



17.04.2023

Appellant present through counsel.

Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Former made a request for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 17.05.2023 before D.B at camp court D.I.Khan. Parcha Peshi given to the parties.

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


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


\*Kamranullah\*

17<sup>th</sup> May, 2023

01. Counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl. Advocate General alongwith Malik Pervez, SRO and Malik, Saadullah, Administrative Officer for the respondents present.

02. Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Last opportunity is granted. To come for arguments on 19.07.2023 before the D.B at Camp Court, D.I.Khan. Parcha Peshi given to the parties.

  
(Fareeha Paul)  
Member (E)  
(Camp Court, D.I.Khan)

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

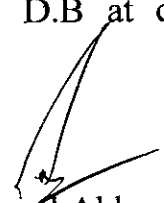
\*Fazle Subhan, P.S\*

16<sup>th</sup> Feb, 2023

Appellant in person present. Mr. Muhammad Jan, District  
Attorney for the respondents present.

The Bench is incomplete, therefore, the case is adjourned. To  
come up for arguments on 17.04.2023 before D.B at camp court  
D.I.Khan.

**SCANNED  
KPST  
Peshawar**

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

26<sup>th</sup> Oct 2022

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

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

SCANNED  
KPST  
Peshawar



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



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

23.11.2022

Tour to camp court has been cancelled therefore, the case is  
adjourned for the same on 18.01.2023.

READER

18<sup>th</sup> Jan, 2023

Nemo for the appellant. Mr. Muhammad Riaz Khan  
Paindakhel, Assistant Advocate General for respondents present.

SCANNED  
KPST  
Peshawar

Counsel are on strike, therefore, the case is adjourned for  
arguments on 16.02.2023 before D.B at camp court D.I.Khan.  
Office is directed to notify the next date on notice board as well as  
on the Website of Khyber Pakhtunkhwa Service Tribunal.



(Mian Muhammad)  
Member (E)

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

26/07/22

Due to summer vacation

Come for 27/09/2022

27<sup>th</sup> September, 2022

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

Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 26.10.2022 before the D.B at Camp Court D.I.Khan.

26/09/22

Member (Judicial)	Member (Judicial)
Additional Advocate General	Additional Advocate General
(Salah Ud Din)	(Kalim Arshad Khan)
Member (Judicial)	Chairman
respondents present	Camp Court D.I.Khan
Camp Court D.I.Khan	Camp Court D.I.Khan


Adjourned. To come up for arguments on 26.10.2022 before the D.B at Camp Court D.I.Khan.

Signature of Salah Ud Din

Signature of Kalim Arshad Khan

25.01.2022

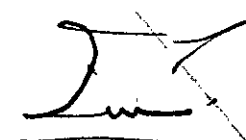
Tour is cancelled, therefore, case is adjourned to 26.05.2022 for the same as before.

  
Reader.

26.05.2022

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

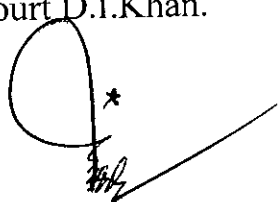
Written reply on behalf of respondents received through office, which is placed on file and copy of the same handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 26.07.2022 before the D.B at Camp Court D.I.Khan.


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

30<sup>th</sup> June 2022

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

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


  
(Mian Muhammad)  
Member(E)

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

026.11.2021

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

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

  
Chairman  
Camp Court, D.I.Khan


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

On  
Reader

01.10.2021

Nemo for the appellant. Mr. Pervaz Senior Research Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and sought time for submission of written reply/comments. Respondents are directed to furnish reply/comments within 10 days. In case the respondents failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 26.11.2021 at Camp Court D.I. Khan.




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

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

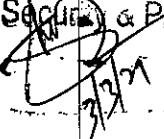
## FORM OF ORDER SHEET

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

Case No.- 13901 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/11/2020	<p>The appeal of Mr. Muhammad Usman received today by post Mr. Muhammad Iqbal Kundi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	10.2.21	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>25-2-21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	24/2/21	<p>24.2.21. On request of Counsel, Case file is requisitioned for today as lawyers will be on strike on 25/2/21. (P)</p> <p>Learned counsel for the appellant present. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 26.05.2021 before S.B at Camp Court, D.I.Khan.</p> <p>Annexed with the memo of appeal is an application for restraining the respondents from making recovery from the appellant. Notice of the said application also be issued to respondents to suspend the order of recovery till further orders, if not acted upon earlier.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, D.I.Khan</p>

Appellant Deposited  
Security & Process Fee

  
24/2/21



No 13901 D/2020

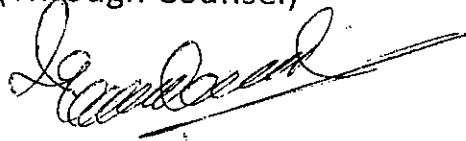
Muhammad Usman

VERSUSGovt of Khyber Pakhtun Khwa  
through Chief Secretary and  
othersINDEX:

S.No	Documents	Annexure	Pages
1.	Contents of Service Appeal along with affidavit Contents of Application for status quo with affidavit		1-6
2.	Proposal letter dt 18/12/2014, Approval letter No 4081 dt 16/4/2015, Advertisement, Agreement and authority letter	A, B, C D, D-1	7-12 ✓
3.	Letter dated 19/5/2015, Pen Book dt 19/5/2015 letter dt 24-11-2015 and other correspondence	E, F G, G-1, G-2	13-17 ✓
4.	Charge sheet, Statement of Allegation.	H + I	18-19 ✗
5.	Reply to Statement of allegation and wheat crop register.	J + K	20-22 ✗
6.	Enquiry notice dt 24-10-2016	L	23 ✓
7.	Show Cause Notice and Reply	M + N	24-28 ✗
8.	Letter dt 10-7-2017 for personnel hearing	O	28 ✓
9.	Order dt 12/6/2020, 25/6/20 and Promotion letter	P Q + R	29-33 ✓
10.	Copy of review Petition / Departmental Appeal	S	34-38
11.	Copy of Civil Suit	T	39-47
12.	wakalat Nama		48

Petitioner,

(Through Counsel)



Dated:

Advocate High Court D.I. Khan

1

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

**D.I.KHAN**

Service Appeal No \_\_\_\_\_ 2020

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

**Appellant**

**VERSUS**


1. Govt of Khyber Pakhtunkhwa  
Through Chief Secretary KPK  
Chief Secretary Office Peshawar
2. The Secretary  
Agri, Live stock, Fisheries and co-operative Department  
Govt: of Khyber Pakhtunkhwa  
Civil Secretariat Peshawar
3. Director General Research  
Government of KPK  
Agriculture Research Office  
University Road Peshawar
4. The Director  
Agriculture Research Institute (ARI)  
Ratta Kulachi D.I.Khan

