of action and locus standi to file the instant appeal in this Honourable Tribunal. ✓
3. All orders have been passed by the the competent authority in accordance with law and rules. ✓
4. The Honourable Tribunal has no jurisdiction to entertain the instant appeal.
5. The appellant has concealed the facts material from this Honourable Tribunal.
6. The Appeal of the Appellant is not maintainable in its present form. ✓
7. The appellant has not come with clean hands to this Hon'ble Tribunal. ✓
8. The instant appeal is against the law and rules. ✓
9. The present appeal is bad in the eyes of law. ✓
10. That the appeal is bad due to non joinder and mis joinder of necessary parties. ✓

7

11. That the appellant has been stopped by his own conduct to file the instant appeal.

**Facts:**

1. Correct to the extent that he is an Ex-Research Officer of this Department. ✓
2. Correct to the extent that he has applied for the post of Asstt. Professor, and the department forwarded his case to SO (Esstt) Agriculture L/S Cooperative department. The competent authority allowed the same vide letter No. SO9AD)7-55/06-07 dated 3.10.2006. However he did not submitted any proper departmental permission to the department. He was selected as Asstt: Professor on TTS bases.
3. *From* That although he submitted his resignation w.e.f 31.08.2009 but the same was accepted *from* 31.07.2010 as he was absent from duty w.e.f 31.08.2009 to 31.07.2010 and mentioned that the said period may be treated as extra ordinary leave with out pay. ✓
4. Not admitted. He was not waiting but was absent from duty from his parent department i.e. from 31 August 2009 to 31st July, 2010. Later on this period was considered as extra ordinary leave without pay. he submitted his resignation on 26.11.2010 but the honourable Secretary Agriculture accepted his resignation from 31.07.2010 due to his above mentioned absence period. ✓
5. As per judgement the department re-examine his case from each and every aspect as per directives of this honourable Service Tribunal. And after consulting proper rules and laws of civil service the department decided the case and communicated the same to the appellant on 23.11.2016. (copy attached). ✓
6. Not correct the detail is given as per para No.5. ✓
7. The department decision in the subject mater is based on facts and is justified. ✓

Grounds

- A. The impugned order dated 13.10.2016 is based on fact and material record. ✓
- B. The case of the appellant is totally different with all respect from the case of Dr. Ayub Khan and thus no discriminatory attitude was adopted in his case his resignation w.e from <sup>31.8.2009</sup> was not permissible under the law and rules as mentioned in the above paras. ✓
- C. The appellant was under disciplinary proceeding during the period for his absence from duty at the time he has tendered his resignation. Moreover he has join the university service prior to his regular appointment orders as Asstt: Professor as depicted and evident from <sup>his</sup> your university service regularization order from office order No.4(75) HU/Reg/2010/2083 dated 11.11.2010. ✓
- D. Not correct. He was absent from duty for which proper disciplinary action was initiated against him. He was absent from 31.8.2009 to 31.7.2010 and the said period was treated as extraordinary leave without pay. The appellant was thus treated according to the rules and regulations. ✓
- E. This department has no concerned with the administration of Hazara University that either they release his salary or not. Under the government rules, the resignation of the appellant was accepted by the government which is true and correct ~~and the~~ government law & rules. ✓ *in all right*
- F. No. comments, however the respondents seek permission of the Honourable Tribunal for additional grounds during the arguments. ✓
- G. The Department will produce also other proofs at the time of hearing. ✓




It is therefore, humbly requested that the instant appeal may kindly be dismissed with cost.

Chief Secretary  
Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.  
**Respondent No.1**

Secretary,  
Government of Khyber  
Pakhtunkhwa  
Agriculture, Livestock & Coop:  
Department Peshawar  
**Respondent No.2**

Secretary,  
Government of Khyber  
Pakhtunkhwa,  
Establishment Department,  
Peshawar  
**Respondent No.3**

  
Director General  
Agriculture Research  
Khyber Pakhtunkhwa  
**Respondent No.4**

*AGS  
vetted subject to corrections  
to attack the his entire  
service records along with  
relevant records along with  
and a counter  
affidavit*

*AGS  
26/7/2017*

**Addl. Advocate General  
(Service Tribunal) K.P.K  
Peshawar.**

APPEAL NO. 19 /2017

Dr. Hakim

V/S

Govt: of KPK.

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APPELLANT

THROUGH:

M.ASIF YOUSAFZAI

(ADVOCATE SUPREME COURT),

TAIMUR ALI KHAN

(ADVOCATE HIGH COURT), -

&

S. NOMAN ALI BUKHRI

ADVOCATE PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 19 /2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1309

Date 22-12-2016

Dr. Hakim Khan S/O Malik Zardad Khan,  
Ex-Research Officer Hazara Agriculture Research station Abbotabad, Agriculture  
Deptt: Khyber Pakhtunkhwa Recently Asstt: Professor Agriculture Deptt: Hazara  
University Haripur.  
R/O Malik Zardad Colony, Battagram.

(Appellant)

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt: of KPK, Agriculture, Live stock & Cooperatives  
Department, Peshawar.
3. The Secretary Establishment Khyber Pakhtunkhwa, Peshawar.
4. The Director General Agriculture Deptt: Peshawar.

(Respondents)

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APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST  
THE ORDER DATED 13.10.2016 COMMUNICATED TO THE APPELLANT ON  
25.11.2016 WHEREBY HIS DEPARTMENTAL APPEAL OF THE APPELLANT  
FOR ACCEPTANCE OF HIS RESIGNATION FROM DATED 31.08.2009 FROM  
THE SERVICE OF AGRICULTURE DEPARTMENT TO TAKE UP ANOTHER  
APPOINTMENT IN HAZARA UNIVERSITY HAS BEEN REJECTED FOR NO  
GOOD GROUNDS AND IN VIOLATION OF THE TRIBUNAL'S DIRECTIONS  
DATED 20.04.2016.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 13.10.2016  
MAY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO ACCEPT

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HIS DATE OF RESIGNATION FROM 31.08.2009 FROM THE SERVICE OF AGRICULTURE DEPARTMENT WHEN THE APPELLANT GOT ANOTHER SERVICE IN HAZARA UNIVERSITY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was working in Agriculture department as research officer and performed his duty up to the entire satisfaction of his superiors.
2. That some post of assistant professor was advertised in Hazara University. The appellant applied to the post of Assistant Professor through proper channel and department permission which was granted.
3. That the appellant was selected on 11.11.2010 for the post of assistant professor and gave his resignation from dated 31.08.2009 from Agriculture department to join the post of Assistant Professor in Hazara University. (Copy of appointment order dated 11.11.2010 and resignation letter are is attached as Annexure-A&B)
4. That the department accepted the resignation of the appellant w.e.from 31.7.2010 instead of 31.08.2009 vide notification dated 9.2.2011 and declared his unauthorized absence the period from 31.8.2009 to 31.7.2010 and also treated the said period as extra ordinary leave without pay, but the fact is that the appellant never remain absent from his duty but he was waiting for posting in the Agriculture Research Deptt. (Copy of notification 9.2.2011 is attached as Annexure-C)
5. That the appellant filed departmental appeal which was also rejected and then the appellant filed Service appeal No. 557/2013 which was decided on

- 20.4.2016 with the direction to remit the case to the respondent department with the direction to once again examine the case of the appellant and to decide the same afresh, preferably within a period of two months on its merits, according to law. (Copy of judgment dated 20.4.2016 is attached as Annexure-D)
6. That the appellant filed an appeal on 16.7.2016 as remainder to decided the issue according to the judgment dated 20.4.2016 however the department did not consider his claim according to the judgment dated 20.4.2016 and rejected his appeal on 13.10.2016 which was communicated to the appellant on 23.11.2016. (Copies of appeal and rejection order are attached as Annexure-E&F)
7. That now the appellant come to this august Tribunal on the following grounds amongst others.

**GROUND:**

- A) That the impugned order dated 13.10.2016 is against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant was discriminated as other official Dr. Ayab Khan was also applied with the appellant to the appointed to the post of Assistant Professor but he his resignation was accepted 31.8.2009 but the appellant resignation was not accepted on 31.8.2009.
- C) That the appellant has fulfilled all the formalities which are necessary to apply to another post but despite that his resignation was not accepted on his due date which is against the law and rules.
- D) That the appellant did not remain absent from his duty but actually he was waiting for posting in the Agriculture Research Deptt: but despite that the

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period from 31.8.2009 to 31.7.2010 was declared unauthorized absence and treated the said period as extra ordinary leave without pay, which means that the appellant was penalized for his no fault.

- E) That the Hazara University Registrar wrote a letter to the appellant on 12.10.2011 that if the Agriculture Deptt: did not accept the resignation of the appellant w.e.from 31.8.2009, then the Hazara University will not release his salaries for the period of 1.9.2009 to 31.7.2010 and will finalized the case of the appellant which will cause great finance loss to the appellant for his no fault on his part. (Copy of letter dated 12.10.2011 is attached as annexure-G)
- F) That the appellant has been condemned unheard and has not been treated according to law and rules.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

Dr. Hakim Khan

THROUGH:

M.ASIF YOUSAFZAI

(ADVOCATE SUPREME COURT),

TAIMUR ALI KHAN

(ADVOCATE HIGH COURT),

&

S. NOMAN ALI BUKHRI

ADVOCATE PESHAWAR.

Before the Kopole Service Tribunal Peshawar

Appeal No. 19/2017

Dr. Hakim

vs

Govt of KPK

Subject: Recovery of amount of fine Rs 1500

Sir,

with due respect I stated that I had  
received amount of Rs 1500/- fine in  
the above mentioned matter.

Appellant

through

M. S. ...  
Counsel

21/9/17

21-9-2017

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 19/2017

Dr. Hakim Khan

Vs

Agriculture Deptt.

-----  
**REJOINDER ON BEHALF OF APPELLANT**  
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**PRELIMINARY OBJECTIONS:**

(1-10) All objections raised by respondents are incorrect and baseless. Rather estopped to raise any objection by their own conduct.

**FACTS:**

1. Admitted correct. Facts pertaining to service record available with respondent's department.
2. Admitted correct that appellant applied for the post of Asstt: Professor and department forwarded his case to SC (Esstt) Agriculture which was duly approved by competent authority.
3. Incorrect, hence denied. While para-3 of appeal is correct.
4. Incorrect, hence denied. Appellant's resignation was accepted w.e.f 31.07.2010 instead of 31.08.2009 while resignation of another official Dr. Ayub Khan was accepted by department w.e.f 31.08.2009 which shows malafide on the part of department. Moreover, discriminatory attitude towards appellant shown by department is violation of Art.25 of Constitution of Pakistan.
5. Incorrect, hence denied. Appellant submitted appeal as reminder to decide his case in the light of judgement dated 20.04.2016 but no heed was paid to appellant's appeal and same was rejected dated 13.10.2016 without assigning any solid and cogent reasons.
6. Being legal.

**GROUND:**

- A. Incorrect. Para A of appeal is correct.

