

15.07.2020

Appellant in person present.

Mr. Muhammad Jan learned Deputy District Attorney for official respondents present.

Vide detailed judgment of today of this Tribunal in connected appeal #.3727/2020 titled Dr. Barkat Ali Khan Vs. Chief Minister and others, appeal filed by the present petitioner was allowed and notification in respect of his posting/transfer was set aside. In view of the said judgment, the petitioner requested for withdrawal of instant Contempt of Court proceedings:

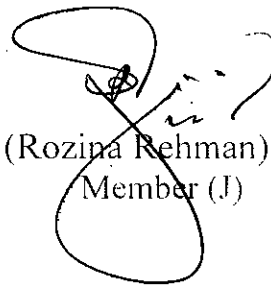
In view of the request of petitioner, contempt proceedings stand dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED.

15.07.2020



(Mian Muhammad)
Member (E)




(Rozina Rehman)
Member (J)

15.06.2020

Appellant alongwith his counsel present. Official respondents and private respondents also present. They are directed to submit reply of the contempt of court proceeding. Adjourned. To come up for reply on 25.06.2020 before D.B.


(Rozina Rehman)
Member


(M. Amin Khan Kundi)
Member

22.06.2020

Learned counsel for the appellant and Mr. Riaz Paindakhel, learned Asst. AG alongwith Mr. Touheed Iqbal, Assistant Director for the official respondents No.1 to 4 and counsel for private respondent No.5 present.

The respondents had submitted reply of C.O.C application which is placed on record. The official respondents have provided copy of summary as ordered on the last date of hearing the same is also made part of the record.

Adjourned to 29.06.2020 for arguments before D.B. The restraint order issued on 05.05.2020 shall remain operative till the next date.

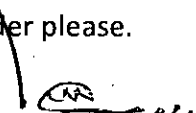

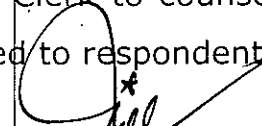

Member


Chairman

FORM OF ORDER SHEET

Court of _____

C.O.C Application No. 89 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29 05/2020	<p>The C.O.C application of Dr. Barkat Ali Khan submitted today by Mr. Inayatullah Khan Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-		<p>This C.O.C application be put up before Bench on <u>09/06/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
09.06.2020		<p>Clerk to counsel for the appellant present. Notices be issued to respondents for 15.06.2020 before D.B.</p> <p style="display: flex; justify-content: space-between;">  (Mian Muhammad) Member  (M. Amin Khan Kundi) Member </p>

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

89
~~3227~~
COC .No. /2020

Dr. Barkat Ali Khan Appellant

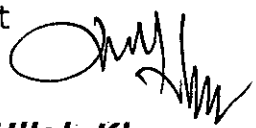
Versus

Chief Minister through Chief Secretary Khyber Pakhtunkhwa
Peshawar others..... Respondents

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1.	Ground of COC alongwith affidavit		1-3
2.	Application for summoning of summary		4-5
	Order dated 05.05.2020	A	6-7
3.	Application for compliance	B	8

Appellant
through


Inayat Ullah Khan
Advocate High Court
LL.M (U.K)
Cell: 0333-9227736

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

COC No. 89 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 346

Dated 20-5-2020

Dr. Barkat Ali Khan son of Akbar Ali Khan
R/o Agriculture Research Institute Tarnab, Peshawar
(Director (BS-19) Agriculture, Research (Merged Area) ARI,
Tarnab, Peshawar Appellant.

Versus

- 1) Chief Minister through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2) Dr. Kazim Niaz, Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
- 3) Israr Secretary, Agriculture Livestock & Co-operative Department, Government of Khyber Pakhtunkhwa Peshawar.
- 4) Abdur Rauf, Director General, Agriculture Research, Government of Khyber Pakhtunkhwa Peshawar.
- 5) Fazli Wahab, Director Agriculture Research (Merged Areas), ARI Tarnab, Peshawar.

..... Respondents

Application to initiate Contempt of Court proceedings against the respondents for non compliance/ implementing the order dated 05.10.2020, whereby operation of the impugned pre-mature transfer order dated 24.01.2020 was suspended but so far the applicant/ appellant has not been restored on his post as Director Agriculture Research (Merged Areas), ARI, Tarnab, Peshawar.

Respectfully Sheweth;

Brief facts giving rise to the this application are as under:-

- 1) That the appellant filed service appeal against the impugned pre-mature transfer order dated 24.01.2020 before this Hon'ble Tribunal which was taken up for hearing on 05.05.2020 where this Hon'ble Tribunal suspended the impugned order dated 24.01.2020.

It is pertinent to reproduce in verbatim the relevant part of the order for ready reference of this Hon'ble Tribunal.

"Till next date fixed, the operation of the impugned transfer/ posting order shall remain suspended....."

(Copy of order dated 05.05.2020 is attached as Annexure-A).

- 2) That the applicant/ appellant in compliance to the order dated 05.05.2020 wrote a memo/ latter dated 08.05.2020 to the respondents to comply with the Tribunal order but so far no compliance of the order has been made.

(Copy of letter dated 08.05.2020 addressed to Director General Agriculture Research Khyber Pakhtunkhwa Peshawar is attached as Annexure B).

- 3) That through the instant application the appellant/ Applicant seeking implementation of the Order dated 05.05.2020 in its later and spirit by initiating contempt of court proceedings against the respondents for willfully disobeying the order referred above.

Keep in view what has been stated above, it is therefore, earnestly prayed from this Hon'ble Tribunal to direct the respondents to immediately implement the order dated 05.05.2020.

with further prayer to initiate Contempt of Court proceedings against the respondents as they failed so far to comply with the order as referred above the posting of applicant/ appellant as Director Agriculture Research (Merged Areas), ARI Tarnab, Peshawar.

Date: 18.05.2020

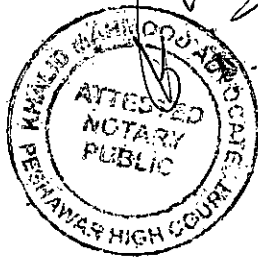

Appellant

Through 

Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

AFFIDAVIT

I, **Dr. Barkat Ali Khan (Ph.D)** son of Akbar Ali Khan R/o Agriculture Research Institute Tarnab, Peshawar (Director (BS-19) Agriculture, Research (Merged Area) ARI, Tarnab, Peshawar do hereby affirm and declare on oath that the contents of the **COC Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




Deponent

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

C.M No. _____/2020

IN

S.A.No. 3727/2020

Dr. Barkat Ali Khan Appellant

Versus

Chief Minister through Chief Secretary Khyber Pakhtunkhwa
Peshawar others..... Respondents

**APPLICATION TO SUMMON THE
SUMMARY WHICH WAS PREPARED BY
THE OFFICIAL RESPONDENTS IN CASE
OF THE TRANSFER OF THE APPELLANT
TO THE COMPETENT AUTHORITY.**

Respectfully Sheweth:-

1. That the titled Service Appeal is pending adjudication before this Hon'ble Tribunal which is fixed for 18.05.2020.
2. That through instant application this Hon'ble Tribunal is requested to direct the official respondents to submit the summary before this Hon'ble Tribunal, which was prepared by Secretary Agriculture Khyber Pakhtunkhwa Peshawar in case of the appellant's transfer to the competent authority.

It is therefore humbly prayed that on acceptance of this application the official respondents may kindly be directed to place on tribunal's file the official summary which was moved by Secretary Agriculture to the competent Authority i.e. Chief Minister Khyber Pakhtunkhwa Peshawar in appellant's transfer case from the post of Director Agriculture Research (Merged Areas) ARI Tarnab Peshawar

to the post of Principle Research Officer ARI Tarnab
Peshawar.

Date: 18.05.2020

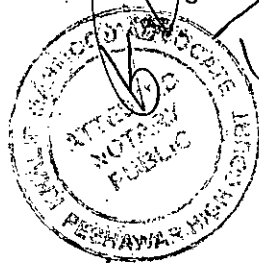
Appellant

Through

Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

AFFIDAVIT

I, **Dr. Barkat Ali Khan (Ph.D)** son of Akbar Ali Khan R/o Agriculture Research Institute Tarnab, Peshawar (Director (BS-19) Agriculture, Research (Merged Area) ARI, Tarnab, Peshawar do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

05.05.2020

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal being aggrieved against his transfer from the post of Director Agriculture Research, (Merged Area), ARI, Tarnab Peshawar to the post of Principal Research Officer (Food Technology) Agri Institute Tarnab, Peshawar and posting of Mr. Fazli Wahab (Private respondent No.5) as Director Agriculture Research (Merged Area), ARI, Tarnab Peshawar, vide order dated 24.01.2020.