**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICES TRIBUNAL ACT 1974**

**PRAYER**

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

  
**Respected Sheweth,**

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

**BRIEF FACTS OF THE CASE**

1. That appellant had been serving in Agriculture department since 1977 and served the department at various positions with dedication, honesty and dignity and thereafter retired from service as a Field Supervisor (BPS-14) in 2017 at ARI D.I.Khan on 11-08-2017 He always performed his duly efficiently and properly according to the expectation /satisfaction of his superiors.
2. During posting as Field Assistant (BPS-09) a proposal for removal of upper soil layer of the fellow land adjacent to AZRI D.I.Khan to the extent of 3 to 4 feet from Block A and B respectively was sent to the Director General Agriculture Research System Khyber Pakhtunkhwa Peshawar by Director ARI D.I.Khan vide letter No 5251 dated 18-12-2014 which was accepted and approved by respondent No. 3 vide approval No. 4081/Acett/DGAR dated 16-04-2015. In this regard eligible contractors were invited to participate in the auction proceeding for removal of surface of ibid land through advertisement published in daily Mashriq dated 10-02-2015 by Director ARI D.I.Khan (respondent No. 4) and one Muhammad Mohsin Shuja was declared to be highest bidder who thereafter authorized Mr. Salim Khan to work on his behalf vide authority letter dated 24-04-2015. It is pertinent to mention that an agreement was executed between main contractor and sub-contractor Saleem Khan which was very much in the knowledge of respondent No. 4. Neither appellant was consulted in this regard by respondents No. 4 nor he was informed in respect of said change. Apart from that matter in question was not handled by appellant nor was he informed properly to assist the alleged supervisory committee by respondents No. 4. Copies of a proposal dated 18-12-2014 approval dated 16-04-2015, Newspaper clipping dated 10-02-2015, agreement and authority letter dated 24-04-2015 are enclosed and marked as Annexure A, B, C & D.
3. That during removal of surface layer from block A and B of ibid land by sub contractor appellant was unaware from all ups and downs even he was neither consulted during the course of contract in progress nor he was conveyed about constitution of the alleged supervisory committee to assist ibid committee. As long as letter No. 1546-47 dated 19-5-2015 issued by respondent No. 4 is concerned it is fake and factitious. It was neither acknowledged by him nor matter in question was brought in his knowledge by respondents No 4 in respect of ibid land nor it's progress was shared with him even no any copy of letter dated 19-05-2015 was addressed to him for assistance of alleged supervisory committee and no any correspondence were made with him on subject matter meaning thereby that ibid letter dated 19-5-2015 was not delivered to him in respect of assistance of alleged supervisory committee as no any proper direction was given to him by competent authority. It is further submitted that ibid letter was received by some un-known person being not regular employee of the department even copy of the said letter was not sent to the high ups for information. Apart from that letter No. 2752/DAK(DK) dated 24-11-2017 as well as other letters were addressed to the sub-contractor by respondent No. 4 without taking the appellant into confidence even copy of ibid letter was not sent to appellant. It thus reveals that respondent No. 4 has concocted a false and fabricated story to save his own skin. Copy of alleged letter dated 19-5-2015 and alleged acknowledgement dated 19-5-2015 and letter dated 24-11-2015 along with other correspondence are enclosed and marked as Annexure E, F & G.
4. That despite unaware from the activities of sub-contractor appellant was served with charge sheet and statement of allegation bearing Nos. Nil dated Nil by worthy Chief Minister of Khyber Pakhtunkhwa in which it was alleged as under.
  - a) Rendered 13 Acres of precious government land unfit for agriculture purpose due to illegal extra excavation of top soil to the extent of 5 to 6 feet.
  - b) Allowed unchecked excavation of the land in total disregard to specification in the advertisement floated.

*[Handwritten signature]*

- c) Allowed the highest bidder Muhammad Mohsin Shuja to sublet the contract in question to Mr. Salim Khan without lawful authority and took no notice against them.
- d) Failed to protect government interest by showing the slackness in supervision of excavation by the contractor.

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

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

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

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

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

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

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

10. That after that matter in question was kept pending for more than 3 years and then suddenly on 12-6-2020 minor penalty in shape of stoppage of one annual increment and recovery for Rs. 146712/90 was imposed upon him by competent authority vide office order No. SOE(AD)6-52/2016 dated 12-06-2020 which was conveyed/communicated to him by respondent No.4 vide letter No. 1205-08/DAR(DK) dated 25-6-2020. It is pertinent to mention that appellant was promoted from BPS-09 to BPS-14 by competent authority during alleged matter meaning thereby appellant was considered to be exonerated from alleged charges mentioned in the alleged charge sheet/statement of allegation as matter in question had been come infractuous in question has becomes infractuous promotion letters. Copy of letter dated 12-06-2020 and 25-06-2020 and promotion letter are enclosed and marked as Annexure P, Q & R
11. That appellant filed review petition/departmental appeal on 12-07-2020 through proper channel before competent authority against office order dated 12-06-2020 for redressal of his grievances but no heed was paid to his review petition/ departmental appeal by respondents within stipulated period of three months. Copies of the review petition /departmental appeal dated 12-07-2020 is enclosed and marked as Annexure S.
12. That while not responding to review petition/departmental appeal dated 12-07-2020 with in stipulated period of three months instant service appeal is being filed before this August tribunal inter alia on the following grounds.


#### GROUND OF APPEAL

1. That impugned order dated 12-07-2020 in respect of imposition of minor penalty in the shape of stoppage of one annual increment and recovery of Rs. 146712/90 upon appellant is wrong void against law and facts of case as well as material available on record. The impugned order dated 12-06-2020 for imposition of minor penalty is illegal void ab-initio and as such ineffective upon the valuable rights of the appellant thus the same is liable to be reversed, recalled and set at naught.
2. That alleged enquiry proceeding has been conducted in utter disregard of violation of law because neither statement of prosecution was recorded in presence of appellant nor any departmental representative was appointed to bring record against appellant. Even no any opportunity was given to the appellant by alleged enquiry committee to cross examine the prosecution witness during enquiry proceeding.
3. That according to law alleged enquiry report was to be supplied to appellant by alleged enquiry committee being mandatory under the law, but enquiry committee failed to do so. Thus impugned order dated 12-06-2020 cannot to be passed without supply of enquiry report to the appellant meaning thereby appellant was not fairly handled /treated. Thus impugned order 12-06-2020 being without lawful authority is liable to be recalled and set aside.
4. That no fair and proper opportunity was given to the appellant by the alleged enquiry committee to defend his position in proper manner.
5. That alleged charge sheet/ statement of allegation is same and stereo typed which were served upon the entire five officials including appellant. Whereas separate charge sheet/ statement of allegation was to be served upon each accused according to irregularities if committed by him and powers conferred upon the official, which has been presumed to be misused. Thus on such flimsy and in appropriate charge sheet /statement of allegation appellant cannot be penalized.
6. That appellant was elevated from BPS-09 to BPS-14 during pendency of alleged complaint meaning thereby Govt: was satisfied from his performance while elevating him. The complaint

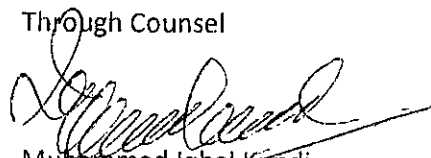
in question as well as alleged enquiry report has become infructuous thus government cannot open such a past and close chapter after promotion of appellant as well as passing of more than three years and three months of alleged enquiry. Hence appellant cannot be penalized on such invalid and infructuous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

- 7. That appellant had categorically stated in his statement that the appellant had neither remained Chairman nor member of the alleged supervisory committee nor directions were given to him to assist the alleged supervisory committee in excavation work. Even alleged letter No. 1546-47 dated 19-05-2015 issued by Director ARI, D.I.Khan was neither served upon appellant nor was the same acknowledged by him. It seems to be fake and after thought duly manipulated by making it peace and parcel of the file by Director ARI D.I.Khan to save his skin. So how appellant was involved on such allegation which have no nexus with appellant? It further strengthens the plea of petitioner when respondents No 4 himself took up the matter in question with Sub-contractor vide letter Dated 24-11-2017 (Annexure G) as well as other correspondence.
- 8. That one of the accused Nazeer Hussain Shah DGAR being head of the department was awarded minor punishment in the shape of **CENSURE** whereas all other accused including the appellant were treated differently and were penalized in the shape of stoppage of increments and recovery of different amount. Thus appellant and other accused were not similarly treated despite the fact accused Nazeer Hussain Shah DGAR had approved the proposal to excavate the ibid land. According to the constitution of Pakistan every citizen may be similarly treated for the same act done by different people. Thus in the above scenario the appellant was to be similarly placed and treated.
- 9. That matter of excavation is subjudice before Civil Judge V D.I.Khan and quantity of soil excavated is yet to be decided by the court that whether excess excavation has been done or not. So in such situation competent authority was not liable to impose minor penalty upon him. Copy of the plaint pending before civil Judge V D.I.Khan is enclosed and marked as **Annexure T**.
- 10. That impugned order dated 12-06-2020 is not tenable under the law, therefore the same is liable to set aside and recalled.
- 11. The appellant may be allowed to raise additional grounds during the Course of arguments.

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

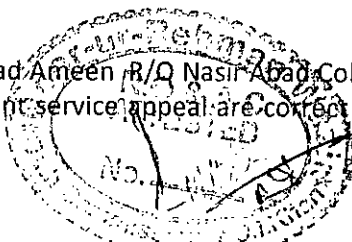
Petitioner   
Muhammad Usman

Dated: 28-10-2020

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

**Affidavit**

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





**Deponent**

6

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR CAMP**

**OFFICE D.I.KHAN**

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

Muhammad Usman

.....Appellant

**Versus**

Government of Khyber Pakhtunkhwa Chief Secretary and other

.....Respondents

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

Respected Sir,

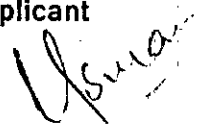
That instant application is being filed with the service appeal filed by applicant against office order dated 12-06-2020 vide which he was penalized to the extent of stoppage of one annual increment and recovery of Rs. 146712/90, the contents of which may read with main service appeal.