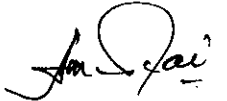


- B. Incorrect, hence denied. Appellant and Dr. Ayub case is similar in nature as both were appointed on the same date in the same cadre and designation. Moreover, despite the fact that Dr. Ayub was declared absent w.e.f 1.9.2009 and directed to assume duty within 14 days vide notification dated 27.3.2010; his resignation was accepted w.e.f 31.8.2009 while appellant was refused to accept his antedate resignation. As aforementioned discrimination attitude towards appellant shows malafide on the part of department.
- C. Incorrect, hence denied. Appellant applied for the post of Asstt: Professor in University and department forwarded his case to SC (Esstt:) Agriculture which was duly approved by competent authority.
- D. Incorrect, hence denied. Appellant's application, for the post of Asstt: Professor was forwarded to SC (Esstt:) Agriculture, duly approved by competent authority. And no disciplinary action was initiated against appellant. Moreover, appellant's so-called absence period from 31.08.2009 to 31.7.2010 treated as extraordinary leave is against law.
- E. That non acceptance of resignation, by parent department would cause huge financial loss to appellant, proves his malafide on the part of respondent's department.
- F. Incorrect, hence denied. Para F of appeal is correct.
- G. Legal.

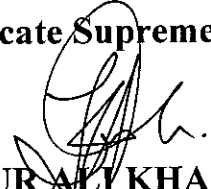
It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

**APPELLANT**

**THROUGH**

  
**M. ASIF YOUSAFZAI**  
(Advocate Supreme Court)

**ASAD MAHMOOD**  
(Advocate High Court)

  
**TAIMUR ALI KHAN**  
(Advocate High Court)

**AFFIDAVIT**

I, Dr. Hakim Khan, do hereby solemnly affirm and declare that the contents of the rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



*Zahoor Khan*

**DEPONENT**

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

APPEAL \_\_\_ 19/17

DR. HAKIM KHAN

**Versus**

GOVT OF KPK

APPLICATION FOR PLACING ON FILE CERTAIN DOCUMENTS  
FOR PERUSAL OF THE COURT OUT TO MEET THE END OF  
JUSTICE

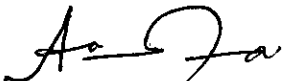
RESPECTFULLY SHEWETH

1. That the above mentioned appeal is pending before this hon'ble Tribunal fixed for today in arguments stage.
2. That the department file the comments on the basis of which the certain document is necessary to place on file to meet the end of justice and for perusal of court.

It is therefore, most humbly requested on acceptance of this application the documents may be placed on file.

  
Appellant/applicant 12/2/19

Through

  
M. Asif Yousafzai

Advocate supreme court

Dated; 16.07.2016

The Secretary to Govt. of Khyber Pakhtunkhwa  
Agrill; Livestock & Coop; Deptt.  
Peshawar

Subject: Request for rectification of date of resignation from service to take up another appointment in Hazara University

Respected Sir,

It may respectfully be submitted that I had applied for the post of Assistant Professor in Hazara University through proper channel and Departmental permission for the same was granted vide the then Govt. of N.W.F.P Agri; Livestock & Coop; Deptt; No. SOE (AD) 7-55/06-07 (Annex-D). Accordingly the university authority offered me the post of Assistant Professor, BS-19 on TTS basis and I joined the said post from 1<sup>st</sup> Sep, 2009 (Annex-II). My regular appointment as Assistant Professor BS-19 was finally notified vide Hazara University Mansehra, office order No. 4(75)HU/Reg/2010/2083 dated 11<sup>th</sup> Nov, 2010. (Annex-III). I submitted my resignation under article 418(b) C.S.R w.e.f 31<sup>st</sup> Aug, 2009 from the service of the Agriculture Department (annex IV).

The Govt. of Khyber Pakhtunkhwa, Agri; Livestock & Coop; Deptt; vide Notification No. SOE (AD) 7-55/06-07 dated 9<sup>th</sup> Feb, 2011 accepted my resignation from 31<sup>st</sup> July, 2010 subject to refund of one month salary in lieu of advance notice and declared unauthorized absence the period from 31<sup>st</sup> Aug, 2009 to 31<sup>st</sup> July, 2010 and also treated the said period as extra-ordinary leave without pay (Annex-V) without my request whereas during that period I was not absent but waiting for posting in the Agriculture Research department (Annex-VI). The DGR has also submitted to the C.A. for posting me on vacant post for the release of arrears since 10.4.2009 (Annexed-VII). As would appear from the contents of the Article 418-b C.S.R such resignation, service in which counts, is not a resignation from the Public Service for which neither refund of salary is required nor the condition of one month notice is applicable (Annexed-VIII).

*Sir; as stated in Annex-VI and VII above, I was kept on waiting for posting and never absented from duty. The notification for extraordinary leave without pay mentioned in Annex V ante (Annex-V) may graciously be reviewed and I may be granted either arrears for the period (1.9.2009 to 31.7.2010) for which I was made to wait in the secretariat for posting or my resignation may be accepted from 31. 8 2009 as I have requested. In case of acceptance of my resignation from 31.8.2009 only then Hazara University will release my salary for the period 1.9.2009 to 31.7.2010 (Annex-IX).*

It is further submitted that in a similar case, resignation of Dr. Ayub Khan Research Officer, had been antedated by the department vide Govt. of Khyber Pakhtunkhwa, Agri; Livestock & Coop; Deptt; Notification No. SOE (AD) 1-79/87 dated 2<sup>nd</sup> June, 2011 (Annex-X) which concession was

unjustifiably denied to the appellant. The KP Services Tribunal has also directed the department to revisit the case of appellant and decide it afresh in the light of the case of Dr. Ayub Khan (decision attached as Annex-XI).

**Table: - Similarity of the cases of the Research Officers, Dr. Hakim Khan and Dr Ayub Khan**

	<b>Dr. Hakim Khan, Ex-Research officer</b>	<b>Dr. Ayub Khan, Ex-Research officer</b>
1	Appointed as assistant Professor on TTS Vide No.4(75)HU/Reg/2009/1561. Dated Aug 05,2009 (Annex- II).	Appointed as assistant Professor on TTS Vide No.4(75)HU/Reg/2009/1560. Dated Aug 05,2009 (Annex-XII).
2	Join with the condition that Hazara Uni will amend the notification from TTS to Regular BPS-19. No salary was obtained till the amendment of the order by HU.	Join with the condition that Hazara Uni will amend the notification from TTS to Regular BPS-19. No salary was obtained till the amendment of the order by HU.
3	Not absented because waiting for posting.	Declared absent from duty w.e.f. 1.9.2009 and directed assume duty within 14 days Vide Notification dated 27.3. 2010. (Annex X-III)
4	Assumed duty on 10.8.2010 in the Agric. Research through posting orders dated 10.8.2010 (Annex-VI) and charge assumption was notified vide letter 01.09.2010 (Annex-XIV).	Assumed duty on 17.6.2010 in the Agric. Research through posting order dated 21. 6.2010 (Annex-XV)
5	Not absented, therefore NA.	Served Charge sheet and statement of allegations Vide letters (Annex XVI a, b & c).
6	Hazara Uni amended the order of Assistant Professor from TTS to regular BPS-19 Vide notification No. 4(75)HU/Reg/2010/ 2083 dated 11.11 2010 (Annex-III) .	Hazara Uni amended the order of Assistant Professor from TTS to regular BPS-19 Vide notification No. 4(2)HU/Reg/2010/ 2083 dated 11.11 2010 (Annex-XVIII).
7	After amendment of the order as mentioned in Para 6 above, submitted resignation under article 418(b) C.S.R w.e.f 31 <sup>st</sup> Aug, 2009 from the service of the Agriculture Department (Annex-IV).	After amendment of the order as mentioned in Para 6 above, submitted resignation under article 418(b) C.S.R w.e.f 31 <sup>st</sup> Aug, 2009 from the service of the Agriculture Department (Annex-XIX).
8	Resignation was accepted w.e.f. 31.7.2010 instead of 31.8.2009 and the period from 1.10.2009 to 31.7.2010 was treated as leave without pay for the reason not known (Annex-V).	Resignation accepted w.e.f. 31.8.2009 as was requested (Annexe-X).

Keeping in view the above facts it is requested that my resignation may kindly be accepted from 31-08-2009 as has been done in a similar case of Dr. Ayub Khan, Research Officer.

Yours humble Petitioner

*H. Hakim Khan* \*

Dr. Hakim Khan, Ex-Research Officer

24/8/16

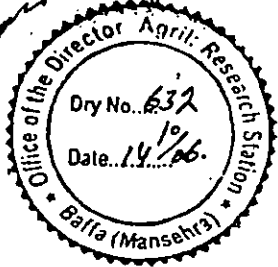
Hazara Agriculture Research Station

Abbottabad

Dated: 23.10.07

Annex-I

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GOVERNMENT OF NWFP  
AGRIL: LIVESTOCK AND COOP. DEPT.

NO. SOE (AD)7-55/06-07  
Dated Peshawar, the 3-10-2006

To

The Registrar,  
Hazara University, Mansehra.



SUBJECT:- DEPARTMENTAL PERMISSION.

Dear Sir,

I am directed to enclose herewith an application in original in respect of Dr. Hakim Khan, Research Officer, Agril: Res. Station, Baffa, Mansehra applied for the post of Associate Professor Genetic (BS-18) for further necessary action.  
Encl: As above.

Yours faithfully,

(JAVAJD MAQBOOL BUTT)  
SECTION OFFICER-ESTT

Endst. of even No. & Date.

Copy forwarded to:-

1. The DG Agril: Research, NWFP, Peshawar w/r to his letter No. 9640-41 dated 21/9/2006.

10587

ESTT-DGAR

Dated Pesh the 11/10 2006

Copy of the above is forwarded to Director, Agril. Research Station, Baffa, (Mansehra) w/r to his letter No. 988-89/DAR (M) dated 5/9/2006 for information

Office  
1  
for

Administrative Officer (M)  
Directorate General  
NWFP, Agril. Research System  
Peshawar

20/10/06

Annex - II



**HAZARA UNIVERSITY,**

**MANSEHRA, NWFP**

Phone: 0997-414163 Fax: 0997-530046

Email: [hurecistrar@yahoo.com](mailto:hurecistrar@yahoo.com)

F No. 4 (2)-HU/Reg/2010/2082

November 11, 2010

**OFFICE ORDER**

In partial supersession of the Office Order No: 4 (75)-HU/Reg/2009/1561 dated 5-8-2009 and consequent upon the recommendations of the Selection Board of the Hazara University held on July 21 to 23, 2010 and subsequent approval by the Syndicate in its meeting held on Oct, 21, 2010, the Competent Authority is pleased to appoint Dr. Hakim Khan as Assistant Professor of Agriculture (BPS-19) w.e.f the date of his joining i.e. September 1<sup>st</sup>, 2009 on the following terms and Conditions.

**TERMS AND CONDITIONS:**

1. He will be on Probation for a period of one year.
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. His services can be terminated at any-time during the probation period, in case his performance is found unsatisfactory.
4. He will have to serve 2-months notice during the probation period and 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit two/three months salary in lieu thereof.
5. He will have to sign an undertaking to work to the best of his abilities, honesty and commitment at Hazara University.
6. He will have to provide Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Mansehra / Hazara University Hospital.
7. Medical facility will be provided to his family/dependents as permissible under rules of Hazara University at DHQ Mansehra and Ayub Medical Complex, Abbottabad.
8. If the offer is acceptable to him on the terms and conditions mentioned above, he is required to report for duty to the undersigned within 15 days of the issuance of this letter.