Both the posts of Director Agriculture Research (Merged Area) and Principal Research Officer (Food Technology) mentioned above are located at one and the same station. Learned counsel for the appellant however contended that the impugned transfer/posting order is premature, politically motivated and was issued just to accommodate the blue eyed person to the post of Director Agriculture Research (Merged Area), ARI, Tarnab Peshawar.

In view of the submissions made by the learned counsel for the appellant, the present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments.

Application for interim relief is also annexed with the memo of service appeal. Notice of the same be also issued to the respondents for the date fixed.

Till the next date fixed, the operation of the impugned transfer/posting order shall remain suspended, subject to the condition of handing over of Government Vehicles (particulars described in memo of Explanation No.4912-13/Estt/DGAR dated


05.05.2020
ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appellant Deposited
Security & Process Fee
ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

7

06.04.2020) by the appellant to the higher authority/Director General Agricultural Research Khyber Pakhtunkhwa Peshawar for safe parking/safe custody in accordance with law, in view of its reported misuse, by private persons, as mentioned in the memo of Explanation mentioned above.

To come up for written reply/comments on 18.05.2020 before S.B.


Member

Date of Submission of Application 6-5-20
 Number of Words 3727/20
 Copy Fee fee 10
 U. du
 Total fee 10
 Name of Applicant Yousaf
 Date of Birth of Applicant 6-5-2020
 Date of Delivery of Copy Yousaf

Annexure "B"

(8)

To,

The Director General,
Agril: Research Khyber Pakhtunkhwa, Peshawar.

Subject: COMPLIANCE OF COURT VERDICT.

Memo:-

In order to comply with the court order of honorable service tribunal Khyber Pakhtunkhwa vide service appeal no 3727/2020 the undersigned is handing over the Government vehicle with particulars given below to the Office of Director General Agril Research Khyber Pakhtunkhwa Peshawar dated 08/05/2020 and obtained the receiving.

Your good self is requested to approach higher authority for withdrawal of impugned posting/transfer order No SOE (AD)3(3)/2019/RW dated 24/01/2020 light of above referred verdict.

1. Toyota Revo G Model 2019 4x4
Engine No IGD0619940
Chassis No gun 126 R5535545.
Color Black

Dr. Barkat Ali Khan
Director Agril: Research Merged Areas
ARI, Tarnab Peshawar.

CC:10. [illegible]

Secretary Agril: Livestock & cooperative Khyber Pakhtunkhwa Peshawar for information pl.

RECEIVED

بعدالت

سروس ٹرمینل 19/12/14

2014
SA 3727

2 منجانب

ڈاکٹر ابرار مس بنام حسب منسٹر و ملٹر

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام یسٹ اور کیلئے عین اللہ خان ابو پست مقرر کر کے اثر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق و گریز پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

22/11/14

ڈاکٹر ابرار مس

2014
Accepted

Inayatullah
18/12/14

المرقوم

مقام سٹاٹسٹ
22/11/14
کے لئے منظور ہے۔

original

0 ✓

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

COC NO. 89 IN SERVICE APPEAL NO. 3727-P/2020

Dr. Barkat Ali Khan.....**Appellant**

Versus

GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS
.....**Respondents**

INDEX

S. No.	Documents	Annexure	Page No.
1.	PARA-WISE REPLY OF COC ON BEHALF OF RESPONDENTS 1,2,3,4&5	-	1-3
2.	AFFIDAVIT		4
3.	AUTHORITY LETTER		5
4.	LETTER OF COMPLIANCE OF THE COURT VERDICT	A	6-40
5			

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

COC NO. 89 IN SERVICE APPEAL NO. 3727-P/2020

Dr. Barkat Ali Khan **Appellant**

Versus

1. Chief Minister through Chief Secretary Khyber Pakhtunkhwa
2. Dr. Kazim Niaz: Chief Secretary, Khyber Pakhtunkhwa, Peshawar
3. Muhammad Israr: Secretary, Agriculture, Livestock & Cooperative Department, Peshawar
4. Dr. Abdur Rauf: Director General Agriculture Research, Peshawar
5. Fazli Wahab, Director, Agricultural Research (Merged Areas), ARI, Tarnab, Peshawar

..... **Respondents**

SUBJECT: REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth:-

ON FACTS: -

Para-1 No comments. It pertains to record.

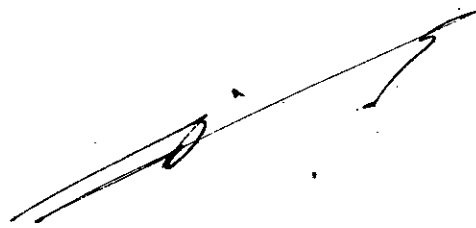
Para-2 The Hon`ble Service Tribunal in its order dated: 05.05.2020 along with suspension of operations of impugned transfer/posting order dated 24.01.2020 has also directed the appellant to hand over the vehicles to the higher authority/Director General Agric. Research for safe parking/safe custody in accordance with law in view of its reported misuse, but he failed to do so. The appellant has handed over only two vehicles to the Director General

Agriculture Research, Peshawar. The 3rd vehicle, Hilux E 4x4 (newly purchased) is still not traceable and neither the department knew about its where. It is also pertinent to mention here that the Vehicle Incharge along with two drivers of the Directorate General Agric. Research examined the two vehicles and reported that many of the items in the vehicles are missing. (Detail report in compliance of court verdict has been submitted to the Competent Authority, Secretary Agriculture vide letter No. 6358-59, dated 17.05.2020 with endorsement to the Registrar Service Tribunal Khyber Pakhtunkhwa is attached as **ANNEXURE A**).


Para-3 As mentioned in above para, the Hon`ble Tribunal issued the suspension orders with the condition to handover all the vehicles, which is still pending from the appellant side. Therefore, with humble submission, the question of initiating contempt of court proceedings against the respondents does not arise.

The Hon`ble Tribunal in its order dated 05.05.2020 has just suspended the operations of impugned transfer order with the condition of handing over of vehicles to the Department. The Hon`ble Tribunal has not directed the respondents/department to appoint the appellant as Director, Agriculture Research (Merged Areas). The conditions of the above-mentioned order dated 05.05.2020 still needs to be fulfilled from the appellant side.

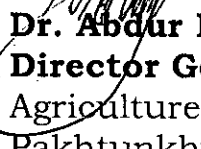
It is therefore, humbly prayed from this Hon'ble Tribunal that on acceptance of the above para-wise reply, the instant COC of the appellant may kindly be dismissed with cost.

Respondent No. 1&2

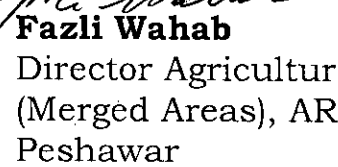
Chief Secretary
Govt. of Khyber Pakhtunkhwa,
Peshawar

Respondent No. 3

Muhammad Israr
Secretary
Agriculture Livestock &
Cooperative Department, Govt.
of Khyber Pakhtunkhwa,
Peshawar

Respondent No. 4

Dr. Abdur Rauf
Director General
Agriculture Research Khyber
Pakhtunkhwa, Peshawar

Respondent No. 5

Fazli Wahab
Director Agriculture Research
(Merged Areas), ARI, Tarnab,
Peshawar

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

COC NO. 89 IN SERVICE APPEAL NO. 3727-P/2020

Dr. Barkat Ali Khan **Appellant**

Versus

1. Chief Minister through Chief Secretary Khyber Pakhtunkhwa
2. Dr. Kazim Niaz: Chief Secretary, Khyber Pakhtunkhwa, Peshawar
3. Muhammad Israr: Secretary, Agriculture, Livestock & Cooperative Department, Peshawar
4. Dr. Abdur Rauf: Director General Agriculture Research, Peshawar
5. Fazli Wahab, Director, Agricultural Research (Merged Areas), ARI, Tarnab, Peshawar

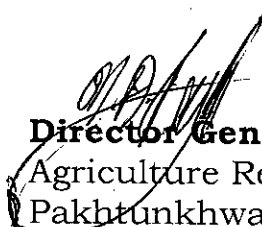
..... **Respondents**

AFFIDAVIT


We the following respondents, do hereby solemnly affirm and declare on the oath that the contents of para-wise reply are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Hon`ble Tribunal.