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

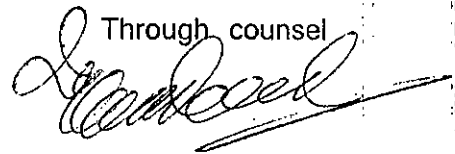
That his honorable tribunal has ample power to restrain the respondents from recovery of Rs. 146712/90.

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

Applicant



Through counsel



**AFFIDAVIT**

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

  
Deponent

Landline (0966) 740 090

Fax (0966) 740 415

Email: aridikhan@yahoo.com

ANN-A

No. 5052 /DAR[DK], Dated ARI, DIKhan the 12/12/2011

7

The Director General  
Agriculture Research  
Khyber Pakhtunkhwa  
Peshawar

Subject: OPTION REGARDING UTILIZATION OF UN-CULTIVATED LAND

Memo:

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

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

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

18/12  
Director  
%

No. 5052 /DAR[DK],

Copy to:

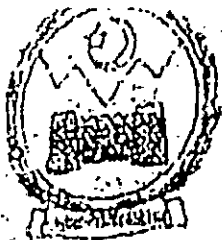
P.S to Honourable Minister For Agriculture, Livestock & Cooperation Deptt. Khyber Pakhtunkhwa, Peshawar for his kind information.

18/12  
Director  
%

1/4 P  
Legal Advisor  
Agriculture Research  
Khyber Pakhtunkhwa  
Peshawar

S. J. Khan





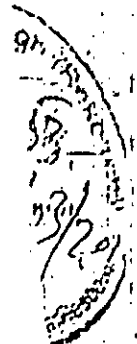
Government of Khyber Pakhtunkhwa  
Agricultural Research System

At Agricultural University, Peshawar.  
Office Phone: 091-9216530, Fax: 091-9216537  
E-mail Address: [zraun@yahoo.com](mailto:zraun@yahoo.com)

ANN- (B)

(70)  
(08)

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



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

Subject: AUCTION OF LIFTING OF UPPER SOIL SURFACE

Memo:

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

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

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

SA. Aced Hg PL

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

*For further info /  
Em.  
20/4*

Agriculture Research Institute  
D.I. Khan

*[Signature]*

**M. IQBAL KHAN**  
Advocate  
Legal Advisor, Wapoda Peshawar

AGRICULTURAL RESEARCH INSTITUTE  
DERA ISMAIL KHAN PESHAWAR PAKISTAN



Email

740 090

740 415

@yahoo.com

No. 1311

/DAR[DK]

DIKhan the

21.04.2015

Mr. Muhammad Mohsin Shuja

11

Subject:

AUCTION OF LIFTING OF UPPER SOIL SURFACE

Memo:

Reference your quotation dated nil and this office letter No.935/DAR[DK], dated 27.02.2015, rate of Rs.2228600/- offered by you for the subjected purpose is approved by the competent authority vide letter No.4081/DGR; dated 16.04.2015.

You are hereby directed to deposit the remaining  $\frac{3}{4}$  amount within 10 days and submit MOU duly prepared on stamp paper in this regard. After fulfilling the above formalities, you will be allowed to start work.

No. 1312-15 /DAR[DK],

Copy to:

1. Director General, Agric. Research System, KPK, Peshavar for his kind information with reference to above referred letter.
2. Chairman, Auction Committee for information and further necessary action.
3. Office Asstt: (Accounts) of this directorate.
4. Cashier of this institute.

Director

13/15

Attested

Signature

Director

M. P. M. MINDI  
Advr. at Court  
Legal Advisor, Peshawar Pesco

ANN-C

10

## دفتر زرعی تحقیقاتی ادارہ رتہ کلاچی ضلع ڈیرہ اسماعیل خان کوٹیشن مطلوب زمین

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

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

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

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

ڈائریکٹر

زرعی تحقیقاتی ادارہ رتہ کلاچی ڈیرہ اسماعیل خان

Scanned with

CamScanner

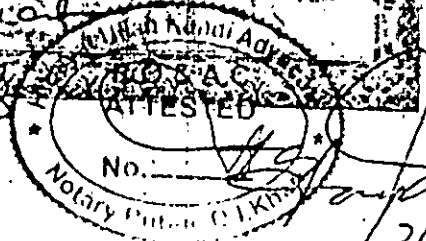
Available on www.khyberpakhtunkhwa.gov.pk

INF(P) 711

*(Signature)*

Advocate  
Wapua Pesco

Attestation of the above...



11

مخبرہ و مشتری کا نام

1. مسلم خان ولد یاسین خان سکندریہ بلوچستان اورہ صوبہ ڈیرہ اسماعیل خان ...

شہر لٹ و ضوابط و حدود

1. کہ یہاں دیہہ کوئلہ نام کا 1/4 حصہ مروجہ پراجکٹ کرانا میرگا اور لہجہ نام جمہوریت کی مندرجہ ذیل کے لئے ...

1-123-1005-1201-1201-9018352-7-12101-1-14449732-1

Attested by [Signature] Advocate Legal Advisor ...



ANN-(E)

SYS NWFP PESHAW

001

13

16



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

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

1. Chairman, Auction Committee, ARI, D.I. Khan
2. Farm Manager, ARI, D.I. Khan

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

Memo:

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

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

*F/Asstt*

*Attested*  
*M. Iqbal Mundi*

*19/5*  
DIRECTOR  
*e/c*

**M. IQBAL MUNDI**  
Advocate  
Legal Advisor, NWFP Peshawar

Peon Book Of

ANN-(F)

(14)

No.	Date	NAME	Description	By whom delivered	Acknowledgement
9 <sup>5</sup>	25	Chandrashekhar	1546-47		25/19/35
		Committee			
		Relation	815 + 811		25/19/35
		WIE	813		25/19/35
		ACT	817 + 821 + 830		
		Text	816 + 820 + 819 + 824		
		Pervay R/O	816		
		Ento	823		

Printed  
 V. K. KUNDI

AGRICULTURE  
DERA ISMAIL KHAN



INSTITUTE  
AKHTUNKHWA

Landline (0966) 740 090  
Fax (0966) 740 415  
Email: aridikh@yaho.com

ANN-9

275

18

No. 2752 /DAR(DK) Dated ARJ, DIKhanthe 24.11.2015

To: Mr. Salim Contractor  
S/O Paid Khan  
R/O Wanda Balochan  
DI Khan

Subject: Lifting of Soil Surface  
Mem;

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

*[Signature]*  
Director

C to NO: 2753-54

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

*[Signature]*  
Director

*[Signature]*  
**MR. IQBAL KHAN**  
Advocate in Court  
Legal Advisor, Wapua Pesco





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

265  
 AND G/1  
 16

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

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

Attorney of Muhammad Mohsin Shuja.

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

Memo:

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

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

7  
 Director 15/5/15

*Handwritten signature*  
 Legal Advisor  
 High Court  
 Peshawar

*Handwritten signature*



**Agricultural Research Institute, D.I. Khan**

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

(17)

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

ANN - ~~3/2~~ (6/2)

Muhammad Salim  
s/o Pains Khan  
r/o Wanda Balochan  
D.I. Khan.

Agency of Muhammad Mohsin Shuja

**LAND LEVELLING OF UPPER SOIL SURFACE EXCAVATED  
LAND OF ARI, DIKHAN**

Memo:

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

Therefore, you are advised to make land leveling of all the land by laser so that you can be able to irrigate and cultivate the crop.

*So Attested*  
*[Signature]*

**M. MOHAMMAD KHANDI**  
Advocate High Court  
Legal Advisor, Wapaa Pesco

*[Signature]*  
Director

CHAI

I, Pervez Khattak, Chief Authority, hereby charge you, Mr. Muhar Research Institute, D.I Khan as follows:-

akhtunkhwa, as Competent Assistant (BS-09) Agriculture

ANN-11

18

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

- a. Rendered 13 acres of precious government land misfit for agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet.
- b. Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated.
- c. Allowed the highest bidder Mr. Muhammad Muhsin Shujja to sublet the contract, to Mr. Saleem Khan without lawful authority and took no action against them.
- d. Failed to protect government interest by showing slackness in supervision of the excavation by the contractor.