  
Registrar

**Copy to:**

- PS to Vice Chancellor
- PA to Registrar
- Coordinator, Haripur Campus
- Chairman Concerned Department
- Treasurer
- P.A.D (Audit)
- Pay Section
- Personal File
- Relevant File



TO BE SUBSTITUTED FOR THE SAME NO & DATE



**HAZARA UNIVERSITY MANSEHRA, PAKISTAN**

Phone No: 0997-414163 Fax No. 0997-530046

Email: huregistrar@yahoo.com

No. 4(75) HU/Reg/2010/2083

November 11, 2010

**OFFICE ORDER**

Consequent upon the recommendation of the Selection Board held on July 21 to 23, 2010 by item No.29 and subsequent approval of the Syndicate item 24 held on October 21, 2010, the Competent Authority is pleased to modify the appointment order in respect of Dr. Hakeem Khan S/o Malik Zardad Khan issued Vide No. Vide No. 4(2)-HU/Reg/2010/2083 dated November 11, 2010 to the extent as follow:-

- His appointment shall stand approved as ~~Assistant Professor~~ in BPS-19 (19680-970-39080) w.e.f 01-09-2009 from the date he joined Hazara University and performed duty as such
- His term and condition of service effective from 01/09/2009 shall as under:-

**TERMS AND CONDITIONS**

1. He remained on probation for a period of one year w.e.f. 01-09-2009
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. He will have to serve 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit /three months salary in lieu thereof.
4. He had signed an undertaking to work to best of his abilities, honesty and commitment at Hazara University.
5. He had provided Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Mansehra/Hazara University Hospital.
6. Medical facility will be provided to his family/dependents as admissible under rules of Hazara University at DHQ Mansehra and Ayub Medical Complex, Abbottabad.
7. Other terms and condition (if any) except related service statutes 2006 of the TTS and those prescribed by HEC for TTS, would remain the same.

  
REGISTRAR

**Copy to:**

1. PS to Vice Chancellor
2. PA to Registrar
3. Coordinator Haripur Campus
4. Dean Faculty of Sciences
5. Treasurer
6. Deputy Director Audit
7. Personal File
8. Person Concerned
9. Relevant Files

To:

The Secretary to Govt. of Khyber Pakhtunkhwa  
Agril; Livestock & Coop; Deptt;  
Peshawar

Through Proper channel

Subject: Resignation from Service to join Hazara University

Sir,

It is stated that I applied for the post of Assistant Professor in Hazara University through proper channel and departmental permission was granted vide Govt. of NWFP Agril; Livestock & Coop; Deptt; No. SOE(AD)7-55/06-07 dated 03-10-2006(Annex I). I was appointed as Assistant Professor of Agriculture (BPS-19) vide office order No. F.No.4(2)HU/Reg/2010/2082 dated 11.11.2010 (Annex-II).

It is therefore requested that my resignation may be accepted under the CSR-418, Page No. 132 (on the condition that my Services and other benefits will be transferred to the University) and I may be relieved from 31.8.2009 evening. It is further stated that I have got no salary from the department during this period except for October 2010, which will be deposited back in to the Government treasury through challan before relieving from the department. The University authorities will release my salary on production of NOC/relieving from the department.

Thanks

Yours sincerely

*Hakim Khan*

Dr. Hakim Khan  
Research Officer  
HARS Abbottabad  
Dated 26-11-2010.

*DAR Ac.*  
*[Signature]*  
26/11/10

*1/0 2092 /DAR Dated 26/11/201*

*A.O please*  
*Forwarded to*  
*DGIR for necessary*  
*action please*

*[Signature]*  
26/11/10

(V)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 9/2/2010

**NOTIFICATION.**

NO. SOE (AD) 7-55/2006.- The Competent authority is pleased to accept the resignation tendered by Dr. Hakim Khan, Research Officer(BS-17) Hazara Agricultural Research Station, Abbottabad from service with effect from 31/07/2010 subject to refund of one month salary in lieu of advance notice, as required under the terms & conditions of his appointment / service.

The period of his un-authorized absence with effect from 31-8-2009 to 31-7-2010 is hereby treated as extra-ordinary leave without pay.

**SECRETARY AGRICULTURE.**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Hazara Agricultural Research Station, Abbottabad.
3. The District Accounts Officer, Abbottabad.
4. Officer concerned.
5. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

  
(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT:

P# 55

Annex - S

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI. LIVESTOCK AND COOP. DEPARTMENT

Dated Peshawar, the 10/8/2010.

NOTIFICATION

NO. SOE (AD) 7-55/2006 - The Competent authority is pleased to order the posting/transfer of the following officer with immediate effect in the interest of public service:-

Sl. No.	Name of Officer	(From)	To
1	Dr. Hakim Khan BS-17	Research Officer (waiting for posting since 10-4-2009)	Research Officer, Hazara Agri. Res. Station, Abbottabad against vacant post.

SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRI. LIVESTOCK AND COOP. DEPT.

Ends of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Peshawar
2. The Director, Hazara Agri. Res. Station, Abbottabad
3. The Director, Agri. Res. Station (Barfa), Mansehra
4. The District Accounts Officers, Abbottabad and Mansehra
5. Officer concerned
6. PS to Minister for Agriculture, Khyber Pakhtunkhwa, Peshawar
7. PS to Secretary, Agriculture, Khyber Pakhtunkhwa, Peshawar
8. Personal file

*Mo. Rease*  
*In view of the duty*  
*attention*  
*immediately*

(SAKHI ULLAH REHMAN)  
SECTION OFFICER-ESTT

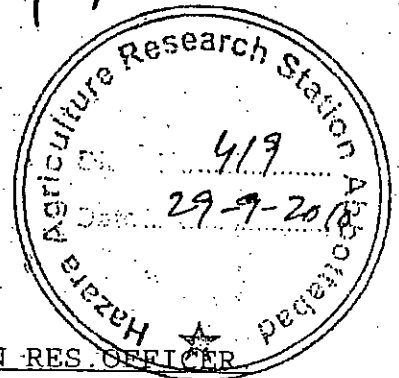
*10/8/10*

*Accepted*  
*FAC*

(VII)

No: 13391-92 /Estt/DGAR; Dated Pesh. the 23/09 /2010.  
To

The Section Officer (Estt)  
Government of KPK  
Agric. Livestock and Coop. Deptt.  
Peshawar.



Subject:- POSTING/TRANSFER ORDER OF DR. HAKIM KHAN RES. OFFICER  
Memo:

Please refer to your order No. SOE(AD)7-55/2006 dated 16.7.2010 and Notification of even No. dated 10.8.2010 on the subject noted above.

The District Accounts Officer, Abbottabad has raised some objections on the posting order of Dr. Hakim Khan Res. Officer. In this regard it is stated that he was to be posted on the vacant post at Hazara Agric. Res. Station, Abbottabad since 10.4.2009. It is to inform you that the said post was actually vacant for the said period.

It is requested that his posting notification may please be amended to the effect that the post was actually vacant for the period and he has to be paid his arrears since 10.4.2009.

*Atab ulleah*

Director General  
Agricultural Research  
KPK, Peshawar

cc: The Director, Hazara Agric. Res. Station, Abbottabad w/r to his letter quoted above for information.

*DAK R.*  
*28/9/10*

*R/K*  
*Ata please*

*29/9/10*

*R.K.*  
*Personal file*  
*29/9/10*

<sup>1</sup>[417. Time passed under suspension followed by reinstatement shall count for pension irrespective of whether the Government servant was or was not allowed full pay and allowances for that period.]

<sup>2</sup>[417-A. If an officer, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of the inquiry, the disciplinary proceedings against him shall abate and such officer shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty.]

### Resignation and Dismissals

418. (a) Resignation of the public service, <sup>3</sup>[or dismissal] or removal from it for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

(b) Resignation of an appointment to take up another appointment, service in which counts, is not a resignation of the public service.

419. Any authority who, on revision or appeal, reverses an order dismissing <sup>3</sup>[or removing] an officer, may declare that the officer's past service counts.

### Interruptions

420. An interruption in the service of an officer entails forfeiture of his past service, except in the following cases :—

(a) Authorised leave of absence. —

(b) Unauthorised absence in continuation of authorised leave of absence so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited.

<sup>4</sup>[(c) Suspension where it is immediately followed by re-

<sup>1</sup>Article 417 substituted by S.R.O. 227(I)/83, dated 17th Feb., 1983, Gaz. Pak., Extr., Part II, P. No. 325, dt. March 8, 1983.

<sup>2</sup>Article 417-A inserted by S.R.O. 1114(I)/80, dated 10th Nov., 1980, Gaz. Pak., Extr., Part II, P. No. 2215, dt. Nov. 20, 1980.

<sup>3</sup>The words in brackets occurring in Articles 418 and 419 take effect from 1st June, 1935.

<sup>4</sup>Subs. vide Noti. No. F.2(7)-Reg(6)/72, dt. 13-7-1972



**HAZARA UNIVERSITY MANSEHRA, PAKISTAN**

Phone No: 0997-414163 Fax No. 0997-530046

Email: huregistrar@yahoo.com

F. No. 4(2)-HU/Reg/2011/2414

outside  
September 12, 2011

From:

The Registrar  
Hazara University.

To

Dr. Hakim Khan, Assistant Professor,  
Department of Agriculture, Haripur Campus.

Subject:

**PAY FIXATION ACCORDING TO LPC**

Reference your subject request dated 30-6-2011.

I am directed to inform that as per audit observation your resignation has been accepted w.e.f 31-7-2010 by your parent department treating you on leave without pay from 31-8-2009 to 31-07-2010. Whereas you had joined this University on 1-9-2009. The acceptance of your resignation/relieving by your parent department was required w.e.f 31-8-2009 AN.

Therefore, you are required to get relieving from your Parent department accordingly and to deposit the due amount in lieu of prior notice as per demand of your parent department, so your case could be finalized

  
Additional Registrar

Establishment /Administration

Copy to:

1. PS to Vice Chancellor
2. PA to Registrar
3. Coordinator Haripur Campus
4. Treasurer
5. RIDD Audit
6. Personal File
7. Relevant Files

  
Additional Registrar

Establishment /Administration

3701  
09/06/11  
Research Institute  
Peshawar

(X)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 2/6/2011.

**NOTIFICATION:**

NO. SOE (AD)1-79/87.

The Competent authority is pleased to accept the resignation tendered by Dr. Ayub Khan, Research Officer (BS-17) Agricultural Research Institute, Tarnab, Peshawar with effect from 31-8-2009 (A.N).

