



Service Appeal No. 386/2016

10.09.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 26.11.2018 before D.B at Camp Court D.I.Khan.

  
(Ahmad Hassan)  
Member  
Camp Court D.I.Khan

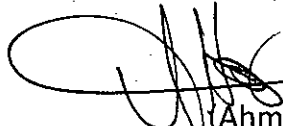
  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan


*510 - Due to  
his removal from  
service during  
pendency of  
present Appeal,  
the present Appeal  
is withdrawn -  
Rustam Khan  
Advocate  
26/11/18*

Counsel for the appellant Mr. Rustam Khan Kundi, Advocate present. Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant stated at the bar that during the pendency of the present appeal the appellant has been removed from service therefore, he wants to withdraw the present service appeal. In this regard signature of learned counsel for the appellant was obtained at the margin of order sheet as a token of proof. Accordingly the present service appeal is dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

26.11.2018


  
(Ahmad Hassan)  
Member  
Camp Court D.I.Khan

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

19.02.2018

Counsel for the appellant present: Mr. Usman Ghani, District Attorney for the respondents also present. Rejoinder not submitted. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for rejoinder and arguments on 14.03.2018 before D.B at Camp Court D.I.Khan.

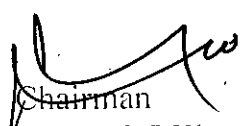
  
(Ahmad Hassan)  
Member  
Camp Court D.I.Khan

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

14.03.2018


None for the appellant present. Addl. AG for the respondents present. Adjourned. To come up for arguments on 25.4.2018 before the D.B at camp court, D.I.Khan.

  
Member

  
Chairman  
Camp court, D.I.Khan

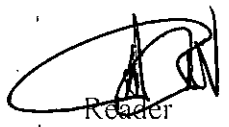
25.04.2018

Tour is hereby cancelled, Therefore the case is adjourned for the same on 30.07.2018 before D.B.

  
Reader  
Camp court D.I.khan

30.07.2018

Clerk to counsel for the appellant: Tour is hereby cancelled. Therefore the case is adjourned for the same on 10.09.2018 before D.B.

  
Reader  
Camp court D.I.khan

27.09.2017

Appellant with counsel present. Mr. Farhaj Sikandar, for respondents present. Counsel for the appellant requested for time to file rejoinder. Requested accepted. To come up for rejoinder and arguments 30.11.2017 before D.B at Camp Court D.I.Khan.



Member  
(Judicial)

Camp Court D.I.Khan

30.11.2017

Clerk of the counsel for appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents also present. Rejoinder not submitted. Clerk of the counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for rejoinder and arguments on 28.12.2017 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)

Member

Camp Court D.I. Khan

28.12.2017

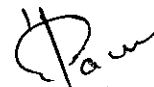
Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for rejoinder and arguments on ~~19.01~~ 2018 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)

Member

Camp Court D.I. Khan



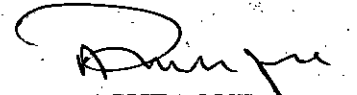
(Muhammad Hamid Mughal)

Member

Camp Court D.I.Khan


27.12.2016

Clerk counsel for appellant and Mr. Farhaj Sikandar, Government Pleader for the respondents present. Written not submitted. Representative of the respondent-department is not in attendance therefore, notice be issued to the respondents for written reply/comments for 22.02.2017 before S.B at Camp Court D.I.Khan.

  
ASHFAQUE TAJ  
MEMBER  
Camp Court D.I.Khan


22.02.2017

None present on behalf of appellant. Mr. Muhammad Khan, A.O alongwith Mr. Farhaj Sikandar, Government Pleader for respondents present. Representative of respondent-department submitted written reply which is placed on file. To come up for rejoinder on 26.07.2017 before S.B at Camp Court D.I.Khan. Notice be also issued to appellant and his counsel for the date fixed.