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

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

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

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

6. A statement of allegations is enclosed.

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

*Attested*  
*Pervez Khattak*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
 AGRICULTURE LIVESTOCK & COOPERATIVE  
 DEPARTMENT

ANN - (3)

19

155

DISCIPLINARY ACTION

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

STATEMENT OF ALLEGATION

- i. Rendered 13 acres of precious government land misfit for agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet.
- ii. Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated.
- iii. Allowed the highest bidder Mr. Muhammad Muhsin Shujja to sublet the contract to Mr. Saleem Khan without lawful authority and took no action against them.
- iv. Failed to protect government interest by showing slackness in supervision of the excavation by the contractor.

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

- i. Mr. Saadullah Khan, Joint Secretary, Agriculture, Government of Khyber Pakhtunkhwa
- ii. Mr. Aslam Khan, Joint Secretary, Agriculture, Government of Khyber Pakhtunkhwa

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

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

(PERVEZ KHATTAK)  
 CHIEF MINISTER, KHYBER PAKHTUNKHWA  
 COMPETENT AUTHORITY

*Attested*  
*M. IQBAL KUREDI*  
 M. IQBAL KUREDI  
 Advocate High Court  
 Legal Advisor Wapda Fesco



B.	Allowed unchecked excavation of land in total disregard to the specification in the advertisement floated.	<p>الغيا</p> <p>وزیر عالی، ریفرنس جو آر میں سپر انڈیکس A میں حصہ نہیں لیا اور</p> <p>کے حکاموں</p>
C.	Allowed the highest bidder Mr. Mohammad Mohsin Shuja to sublet the contract to Mr. Saleem Khan without lawful authority and took no action against them.	<p>وزیر عالی! مگر رقم سپر انڈیکس اور ایل جی آر میں حصہ لیا اور</p> <p>عمل میں نہیں اور ترقی خوار تھیں۔ ان کے خلاف کوئی</p> <p>تعمیر و مرمت کرنا سراسر اسرارہ (غیر قانونی) ہوئی</p>
D.	Failed to protect Govt. interest by showing slackness in supervision of the excavation by the contractor.	<p>وزیر عالی! میں نے اپنی تمام ہولڈنگز کا مکمل طور پر نفاذ کیا اور اس کے</p> <p>کام کو مکمل کیا۔ اور میری ہولڈنگز میں بھی کام چل رہا ہے اور</p> <p>میں نے اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ</p> <p>یہ سب کام مکمل کیے ہیں۔ اور اس کے ساتھ ساتھ اس کے ساتھ ساتھ</p> <p>کی سہولت اور کامیابی کا شکر نہیں ہوا</p> <p>وزیر عالی! مندرجہ بالا موصوفات کو پیش نظر رکھتے ہوئے اس کے</p> <p>حصہ سے میری الذمہ فروری کے ساتھ ساتھ اس کے ساتھ ساتھ</p> <p>نوروز میں ہوئی</p>

Yours obediently

Muhammad Usman 1

Field Supervisor

ARI, D.I.Khan.

Usman

Signature

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

ANN-K

22

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

Name Of Crop	Variety	Area	Date Of Sowing	Method Of Sowing	Quantity Of Seed	Pesticide used		Fertilizer		Date Of Harvesting	Produce
						Kind	Quantity	Kind	Quantity		
Wheat	Hashim-08 Pibasic	K-19	07/11/2015	Drill	95	Axiat+Allyms	700 ml + 0.1 bales	SSP+Urea	04 bags + 54 bags		454 bags/50kg
		152			DIR P.No. 153	168	DIR P.No. 146, 163				
		152			DIR P.No. 153	168	DIR P.No. 146, 163				
		24-0	08/11/2015	"	202	Axiat+Allyms	1260 ml + 1.5 bales	SSP+Urea	06 bags + 6 bags		transferred to
		32-0	12/11/2015	"	101	Axiat+Allyms	1600 ml + 0.2 bales	SSP+Urea	12 bags + 07 bags		main store
		16-0	15/11/2015	"	440	Axiat+Allyms	840 ml + 0.1 bales	SSP+Urea	04 bags + 04 bags		Register P.No.
A. Zone		59-0	18/11/2015	"	282	Axiat+Allyms	3098 ml + 0.3 bales	SSP+DAP+Urea	17+2+13 bags		174
G.P.U		30-0	21/11/2015	"	365	Axiat+Allyms	1600 ml + 0.2 bales	SSP+Urea	10 bags + 06 bags		55 bags/50kg
A. Zone		40-0	28/11/2015	"	463	Axiat+Allyms	2775 ml + 3.5 bales	DAP+Urea	08 bags + 09 bags		of A. Zone
		52-0	29/11/2015	"				DIR P.No.	187, 163		transferred to
Total = 268 kanel											
S.3 kanel deducted											
vide Director diary											
No. 637 dated 08/04/2016											
and net area is 262.7											
kanelis.											

FARM MANAGER  
ARI, D.I. Khan

DIRECTOR  
Agricultural Research Institute  
D.I. Khan

FARM MANAGER  
ARI, D.I. Khan

FARM MANAGER  
ARI, D.I. Khan

Wheat stored auctioned vide  
ch. an NO. 203, dated 25/05/2016  
of (84.25 acre) amounting to  
Rs: 61310/-

Register P.No. 174  
transferred to main store  
P.No. 174

Attested  
[Signature]

FARM MANAGER  
ARI, D.I. Khan

combine Harvester bill

Bill No will dated 24/4/2016  
of M/s. Haji Mohammad Amin & Sons  
Harvester Machine Karomat Abad  
Bannu Road D.I.Khan. on job of Harvesting  
of 7 acres @ RS = 2240/-  
amounting to RS = 161280/- verified.  
combine Harvester bill

Mix Gasin  
of all varieties  
57 bags / 500  
transferred  
to main store  
Register P.No.  
(175)

Bill No will dated - 03-06-2016  
of Haji Mohammad Amin &  
Sons Harvester Machine  
Karomat Abad Bannu Road  
D.I.Khan on job of Harvesting  
of 16.57 acres @ RS = 2240/-  
amounting to RS = 37117/-

FARM MANAGER  
ARI, D.I.Khan

2  
void  
FARM MANAGER  
ARI, D.I.Khan

void  
FARM MANAGER



(23)

(L)



Agricultural Research Institute, D.I. Khan

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

ANN (13/10)

(13/10)

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

To

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

Subject:- INQUIRY

Memo:-

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

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

*[Signature]*  
Director

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

Copy to:

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

*[Handwritten signature]*

MR. P. S. H. MUNDI  
Advocate  
Legal Advisor, District Court  
Wazirabad, Wazirabad, Peshawar

Director



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

24

ANN-M

SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011, do hereby serve you, Mr. Muhammad Usman, Field Assistant (BS-09) Agriculture Research Institute, D.I.Khan as follows:-

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

I am satisfied that you have committed the following acts / omissions specified in Rule 4 of the said rules:-

- (a) Rendered (1) acres of precious Govt. land misfit for Agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet
- (b) Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated.
- (c) Failed to protect Govt interest by showing slackness in supervision the excavation by the Contractors.

2. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of 3 months suspension of increment & recovery of Rs 146712.4/- on account of loss accrued to Govt. under Rule 4 of the said rules.

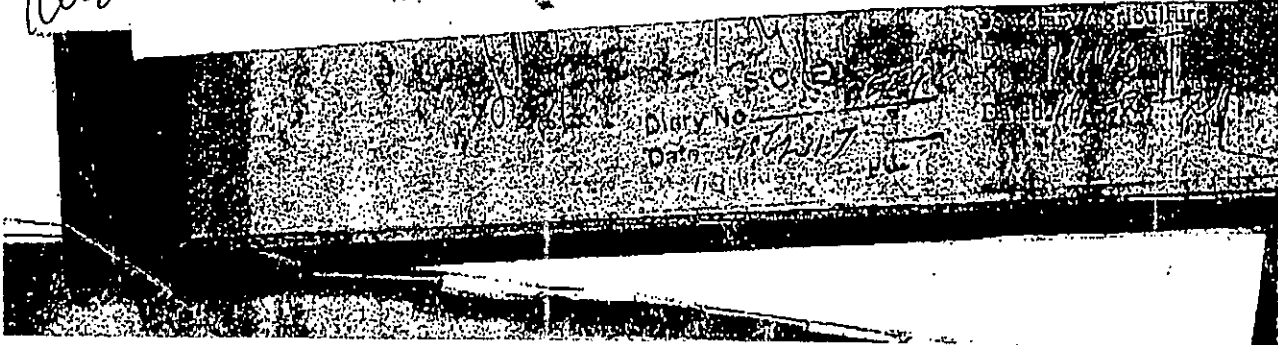
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry committee is enclosed.