**SECRETARY AGRICULTURE.**

Endst. of even No: & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Agricultural Research Institute, Tarnab, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Officer concerned.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

SECTION OFFICER

No. 10077-79/Estt:/DGAR,

Dated 09/06 2011

Copy of the above is forwarded to:-

1. The Director General, Agric. Research Institute, Tarnab
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Officers Concerned

for information and necessary action

(MUSTAFA KAMAL)  
Administrative Officer (Estt:)  
Directorate General,  
Agril. Research,  
Khyber Pakhtunkhwa,,  
Peshawar

9/6



(71)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

SERVICE APPEAL NO. 557/2013

Date of institution ... 19.03.2013  
Date of judgment ... 20.04.2016



DR. HAKIM KHAN  
S/o Malik Zardad Khan,  
Ex-Research Officer Hazara Agriculture Research Station Abbottabad Agriculture  
Deptt: Khyber Pakhtunkhwa Recently Asstt: Professor Agriculture Depatt:  
Hazara/University Haripur.  
R/o Malik Zardad Colony, Battgram. ... (Appellant)

VERSUS

1. The Secretary to Govt: of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Deptt: Peshawar.
  2. The Chief Secretary Khyber Pakhtunkhwa Peshawar.
  3. The Hon'ble Chief Minister Khyber Pakhtunkhwa Peshawar.
  4. The Secretary Establishment Khyber Pakhtunkhwa Peshawar.
  5. The Director General Agriculture Deptt: Peshawar.
- ... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF THE RESPONDENTS NO.1 TO 3 VIDE ORDER NO. SOE (AD) 7-55/2006 DATED 09.02.2010 OF THE RESPONDENT NO.1, NO. SOE (AD) 7-5506-07 DATED 27.12.2011 OF RESPONDENT NO.2 AND ALSO NO. SOE (A.D) 7-55/06/07 DATED 21.02.2013 OF RESPONDENT NO.3 WHO DID NOT CONSIDER THE/ RESIGNATION OF APPELLANT WITH EFFECT FROM 31.08.2009 A REQUESTED BY THE APPELLANT BUT RESPONDENT GAVE EFFECT TO THE RESIGNATION WITH EFFECT FROM 31.07.2010 AND THE INTERVENING PERIOD WAS TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY, WHICH IS ILLEGAL, UNLAWFUL AND AGAINST THE RULES, TREATED DISCRIMINATORY AS THE SAME RELIEF IS EXTENDED TO OTHER AND DEPRIVING THE APPELLANT.

Mr. Ziaullah, Advocate.  
Mr. Ziaullah, Government Pleader.

For appellant.  
For respondents.

MR. PIR BAKHSI SHAH  
MR. ABDUL LATIF

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

ATTESTED

EXAMINED  
10/04/16

## JUDGMENT

PIR BAKHASH SHAH, MEMBER: Appellant was a Research Officer (BPS-17) in the Agriculture Department. He was selected as Assistant Professor in Hazara University vide order dated 05.08.2009. This order was further modified vide order dated 11.11.2010 in the following manner "the appointment shall stand approved as Assistant Professor in BPS-19 w.e.f 01.09.2009 from the date he joined Hazara University and professional duty as such" According to record his resignation from Agriculture Department was accepted w.e.f. 31.07.2010 vide notification dated 09.02.2010 and his unauthorized absence w.e.f 31.08.2009 to 31.07.2010 was treated as his Extra Ordinary Leave without pay. It evident that the appellant stands retired from Agriculture Department w.e.f 31.07.2010. In this appeal under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, he has made the following prayer "Therefore, it is requested that the respondents may please be directed to consider/give effect to the resignation of the appellant w.e.f. 31.08.2009 and impugned order dated 31.07.2010 and its refusal by the respondents may please be set aside".

2. Arguments heard and record perused.

3. After hearing arguments of both the parties for sufficient long time and perusal of the record, the only ground which appellant could make for a favourable approach of this Tribunal was his alleged ground of discrimination. In this regard a plea was taken that in a similar case, resignation of one Dr. Ayub had been ante-dated by the department which concession, was unjustifiably declined to the appellant. In the circumstances when complete details of the said case are not before us, the department can better judge whether ante-dation of resignation in case of Dr. Ayub was legal, justified and in the domain of the rules regulation and if so whether case of the appellant is identical on all fours with that case. This being so, the Tribunal is inclined to remit the case to the respondent-department with the direction to once

again examine the case of the appellant keeping in view the above observations and to decide the same afresh, preferably within a period of two months on its merits, according to law. Appeal is disposed of accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
20.04.2016

*[Signature]*  
(PIR BAKHSH SHAH)  
MEMBER

*[Signature]*  
(ABDUL LATIF)  
MEMBER

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 12-05-2016  
 Number of Words 1200  
 Copying Fee 8000  
 Urgent 2000  
 Total 10000  
 Name of Copyist [Signature]  
 Date of Copying 12-05-2016  
 Date of Delivery of Copy 12-05-2016

To be substituted for office order No. 4(2)-HU/Reg/2010/2082 dated November 11, 2010



HAZARA UNIVERSITY MANSEHRA, PAKISTAN  
Phone No: 0997-414163 Fax No. 0997-530046  
Email: huregistrar@yahoo.com

X-II

No. 4(75) HU/Reg/2011/ 39

Janurary 06 2011

**OFFICE ORDER**

Consequent upon the recommendation of the Selection Board held on July 21 to 23, 2010 by item No.29 and subsequent approval of the Syndicate item 24 held on October 21, 2010, the Competent Authority is pleased to modify the appointment order in respect of Dr. Ayub Khan S/o Gul Muhammad issued Vide No. 4(2)-HU/Reg/2010/2082 dated November 11, 2010 to the extent as follow:-

- His appointment shall stand approved as Assistant Professor in BPS-19 (19680-970-39080) w.e.f 01-09-2009 from the date he joined Hazara University and performed duty as such
- His terms and conditions of service effective from 01/09/2009 shall as under:-

**TERMS AND CONDITIONS**

1. He remained on probation for a period of one year w.e.f. 01-09-2009
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. He will have to serve 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit /three months salary in lieu thereof.
4. He had signed an undertaking to work to best of his abilities, honesty and commitment at Hazara University.
5. He had provided Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Mansehra/Hazara University Hospital.
6. Medical facility will be provided to his family/dependents as admissible under rules of Hazara University at DHQ Mansehra and Ayub Medical Complex, Abbottabad.
7. Other terms and condition (if any) except related service statutes 2006 of the TTS and those prescribed by HEC for TTS, would remain the same.

*Sm* *mal*  
REGISTRAR

**Copy to:**

1. PS to Vice Chancellor
2. PA to Registrar
3. Coordinator Haripur Campus
4. Dean Faculty of Sciences
5. Treasurer
6. Deputy Director Audit
7. Personal File
8. Person Concerned
9. Relevant Files

Annex-X111

Agrib-1

Registered

GOVERNMENT OF N.-W.F.P.  
AGRICULTURE, LIVESTOCK AND CO-OPERATION  
DEPARTMENT, PESHAWAR

GOVERNMENT OF NWFP  
AGRIL: LIVESTOCK & COOP: DEPTT:

NO.SOE(AD)1-79/87  
Dated Peshawar, the 27/3/2010.


To

Dr. Ayub Khan s/o Gul Muhammad,  
Assistant Botanist Economics, ARI, Tarnab, Pesh:  
Village, Qaldara P/Office Dargai Phattak,  
Malakand Agency.

SUBJECT:- WILFUL ABSENCE FROM OFFICIAL DUTY.

It has been reported that you are wilfully absent from your duties with effect from 01-09-2009.

2. You are hereby directed to assume your duties immediately and explain the reasons of your wilful absence from duty within 14-days of the receipt of this letter otherwise ex-parte action as permissible under the rules shall be initiated against you.

  
29/3/10

(ATTAULLAH KHAN)  
SECRETARY AGRICULTURE.

CC:-

The Director General, Agricultural Research, NWFP, Peshawar for:  
information and further necessary action.

SECTION OFFICER-ESTT:

Dr. Ayub - 111

(Directorate General Agri.Res.System)  
Khyber Pakhtunkhwa Peshawar

No. 12957-59 /Estt/DGAR  
Dated, 01/09 /2010

NOTIFICATION

In pursuance of the Section Officer (Estt), Govt.of Khyber Pakhtunkhwa Agril.Livestock and Coop. Department, Peshawar Notification No.SOE(AD) 7-55//2006 dated 10.8.2010 on transfer of Dr.Hakim Khan, Research Officer has assumed the charge of the post of Res.Officer, Hazara Agric. Res. Station, Abbottabad on 10.8.2010 (F.N).

Sd/-  
Director General  
Agricultural Research  
Khyber Pakhtunkhwa Peshawar

No. 12957-59 /Estt/DGAR:

Copy to:

1. The Director, Hazara Agric.Res. Station, Abbottabad w/r to his memo No.1514-15/DAR-HARS dated 20.8.2010.
2. The District Comptroller of Accounts, Abbottabad.
3. Officer concerned;

for information and n.action.

*Tell all*  
Director General  
Agricultural Research  
Khyber Pakhtunkhwa Peshawar  
2 AM / 08  
31/10

R



Ayub-1B

(XV)

**Directorate General**  
**Agril. Res. Institute, Tarnab, Peshawar.**  
☎ 2964030 ☎ 2964097, ✉ aritarnab@hotmail.com

No. 2971-72 /Estt/DGA;

Dated Tarnab the 21-6 /2010.

To

The Director General,  
Agricultural Research,  
Khyber Pakhtunkhwa, Peshawar

Subject:- CHARGE ASSUMPTION REPORT.  
Memo:-

Enclosed please find herewith four copies of charge assumption report alongwith reply of Show Cause Notice as served upon him in the daily leading News Paper Aaj, dated 04.06.2010; by the Secretary, Govt. of Khyber Pakhtunkhwa, Agril. Livestock and Coop; Department, Peshawar, addressed to the competent authority with a copy to the undersigned, in respect of Dr. Ayub Khan, Assistant Economic Botanist, office of this Institute, which is self explanatory, for favour of further necessary action.. The officer concerned has assumed the charge of his post on 17.06.2010 (F.N).

Encl: As above.

*Arif Ullah*  
Director General  
Agricultural Research Institute,  
Tarnab, Peshawar.

C.C:-

The officer concerned for information with reference to his reply dated 17.06.2010.

Dr. Ayub-VI

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI: LIVESTOCK & COOP: DEPT. MEN.

CHARGE SHEET.

Diary No. 6238  
Date 04/08/10

~~X-III~~  
~~X-IV~~  
X-VI  
a b & c

I. Javed Iqbal, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, do hereby charge you, Dr. Ayub Khan, Research Officer (BS-17), Agricultural Research Institute, Tarnab, Peshawar, as follow:-

- i. That your application for the post of Assistant Professor was forwarded to the Hazara University authorities with the clear directions that in case of your selection against the post applied for you will have to resign from government service vide this department letter No. SOE(AD)1-70/87 dated 30/3/2009. On your appointment you requested for the grant of three years extra-ordinary leave (without pay) which was considered and rejected on the grounds that you should have to resign from the government service as per provision of rules, but even then you joined the University service as evident from the Registrar, Hazara University letter No.4(2)HU/ Reg/ 2010/1075 dated 9/6/2010 without submitting resignation and thus violated the rules.
  - ii. That you were served with a notice on your home address vide this department letter dated 27/3/2010, to join your duties within 14 days, but you failed to comply with the orders.
  - iii. That your absence was published in two leading newspapers dated 4/6/2010, however, you presented yourself for duty on 17/6/2010, and remained wilfully absent from duties with effect 1-9-2009 to 16-6-2010 which is a grave act of misconduct.
2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the Khyber Pakhtunkhwa Removal from Services (Special Powers) Ordinance, 2000, and have rendered yourself liable to all or any of the penalties specified in Section-3 of the ordinance 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/Committee, as the case may be.
4. Your written defense, if any, should reach the Inquiry officer/Committee within the specified period, failing which it shall be presumed that you have nothing to offer in your defense and in that case, exparte action shall follow against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

*Javed Iqbal*  
(JAVED IQBAL)  
CHIEF SECRETARY, KHYBER  
PAKHTUNKHWA  
(COMPETENT AUTHORITY).