On Behalf of Respondents

Respondent No. 4


Director General
Agriculture Research Khyber
Pakhtunkhwa, Peshawar

Respondent No. 5


Fazli Wahab
Director Agriculture Research
(Merged Areas), ARI, Tarnab,
Peshawar

5

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

COC NO. 89 IN SERVICE APPEAL NO. 3727-P/2020

Dr. Barkat Ali Khan **Appellant**

Versus

1. Chief Minister through Chief Secretary Khyber Pakhtunkhwa
2. Dr. Kazim Niaz: Chief Secretary, Khyber Pakhtunkhwa, Peshawar
3. Muhammad Israr: Secretary, Agriculture, Livestock & Cooperative Department, Peshawar
4. Dr. Abdur Rauf: Director General Agriculture Research, Peshawar
5. Fazli Wahab, Director, Agricultural Research (Merged Areas), ARI, Tarnab, Peshawar

..... **Respondents**

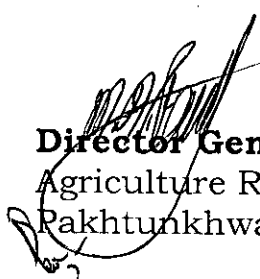
AUTHORITY

Mr. Touheed Iqbal (Asstt: Director, HQ) is hereby authorized to appear on behalf of respondents 1 to 4 before the Hon`ble Tribunal in the instant COC and also pursue the case on each and every date.

He is also authorized to submit all relevant documents in connection with the above COC.

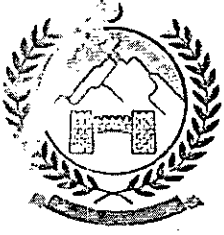
**On Behalf of Respondents
1,2,&3**

Respondent No. 4


Director General
Agriculture Research Khyber
Pakhtunkhwa, Peshawar

Annexure A

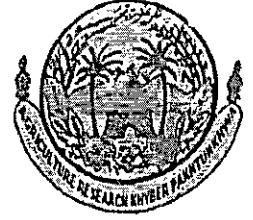
Page 6



DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR

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

E-mail: dgragriresearch@gmail.com



No 6358-59 /Estt/DGAR;
To

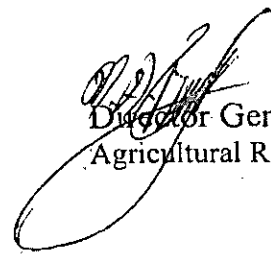
Dated Peshawar the 14/05 /2020

The Hon'ble Secretary
Govt. of Khyber Pakhtunkhwa
Agric. Livestock & Cooperative Deptt:
Peshawar.

Subject:- COMPLIANCE OF THE COURT VERDICT
Memo:-

It is submitted that as per compliance of the court verdict in order of Service Appeal No. 3727/2020 of the Hon'ble Service Tribunal Khyber Pakhtunkhwa, two vehicles as mentioned in the explanation vide this office No. 4912-13/Estt/DGAR; dated 06.04.2020 are received to this office . however, this office has various observation reported by the drivers and Vehicle Incharge of this Directorate, which was communicated to Ex-Director, Agricultural Research (Merged Area), ARI, Tarnab, Peshawar, vide this office No. 6281-85/Estt/DGAR; dated 13.05.2020. The reply of the Ex-Director has been received to his office today dated 14.05.2020. Therefore, a self contained case in respect of the above mentioned subject case is enclosed herewith for favour of further necessary action please.

Encl: As above.


Director General
Agricultural Research

Endst.even No & Date.
Copy of the above is forwarded to:-

The Registrar, Service Tribunal, Khyber Pakhtunkhwa, Peshawar for information.

COMPREHENSIVE REPORT REGARDING COMPLIANCE OF THE COURT

VERDICT

It is submitted that the Government of Khyber Pakhtunkhwa, Agriculture Department issued Notification No. SO(AD)3(3)/2019/RW dated 24.01.2020 wherein transfer and posting of Dr. Barkat Ali Khan (BS-19) and Mr. Fazli Wahab (BS-19) were made in the interest of public service (**Annex-I**). In this regards following submissions are made for consideration.

1. Mr. Fazli Wahab (BS-19), has assumed the charge of the post of the Director Agriculture Research (Merged Areas) Agricultural Research Institute, Tarnab, Peshawar on 28.01.2020, vide this office Notification No. 1092/Estt./DGAR dated 28.01.2020 (**Annex-II**).
2. Dr. Barkat Ali Khan (BS-19) who is under transfer from the post of Director Agriculture Research (Merged Areas), has not obeyed the Government Notification dated 24.01.2020. In this regard a letter was issued for implementation of the notification dated 24.01.2020 and immediately handing over the government vehicles vide this office letter No. 1150-53/Estt/DGAR; dated 30.01.2020 (**Annex-III**).
3. This office approached to Administrative Department Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Peshawar regarding handing over of vehicles and other assets of the Directorate (Merged Area), vide this office letter No. 3771-73/DGAR; dated 06.03.2020 and No. 4735-37/Estt/DGAR; dated 01.06.2020 (**Annex-IV & V**).
4. That an explanation was called from Dr. Barkat Ali Khan, Ex-Director that the Government vehicles i.e, Totota Pick-Up 4x4 newly purchased and Pajeero Jeep reportedly have been in used of some private person and his wilful absence from duty w.e.from 24.01.2020 and with the direction to obey the notified dated 24.01.2020 and immediately hand over the government vehicles and explain wilful absence from duty vide this office letter No.4912-13/Estt/DGAR dated 06.04.2020 (**Annex-VI**).
5. That on 16.04.2020, Administrative Department, Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative, Peshawar also sent a letter to Dr. Barkat Ali Khan, Ex-Director, with the advice to hand over the charge of the post of Director, Agricultural Research (Merged Area), ARI, Tarnab, Peshawar to Fazli Wahab as well as all assets immediately otherwise disciplinary action will be taken (**Annex-VII**).



6. The incumbent Director Agriculture Research (Merged Area), ARI, Tarnab, Peshawar approached this office vide No. 384/DAR(MA); dated 28.04.2020 wherein he mentioning that following three vehicles are reportedly in private use of some un-identified person, allowed by Dr. Barkat Ali Khan, Ex-Director prior to 24.04.2020 and still not traceable (Annex-VIII).

1. Revo G 4x4x newly purchased (Applied for Registration)
2. Hilux E 4x4 newly purchased (Applied for Registrations)
3. Pajcero Jeep LRH-6094

He further mentioned, that there is no record maintained i.e duty order, DRR, logbook etc, nor there is any record that these vehicles at sl. No. 1 & 2) were allotted to somebody for official use). The logbook for Pajcero Jeep LRH-6094 reveals expenditure of Rs. 169,000/- on the vehicle repair (copy of the logbook is attached). He further reported that Dr. Barkat Ali Khan has also retained duplicate keys for the following vehicles. The above letter alongwith a copy of logbook was furnished to the Administrative Department, Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative, Peshawar vide this office letter No. 587-88Estt/DGAR; dated 29.04.2020 (Annex-IX).

1. Hilux E 4x4 Newly purchased (Applied for Registration)
 2. Hilux 2x4 (converted) Newly purchased (Applied for Registration)
 3. Hilux DC A-3159
 4. Hilux SC A-3160
7. In response to the explanation dated 06.04.2020 Dr. Barkat Ali Khan filled a Service Appeal bearing No. 3727/2020 on 27.04.2020, before the Hon'ble Provincial Service Tribunal, Khyber Pakhtunkhwa, Peshawar (Annex-X).
8. The Hon'ble Service Tribunal passed an order that the operation of the impugned transfer/posting order shall remain suspended till 18.05.2020, subject to the condition of handing over the Government Vehicles (particulars described in memo of Explanation No. 4912-13/Estt/DGAR; dated 06.04.2020 by the appellant to the higher authority/Director General Agricultural Research Khyber Pakhtunkhwa Peshawar for safe parking/safe custody in accordance with law, in view of its reported misuse by private persons(Annex-XI).
9. In compliance of the court verdict, Dr. Barkat Ali Khan, Ex-Director, handed over one government vehicle "Toyota Revo G Model 2019, 4x4,

with one remote key while the 2nd remote key was not handed over (Annex-XII).