*2 attested  
Muhammad Usman*

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



ANN-N

25

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

Respectfully sheweth,

**PRELIMINARY OBJECTION**

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

Sir,

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

- A. That clause (a) of allegation of SCN is absolutely incorrect and baseless. In this regard it is submitted that I have neither been authorized by competent authority to supervise the contractors work in respect of lifting of upper soil surface from the department's land measuring 13 acres nor I was part of the auction committee as well as alleged supervisory committee. Therefore I was not aware of terms and conditions of the contract and it was not intimated to me that how much soil surface was to be lifted. I had visited the site off and on just to see the progress of the work of Block 'A' and no any specific directives were given to me by Director in respect of checking the measurement of depth of excavation. As long as allegation of rendering 13 acres of agriculture land misfit for agriculture purpose is concerned, it is totally baseless and misconceived. It can easily be assessed from the wheat harvesting report for the year 2015-2016, that yield of wheat crop at the rate of 34 mounds per acre has been obtained from Block 'A' of land in question which is worth higher than the average wheat yield as per record of the Statistical office, District D. I. Khan (Annexure-A). So how it was assessed by the inquiry committee that land in question has become misfit for agriculture purpose. Hence allegation of inquiry committee is not acceptable to the prudent mind because the land in question is fertile and fit for cultivation as per department record (Annexure-B). I am not responsible in any manner what so ever, therefore I deserve to be absolved from allegation (a).
- B. That clause (b) of show cause notice is incorrect. In this regard it is submitted that I was neither competent nor authorized by high officials to supervise the excavation work, as the supervisory committee letter No. 1546-47, dated 19/5/2015 was not dispatched to me as per department record (Annexure-C). As I was neither having any information in respect of terms and conditions

*attended  
Launched*

**M. I. RAJ**  
Advocate High Court  
Legal Aid, Wapda Pesse

26

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

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

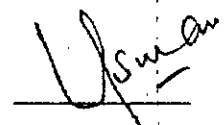
Sir,

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

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

Dated: 07/04/2017

Yours Faithfully,



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

*Attended*  
*M. Usman*  
M. Usman-1  
Field Assistant  
ARI, D. I. Khan

(27)

No 29 SRO, S/Cane, ARI, D.I.Khan  
To

Dated 28/03/2017.

The Director  
ARI, D.I.Khan

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

Memo:

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

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

*Usman*  
*Usman*

PO. TR

FAX NO. : 0919223624

11 Jul. 2017 11:56AM P1

98

ANN-0

# GOVERNMENT OF KHYBER PAKHTUNKHWA ENERGY & POWER DEPARTMENT

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

No. P.S. Secy /E&P/2017-37 (1) (1) (1)  
Dated 10<sup>th</sup> July, 2017

25/1  
12/7/17  
Khyber Pakhtunkhwa

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

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

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

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

46  
/Estt/DGAR

*Attested*  
*Signature*  
Mr. P. S. Secy  
Admin. Legal Sect.  
Dated 12/7/2017

above is forwarded to:-

- Vazeer Hussain Shah, Ex-DG Agriculture Research, Peshawar
- Director, Agriculture Research Institute, D.I. Khan for information and with the request to direct the accused officers/official to attend the venue of Personal Hearing as above.
- Kazim Shah, Ex-Director, Agriculture Research Institute, D.I. Khan.
- Inayat Hussain Shah, Research Officer, ARI, D.I. Khan.
- Shahid Iqbal Khattak, Research Officer, ARI, D.I. Khan.
- Muhammad Usman, Field Assistant, ARI, D.I. Khan.

*Signature*  
ADMIN. OFFICER (ESTT.)



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

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

ANN- (P.)  
29  
2212  
17/06/20

**ORDER:**

**NO. SOE (AD)6-52/2016:-** WHEREAS, Mr. Muhammad Usman, Field Assistant (BS-09) Agriculture Research Institute, D.I Khan was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

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

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

4. NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanation of the accused officer, finding of the inquiry committee and in exercising his powers under Rule 14(5)(ii) (Efficiency and Discipline) Rules, 2011 has been pleased to impose the minor penalty of "Stoppage of one annual increment & recovery of Rs. 146712.9 on account of loss accrued to the Govt." on the officer.

Sd/-  
**SECRETARY AGRICULTURE**

Endst. of Even No. & Date.

Copy forwarded to:-

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

*Attest*  
*[Signature]*  
17/06/20  
17/06/20  
Legal Advisor Wapda Peshawar

*DGARD*

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



DIRECTORATE GENERAL AGRICULTURE RESEARCH

KHYBER PAKHTUNKHWA, 25130, PESHAWAR

☎ 091-9221271 web: [www.agrires.kp.gov.pk](http://www.agrires.kp.gov.pk) ☎ 091-9221270

E-mail: [dgragriresearch@gmail.com](mailto:dgragriresearch@gmail.com)



No 7299-7301 /Estt/DGAR

Dated the Peshawar 17/06/2020

To:

The Director  
Agriculture Research Institute  
Dera Ismail Khan.

The Director  
Agriculture Research Station  
Ahmad Wala Karak.

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

Memo: -

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

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

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

Encl: As Above.

Endst. Even No & Date.

DIRECTOR GENERAL

Copy of the above is forwarded to:-

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

*Accepted*  
*Accepted*

**M. AZAM KUNDI**  
Additional District Court  
Legal Advisor w/ apda Pesco





## Agricultural Research Institute, D.I. Khan

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

ANM-  
30

No. 1205-08 /DAR(DK)ARI, DIKhan,  
To

the 25-06 /2020.

1. Mr. Kazim Shah  
Ex Director  
ARI, DIKhan
2. Mr. Inayat Hussain Shah  
Ex Research Officer  
ARI, DIKhan
3. Mr. Muhammad Usman  
Ex Field Assistant  
ARI, DIKhan

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

Memo;

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

Enclosed please find herewith the copies of order issued from the section officer Establishemnt Govt of Khayber Pakhtoon khawa, Agric. Livestock and Cooperative Department Peshawar vide No. SOE (AD) 6-52/2016 dated 12.06:2020 copies attached regarding imposing the minor penalties against the officer/officials.

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

*M. J. Kundi*  
Director

Copy to:

Director General Agriculture Research System KP Peshawar  
for information please.

*attested*  
*M. J. Kundi*  
M. J. KUNDI  
Agriculture Court  
Legal Advisor Wapoa Pesho

ANA-R  
32

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURAL RESEARCH**

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

**OFFICE ORDER**

Consequent upon the recommendation of Departmental Promotion Committee meeting held on 01<sup>st</sup>, the Competent Authority is pleased to promote the following Research Inspectors (BPS-11) to the Research Supervisor (BPS-14) on regular basis with immediate effect except S. No 6 & 11 with effect 1-04-2017 (i.e. date of DPC) in terms of provision contained in Establishment Department's circular letter, 2<sup>nd</sup> September, 2004, as the official S. No 6 & 11 proceeded on retirement with effect from 07-04-2017 & 09.05.2017 (A.N) on attaining the age of superannuation. All those officials who were promoted will be probation for one year and extendable to another year.