Dr. Ayub Khan

I



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI: LIVESTOCK & COOP: DEPARTMENT.

STATEMENT OF ALLEGATIONS.

I, Javed Iqbal, Chief Secretary, NWFP, as Competent Authority, am of the opinion that Dr. Ayub Khan, Research Officer (BS-17) Agricultural Research Institute, Tarnab, Peshawar has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3 of the NWFP Removal from Service (Special Powers) Ordinance, 2000:-

- i. That his application for the post of Assistant Professor was forwarded to the Hazara University authorities with the clear directions that in case of his selection against the post applied for he will have to resign from government service vide this department letter No. SOE(AD)1-70/87 dated 30/3/2009. On his appointment he requested for the grant of three years extra-ordinary leave (without pay) which was considered and rejected on the grounds that he should have to resign from the government service as per provision of rules, but even then he joined the University service as evident from the Registrar, Hazara University letter No.4(2)HU/ Reg/ 2010/1075 dated 9/6/2010 without submitting resignation and thus violated the rules.
  - ii. That he was served with a notice on his home address vide this department letter dated 27/3/2010, to join his duties within 14 days, but he failed to comply with the orders.
  - iii. That his absence was published in two leading newspapers dated 4/6/2010, however, he presented himself for duty on 17/6/2010, and remained wilfully absent from duties with effect 1-9-2009 to 16-6-2010 which is a grave act of misconduct.
2. For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Inquiry Officer / Committee consisting of the following is constituted under section-5 of the Ordinance referred to above:-
- i. Dr. Abdus Samad (BS-18) Senior Research Officer, ARI Tarnab
  - ii. Syed Rashid Ahmed (BS-19) Senior Research Officer, ARI Tarnab
3. The Inquiry Officer shall, in accordance with the provision of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within twenty five days of the receipt of this order, recommendations as to punish or absolve 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/Committee.

*Javed Iqbal*  
(JAVED IQBAL)  
CHIEF SECRETARY, KHYBER  
PAKHTUNKHWA  
(COMPETENT AUTHORITY).

Dr. Ayub - 11

Attachment B

~~SECRET~~

No. 12405-06/Estt/DGAR Dated Peshawar the 06/08/2010

To  
The Director General,  
Agriculture Research Instt.  
Tarnab (Peshawar)

Subject: CHARGE SHEET AND STATEMENT OF ALLEGATION.  
Memo

Enclosed please find herewith a copy of letter No. SOE(AD)1-79/87 dated 27.7.2010 received from the Section Officer (Estt) Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Deptt. Peshawar alongwith Charge sheet and statement of allegation in respect of Dr. Ayub Khan, Research Officer (US-17) which is self explanatory for favour of further necessary action.

Encl: As above.

*Cell ulu*

Director General  
Agricultural Research  
Khyber Pakhtunkhwa Peshawar

The Section Officer (Estt) Govt. of Khyber Pakhtunkhwa Agric. Livestock and Coop Deptt. Peshawar w/r to his letter No. as quoted above for information.

DGP  
Estt  
9/8/10  
*Cell*

No 3555 E/067 dated 10/08/2010  
copy to Dr. Ayub Khan, Asstt. B.A. Econ  
for info and immediate action.

*Cell ulu*

Dr. Ayub IV

D/No. 3870/Sec. Agr.  
Dated 12/04/2010.

To

The Secretary Agriculture,  
Govt. of NWFP,  
Agriculture, Livestock and Cooperation Department  
Peshawar.

Subject:

WILLFUL ABSENCE FROM OFFICIAL DUTY

Respected Sir,

Please refer to your letter No. SOE (AD) 1-79-87 dated 27.03.2010.

It is humbly requested that the under signed has more than 22 years service on his credit in Agriculture Research System, NWFP.

Under the standing policy, I applied for the post of Assistant Professor through proper channel. Necessary order/correspondence in this respect is added as per following order.

1. My application for the post of Assistant Professor on Tenure Track System (TTS) in Agriculture Sciences Department at Hazara University (F-1).
2. In response to the above letter I have been selected as Assistant Professor on TTS basis vide Appointment letter (F-2).
3. I requested/applied for reliving/leave without pay for three years vide Director General Research, Govt. of NWFP Agriculture Research letter (F-3).
4. My leave was regretted letter (F-4).
5. I clarified the position through the Director General Research, Govt. of NWFP Agriculture Research letter (F-5).
6. The Section Officer Establishment again regretted letter (F-6).
7. Then I appealed for reconsideration of my leave without pay application (F-7).
8. The authority very kindly approached the Higher Education Department and Establishment & Admn. Department, Govt. of NWFP for expert opinion (F-8 & 9).
9. The Higher Education and Establishment & Admn. Department responded at (F-10 & 11).
10. Sufficient leaves are available in my leave account (F-12).


With the due support of my Parent Department my case is almost at the advance stage of maturity for selection as Assistant Professor in Hazara University and therefore, I was expecting either extra ordinary leave or deputation order from the Department but unfortunately, I have been asked vide letter mentioned above to assume my duty and explain the reasons of willful absence with in fourteen days.


In view of the position explained above, it is once again humbly requested to consider my request for extra ordinary leave against 1095 days (F-12) on my credit or deputation on merit.

I will be oblige for this act of kindness please.

Copy to:-

The Director General Research, NWFP, Peshawar for information in response to letter No. SOE (AD) 1-79-87 dated 27.03.2010 please.

  
-Dr. Ayub Khan  
Asstt. Economic Botanist,  
ARI Tarnab, Peshawar.

  
Dr. Ayub Khan

Dr. Ayub - V

To be substituted for office order No. 4(2)-HU/Reg/2010/2082 dated November 11, 2010



HAZARA UNIVERSITY MANSEHRA, PAKISTAN  
Phone No: 0997-414163 Fax No. 0997-530046  
Email: huregistrar@yahoo.com

XVIII

No. 4(75) HU/Reg/2011/ 39

January 06 2011

OFFICE ORDER

Consequent upon the recommendation of the Selection Board held on July 21 to 23, 2010 by item No.29 and subsequent approval of the Syndicate item 24 held on October 21, 2010, the Competent Authority is pleased to modify the appointment order in respect of Dr. Ayub Khan S/o Gul Muhammad issued Vide No. 4(2)-HU/Reg/2010/2082 dated November 11, 2010 to the extent as follow:-

- His appointment shall stand approved as Assistant Professor in BPS-19 (19680-970-39080) w.e.f 01-09-2009 from the date he joined Hazara University and performed duty as such
- His terms and conditions of service effective from 01/09/2009 shall as under:-

TERMS AND CONDITIONS

1. He remained on probation for a period of one year w.e.f. 01-09-2009
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. He will have to serve 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit three months salary in lieu thereof.
4. He had signed an undertaking to work to best of his abilities, honesty and commitment at Hazara University.
5. He had provided Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Manshra/Hazara University Hospital.
6. Medical facility will be provided to his family/dependents as admissible under rules of Hazara University at DHQ Manshra and Ayub Medical Complex, Abbottabad.
7. Other terms and condition (if any) except related service statutes 2006 of the TTS and those prescribed by HEC for TTS, would remain the same.

*Dr. Ayub*  
REGISTRAR

Copy to:

1. PS to Vice Chancellor
2. PA to Registrar
3. Coordinator Haripur Campus
4. Dean Faculty of Sciences
5. Treasurer
6. Deputy Director Audit
7. Personal File
8. Person Concerned
9. Relevant Files

*Dr. Ayub - V21*

XIX

XIX

To

The Secretary to  
Government of Khyber Pakhtunkhwa,  
Agriculture, Livestock & Coop: Department.

THROUGH:- PROPER CHANNEL.

SUBJECT:- ACCEPTANCE OF RESIGNATION WITH EFFECT FROM 1-9-2009  
RELIEVING FROM SERVICE.

Dear Sir,


With great veneration it is stated that I, Dr. Ayub Khan, Assistant Economic Botanist, Agricultural Research Institute, Tarnab, Peshawar applied through Proper Channel for the post of Assistant Professor in Agriculture at Hazara University, Mansehra.

I have been selected for the subject post at Hazara University vide letter No.F.No.4(2)HU/Reg/2010/2083 dated 11/11/2010 (copy attached)


It is, therefore, requested that my resignation from 1-9-2009 may kindly be accepted so that I may be able to join the new assignment.

Your kind cooperation is acknowledge in advance.

Thanks and regards

  
Dr. Ayub Khan

Asstt: Economic Botanist,  
Agril: Res. Institute, Tarnab,  
Peshawar.,

Dr. Ayub - 

To.

Dated: 29.11.2022

**The Registrar**  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar.

**Subject: WITHDRAWAL OF SERVICE APPEAL NO. 19/2016; TITLED: DR. HAKIM KHAN VS GOVT OF KP & OTHERS**

Dear Sir:

Please refer to the subject(s) noted above.

In this regard, I, Dr. Hakim Khan most humbly submitted that;

1. The undersigned filed subject appeal vide diary No. 1309 dated 22-12-2016, with the prayer reproduced as under:

**"On acceptance of the appeal, the order dated 13.10.2016 may be set-aside and the respondents may be directed to accept his dated of resignation from 31.08.2009 from the service of agriculture department when the appellant got another service at Hazara Agril. University"**

2. The subject appeal is pending for adjudication before the Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Now the undersigned got retired from the Hazara Agricultural University and also the university administration processes my pension case
4. Similarly, I also got my pension contribution amounting to Rs 530,181/- from the Agriculture Department (Research Wing)
5. Now as my grievances are redressed, I want to withdraw my case from this august Tribunal.
6. The same may therefore, kindly be place on file before the Hon'ble Chairman/members and or DB on next date of hearing for necessary order of withdrawal of the subject appeal, please.

Yours faithfully:

*H. Khan* 29.11.2022

Dr. Hakim Khan

Research Officer Agriculture Research Station A.Abad

Ex-Asstt: Professor Agriculture Deptt: Hazara Agric. University

R/O Malik Zardad Colony

**Copy for information to:**

- The DG. Agriculture Research KP Peshawar

S.A# 19/2016 = Dr. Hakim Khan vs Govt ETC.

**BEFORE THE KPK SERVICE TRIBUNNAL, PESHAWAR**

**APPEAL NO. 19/1917**

Dr. Hakim Khan.....Petitioners

**VERSUS**

The Govt of KPK & Others.....Respondents

**PARA -WISE REPLY OF THE APPLICATION ON BEHALF OF RESPONDENTS.**

**RESPECTFULLY SHEWETH:**

- 1. No Comments. It related with the court record.
- 2. In this connection it is stated that department filled comments in the said appeal as well as necessary annexes. Now as desired by the court necessary additional documents are submitted for your kind consideration.

On behalf of Respondent,



Director General  
Agriculture Research System  
Khyber Pakhtunkhwa  
Peshawar



Recd. 23/10/07

Annex-1



GOVERNMENT OF NWFP  
AGRIL: LIVESTOCK AND COOP: DEPT

NO. SOE (AD)7-55/06-07  
Dated Peshawar, the 3-10-2006



To  
The Registrar,  
Hazara University, Mansehra.