10. The 2nd vehicle, i.e, Mitsubishi Pajero LRH-6094 was handed over on 11.05.2020 (Annex-XIII). The vehicle Incharge of this Directorate General gets report from the two vehicle drivers of the Directorate about the missing items in the vehicles. Both the drivers submitted report of missing items which was communicated to the undersigned vide his No. 6252-53/Tech/DGAR; dated 12.05.2020 (Annex-XIV).

11. The Vehicle Incharge gets the report of missing/replacd items from the two driver of this Directorate General which was submitted to the undersigned vide his No. 6241-42/Tech/DGAR; dated 11.05.2020 (Annex-XV).

12. This office sent a letter to Dr. Barkat Ali Khan, Ex-Director Agri. Research (Merged Area), ARI, Tarnab, Peshawar vide No. 6281-85/Estt/DGAR; dated 13.05.2020, that some parts are missing/replaced in the vehicles and directed to immediately install all the missing /replaced parts in both the vehicles to proceed further in the matter (Annex-XVI).

Missing/replaced parts detail

TOYOTA REVO G MODEL 2019 4X4 (UN REGISTEREED)

- i. Original Toyota company fitted DVD Screen replaced.
- ii. One original remote key not returned.
- iii. Touching on front bumper and major dent on right back side.

PAJEERO/MITSUBISHI JEEP, LHR-6094

- i. Spare tyre with stannd
- ii. Two side mirrors
- iii. Jack, rod and wheel panna
- iv. Two folding seats
- v. Auto windows buttons
- vi. Carry Can with stand
- vii. Weak Battery
- viii. Windows channel rubbers
- ix. Switch Board set with compass and level
- x. Two four wheel lock missing from both front tyers
- xi. Doors Handle inside

13. Moreover the meter reading of the Revo G 4x4 is showing running of 10,605 KM's which record of the POL and maintenance is needed to be furnished to this office, otherwise, it is clearly proved its use in the private nature.

14. In response to the above letter as mentioned in para-12, Dr. Barkat Ali Khan, Ex-Director Agri. Research (Merged Area), ARI, Tarnab, Peshawar submitted his reply of the letter dated 13.05.2020 and handed over the 2nd key (remote control) of Revo-G model, 2019, 4x4 (Annex-XVII).

In compliance of the court judgment the comprehensive report is submitted for your kind information and further necessary action please.



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the 24th January, 2020

NOTIFICATION

NO. SOE(AD)3(3)2/2019 /RW:-

The Competent Authority is pleased to order the posting/transfers of the following officers of Agriculture Research Wing of this Department with immediate effect in the interest of public service: -

Sr. No.	Name Of Officers	FROM	TO
1.	Dr. Barkat Ali Khan, Director (BS-19)	Director Agricultural Research (Merged Area), ARI, Tarnab, Peshawar.	Principal Research Officer (Food Technology), Agri. Institute, Tarnab Peshawar. Vice No. 02.
2.	Mr. Fazli Wahab. (BS-19)	Principal Research Officer (Food Technology), Agril Res. Instt: Tarnab Peshawar.	Director Agricultural Research (Merged Area), ARI, Tarnab, Peshawar. Vice No. 01

SD/XXX
SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy to the: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Agriculture Research, Khyber Pakhtunkhwa Peshawar.
3. The Senior Director, Agriculture Research Institute, Tarnab, Peshawar.
4. PS to Minister Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
6. PA to Deputy Secretary (Admn.), Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
7. Officers concerned.
8. Master file.

SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT.

Process
1



**DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR**

☎091-9221271

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

E-mail: dgragriresearch@gmail.com



OFFICE ORDER

In pursuance of Section Officer (Estt); Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department, Notification No. SOE(AD)/3(3)2/9019; dated 24.01.2020, Mr. Fazli Wahab, has assumed the charge of the post of Director, Agricultural Research (Merged Area), Agricultural Research Institute, Tarnab, Peshawar, on 28.01.2020 (F.N).

Sd/-

Director General
Agricultural Research
Khyber Pakhtunkhwa, Peshawar

No 1092 /Estt/DGAR;

Dated Peshawar the 28-01 /2020

Copy to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
 2. The Senior Director, Agricultural Research Institute, Tarnab, Peshawar.
 3. The Director, Agricultural Research (Merged Area), ARI, Tarnab, Peshawar, w/r to his No. 64/DAR(MA); dated 28.01.2020, for information.
 4. Officer concerned.
- For information and necessary action.


DIRECTOR GENERAL



**DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR**

☎ 091-9221271 web: www.agrires.kp.gov.pk ☎ 091- 9221270
E-mail: dgragriresearch@gmail.com



No 1150-53 /Est/DGAR

Dated the Peshawar 30/01/2020

To

Dr. Barkat Ali Khan,
Ex-Director
Agriculture Research (Merged Areas)
ARI, Tarnab, Peshawar.

Subject:- **HANDING OVER THE GOVERNMENT VEHICLES**

Memo:-

It is stated that in compliance of Notification No. SOE(AD)3(3)/2/2019/RW; dated 24.01.2020, Mr. Fazli Wahab has assumed the charge of the post of Director Agriculture Research (Merged Area), Agricultural Research Institute, Tarnab, Peshawar, on 28.01.2020 (F.N). As per letter of Mr. Fazli Wahab, Director Agricultural Research (Merged Area), Agriculture Research Institute, Tarnab, Peshawar, addressed to your goodself with a copy to the undersigned, vide No. 107-09/DAR(MA); dated 30.01.2020, wherein he has stated that all the government vehicles are under your use and have not been handed over to him till date. In the letter under reference further mentioned that some of the vehicles are in private use, which is extreme violation of government rules and amounts to misconduct and misuse.

In light of the above, it is therefore, desired to implement the above mentioned notification and immediately handover the government properties/vehicles under intimation to this office, so that the government work under merged districts may not suffer.


DIRECTOR GENERAL
AGRICULTURAL RESEARCH

Copy of the above is forwarded to:-

1. P.S to Minister for Agriculture, Livestock & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. P.S to Secretary, Agriculture, Livestock & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Mr. Fazli Wahab, Director Agricultural Research (Merged Area), ARI, Tarnab, Peshawar, for information with reference to his no. as quoted above.

o/c



Directorate of Agriculture Research
(Merged Areas)
Agricultural Research Institute, Tarnab, Peshawar
Ph: & Fax: 091-2964191

No. 107-09 /DAR(MA)

Dated 30-01 /2020

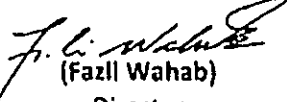
To

Dr. Barkat Ali Khan
Ex-Director
Agriculture Research (Merged Areas)
ARI-Tarnab, Peshawar

Subject: HANDING OVER OF GOVERNMENT VEHICLES
Memo:

In pursuance of Agriculture Department Notification No. SOE(AD)3(3)2/2010/RW; dated 24.01.2020, the undersigned has assumed the charge of the post of the Director, Agriculture Research (Merged Areas) w.e.f from 28.01.2020 (FN). All government vehicles have been under your use and you have not handed-over the vehicles to the undersigned till date. It also merits to mention here that some of the vehicles are in private use, which is extreme violation of government rules and amounts to mis-conduct and mis-use.

You are therefore, requested to hand-over the vehicles without further delay.


 (Fazl Wahab)
 Director
 Agriculture Research (Merged Areas)
 Agriculture Research Institute
 Tarnab, Peshawar

Copy forwarded for information to:

1. PS to Minister, Agriculture, Livestock & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary, Agriculture, Livestock & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.

OIC

Fazl (11 + 11) Callist



**DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR**

☎ 091-9221271

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

E-mail: dgragriresearch@gmail.com



No 3771-73 /DGAR

Dated the Peshawar 06-03 /2020

To

The Section Officer (Estt),
Govt. of Khyber Pakhtunkhwa
Agric. Livestock & Cooperative Department
Peshawar.

Subject:- **HANDING OVER OF VEHICLE AND OTHER ASSETS
OF THE DIRECTORATE**

Memo:-

Enclosed Please find herewith a copy of letter bearing No. 148/DAR(MA); dated 13.02.2020, on the subject noted above which is self explanatory.