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

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

Name and Designation	From	To
Mr. Muhammad Raziq Research Supervisor (BPS-14)	Office of the Director, SCRI, Mardan	Office of Director SCRI Mardan against the existing vacancy of Research supervisor (BPS-14)
Mr. Muhammad Usman-I Research Supervisor (BPS-14)	Office of the Director, ARI, D.I.Khan	Office of Director ARI D.I.Khan against the existing vacancy of Research supervisor (BPS-14)
Mr. Sher Afzal Research Supervisor (BPS-14)	Office of the Senior Director, ARI, Tarnab.	Office of Senior Director ARI Tarnab against the existing vacancy of Research supervisor (BPS-14)
Mr. Muhammad Qayyum Research Supervisor (BPS-14)	Office of the Director, ARI, Mingora, SWAT.	Office of Director, HARS, Abbottabad, against the existing vacancy of Research supervisor (BPS-14)
Mr. Amir Nabi Research Supervisor (BPS-14)	Office of the Director, SPN, Tarnab.	Office of Director SPN, Tarnab against the existing vacancy of Research supervisor (BPS-14)
Mr. Bashir Ahmad Research Supervisor (BPS-14)	Office of the Director, ARI, D.I.Khan	Office of Director, ARI D.I.Khan against the existing vacancy of Research supervisor (BPS-14)
Mr. Adnan Ud Din Research Supervisor (BPS-09)	Office of Director, BARS Kohat	Office the Director, SPN, Tarnab against the existing vacancy of Field Assistant (BPS-09)
Mr. Bakht-E-Karam Research Supervisor (BPS-14)	Office of the Director, ARI, Mingora, SWAT.	Office of Director, BARS Kohat against the existing vacancy of Research supervisor (BPS-14)
Mr. Abdel Wahab Research Supervisor (BPS-11)	Office of the Director, ARS, Baffa, Mansehra	Office of Director, ARI, Mingora, SWAT, against the existing vacancy of Research Inspector (BPS-11)
Mr. Fazal Hussain Research Supervisor (BPS-14)	Office of the Director, ARI, Swat	Office of Director ARS, Baffa Mansehra against the existing vacancy of Research supervisor (BPS-14)
Mr. Muhammad Naeem Research Supervisor (BPS-14)	Office of the Director, SPN, Tarnab	Office of Director, SPN, Tarnab against the existing vacancy of Research supervisor (BPS-14)

*[Handwritten signatures and stamps]*

MAJID HUSSAIN KARANJHI  
Director, Agricultural Research  
Government of Khyber Pakhtunkhwa

33

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

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

to  
 64-6904/Estt/DGAR

Dated the Peshawar 20/10/2017

*attested*  
*M. Iqbal Khan*

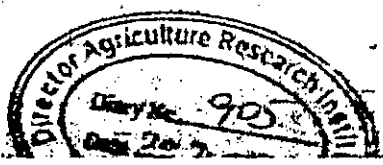
- The Accountant General Khyber Pakhtunkhwa Peshawar.
- The Senior Director, Agric. Research Institute, Tarnab (Peshawar).
- The Director, Soil and Plant Nutrition, Agric. Research Institute, Tarnab (Peshawar).
- The Director, Cereal Crops Research Institute, Pirsabak (Nowshera).
- The Director, Sugar Crops Research Institute, Mardan.
- The Director, Agric. Research Institute, Mingora Swat.
- The Director, Agric. Research Institute, D.I.Khan.
- The Director, Agric. Research Station, Serai Naurang Bannu.
- The Director, Agric. Research Station, Bannu.
- The Director, Hazara Agric. Research Station, Abbottabad.
- The Director, Agric. Research Station, Ahmad Wala Karak.
- The Director, Agric. Research Station, Baffa Mansehra.
- The District Accounts Officer, Nowshera, Swat, Bannu, Mansehra, Karak, Abbottabad, Mardan, Kohat and D.I.Khan
- All Officials concerned.

For information and necessary action.

*20/10/17*  
 DIRECTOR GENERAL  
 Agriculture Research  
 Khyber Pakhtunkhwa  
 Peshawar

**M. IQBAL KHAN**  
 Advocate High Court  
 Legal Advisor - Wazirabad Peshawar

*AD ABST. M.*  
*Director in person, concern*  
*9/10/17*  
*Copy all of these concerned*



*Copy all of these concerned*



Agricultural Research Institute, DIKhan

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

ANN-S

319

34

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

To:

The Director General  
Agricultural Research System  
KP, Peshawar

Subject:

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

Memo:

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

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

Encl. As above

No. 1349 /DAR (DK)

Copy to:

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

*M. Usman*  
Director

*attested*  
*[Signature]*

*M. Usman*  
Director

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

*Account*  
*Secretary*  
ANN - 5  
35

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

Respectfully Sheweth,

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

**BRIEF FACTS OF THE CASE**

1. That the petitioner had been serving the Agriculture Department since 1977 and served the Department at various positions with dedication, honesty and dignity. He always performed his duty efficiently and properly up to the expectation /satisfaction of his superiors. He is also having 40 years unblemished service career record. At time of occurrence of alleged matter petitioner was posted as Field Assistant (BPS-9) at ARI Dera Ismail Khan. He was promoted in (BPS 14) as Field/Research Supervisor in (BPS-14) on 20-06-2020.
2. That proposal for removal of upper soil layer of the fallow land adjacent to AZRI, D.I.Khan was sent to the Director General Agriculture Research System Khyber Pakhtunkhwa, Peshawar by Director ARI D.I.Khan on vide letter No. 5251 dated 18-12-2014 which was accepted and approved by DGAR Khyber Pakhtunkhwa, Peshawar. In this regard eligible contractors were invited to participate in the auction proceeding for removal of surface soil ibid land through tender notice published in Daily Mashriq dated 10-02-2015 by Director ARI, D.I.Khan. After holding auction Muhammad Mohsin Shuja was declared to be highest bidder. It is pertinent to mention that matter in question was neither in the domain of petitioner nor he had any nexus with the job duty performed by him, as he was performing duty of Field Assistant in those very days.
3. That during removal of surface soil layer from ibid land petitioner remained unaware from all ups and downs happened in this regard, He had never been assigned duty to assist the alleged supervisory committee in respect of the excavation process. The letter No.1546-47 dated in 19-05-2015 issued by Director ARI, Dera Ismail Khan seems to be fake as neither a supervising committee was constituted nor he was verbally directed to assist the alleged committee in excavation of soil, even if a letter was not delivered to him. It is pertinent to mention that no any progress/report in respect of excavation was obtained from petitioner during work in progress, meaning thereby that alleged supervising committee was neither constituted nor existed, The whole file of ibid case is blank/silent except the allied letter dated 19-05-2015 as no any correspondence with the petitioner is available in this connection in the Official record.
4. That letter on petitioner was served which charge sheet and statement of allegation bearing No. Nil dated nil signed by Honorable Chief Minister Government of KPK on the subject in issue. In which it was alleged that he had committed the following irregularities.

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

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

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

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

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

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

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

*Wahid*  
*Wahid*  
 2015/11/24  
 2015/11/24

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

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

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

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

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

GROUNDS

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

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

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

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

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

*M. A. Khan*  
*M. A. Khan*  
M. A. Khan  
Advocate  
High Court  
Faisalabad

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

6. That Petitioner was promoted from BPS-09 to BPS-14 during pendency of alleged complaint meaning thereby Govt: was satisfied from his performance while elevating him. The complaint in question as well as alleged enquiry report has become infructuous thus government cannot open such a past and close chapter after passing of more than three years and three months of alleged enquiry.
7. That Petitioner had categorically stated in his statement that the Petitioner had never remained member of the alleged supervisory committee nor directions were given to him to assist the alleged in excavation work. Even alleged letter No. 1546-47 dated 19-05-2015 issued by Director ARI, D.I.Khan was neither served upon Petitioner nor was the same acknowledged by him. It seems to be fake and after thought duly manipulated by making it peace and parcel of the file by Director ARI D.I.Khan to save his skin. So how Petitioner was involved on such allegation which have no nexis with Petitioner?.
8. That one of the accused Nazeer Hussain Shah DGAR being head of the department was awarded minor punishment in the shape of **CENSURE** whereas all other accused including the Petitioner were treated differently and were penalized in the shape of stoppage of increments and recovery of different amount. Thus Petitioner and other accused were not similarly treated despite the fact accused Nazeer Hussain Shah DGAR had approved the proposal and permission was granted for subletting of the contract. According to the constitution of Pakistan every citizen may be similarly treated for the same act done by different people. Thus in the above scenario the Petitioner was to be dealt with same yard stick.
9. That matter of excavation is subjudice before Civil Judge V D.I.Khan and quantity of soil excavated is yet to be decided by the court that whether excess excavation has been done or not. So in such situation competent authority was not liable to impose minor penalty upon him. Copy of the plaint is enclosed and marked as **Annexure K**.
10. That impugned order dated 12-06-2020 is not tenable under the law, therefore the same is liable to set aside and recalled.
11. The Petitioner may give an opportunity of personal hearing in the interest of natural Justice and equity.