SUBJECT:- DEPARTMENTAL PERMISSION.  
Dear Sir,

I am directed to enclose herewith an application in original in respect of Dr. Hakim Khan, Research Officer, Agril. Res. Station, Baffa Mansehra applied for the post of Associate Professor Genetic (BS-18) for further necessary action.  
Encl: As above.

Yours faithfully,

JAVAJD MAQBOOL BUTTO  
SECTION OFFICER-ESTI

Encl. of even No. & Date.

Copy forwarded to:-

1. The DG Agril. Research, NWFP, Peshawar w/r to his letter No. 9640-11 dated 21/9/2006.

10587 EST-DIR/AS

Dated Pesh the 11/10/06

Copy of the above is forwarded to Director, Agril. Research Station, Baffa Mansehra w/r to his letter No. 988-89/DAR (M) dated 5/10/06 for information.

Office  
his

Administrative Officer (M)  
Directorate General  
NWFP, Agril. Research System  
Peshawar

20/10/06





**HAZARA UNIVERSITY,**

**MANSEHRA, NWFP**

Phone: 0997-414163 Fax: 0997-330016

Email: [huregistrar@yahoo.com](mailto:huregistrar@yahoo.com)

F No: 4 (2)-HU/Reg/2010/2062

November 11, 2010

**OFFICE ORDER**

In partial supersession of the Office Order No. 4 (75)-HU/Reg/2009/1561 dated 5-8-2009 and consequent upon the recommendations of the Selection Board of the Hazara University held on July 21 to 23, 2010 and subsequent approval by the Syndicate in its meeting held on Oct. 21, 2010, the Competent Authority is pleased to appoint Dr. Hakim Khan as Assistant Professor of Agriculture (BPS-19) w.e.f the date of his joining i.e. September 1<sup>st</sup>, 2009 on the following terms and Conditions.

**TERMS AND CONDITIONS:**

1. He will be on Probation for a period of one year.
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. His services can be terminated at any time during the probation period, in case his performance is found unsatisfactory.
4. He will have to serve 2-months notice during the probation period and 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit two/three months salary in lieu thereof.
5. He will have to sign an undertaking to work to the best of his abilities, honesty and commitment at Hazara University.
6. He will have to provide Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Mansehra / Hazara University Hospital.
7. Medical facility will be provided to his family dependents as permissible under rules of Hazara University at DHQ Mansehra and Govt Medical Dispensary, Mansehra.
8. If the offer is acceptable to him on the terms and conditions mentioned above, he is required to report for duty to the undersigned within 15 days of his joining. If this letter

*[Signature]*  
Registrar

**Copy to:**

- CC to Vice Chancellor
- CC to Registrar
- Coordinator, Haripur Campus
- Chairman Concerned Department
- Treasurer
- F.A.D (Audit)
- Pay Section
- Personal File
- Relevant File



HAZARA UNIVERSITY MANSEHRA, PAKISTAN  
Phone No: 0997-414163 Fax No: 0997-530046  
Email: huregistrar@yahoo.com

No. 4(75) HU/Reg/2010/2083

November 11, 2010

**OFFICE ORDER**

Consequent upon the recommendation of the Selection Board held on July 21 to 23, 2010 by item No.29 and subsequent approval of the Syndicate item 24 held on October 21, 2010, the Competent Authority is pleased to modify the appointment order in respect of Dr. Hakeem Khan S/o Malik Zardad Khan issued Vide No. 4(2)-HU/Reg/2010/2083 dated November 11, 2010 to the extent as follow:-

- His appointment shall stand approved as Assistant Professor in BPS-19 (19680-970-39080) w.e.f. 01-09-2009 from the date he joined Hazara University and performed duty as such
- His term and condition of service effective from 01/09/2009 shall as under:-

**TERMS AND CONDITIONS**

1. He remained on probation for a period of one year w.e.f. 01-09-2009
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. He will have to serve 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit three months salary in lieu thereof.
4. He had signed an undertaking to work to best of his abilities, honesty and commitment at Hazara University.
5. He had provided Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Mansehra/Hazara University Hospital.
6. Medical facility will be provided to his family/dependents as admissible under rules of Hazara University at DHQ Mansehra and Ayub Medical Complex, Abbottabad.
7. Other terms and condition (if any) except related service statutes 2006 of the TTS and those prescribed by HEC for TTS, would remain the same.

  
REGISTRAR

Copy to:

1. PS to Vice Chancellor
2. PA to Registrar
3. Coordinator Haripur Campus
4. Dean Faculty of Sciences
5. Treasurer
6. Deputy Director Audit
7. Personal File
8. Person Concerned
9. Relevant Files

To

The Secretary to Govt. of Khyber Pakhtunkhwa  
Agril; Livestock & Coop; Deptt;  
Peshawar

Through Proper channel

Subject Resignation from Service to join Hazara University

Sir,

It is stated that I applied for the post of Assistant Professor in Hazara University through proper channel and departmental permission was granted vide Govt. of NWFP Agril; Livestock & Coop; Deptt; No. SOE(AD)7-55/06-07 dated 03-10-2006(Annex I). I was appointed as Assistant Professor of Agriculture (BPS-19) vide office order No. F.No.4(2)HU/Reg/2010/2082 dated 11.11.2010 (Annex-II).

It is therefore requested that my resignation may be accepted under the CSR-418, Page No. 132 (on the condition that my Services and other benefits will be transferred to the University) and I may be relieved from 31.8.2009 evening. It is further stated that I have got no salary from the department during this period except for October 2010, which will be deposited back in to the Government treasury through challan before relieving from the department. The University authorities will release my salary on production of NOC/relieving from the department.

Thanks

Yours sincerely

*Hakim Khan*  
Dr. Hakim Khan  
Research Officer  
HARS Abbottabad  
Dated 26-11-2010.

*DAR*  
*[Signature]*  
26/11/10

A/O 2092 /DAR Dated 26/11/2010

*A.O please*  
*forwarded to*  
*DGIR for necessary*  
*action please*  
*[Signature]*  
26/11/10

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 9/2/2010

NOTIFICATION

NO. SOE (AD) 7-55/2006.-

The Competent authority is pleased to accept the resignation-tendered by Dr. Hakim Khan, Research Officer(BS-17) Hazara Agricultural Research Station, Abbottabad from service with effect from 31/07/2010 subject to refund of one month salary in lieu of advance notice, as required under the terms & conditions of his appointment / service.

The period of his un-authorized absence with effect from 31-8-2009 to 31-7-2010 is hereby treated as extra-ordinary leave without pay.

SECRETARY AGRICULTURE.

Encls: of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Hazara Agricultural Research Station, Abbottabad.
3. The District Accounts Officer, Abbottabad.
4. Officer concerned.
5. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

*(Signature)*  
(SAKHI-DUR-REHMAN)  
SECTION OFFICER-ESTT:

P# 55

Annex - 3

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI. LIVESTOCK AND COOP. DEPARTMENT

Dated Peshawar, the 10/8/2010

**NOTIFICATION:**  
NO: SO/ADY-95/2006. The competent authority is pleased to order the posting/transfer of the following officers with immediate effect in the interest of public service:-

No.	Name of Officer	Presently holding post	Posting to	Remarks
1	Mr. Malik Khuda	Assistant Secretary	Assistant Secretary	Post vacant
2	Mr. Malik Khuda	Assistant Secretary	Assistant Secretary	Post vacant

SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRI. LIVESTOCK AND COOP. DEPT.

Ends. Even No. & Date.

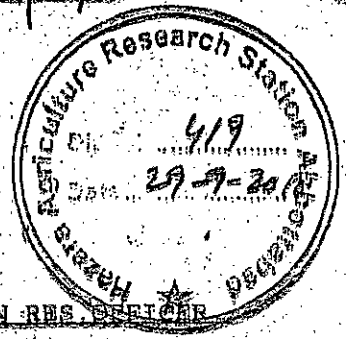
Copy forwarded for information and necessary action to:-  
 The Director General, Agriculture, Peshawar.  
 The Director, Hazara Agri. Station, Abbottabad.  
 The Director, Agri. Station, (Bara) Manshera.  
 The District Agriculture Officer, (Ghotabad) and Manshera.  
 The Officer concerned, Peshawar.  
 PS to Minister, Agriculture, Peshawar.  
 PS to Secretary, Agriculture, Peshawar.  
 Personal file.

(SASHI QURESHI)  
SECTION OFFICER (ST)

*Mr. Khan*  
*Mr. Khan*  
*Mr. Khan*  
*Mr. Khan*  
*Mr. Khan*

*Mr. Khan*  
*Mr. Khan*  
*Mr. Khan*

No: 13391-92 /Estt/DGAR; Dated Pesh. the 23/09 /2010.  
To



The Section Officer (Estt)  
Government of KPK  
Agric. Livestock and Coop. Deptt.  
Peshawar.

Subject: POSTING/TRANSFER ORDER OF DR. HAKIM KHAN RES. OFFICER  
Memo:

Please refer to your order No. SOE(AD)7-55/2006 dated 16.7.2010 and Notification of even No. dated 10.8.2010 on the subject noted above.

The District Accounts Officer, Abbottabad has raised some objections on the posting order of Dr. Hakim Khan Res. Officer. In this regard it is stated that he was to be posted on the vacant post at Hazara Agric. Res. Station, Abbottabad since 10.4.2009. It is to inform you that the said post was actually vacant for the said period.

It is requested that his posting notification may please be amended to the effect that the post was actually vacant for the period and he has to be paid his arrears since 10.4.2009.

*Chatt ullet u*

Director General  
Agricultural Research  
KPK, Peshawar

cc: The Director, Hazara Agric. Res. Station, Abbottabad w/r to his letter quoted above for information.

*DMA R.*  
*28/9/10*

*R/K*  
*Atto Please*

*29/9/10*

*R.K.*  
*Personal file*  
*29/9/10*

1[417. Time passed under suspension followed by reinstatement shall count for pension irrespective of whether the Government servant was or was not allowed full pay and allowances for that period.]

2[417-A. If an officer, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of the inquiry, the disciplinary proceedings against him shall abate and such officer shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty.]

Resignation and Dismissals

418. (a) Resignation of the public service, 3[or dismissal] or removal from it for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

(b) Resignation of an appointment to take up another appointment, service in which counts, is not a resignation of the public service.

419. Any authority who, on revision or appeal, reverses an order dismissing 3[or removing] an officer, may declare that the officer's past service counts.

Interruptions

420. An interruption in the service of an officer entails forfeiture of his past service, except in the following cases :-

(a) Authorised leave of absence. =

(b) Unauthorised absence in continuation of authorised leave of absence so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited.

4[(c) Suspension where it is immediately followed by, re-

<sup>1</sup>Article 417 substituted by S.R.O. 227(I)/83, dated 17th Feb., 1983, Gaz. Pak., Extr., Part II, P. No. 325, dt. March 8, 1983.

<sup>2</sup>Article 417-A inserted by S.R.O. 1114(I)/80, dated 10th Nov., 1980, Gaz. Pak., Extr., Part II, P. No. 2215, dt. Nov. 20, 1980.

<sup>3</sup>The words in brackets occurring in Articles 418 and 419 take effect from 1st June, 1935.