It is submitted that in pursuance of Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department Notification No. SOE(AD)3(3)/2/2019/RW; dated 24.01.2020, Mr. Fazli Wahab Principal Research Officer (Food Technology), Agricultural Research Institute, Tarnab, Peshawar was posted as Director, Agricultural Research (Merged Area), ARI, Tarnab, Peshawar. In compliance of the above mentioned notification, Mr. Fazli Wahab has assumed the charge of the post of Director Agriculture Research (Merged Area), Agricultural Research Institute, Tarnab, Peshawar, on 28.01.2020 (F.N) while Dr. Barkat Ali Khan neither relinquished the charge of the post of Director Agriculture Research (Merged Area), ARI, Tarnab, Peshawar nor assumed the charge of Principal Research Officer (Food Technology), ARI, Tarnab, Peshawar till to date. The Director Agricultural Research (Merged Area), Agriculture Research Institute, Tarnab, Peshawar, have also mentioned that the ex-Director have not vacated the Director's office and not handed over four vehicles to the undersigned. He has also kept store and other assets of the Directorate.

In light of the above, it is therefore, requested that Dr. Barkat Ali Khan, Ex-Director, may kindly be directed to hand over the charge of the post as well as all assets as mentioned in the above quoted letter, so that the government work under merged districts may not suffer.

Encl: As above.


DIRECTOR GENERAL

Enclst. even No & Date
Copy is forwarded to:-

1. The Director, Agricultural Research (Merged Area), Agricultural Research Institute, Tarnab, Peshawar w/r to his No. 148//DAR(MA), dated 13.02.2020 for information please.
2. Dr. Barkat Ali Khan, Ex-Director, Agricultural Research (Merged Area), Agricultural Research Institute, Tarnab, Peshawar, for information immediate necessary action, please.

c/l



117

**DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR**

☎ 091-9221271 web: www.agrires.kp.gov.pk ☎ 091-9221270
E-mail: dgragriresearch@gmail.com



No 4735-37/Est//DGAR

Dated the Peshawar 01/04/2020

To

The Section Officer (Est),
Govt. of Khyber Pakhtunkhwa
Agric. Livestock & Cooperative Department
Peshawar.

Subject:- **HANDING OVER OF VEHICLE AND OTHER ASSETS
OF THE DIRECTORATE**

Memo:-

Please refer to this office letter No. 3771-73/DGAR; dated 06.03.2020 on the subject noted above, (copies attached for ready reference) wherein this office requested to direct Dr. Barkat Ali Khan, Ex-Director, Agriculture Research (Merged Area), ARI, Tarnab, Peshawar to hand over the charge of the post as well as assets as mentioned in the letter but neither he has relinquished the charge of the post of Director, Agriculture Research (Merged Area), ARI, Tarnab, nor handed over the above mentioned assets to the existing Director, Agriculture Research (Merged Area), ARI, Tarnab, Peshawar. Furthermore he has not assumed the charge of the post of PRO (Food Technology), ARI, Tarnab, Peshawar. The activities of the Merged districts as well as Food Technology are badly suffering.

In light of the above, it is once again requested that Dr. Barkat Ali Khan, Ex-Director, may kindly be directed to relinquish the charge of the post of Director, Agriculture Research (Merged Area), ARI, Tarnab and hand over the all the assets as mentioned in the above quoted letter and to assume the charge of the post of PRO (Food Technology), ARI, Tarnab, Peshawar, so that the government work under merged districts as well as Food Technology may not suffer.

Incl: As above.


DIRECTOR GENERAL

Encl. even No & Date
Copy is forwarded to:-

1. The Director, Agricultural Research (Merged Area), Agricultural Research Institute, Tarnab, Peshawar
2. Dr. Barkat Ali Khan, Ex-Director, Agricultural Research (Merged Area), Agricultural Research Institute, Tarnab, Peshawar, for information and directed to immediately implement the notification dated 24.01.2020



17



**DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR**

☎ 091-9221271 web: www.agri-res.kp.gov.pk ☎ 091-9221270
E-mail: dgi.agriresearch@gmail.com



No 4912-13/Estt//DGAR

Dated the Peshawar 06/04/2020

To

Dr. Barkat Ali Khan,
Ex-Director
Agriculture Research (Merged Areas)
ARI, Tarnab, Peshawar.

Subject:- **EXPLANATION**

Memo:-

You were directed to implement the Agriculture Department Notification No. SOE(AD)3(3)/2/2019/RW; dated 24.01.2020 vide this office letter No.1150-53/Estt/DGAR; dated 30.01.2020. It is very regretful to note that till to date you have neither relinquished the charge of the post of Director, Agriculture Research (Merged Area), ARI, Tarnab, Peshawar nor assumed the charge of the post of PRO (Food Technology), ARI, Tarnab, Peshawar. As per standing directives of the Government of Khyber Pakhtunkhwa regarding joining time, you were required to assume the charge of the post of PRO (Food Technology), ARI, Tarnab within a week time. However, it is astonishing to note, that after lapse of more than two months, you have not obeyed the Government transfer order. Your this practice is tantamount toward misconduct under the Government of Khyber Pakhtunkhwa, Civil Servants (Conduct Rules), 1987 and disobedience under Government of Khyber Pakhtunkhwa Efficiency and Disciplinary Rules, 2011. It is further added that the Government vehicles i.e. Toyota Pick-Up DC 4x4- newly purchased and Pajero Jeep reportedly have been in use of some private persons.

In view of the foregoing, you are absent from duty since 24.01.2020 under the Government of Khyber Pakhtunkhwa joining time instruction (GFR/ER) which becomes under the Conduct and Efficiency and Disciplinary rules ibid. You are hereby directed to obey the notification issued on 24.01.2020 immediately as well as handed over the Government vehicles and explain your wilful absence and disobedience within three days of issuance of this letter otherwise strict disciplinary proceeding will be initiated against you under the ibid rules, which might culminate in dismissal from service or any other major penalty.


DIRECTOR GENERAL
AGRICULTURAL RESEARCH

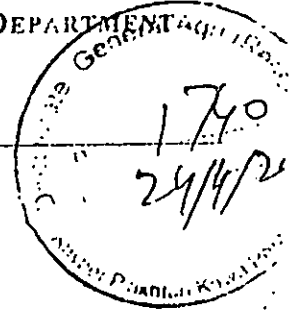
Copy of the above is forwarded to:-

P.S to Secretary, Agriculture, Livestock & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar for information please.

MOST IMMEDIATE

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

NO.SOE(AD)3(3)2/2019/RW/2020
Dated Peshawar, the April 16th, 2020



To

The Dr. Barkat Ali Khan,
Ex-Director, Agricultural Research,
(Merged Area) ARI, Tarnab, Peshawar.

SUBJECT: HANDING OVER OF VEHICLE AND OTHER ASSETS OF THE DIRECTORATE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Director General Agriculture (Research), Khyber Pakhtunkhwa letter No. 3771-73/DGAR dated 06.03.2020 which is self-explanatory for information and further necessary action.

I am further directed to advise you to hand over the charge of the post of Director, Agricultural Research (Merged Area) ARI, Tarnab Peshawar to Fazli Wahab as well as all assets immediately otherwise disciplinary action will be taken against you.

Encl. As Above.


(AHMAD HUSSAIN)
SECTION OFFICER (ESTT)

Endst. Of even No. & Date.
Copy Forwarded


Dated 27 104 / 2020

No 5755-56 Estt/DGAR

Copy of the above is forwarded to :-

1. Mr. Fazali Wahab, existing Director Agricultural Research (Merged Area) ARI Tarnab Peshawar.
2. Dr. Barakat Ali Khan, Ex-Director Agricultural Research (Merged Area) ARI Tarnab Peshawar.

For information and necessary action.


ADRN OFFICER (ESTT)
DIRECTORATE GENERAL
Agriculture Research
Khyber Pakhtunkhwa
Peshawar



Directorate of Agriculture Research (Merged Areas)
Agricultural Research Institute, Tarnab, Peshawar

Ph: & Fax: 091-2964191 Email: darfata.ari@gmail.com

No. 384 /DAR(MA)

Dated: 28/04 /2020

To,

The Director General
Agriculture Research
Khyber Pakhtunkhwa
Peshawar

Subject: - HANDING OVER OF VEHICLES
Memo:

Kindly refer to this office earlier memos. No. 107-09/DAR(MA) dated 30.01.2020. No.148/DAR(MA) dated 13.02.2020 and No.217/DAR(MA) dated 04.03.2020 on the subject.