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

Petitioner

Muhammad Usman

Ex Field Supervisor ARI D.I.Khan

Dated: 10-07-2020

*Attested*  
*Signature*

*Stamp*



تاریخ: 22/12/2012

محکمہ عدالت  
ڈیپٹی سیکریٹری

محکمہ عدالت جناب سینیٹر سول اور صاحب ڈیرہ اسماعیل خان

نمبر شمارہ تاریخ حکم

OS - - - 01

22-12-12

رعویٰ ہذا وکالتا وانر شد سپرد عدالت جناب

سول جج صاحب: 13/12/2012 ڈیرہ اسماعیل خان کیا

جاتا ہے۔ سہی آؤنیز۔ عدلیہ عدالت و سول

سہی 1-12-2012 پیش ہو

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

دعویٰ عدالتی (13/12/2012) ڈیرہ اسماعیل خان  
لے کر از پٹنہاں پیش ہو۔

Handwritten signature of Kamel Anwar

KAMEL ANWAR  
Advocate, Dera Ismail Khan.

0-02  
22-12-12

جناب عالی: پٹنہاں کی طرف سے دعویٰ اسٹیٹ پیپر  
کلیئر۔ سول عدالت ڈیرہ اسماعیل خان  
فروری 2012ء میں عدالت میں پیش ہوئے  
دستاویزات و گورنر جنرل کے پاس  
دکھانے کے لیے پیش کیے گئے تھے۔  
ڈیرہ اسماعیل خان میں عدالت کی طرف سے  
پٹنہاں عدالت میں پیش ہوئے۔

22/12/12

Attested  
Handwritten signature

M. IZAZ KHAN  
Advocate High Court  
Legal Advisor Wapda Pes

12/12/12

دیکھ کر ہی ۵۰ - اندر ۱۵ - ...  
23.12

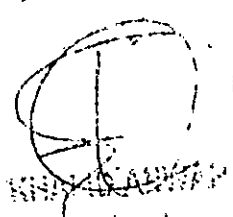
سید کریم علی - درجہ اولیٰ - ...

سید کریم علی - درجہ اولیٰ - ...

سید کریم علی - درجہ اولیٰ - ...  
2752

سید کریم علی - درجہ اولیٰ - ...  
15.10.14

سید کریم علی - درجہ اولیٰ - ...  
25/11/14



Civil Judge (Senior Division)

سید کریم علی - درجہ اولیٰ - ...  
15.10.14  
25.11.14  
02.03.16

سید کریم علی - درجہ اولیٰ - ...  
Note leader  
19.02.2016

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

4526  
12-4-16  
12-4-16  
1200

Signature  
Legal Officer  
Court  
Sudh P...

سید محمد

تاریخ: 12/12/2015

بروالتاجیاب

سال 2015

مختصر دعویٰ کو اتنی ہفتہ

از قلم: محمد عابد ال

ڈیپٹی سیکرٹری و گورنر ہائٹس  
ڈیپٹی ایگزیکٹو مینجنگ ڈائریکٹر

0345-9830778:0

7-9019352-101-1120

پتہ

(Signature)

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

23-12-15

- (1) ڈیپٹی سیکرٹری ہائٹس اور
- (2) ڈائریکٹر ہائٹس اور
- (3) ڈائریکٹر ہائٹس اور

(مختصر)

دعویٰ استغفار کے تحت  
یہ دعا حاصل کرنے کے لئے  
جو ادارہ کے قیام کے لئے  
جدا کیا گیا ہے۔ جسے  
جو ادارہ کے لئے مندرجہ  
میں سے مندرجہ کے لئے  
میں سے مندرجہ کے لئے

collected  
Seal/Stamp

ES & S. BUREAU  
Ayubpote High Court  
Wahabpote Wahabpote

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

بیتہ مشرمنہ 2752/DAR/DAK: dated 24/11/2015

Qadri  
Aaqib  
Judicial, D.I. Khan

Aaqib  
Judicial

P.T.O



Amir Ali  
 Civil Judge - II, D. Khan

Case No. 3

Handwritten text in Urdu script, appearing to be a legal document or court order. The text is dense and covers most of the page.

Handwritten text in Urdu script, continuing the legal document. It includes some numerical figures and specific details.

Handwritten text in Urdu script, likely a concluding part of the document or a signature block.

Collected  
 Signature

270



دعوت دالایا کے لئے درخواستیں -  
 8-0-11/12 (الٹا مردہ سے) -  
 رقم 8-0-11/12 -  
 رقم 18-0-11/12

جناب عالی اقدس -

① میں نے بطور شہسوار کام کرتا رہا ہے اور میں قدسی کے بہت سے شہسواروں کی باتوں سے آراستہ ہوں۔  
 رقم 2867 -  
 رقم 10/12 -  
 رقم 2867

② میں نے منظریہ سے شہسواروں کے لئے رقم 109-0-11/12 -  
 رقم 39-0-11/12 -  
 رقم 69-0-11/12 -  
 رقم 15/05 -  
 رقم 2015

Attest  
 MIBAL FUND  
 Action  
 and Person

Handwritten text in Urdu script, possibly a title or introductory paragraph.

Handwritten text in Urdu script, possibly a signature or name.

Handwritten signature or name in Urdu script.

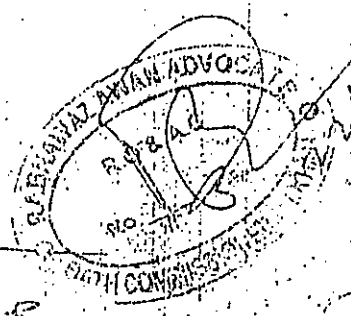
Handwritten signature in Urdu script.

MR. P. S. KANDI  
Advocate High Court  
Wapda Wapda

Handwritten notes and signatures on the right side of the page.

Handwritten text in Urdu script, possibly a body of text or a list.

Handwritten text in Urdu script at the bottom of the page.



در مورد قیمت نفت (فروش) از شما  
 مستشاران و مجازات در صورت  
 تا از بازار به صورت  
 قیمت همیشه کمتر است  
 و اینها در صورتی که  
 در صورتی که  
 در صورتی که

12  
 11  
 10  
 9  
 8  
 7  
 6  
 5  
 4  
 3  
 2  
 1

در صورتی که قیمت نفت  
 همیشه کمتر است  
 تا از بازار به صورت  
 قیمت همیشه کمتر است  
 و اینها در صورتی که  
 در صورتی که  
 در صورتی که

در صورتی که قیمت نفت  
 همیشه کمتر است  
 تا از بازار به صورت  
 قیمت همیشه کمتر است  
 و اینها در صورتی که  
 در صورتی که  
 در صورتی که

در صورتی که قیمت نفت  
 همیشه کمتر است  
 تا از بازار به صورت  
 قیمت همیشه کمتر است  
 و اینها در صورتی که  
 در صورتی که  
 در صورتی که

Interested  
 W. M. D. C.