<sup>4</sup>Subs. vide Noti. No. F.2(7)-Reg(n)/72, dt. 13-7-1972



**HAZARA UNIVERSITY MANSHIRA, PAKISTAN**

Phone No: 0997-414163 Fax No. 0997-530046

Email: huregistrar@yahoo.com

Office  
September 12, 2011

F. No. 4(2)-HU/Reg/2011/2414

From:

The Registrar  
Hazara University.

To:

Dr. Hakim Khan, Assistant Professor,  
Department of Agriculture, Haripur Campus.


Subject:

**PAY FIXATION ACCORDING TO LPE**

Reference your subject request dated 30-6-2011.

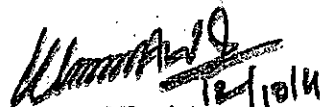
I am directed to inform that as per audit observation your resignation has been accepted w.e.f 31-7-2010 by your parent department treating you on leave without pay from 31-8-2009 to 31-07-2010. Whereas you had joined this University on 1-9-2009. The acceptance of your resignation/relieving by your parent department was required w.e.f 31-8-2009 AN.

Therefore, you are required to get relieving from your Parent department accordingly and to deposit the due amount in lieu of prior notice as per demand of your parent department, so your case could be finalized.

  
Additional Registrar  
Establishment / Administration  
12/10/11

Copy to:

1. PS to Vice Chancellor
2. PA to Registrar
3. Coordinator Haripur Campus
4. Treasurer
5. RDN Audit
6. Personal File
7. Relevant Files

  
Additional Registrar  
Establishment / Administration  
12/10/11



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 2/6/2011.

NOTIFICATION

NO. SOE (AD)1-79/87.

The Competent authority is pleased to accept the resignation tendered by Dr. Ayub Khan, Research Officer (BS-17) Agricultural Research Institute, Tarnab, Peshawar with effect from 31-8-2009 (A.N).

SECRETARY AGRICULTURE.

Enclt. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Agricultural Research Institute, Tarnab, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Officer concerned.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

SECTION OFFICER

No. 10077-79/Estt/ADGAR.

Dated 02/06/2011

Copy of the above is forwarded to:-

1. The Director General, Agric. Research Institute, Tarnab
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Officers Concerned

for information and necessary action

(MUSTAFA KAMAL)  
Administrative Officer (Estt)  
Directorate General,  
Agril. Research,  
Khyber Pakhtunkhwa,  
Peshawar

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

SERVICE APPEAL NO. 557/2013

Date of institution ... 19.09.2013  
Date of judgment ... 20.04.2016



DR. HAKIM KHAN  
S/o Malik Zardad Khan,  
Ex-Research Officer Hazara Agriculture Research Station Abbottabad Agriculture  
Dept: Khyber Pakhtunkhwa Recently Asstt: Professor Agriculture Deptt:  
Hazara/University Haripur.  
B/o Malik Zardad Colony, Battagram. (Appellant)

VERSUS

1. The Secretary to Govt of Khyber Pakhtunkhwa Agriculture, Livestock &  
Cooperative Deptt: Peshawar.  
2. The Chief Secretary Khyber Pakhtunkhwa Peshawar.  
3. The Hon'ble Chief Minister Khyber Pakhtunkhwa Peshawar.  
4. The Secretary Establishment Khyber Pakhtunkhwa Peshawar.  
5. The Director General Agriculture Deptt: Peshawar. (Respondents)

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF THE RESPONDENTS NO.1 TO 3 VIDE ORDER NO. SOE (AD) 7-55/2006 DATED 09.02.2010 OF THE RESPONDENT NO.1, NO. SOE (AD) 7-5506-07 DATED 27.12.2011 OF THE RESPONDENT NO.2 AND ALSO NO. SOE (A.D) 7:55/06/07 DATED 21.02.2013 OF RESPONDENT NO.3 WHO DID NOT CONSIDER THE RESIGNATION OF APPELLANT WITH EFFECT FROM 31.08.2009 AS REQUESTED BY THE APPELLANT BUT RESPONDENT GAVE EFFECT TO THE RESIGNATION WITH EFFECT FROM 31.07.2010 AND THE INTERVENING PERIOD WAS TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY, WHICH IS ILLEGAL, UNLAWFUL AND AGAINST THE RULES. TREATED DISCRIMINATORY AS THE SAME RELIEF IS EXTENDED TO OTHER AND DEPRIVING THE APPELLANT.

Mr. Ali, Advocate,  
Mr. Ziaulgh, Government Pleader.

For appellant.  
For respondents.

MR. PIR BAKHSH SHAH  
MR. ABDUL LATIF

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

ATTESTED

JUDGMENT

PIR BAKHASH SHAH, MEMBER:

Appellant was a Research Officer (BPS-17) in the Agriculture Department. He was selected as Assistant Professor in Hazara University vide order dated 05.08.2009. This order was further modified vide order dated 11.11.2010 in the following manner "the appointment shall stand approved as Assistant Professor in BPS-19 w.e.f 01.09.2009 from the date he joined Hazara University and professional duty as such" According to record his resignation from Agriculture Department was accepted w.e.f. 31.07.2010 vide notification dated 09.02.2010 and his unauthorized absence w.e.f 31.08.2009 to 31.07.2010 was treated as his Extra Ordinary Leave without pay. It evident that the appellant stands retired from Agriculture Department w.e.f 31.07.2010. In this appeal under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, he has made the following prayer .  
"Therefore, it is requested that the respondents may please be directed to consider/give effect to the resignation of the appellant w.e.f. 31.08.2009 and impugned order dated 31.07.2010 and its refusal by the respondents may please be set aside"

2. Arguments heard and record perused.

After hearing arguments of both the parties for sufficient long time and perusal of the record, the only ground which appellant could make for a favourable approach of this Tribunal was his alleged ground of discrimination. In this regard a plea was taken that in a similar case, resignation of one Dr. Ayub had been ante-dated by the department which concession, was unjustifiably declined to the appellant. In the circumstances when complete details of the said case are not before us, the department can better judge whether ante-dation of resignation in case of Dr. Ayub was legal, justified and in the domain of the rules regulation and if so whether case of the appellant is identical on all fours with that case. This being so, the Tribunal is inclined to remit the case to the respondent-department with the direction to once

again examine the case of the appellant keeping in view the above observations and to decide the same afresh, preferably within a period of two months on its merits, according to law. Appeal is disposed of accordingly. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
20.04.2016

*[Signature]*  
(PIR BAKHSH SHAH)  
MEMBER

*[Signature]*  
(ABDUL LATIF)  
MEMBER

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Receipt of Application 12-05-2016  
Number of Words 1200  
Copying Fee 8  
Urgent 2  
Total 10  
Name of Copyist [Signature]  
Date of Receipt 12-05-2016  
Date of Disposal of 12-05-2016



HAZARA UNIVERSITY MANSHERA, PAKISTAN  
Phone No: 0997-414163 Fax No. 0997-530046  
Email: huregistrar@yahoo.com

X-II

No. 4(75) HU/Reg/2011/39

January 06 2011

OFFICE ORDER

Consequent upon the recommendation of the Selection Board held on July 21 to 23, 2010 by item No.29 and subsequent approval of the Syndicate Item 24 held on October 21, 2010, the Competent Authority is pleased to modify the appointment order in respect of Dr. Ayub Khan S/o Gul Muhammad issued Vide No. 4(2)-HU/Reg/2010/2082 dated November 11, 2010 to the extent as follows:-

- His appointment shall stand approved as Assistant Professor in BPS-19 (19680-970-39080) w.e.f 01-09-2009 from the date he joined Hazara University and performed duty as such
- His terms and conditions of service effective from 01/09/2009 shall as under:-

TERMS AND CONDITIONS

1. He remained on probation for a period of one year w.e.f. 01-09-2009
2. He will be governed by the service rules/regulations of Hazara University as amended from time to time.
3. He will have to serve 3-months notice after confirmation if he wants to resign from the services of Hazara University or he will have to deposit three months salary in lieu thereof.
4. He had signed an undertaking to work to best of his abilities, honesty and commitment at Hazara University.
5. He had provided Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Manshra/Hazara University Hospital.
6. Medical facility will be provided to his family/dependents as admissible under rules of Hazara University at DHQ Manshra and Ayub Medical Complex, Abbotabad.
7. Other terms and condition (if any) except related service statutes 2006 of the TTS and those prescribed by HEC for TTS, would remain the same.

*[Signature]*  
REGISTRAR

Copy to:

1. BS to Vice Chancellor
2. BA to Registrar
3. Coordinator Haripur Campus
4. Dean Faculty of Sciences
5. Treasurer
6. Deputy Director Audit
7. Personal File
8. Person Concerned
9. Relevant Files

Amma - XII

Ayub - I

GOVERNMENT OF N.W.F.P.  
AGRICULTURE, LIVESTOCK AND CO-OPERATION  
DEPARTMENT, PESHAWAR

GOVERNMENT OF NWFP  
AGRI: LIVESTOCK & COOP: DEPT:

NO. SOE(AD)1-79/87  
Dated Peshawar, the 27/3/2010.

To

Dr. Ayub Khan s/o Gul Muhammad,  
Assistant Botanist Economics, ARI, Tarnab, Peshi  
Village, Qaidara P/Office Dargal Phattak,  
Malakand Agency.

SUBJECT: WILFUL ABSENCE FROM OFFICIAL DUTY.

It has been reported that you are wilfully absent from your  
duties with effect from 01-09-2009.

2. You are hereby directed to assume your duties immediately  
and explain the reasons of your wilful absence from duty within 14-days  
of the receipt of this letter otherwise ex-parte action as permissible under  
the rules shall be initiated against you.



(ATTAULLAH KHAN)  
SECRETARY AGRICULTURE.

CC:-

The Director General, Agricultural Research, NWFP, Peshawar for  
information and further necessary action.

SECTION OFFICER, ESTT:

Dr. Ayub - III

(Directorate General Agri. Res. System)  
Khyber Pakhtunkhwa Peshawar

No. 12957-59 /Estt/DGAR  
Dated, 01/09 /2010

NOTIFICATION

In pursuance of the Section Officer (Estt), Govt. of Khyber Pakhtunkhwa Agril. Livestock and Coop. Department, Peshawar Notification No. SOE(AD) 7-55//2006 dated 10.8.2010 on transfer of Dr. Hakim Khan, Research Officer has assumed the charge of the post of Res. Officer, Hazara Agric. Res. Station, Abbottabad on 10.8.2010 (F.N).

Sd/-

Director General  
Agricultural Research  
Khyber Pakhtunkhwa Peshawar

No. 12957-59 /Estt/DGAR:

Copy to:

1. The Director, Hazara Agric. Res. Station, Abbottabad w/r to his memo No. 1514-15/DAR-HARS dated 20.8.2010.
2. The District Comptroller of Accounts, Abbottabad.
3. Officer concerned;

for information and action.

*Cheek ulled in*

Director General  
Agricultural Research  
Khyber Pakhtunkhwa Peshawar

2/11/08  
31/10

R



Directorate General  
Agril. Res. Institute, Tarnab, Peshawar.  
☎ 2064030 ☎ 2964097, Saritarnab@hotmail.com

No. 2871-72 /Est/DGA;  
Dated Tarnab the 21-6 2010.

To

The Director General,  
Agricultural Research,  
Khyber Pakhtunkhwa, Peshawar

Subject:  
Memo:-

CHARGE ASSUMPTION REPORT.