It is to bring into your kind notice that following vehicles are reportedly in private use of some un-identified persons, purportedly allowed by Dr. Barkat Ali Khan, Ex-Director Agri. Research (Merged Areas) prior to 24.01.2020 and still not traceable;

1. Revo G 4x4 newly purchased (Applied for Registration)
2. Hilux E 4x4 newly purchased (Applied for Registration)
3. Pajero Jeep LRH-6094

It is pertinent to note that there is no record maintained i.e. duty order, DRR, logbook etc. nor there is any record that these vehicle were allotted to somebody for official use. However, Logbook for Pajero Jeep LRH-6094 reveals expenditure of Rs. 169,000/- on the vehicle (copy of the logbook is attached). It is further stated that Dr. Barkat Ali Khan, has also retained duplicate keys for the following vehicles:

1. Hilux E 4x4 Newly Purchased (Applied for Registration)
2. Hilux 2x4 (converted) newly purchased (Applied for Registration)
3. Hilux DC A-3159
4. Hilux SC A-3160

Encl: as above.

F. C. Wahab
(Fazli Wahab)
Director
Agriculture Research (Merged Areas)
Agricultural Research Institute
Tarnab, Peshawar

DEPUTY
AOE/ICL

29/04/2020

27/04

N.W.F.P. Routine No. 356

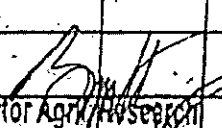


LOG BOOK

LRH 6094


Service No. _____

13

Date	Particulars of repairs and by whom carried out	Labour Costs
	M/s Ahmad Hani & Brothers General order supplies Peshawar. Bill No NL dt. 17/6/2019.	
	حاجو ديوپو کراچی و پشاور (1)	
	6500/2	
	18000/2 کراچی و پشاور (2)	
	24500/2 — (3)	
	 Director Agr. Research Merged Areas Districts DDO, ARI Tamab (Peshawar)	

21/12


Date	Particulars of repairs and by whom carried out	Labour Costs
	M/s Awad Hameed & Brothers	
	General order Suppliers	
	Peshawar	
	3/6/2019. جی. ایل. آر. سی	
	6000/- کالکٹوریٹ/تعمیرات	(1)
	2000/- ویلڈر سروس	(2)
	13000/- سٹریٹ لائٹس اور دیگر سہولتیں	(3)
	3500/- سٹریٹ لائٹس	(4)
	24500/- ٹوٹل رقم	


 Director (Agril. Research)
 Merged Areas Districts DDO,
 ARI Tamab (Peshawar)

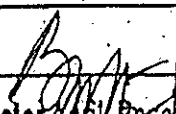
9/11/19

12

Particulars of repairs and by whom carried out	Labour Costs
M/s Sarda Zomra & Brothers	
General order supplies Rep. 2. vide Bill No. dt 11/6/2013	
① Complete Electric work R. 1600/-	
② Head Light & Decm Btt R. 800/-	
Total R. 2400/-	


 Director Agri. Research
 Merged Areas Districts DDO,
 ARI Tarnali (Fatehwar)

Date	Particulars of repairs and by whom carried out	Labour Costs
	M/s Hafiz Tyres	
	Relway Road of Said Areas	
	Medical Center Peshawar	
	vide Bill No Nil dt 20/6/97	
	4 No Tyre 245-70-R-16	
	Rs 96000/- Jd	


 Director Aghil, Research
 Merged Areas Districts DDO,
 ARI Tarnab (Peshawar)



**DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR**

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

E-mail: dgragriresearch@gmail.com



No 5887-88 /Est/DGAR
To

Dated the Peshawar 29/04 /2020

The Section Officer (Estt),
Govt. of Khyber Pakhtunkhwa
Agric. Livestock & Cooperative Department
Peshawar.

Subject:- **HANDING OVER OF VEHICLES**
Memo:-

Please refer to this office letter No. 3771-73/DGAR; dated 06.03.2020 and No. 4735-37/Estt/DGAR; dated 01.04.2020, (copies attached for ready reference) and enclosed herewith a letter of Director, Agricultural Research (Merged Area), Agricultural Research Institute, Tarnab, Peshawar No. 384/DAR(MA); dated 28.04.2020, on the subject cited above, which is self explanatory.

In this connection, it is submitted that Director, Agriculture Research (Merged Area), ARI, Tarnab, Peshawar has mentioned in the above quoted letter that the following vehicles are reportedly in private use of some un-identified persons, allowed by Dr. Barkat Ali Khan, Ex-Director, Agricultural Research (Merged Area), ARI, Tarnab, Peshawar, prior to 24.01.2020 and still not traceable.

1. Revo G 4x4x newly purchased (Applied for Registration)
2. Hilux E 4x4 newly purchased (Applied for Registrations)
3. Pajero Jeep LRH-6094

Furthermore, that there is no record maintained i.e duty order, DRR, logbook etc. nor there is any record that these vehicles were allotted to somebody for official use. The logbook for Pajero Jeep LRH-6094 reveals expenditure of Rs. 169000/- on the vehicle (copy of the logbook is attached). It is further reported that Dr. Barkat Ali Khan has also retained duplicate keys for the following vehicles.

1. Hilux E 4x4 Newly purchased (Applied for Registration)
2. Hilux 2x4 (converted) Newly purchased (Applied for Registration)
3. Hilux DC A-3159
4. Hilux SC A-3160

In light of the above, the report is submitted for your kind information and necessary action.

Encl: As above.

Enclst. even No & Date

Copy is forwarded to:-

The Director, Agricultural Research (Merged Area), Agricultural Research Institute,
Tarnab, Peshawar


DIRECTOR GENERAL



1

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. 3727 /2020

Dr. Barkat Ali Khan son of Akbar Ali Khan
 R/o Agriculture Research Institute Tarnab, Peshawar
 (Director (BS-19) Agriculture, Research (Merged Area) ARI,
 Tarnab, Peshawar Appellant

Versus

- 1) Chief Minister through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2) Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
- 3) Secretary, Agriculture Livestock & Co-operative Department, Government of Khyber Pakhtunkhwa Peshawar.
- 4) Director General, Agriculture Research, Government of Khyber Pakhtunkhwa Peshawar.
- 5) Fazli Wahab, Director Agriculture Research (Merged Areas), ARI Tarnab, Peshawar.

..... Respondents

Appeal u/s 4 of the K.P Service Tribunal Act, 1974 r/w Clause i), ii), iv), xiv) of Posting/ Transfer Policy of the Provincial Government against the Impugned Transfer Order/Notification Reference No.SOE (AD)3(3)2/2019/RW: dated 24.01.2020 whereby the appellant was prematurely transferred from the post of Director Agriculture, Research (Merged Areas) ARI, Tarnab, Peshawar to Principle

Research Officer Food Technology, Agriculture Institute, Tarnab Peshawar, against which review petition dated: 25.01.2020 was filed before respondent No.1 i.e. Chief Minister being the (Competent Authority) Khyber Pakhtunkwa Peshawar but the same has not been responded despite lapse of statutory period of 90 days.

PRAYER:

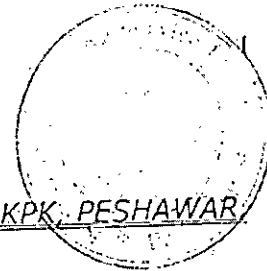
On acceptance of this Service appeal the impugned Transfer Order/Notification Reference No.SOE (AD)3(3)2/2019/RW: dated 24.01.2020 may kindly be set-aside on the ground that the appellant has not completed his normal tenure as Director Agriculture Research (Merged Areas) ARI Tarnab, Peshawar in terms of the various clauses of Posting/ Transfer Policy of the Provincial Government referred above in the heading of this appeal and in the light of reported judgments 1997 TD (Service) pg 56, 2005 SCMR Page 17, PLD 1995 Supreme Court 530, 2009 PLC (CS) 891, 2003 SCMR 325, PLJ 2009 Lahore 983.