استاد  
Dr. Muhammad

کتابت جناب سید سوار نے صاحب ضلع ڈیرہ گھاٹی میں کیا ہے

دعویٰ التقریر اور غیرہ

درخواست میں آدھ سو روپے رقم (مستحق) کا حق ہے تاکہ وہ  
کہ وہ تاکہ مقدمہ منسوخ ہو جائے تاکہ بالآخر اس میں  
مگر B752 مقدمہ منسوخ ہو جائے تاکہ اس میں وہ حق اور  
کسی قسم پر اجالت نہ ہو تاکہ اس میں وہ حق اور

جناب عالی اقدسی حسب ذیل عرض ارسال ہے

① یہ مقدمہ منسوخ ہونا چاہیے تاکہ دائرہ کسالت طعنہ الیہ کیا جا سکے  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور

② یہ من قدی کا Good Prima facie اور  
Balance of convenience ہے قدی کا وجود  
یاد ہے اس لئے من قدی کا Case کافی منسوخ ہے  
اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور

③ یہ مقدمہ منسوخ ہونا چاہیے تاکہ اس میں وہ حق اور  
دوران مقدمہ منسوخ ہو جائے تاکہ اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور

کیا اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور

کے لئے اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور  
تاکہ اس میں وہ حق اور اس میں وہ حق اور اس میں وہ حق اور

22-12-22  
Salim Khan

12/12/22

47

Change

*[Faint handwritten text, possibly a list or notes]*

*[Faint handwritten text, possibly a signature or date]*

*[Faint handwritten text]*

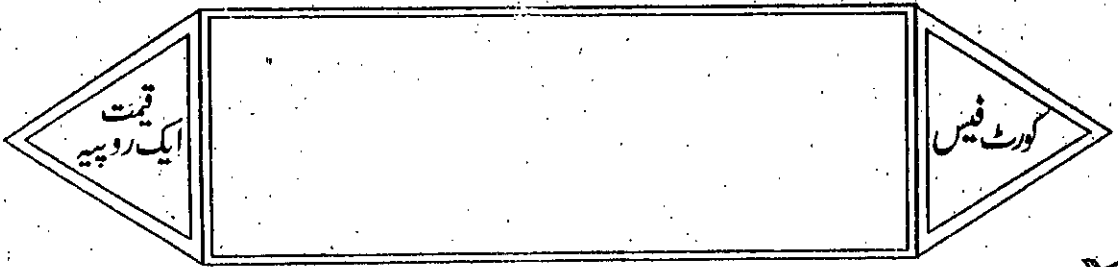
*[Faint handwritten text, possibly a date]*

*Attested  
J. [Signature]*

AGRICULTURAL PENSION  
Advocate High Court  
New York, N.Y.

*[Faint handwritten text]*

# وکالت نامہ



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

Muhammed Usman **محمد عثمان** Govt of K.P.K  
Through Chief Secretary **دعوی یا جرم**  
Service Appeal **تفصیل دعوی یا جرم**

## باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جواہد ہی برائے پیشی یا تصفیہ مقدمہ بمقام **D. I. Khan** کیلئے  
Muhammed Ghafar Rundi Adv. (App. Court)

کوصب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے بیچے پیش ہونے پر مظہر کو کوڑا، نسیان پینے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عینانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرواضح صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل گرانٹی و ہرجم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرائے اور ہرجم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے میان دینے اور اس پر نفاذ یا راضی نامہ و فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بکھری صدر پیروی مقدمہ مذکورہ نظر ثانی و اپیل و گرانٹی و برآمدگی مقدمہ یا مشورتی ڈگری یکطرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری عمل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کیلئے عینانہ پیروی کا اختیار ہوگا اور تمام ساختہ پرواضح صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا گرانٹی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا بیرٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ التواہ پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی حکم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے  
مورخ 6/11/2020 201

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

العبد العبد العبد  
Accepted  
Muhammed Usman

**BEFORE THE LEARNED SERVICE TRIBUNAL PESHAWAR  
CAMP COURT DIKHAN**

**SERVICE APPEAL NO. 13901/2020**

Muhammad Usman (ex-Field Assistant)

..... **Appellant**

**Versus**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Agriculture Livestock and Cooperative Department, Peshawar.
3. Director General: Agriculture Research, Peshawar.
4. Director Agriculture Research Institute, DIKhan.

..... **Respondents**

**INDEX**

\*\*\*\*\*

<b>S. No.</b>	<b>Documents</b>	<b>Annexure</b>	<b>Page No.</b>
1.	Para-wise reply on behalf of Respondents	--	1-5
2.	Affidavit	--	6
3.	Authority Letter	--	7
4.	Letter No. 1546-47.	A	8
5.			

**BEFORE THE LEARNED SERVICE TRIBUNAL PESHAWAR**

**CAMP COURT DIKHAN**

**SERVICE APPEAL NO. 13901/2020**

Muhammad Usman (ex-Field Assistant)

..... **Appellant**

**Versus**

1. Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Agriculture Livestock and Cooperative Department, Peshawar.
3. Director General: Agriculture Research, Peshawar.
4. Director Agriculture Research Institute, DIKhan.

..... **Respondents**

**SUBJECT: REPLY ON BEHALF OF RESPONDENTS 1-4**

**Respectfully Sheweth:-**

**Preliminary Objections**

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has got no prima facie to file the instant appeal.
3. That the instant appeal is badly time barred.
4. That the appellant intends to waste the precious time of this Hon`ble Tribunal by filing the instant appeal.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the instant appeal is not maintainable in its present form and liable to be dismissed with cost.
7. That the appellant has no locus standi to file the instant appeal.
8. That the appellant is deliberately concealing the material facts from this Honorable Tribunal.

**FACTS: -**

- Para-1 Incorrect. Although he has performed duties at various positions, but the present case shows that he was not so dedicated and efficient in performing his duties.
- Para-2 Incorrect. Vide letter No. 1546-47/DAR(DK) dated 19.05.2015 (annexure-A), the appellant was informed to look after the excavation process, and to report on regular basis. This clearly shows that everything was in picture to him. He is just concealing the material facts from this Hon`ble Tribunal.
- Para-3 Incorrect: Being site supervisor of purchase and auction committee of the institute, he was responsible by mandate of his duty that he will interrupt the whole process of said excavation. It is further added that astonishingly all the members denied the said letter. The appellant by denying the receipt of letter No. 1546-47, dated 19.05.2015 is trying to conceal the facts for the sake of saving his own skin.
- Para-4 Incorrect. He was fully aware of the excavation activities of the contractor. Therefore, he was served with charge sheet and statement of allegations by the competent authority as per negligence from his responsibility of supervising the work of the contractor. A number of inquiries had been conducted in the case, in which the appellant could not prove himself to be innocent.
- Para-5 Incorrect: The letter No. 1546-47/DAR[DK] dated 19.05.2015 issued by the Director: Agriculture Research Institute, DIKhan is not fake and fictitious. However, as far as rendering the land

unfit for cultivation is concerned, Block "B" 69.5 Kanal has not cultivated even after extra excavation of the soil up to 6-feet instead of 4-feet. The mentioned yield of 29.11 mounds of wheat crop (year 2015-16) was obtained from Block "A" (36 Kanal, 02 marla).

Para-6 No comments.

Para-7 Incorrect. Proper departmental representative was deputed during the inquiry to assist the inquiry officer along with relevant record. The appellant was given full opportunity and approach to record before recording his verbal as well as written statement. Furthermore, the copy of inquiry findings are supplied on demand of the accused officer.

Para-8 Incorrect. The allegations leveled against the appellant were according to Law, Rules in vogue and as per findings of the inquiry report.

Para-9 The appellant along with other accused officers/official were given chance of personal hearing before imposing the penalty.

Para-10 Incorrect. No legal right of the appellant was infringed.

Para-11 The appeal of the appellant was not considered because it was not entertainable.

Para-12 No comments.

**GROUND:** -

Para-1 Incorrect. As mentioned in above para 8, and the step was taken in accordance with Law & Rules and was not under the misuse of authority.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

REPORT OF THE COMMITTEE ON THE  
PROGRESS OF THE DEPARTMENT

FOR THE YEAR 1958-1959

Presented to the Board of Trustees

at the meeting of

1. General information regarding the department
2. Statement of the department's activities during the year
3. Financial statement of the department for the year
4. Proposed budget for the next year

Submitted by the

Committee on the Progress of the Department

The following is a summary of the activities of the Department of Chemistry during the year 1958-1959. The department has continued its tradition of excellence in research and teaching. The following are the major accomplishments of the department during the year:

1. The department has received a grant from the National Science Foundation for the study of the properties of the liquid crystal phase of certain organic compounds. This work is being carried out by Professor [Name] and his associates.

2. The department has received a grant from the National Science Foundation for the study of the properties of the liquid crystal phase of certain organic compounds. This work is being carried out by Professor [Name] and his associates.

3. The department has received a grant from the National Science Foundation for the study of the properties of the liquid crystal phase of certain organic compounds. This work is being carried out by Professor [Name] and his associates.

Very truly yours,

Chairman of the Committee  
 [Name]  
 Department of Chemistry  
 University of Chicago





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

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

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

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

Memo:

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

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

*fm 19/5*  
DIRECTOR  
*o/c*

*Attend*

*[Signature]*

*[Signature]*

**Touheed iqbal**  
Assistant Director planning  
Directorate General Agriculture Research  
KP Pesawat