Enclosed please find herewith four copies of charge assumption report along with reply of Show Cause Notices, as served upon him in the daily leading News Paper Anj, dated 04.06.2010, by the Secretary, Govt. of Khyber Pakhtunkhwa, Agril. Livestock and Coop. Department, Peshawar, addressed to the competent authority with a copy to the undersigned, in respect of Dr. Ayub Khan, Assistant Economic Botanist, office of this Institute, which is self explanatory, for favour of further necessary action. The officer concerned has assumed the charge of his post on 17.06.2010 (F.N).

Encl: As above.

*C. A. Khan*  
Director General  
Agricultural Research Institute,  
Tarnab, Peshawar.

C.C:-

The officer concerned for information with reference to his reply dated 17.06.2010.

Dr. Ayub-VI



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI: LIVESTOCK & COOP: DEPARTMENT.

CHARGE SHEET.

I. Javed Iqbal, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, do hereby charge you, Dr. Ayub Khan, Research Officer (GS-17), Agricultural Research Institute, Tarnab, Peshawar, as follows:-

- i. That your application for the post of Assistant Professor was forwarded to the Hazara University authorities with the clear directions that, in case of your selection against the post applied for you will have to resign from government service vide this department letter No. SOE(AD)1-70/87 dated 30/3/2009. On your appointment you requested for the grant of three years extra-ordinary leave (without pay) which was considered and rejected on the grounds that you should have to resign from the government service as per provision of the rules, but even then you joined the University service as evident from the Registrar, Hazara University letter No.4(2)H/U/ Reg/ 2010/1075 dated 9/6/2010 without submitting resignation and thus violated the rules.
  - ii. That you were served with a notice on your home address vide this department letter dated 27/3/2010, to join your duties within 14 days, but you failed to comply with the orders.
  - iii. That your absence was published in two leading newspapers dated 4/6/2010. However, you presented yourself for duty on 17/6/2010, and remained without absent from duties with effect 1-9-2009 to 16-6-2010 which is a grave act of misconduct.
2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the Khyber Pakhtunkhwa Removal from Services (Special Powers) Ordinance, 2000, and have rendered yourself liable to all or any of the penalties specified in Section-3 of the ordinance said.
3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer/Committee, as the case may be.
4. Your written defense, if any, should reach the Inquiry Officer/Committee within the specified period, failing which it shall be presumed that you have nothing to offer in your defense and in that case, exparte action shall follow against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

(JAVED IQBAL)  
CHIEF SECRETARY, KHYBER  
PAKHTUNKHWA  
(COMPETENT AUTHORITY)

Dr. Ayub Khan

Bill No. 6238  
Date 04/08/10

APR 10  
X-VE  
ab+c

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI: LIVESTOCK & COOP: DEPT: MEN.

STATEMENT OF ALLEGATIONS.

1. Javed Iqbal, Chief Secretary, NWFP, as Competent Authority, am of the opinion that Dr. Ayub Khan, Research Officer (BS-17) Agricultural Research Institute, Feroz, Peshawar has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3 of the NWFP Removal from Service (Special Powers) Ordinance, 2000:-

- i. That his application for the post of Assistant Professor was forwarded to the Hazara University authorities with the clear directions that in case of his selection against the post applied for he will have to resign from government service vide this department letter No. SOB(AD)1-70/87 dated 30/3/2009. On his appointment he requested for the grant of three years extra-ordinary leave (without pay) which was considered and rejected on the grounds that he should have to resign from the government service as per provision of rules, but even then he joined the University service as evident from the Registrar, Hazara University letter No.4(3)HU/ Reg/ 2010/1075 dated 9/8/2010 without submitting resignation and thus violated the rules.
- ii. That he was served with a notice on his home address vide this department letter dated 27/3/2010, to join his duties within 14 days, but he failed to comply with the orders.
- iii. That his absence was published in two leading newspapers dated 4/6/2010, however, he presented himself for duty on 17/6/2010, and remained wilfully absent from duties with effect 1-9-2009 to 19-6-2010 which is a grave act of misconduct.

2. For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Inquiry Officer / Committee consisting of the following is constituted under section-5 of the Ordinance referred to above:-

- i. Dr. Abdul Samad (BS-18) Senior Research Officer, ARI Feroz
- ii. Syed Rashid Ahmad (BS-19) Senior Research Officer, ARI Feroz

3. The Inquiry Officer shall, in accordance with the provision of the Ordinance, provide reasonable opportunity of hearing to the accused, record his findings and make within twenty five days of the receipt of this order, recommendations as to punish or absolve 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/Committee.

*Javed Iqbal*  
JAVED IQBAL  
CHIEF SECRETARY, KHYBER  
PAKHTUNKHWA  
(COMPETENT AUTHORITY)

Dr. Ayub - 11

Attachment B

*(Handwritten mark)*

No. 12405-06 / 6061 / 00AR, Dated Peshawar, the 06 / 08 / 2010.

The Director General,  
Agricultural Research Instt.,  
Peshawar (Peshawar)

Subject: CHARGE SHEET AND STATEMENT OF ALLEGATION.

Enclosed please find herewith a copy of letter No. 905 (AP) 4-78207, dated 27.7.2010 received from the Section Officer (Govt) Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Deptt. Peshawar, alongwith charge sheet and statement of allegation in respect of Dr. Ayub Khan, Research Officer (US-17) which is self explanatory for favour of further necessary action.

Encl: As above.

*(Handwritten signature)*

Director General,  
Agricultural Research  
Khyber Pakhtunkhwa Peshawar

The Section Officer (Govt) Govt. of Khyber Pakhtunkhwa Agric. Livestock and Coop Deptt. Peshawar w/r to his letter No. as quoted above for information.

*(Handwritten initials and date)*  
9/8/10

*(Handwritten note)*  
detail info sent

No. 3555 / 2010

copy to Dr. Ayub Khan, Assst. B.P. Examinr  
for report and maintenance of a/c

*(Handwritten signature)*

Dr. Ayub Khan



HAZARA UNIVERSITY MANSHERA, PAKISTAN  
Phone No: 0997-414163 Fax No: 0997-530046  
Email: hurogistrar@yahoo.com

XVII

No. 4(75) HU/Reg/2011/39

January 06, 2011

OFFICE ORDER

Consequent upon the recommendation of the Selection Board held on July 21 to 23, 2010 by item No.29 and subsequent approval of the Syndicate item 24 held on October 21, 2010, the Competent Authority is pleased to modify the appointment order in respect of Dr. Ayub Khan S/o Gul Muhammad issued Vide No. 4(2)-HU/Reg/2010/2082 dated November 11, 2010 to the extent as follows:-

- His appointment shall stand approved as Assistant Professor in BPS-19 (19680-970-39080) w.e.f 01-09-2009 from the date he joined Hazara University and performed duty as such
- His terms and conditions of service effective from 01/09/2009 shall as under:-

TERMS AND CONDITIONS

1. He remained on probation for a period of one year w.e.f. 01-09-2009
2. He will be governed by the service rules/regulations of Hazara University as amended, from time to time.
3. He will have to serve 3-months notice after configuration if he wants to resign from the services of Hazara University or he will have to deposit three months salary in lieu thereof.
4. He had signed an undertaking to work to best of his abilities, honesty and commitment at Hazara University.
5. He had provided Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital, Manshera/Hazara University Hospital.
6. Medical facility will be provided to his family/dependents as admissible under rules of Hazara University at DHQ Manshera and Ayub Medical Complex, Abbottabad.
7. Other terms and condition (if any) except related service statutes 2006 of the TTS and those prescribed by HEC for TTS, would remain the same.

*Amal*  
REGISTRAR

Copy to:

1. PS to Vice Chancellor
2. BA to Registrar
3. Coordinator, Haripur Campus
4. Dean Faculty of Sciences
5. Treasurer
6. Deputy Director Audit
7. Personal File
8. Person Concerned
9. Relevant files

Dr. Ayub - VST

D/No. 3870/Sec. Agr.  
Date: 12/04/2010

To: The Secretary Agriculture,  
Govt. of NWFP,  
Agriculture, Livestock and Cooperation Department  
Peshawar.

Subject: WILLFULL ABSENCE FROM OFFICIAL DUTY

Respected Sir,

Please refer to your letter No. SOE (AD) 1-79-87 dated 27.03.2010.

It is humbly requested that the under signed has more than 22 years service on his credit in Agriculture Research System, NWFP.

Under the standing policy, I applied for the post of Assistant Professor through proper channel. Necessity order/correspondence in this respect is added as per following order.

1. My application for the post of Assistant Professor on Tenure Track System (TTS) in Agriculture Science Department at Hazara University (P-1).
2. In response to the above letter I have been selected as Assistant Professor on TTS basis vide Appointment letter (P-2).
3. I requested/applied for retiving/leave without pay for three years vide Director General Research, Govt. of NWFP Agriculture Research letter (P-3).
4. My leave was regretted letter (P-4).
5. I clarified the position through the Director General Research, Govt. of NWFP Agriculture Research letter (P-5).
6. The Section Officer Establishment again regretted letter (P-6).
7. Then I appealed for reconsideration of my leave without pay application (P-7).
8. The authority very kindly approached the Higher Education Department and Establishment & Admn. Department, Govt. of NWFP for expert opinion (P-8 & 9).
9. The Higher Education and Rehabilitation & Admn. Department responded at (P-10 & 11).
10. Sufficient leaves are available in my leave account (P-12).

With the due support of my Parent Department my case is almost at the advance stage of maturity for selection as Assistant Professor in Hazara University and therefore, I was expecting either extra ordinary leave or deputation order from the Department but unfortunately, I have been asked vide letter mentioned above to assume my duty and explain the reasons of willful absence within fourteen days.

In view of the position explained above, it is once again humbly requested to consider my request for extra ordinary leave against 1095 days (P-12) on my credit or deputation on merit.

I will be oblige for this act of kindness please.

  
Dr. Ayub Khan  
Asstt. Economic Botanist,  
ARI Ferozshah, Peshawar.

Copy to:-

The Director General Research, NWFP, Peshawar for information in response to letter No. SOE (AD) 1-79-87 dated 27.03.2010 please.

  
Dr. Ayub Khan

Dr. Ayub - V

XIX

XIX

The Secretary to  
Government of Khyber Pakhtunkhwa,  
Agriculture, Livestock & Coop. Department.

THROUGH:- PROPER CHANNEL.

SUBJECT:- ACCEPTANCE OF RESIGNATION WITH EFFECT FROM  
RELIEVING FROM SERVICE.

Dear Sir,

With great veneration it is stated that I, Dr. Ayub Khan, Assistant  
Economic Botanist, Agricultural Research Institute, Tarnab, Peshawar, applied  
through Proper Channel for the post of Assistant Professor in Agriculture, Hazara  
University, Mansehra.

I have been selected for the subject post at Hazara University vide  
letter No.F.No.4(2)HU/Reg/2010/2083 dated 11/11/2010 (copy attached).

It is, therefore, requested that my resignation from 1-9-2009 may  
kindly be accepted so that I may be able to join the new assignment.

Your kind cooperation is acknowledge in advance.

Thanks and regards



Dr. Ayub Khan  
Asst. Economic Botanist,  
Agril. Res. Institute, Tarnab,  
Peshawar.

Dr. Ayub - 