Respectfully Sheweth;

Brief facts giving rise to the Instant appeal are as under:-

- 1) That the appellant earlier approached this Hon'ble Service Tribunal vide Diary No.925 dated 31.01.2020 but the same

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR



Service Appeal No. 3727 /2020

3113
27-4-2020

Dr. Barkat Ali Khan son of Akbar Ali Khan
R/o Agriculture Research Institute Tarnab, Peshawar
(Director (BS-19) Agriculture, Research (Merged Area) ARI,
Tarnab, Peshawar Appellant

Versus

- 1) Chief Minister through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2) Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
- 3) Secretary, Agriculture Livestock & Co-operative Department, Government of Khyber Pakhtunkhwa Peshawar.
- 4) Director General, Agriculture Research, Government of Khyber Pakhtunkhwa Peshawar.
- 5) Fazli Wahab, Director Agriculture Research (Merged Areas), ARI Tarnab, Peshawar.

..... Respondents

Filed to-day

Registrar
27/4/2020

[Handwritten signature]

Appeal u/s 4 of the K.P Service Tribunal Act, 1974 r/w Clause i), ii), iv), xiv) of Posting/ Transfer Policy of the Provincial Government against the impugned Transfer Order/Notification Reference No.SOE (AD)3(3)2/2019/RW: dated 24.01.2020 whereby the appellant was prematurely transferred from the post of Director Agriculture, Research (Merged Areas) ARI, Tarnab, Peshawar to Principle

05.05 2020

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal being aggrieved against his transfer from the post of Director Agriculture Research (Merged Area), ARI, Tarnab Peshawar to the post of Principal Research Officer (Food Technology) Agri Institute Tarnab, Peshawar and posting of Mr. Fazli Wahab (Private respondent No.5) as Director Agriculture Research (Merged Area), ARI, Tarnab Peshawar, vide order dated 24.01.2020.

Both the posts of Director **Agriculture Research (Merged Area)** and Principal Research Officer (Food Technology) mentioned above are located at one and the same station. Learned counsel for the appellant however contended that the impugned transfer/posting order is premature, politically motivated and was issued just to accommodate the blue eyed person to the post of Director Agriculture Research (Merged Area), ARI, Tarnab Peshawar.

In view of the submissions made by the learned counsel for the appellant, the present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to **deposit** security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments.

Application for interim relief is also annexed with the memo of service appeal. Notice of the same be also issued to the respondents for the date fixed.

Till the next date fixed, the operation of the impugned transfer/posting order shall remain suspended, subject to the condition of handing over of Government Vehicles (particulars described in memo of Explanation No.4912-13/Est/DGAR dated

5.5.2020
ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appellant Deposited
Security & Process Fee
ATTESTED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

06.04.2020) by the appellant to the higher authority/Director General Agricultural Research Khyber Pakhtunkhwa Peshawar for safe parking/safe custody in accordance with law, in view of its reported misuse, by private persons, as mentioned in the memo of Explanation mentioned above.

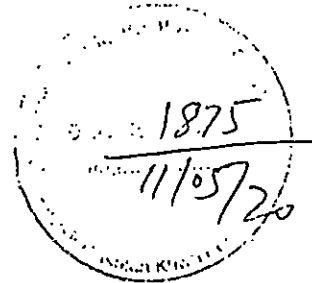
To come up for written reply/comments on 18.05.2020 before S.B.


Member

Date: 05-5-20
3727/20
for 10
for 10
6-5-2020
Yousuf

To

The Director General,
Agril: Research Khyber Pakhtunkhwa, Peshawar.



Subject: COMPLIANCE OF COURT VERDICT.

Memo:-

In order to comply with the court order of honorable service tribunal Khyber khtunkhwa vide service appeal no 3727/2020 the undersigned is handing over the Government vehicle with particulars given below to the Office of Director General Agril search Khyber Pakhtunkhwa Peshawar dated 08/05/2020 and obtained the receiving.

Your good self is requested to approach higher authority for withdrawal of impugned posting/transfer order No SOE (AD)3(3)/2019/RW dated 24/01/2020 in light of above referred verdict.

- 1. Toyota Revo G Model 2019 4x4
Engine No IGD0619940
Chasses No gun 126 R5535545
Color Black

10/05/2020
Dr. Barkat Ali Khan
Director Agril: Research Merged Areas
ARI, Tarnab Peshawar.

cc.

Secretary Agril: Livestock & cooperative Khyber Pakhtunkhwa Peshawar for information pl.

*Taken over
on 8/5/2020 at
1:30 pm with the remote key.*

*DSADP
I.V.*

1 check email report.

To.

The Director General,
Agril: Research Khyber Pakhtunkhwa, Peshawar.

Subject: COMPLIANCE OF COURT VERDICT.

Memo:-

In order to comply with the court order of honorable service tribunal Khyber Pakhtunkhwa vide service appeal no 3727/2020 the undersigned is handing over the Government vehicle with particulars given below to the Office of Director General Agril Research Khyber Pakhtunkhwa Peshawar dated 08/05/2020 and obtained the receiving.

Your good self is requested to approach higher authority for withdrawal of impugned posting/transfer order No SOE (AD)3(3)/2019/RW dated 24/01/2020^{***} light of above referred verdict.

1. Mitsubshi Pajero LHR-6094

Barkat Ali Khan
Dr. Barkat Ali Khan
Director Agril: Research Merged Areas
ARI, Tarnab Peshawar.

CC.to.

Secretary Agril: Livestock & cooperative Khyber Pakhtunkhwa Peshawar for information pl.

*Taken me
Mitsubishi Pajero
LHR 6094 on
11/5/2020 at 2:30 PM.*

*GA
11/5/20
DDP.*

GA



Directorate General Agriculture Research

Government of Khyber Pakhtunkhwa
At The University of Agriculture, Peshawar.

Office Phone: 091- 9221271

Fax: 091- 9221270

No. 6252-53 /Tech/DGAR

Dated 12/05 /2020

To

The Director General
Agriculture Research Khyber Pakhtunkhwa
Peshawar

SUBJECT: REPORT REGARDING PAJERO/MITSUBISHI JEEP LHR-6094

It is submitted that as per compliance of court verdict and order of the honorable service tribunal Khyber Pakhtunkhwa, Dr. Barkat Ali Khan, Ex. Director Agri. Research Merged Areas, ARI, Tarnab Peshawar has handed over the said vehicle on 11/5/2020 at 2:30 PM. (copy attached) As per Mr. Ishfaq Ahmad and Muhammad Ayaz Khan vehicle driver's report (copy attached). The following items are missing in the vehicle LHR-6094 and the vehicle is not in proper running condition..

1. Spare tyre with stand
2. Two side mirrors
3. Jack, rod and wheel panna
4. Two folding seats
5. Auto windows buttons
6. Carry Can with stand
7. Weak Battery
8. Windows channel rubbers
9. Switch Board set with compass and level
- 10 Two four wheel lock missing from both front tyres
- 11 Doors Handle inside

*write a letter to Do. Barkat
to provide the missing in
both vehicle.*

[Signature]
12/5/20
Deputy Director Planning/Vehicle Incharge
Agricultural Research Department
Khyber Pakhtunkhwa, Peshawar

1. Vehicle Clerk, Directorate of Agriculture Research Khyber Pakhtunkhwa for record please.

[Signature]

گھنور خٹا - دیکھل ایوارڈ تمام زری تخصیص ادارہ اہل اہل تخصیص ایوارڈ

عنوان - رپورٹ برائے گاڑی نمبر 2019-APL

جناب عالی!

گزارش ہے درج ذیل اشیاء گاڑی نمبر 2019 APL

میں بالکل موجود ہی نہیں ہے۔

1 - ڈی وی ڈی سسٹم - آرٹ پروویڈر اہلی حالت میں موجود

نہیں بلکہ تبدیل شدہ ہے۔

بے کسی رپورٹ موجود نہیں ہے

3 - عیسر اور مارٹ گاڑی سے سائڈ لیچر نہیں بلکہ فرٹی حالت میں ہے

گینہ رپورٹ عیسر فرٹی ہے۔ اجم 2020/05/05

الکس۔ موجودہ نمبر 10605-

آرٹ پروویڈر - گڈ آریز ڈرائیور۔ گڈ آریز

اشفاق الہ ڈرائیور

گھنور خاں و سیکل انجارج ڈائریٹوریٹ ٹاؤن شپ ڈیپارٹمنٹ

عنوان بھرت گاڑی نمبر 6094 - LHR

خبا - سالہ 1

6094 - LHR سے درج ذیل
موجود نہیں ہے اور گاڑی چلنے کی قابل نہیں ہے

- 1 - سٹیٹ بوس سٹینڈ
- 2 - سائبر شین ڈولرس سائبر ڈک
- 3 - جیک وریل بائو + ٹولنگ
- 4 - فولڈنگ بسٹ 222 موجود نہیں ہے۔
- 5 - سائبر شین ڈولرس
- 6 - جسٹس سٹیٹ بوس
- 7 - ہینری ڈیپارٹمنٹ
- 8 - جینرل ریگولر بوس
- 9 - سوچ بورڈ سٹیٹ بوس
- 10 - فور وریل لاک بوس
- 11 - گیسٹ ہینڈل

لینڈ رپورٹ نمبر 1

الکھن

آئی اے ڈیپارٹمنٹ
 1. اسٹاف ایو ڈیپارٹمنٹ
 2. (2) لاک ہاؤس
 1115120
 1115120



Directorate General Agriculture Research

Government of Khyber Pakhtunkhwa
At The University of Agriculture, Peshawar.

Office Phone: 091- 9221271

Fax: 091- 9221270

No. 6241-42 /Tech/DGAR

Dated 11/05 /2020


To

The Director General
Agriculture Research Khyber Pakhtunkhwa
Peshawar

**SUBJECT: REPORT REGARDING TOYOTA REVO G MODEL 2019 4X4
(UNREGISTERED)**

It is submitted that as per compliance of court verdict and order of the honorable service tribunal Khyber Pakhtunkhwa, Dr. Barkat Ali Khan, Ex. Director Agri. Research Merged Areas, ARI, Tarnab Peshawar has handed over the said vehicle on 8/5/2020 at 1:30 PM with a meter reading 10605 (copy attached). As per Mr. Ishfaq Ahmad and Muhammad Ayaz Khan vehicle driver's report (copy attached). The following items are missing/touching/dent in the said vehicle:

1. Original Toyota company fitted DVD Screen replaced
2. One original remote key not returned
3. Touching on front bumper and major dent on right back side.


11/5/20
Deputy Director Planning/Vehicle Incharge
Agricultural Research Department
Khyber Pakhtunkhwa, Peshawar

1. Vehicle Clerk, Directorate of Agriculture Research Khyber Pakhtunkhwa for record please.

گنور خبا و سکل الخراج دالہ پور سے فاضلہ اسرار علیہ السلام

معاونت بیروت گاڑی عظمیٰ 6094 - LHR

خبا - سالہ!

LHR - 6094 سے درج ذیل

موجودہ تازہ کاری سے کہ گاڑی عظمیٰ

موجود نہیں ہے اور گاڑی جانے کے قابل نہیں ہے

1 - سٹیٹ بک سینٹر

2 - سائبر سٹیٹ ڈولرز سائبر

3 - جیک و سکل بائز + ٹورنٹ

4 - فولڈنگ سٹیٹ سے موجود نہیں ہے

5 - سائبر سٹیٹ

6 - جسٹس سٹیٹ

7 - بہتر سٹیٹ

8 - جسٹس سٹیٹ

9 - سٹیٹ بک سینٹر

10 - ٹورنٹ و سکل بائز

11 - گٹ سینٹر

لینڈ رپورٹ سے قبل فرم سے!

اللہ

انکوائری

1 اشفاق احمد ڈائری

2 (3) کد باز خان 11/5/20

11/5/20

محمد آریاز



Directorate General Agriculture Research

Government of Khyber Pakhtunkhwa
At The University of Agriculture, Peshawar.

Office Phone: 091- 9221271

Fax: 091- 9221270

No 6281-85/Est/DGAR

Dated 13/05/2020

To

Dr. Barkat Ali Khan
Ex. Director Agri. Research Merged Areas
ARI, Tarnab, Peshawar

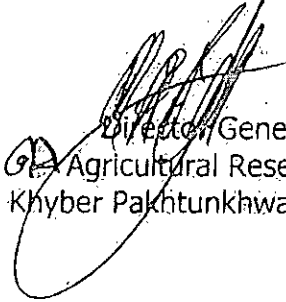
SUBJECT: REPORT REGARDING TOYOTA REVO G MODEL 2019 4X4 (UN REGISTERED) AND PAJERO/MITSUBISHI JEEP LHR-6094

As per compliance of court verdict and order of the honorable service tribunal Khyber Pakhtunkhwa, You have handed over the above mentioned two vehicles on 8/5/2020 at 1:30 PM and on 11/5/2020 at 2:30 PM (copies attached) As per two vehicle drivers and vehicle in charge reports (copy attached). The following parts are missing/replaced in the vehicles

- I. **TOYOTA REVO G MODEL 2019 4X4 (UN REGISTERED)**
 1. Original Toyota company fitted DVD Screen replaced
 2. One original remote key not returned
 3. Touching on front bumper and major dent on right back side.

- II. **PAJERO/MITSUBISHI JEEP, LHR-6094.**
 1. Spare tyre with stand
 2. Two side mirrors
 3. Jack, rod and wheel panna
 4. Two folding seats
 5. Auto windows buttons
 6. Carry Can with stand
 7. Weak Battery
 8. Windows channel rubbers
 9. Switch Board set with compass and level
 10. Two four wheel lock missing from both front tyres
 11. Doors Handle inside

You are strictly directed to immediately install all the missing/replaced parts in both the vehicles to proceed further in the matter.


Director General
Agricultural Research
Khyber Pakhtunkhwa, Peshawar

CC

1. PS. to Secretary Agriculture, Agriculture Livestock and Cooperatives Department Govt. of Khyber Pakhtunkhwa, Peshawar for information please.
2. Vehicle Incharge, Directorate of Agriculture Research Khyber Pakhtunkhwa.
3. Incharge Court cases, Directorate of Agriculture Research Khyber Pakhtunkhwa.
4. Administrative Officer (Estt.) Directorate of Agriculture Research Khyber Pakhtunkhwa.

To

The Director General,
Agricultural Research,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: REPORT REGRDING TOYOTA REVO "G" MODEL 2019 (UNREGISTERED) AND PAJERO/MITSUBISHI JEEP LHR-6094.

It is with reference to your letter No: 6281-85/Estt/DGAR dated 13-05-2020 on subject noted above. Following are the comments/reply of the undersigned about above stated two vehicles:

1. REVO "G" MODEL 2019 4X4 (UNREGISTERED)

This vehicle was purchased in June 2019 under an ADP project for official use by the Director (Merged Areas). A complete video was recorded at the time of handing over of this vehicle to the staff of Director (MA) at Toyota Company, Peshawar. This video clearly shows all the interior and exterior of this vehicle. The pictures of DVD installed at that time are clearly visible. This DVD can also be verified by the Toyota Company. Secondly when the vehicle is running at roads especially at Peshawar conditions these types of minor scratches are routine matter. Both the keys are handed over to the concerned officials at Directorate of agricultural Research at the time of handing over of this vehicle to DGAR office.

2. PAJERO/MITSUBISHI JEEP LHR-6094

The model of this vehicle is 1988 (32 years old) and it is property of PODB. This vehicle was parked at one of garages at ARI Tarnab Peshawar since last 15 years. This vehicle was completely submerged in 2010 floods and remained standing in water for several months. The vehicle was staked on bricks with all four worn-out tyres detached from the vehicle. The fuel tank was also detached from vehicle. Majority of body parts, engine parts and suspension parts were missing. The vehicle was totally corroded and full of flood mud.

DGAR was approached to allot this vehicle to Directorate of Agricultural Research (MA) so it may be repaired and brought to running condition for official use in the best interest of public services. Upon allotment of this vehicle it was dragged out from garage to start its repair work. Some of repair works were carried out and the vehicle was brought in running condition and was used for official work at secretariat level. Due to high fuel consumption the vehicle was used rarely and for the last 4-5 months the vehicle remained off-road till date due to defunct posting transfer order.

The subject report on above vehicles is very clear but the undersigned feels that process of implementation of very clear decision by honourable service tribunals is getting delayed.

Your good-self is requested to look the matter in perspective of real situations and verdict of services tribunal may kindly be implemented.

Barkat Ali Khan
Dr. Barkat Ali Khan
Director (Merged Areas)
ARI Tarnab, Peshawar.

*Received the 2nd Key (remote control)
today dated 14/05/2020.*

[Signature]
14/05/2020