  
(ASHFAQUE TAJ)  
MEMBER  
Camp Court D.I.Khan

26.07.2017

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents also present. Rejoinder not submitted. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for rejoinder on 27.09.2017 before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

386/2016

26.04.2016

Mr. Rustam Khan Kundi, Advocate, Learned counsel for the appellant submitted that the adverse remarks in PER's for the year 2014 are without rhyme or reason, arbitrary, unjust and colored with personal likes and dislikes. He further submitted that no counseling or warning was issued to the appellant. He also argued that this appeal is within time.

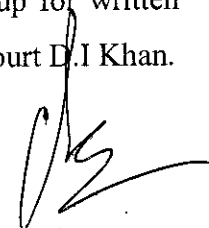
Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 30.08.2016 before S.B. *at camp court D.I Khan*

Appellant Deposited  
Security & Process Fee

  
Member  
Camp court D.I Khan

30.08.2016



Clerk to counsel for the appellant and Mr. Amanullah, District Director alongwith Mr. Farhaj Sikandar, GP for respondents present. Written reply/comments not submitted. Requested for time to file written reply. To come up for written reply/comments on 27.12.2016 before S.B at camp court D.I Khan.

  
Member  
Camp court D.I. Khan

Form- A  
FORM OF ORDER SHEET

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

Case No. 386/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.04.2016	<p>The appeal of Mr. Karim Nawaz received today by post through Mr. Rustam Khan 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> <p>This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up thereon <u>26.4.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2	14.6.16	

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

SERVICE TRIBUNAL APPEAL NO. 386 /2016

**KARIM NAWAZ S/O RABNAWAZ**

**VERSUS**

**THE GOVT: OF KHYBER PAKHTUNKWA & OTHERS**

**INDEX**

<b><u>S.No</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ANNEXURE</u></b>	<b><u>PAGE NO</u></b>
1	Memo of STA		1 - 2
2	Copy of Letter No. SOE(A-D)V-11-2014 Perah 25-11-2015	<u>I</u>	3
3	Departmental appeal dated 28-12-2015	<u>II</u>	4 - 6
4	Vakalatnama		7

Date: 06-04-2016

Your Humble Appellate



**KARIM NAWAZ**





(2)

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

Service Tribunal Appeal No. 386 /2016

S.W.F. Province  
Service Tribunal

Diary No. 363

Date 11-4-16

Karim Nawaz (Son of Rab Nawaz)

Presently District Director Agriculture (Extension), Dera Ismail Khan.

..... Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through the Secretary Agriculture, Livestock & Cooperative Department, Civil Secretariat, Peshawar.
2. The Secretary Agriculture, livestock & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. The Director General Agriculture Department (Extension), Khyber Pakhtunkhwa, Peshawar.

..... Respondents

(Further) Representation &/or Appeal under Section 4 of the Service Tribunal Act (I) 1974 r/w, Appeal Rules, 1986 under Sections 22/26 of the Civil Servants Act (XVIII) 1973 against the act of omission of the Respondents No. 1 & 2 in the Department of Agriculture when the Departmental Representation dated 28.12.2015 has not been Responded by 27.03.2016 and Appeal against the Adverse Remarks recorded in ACR(PER) of the year, 2014 recorded by the Respondents No. 2 & 3 (Communicated on 04.12.2015) is undecided so far.

**PRAYER:-** On acceptance of the instant Appeal, to annul the effect of the Impugned Adverse Remarks by way of Expunction of the same from the ACR Dossier of the year 2014 of the Appellant.

The Appellant; amongst other grounds, respectfully submits as follow:-

1. The Adverse Remarks (now impugned) for the year, 2014 were communicated beyond the prescribed limit of period. The copy of letter No. SOE(A-D/V-11/2014 PER dated 25-11-2015 is enclosed as Annexure-1.
2. The Appellant preferred Departmental Representation on 28-12-2015. Copy of the Memo: of Representation and the covering letter are Annexure-II.
3. There is no response communicated so far under Khyber Pakhtunkhwa Civil Servants Appeal Rules, 1986 and Khyber Pakhtunkhwa Right to Public Services Act, 2014 and the Appellant is thus now obliged to institute the present Appeal which is within time and properly oriented.

(Continued on Page No. 2)

Filed to file  
11/4/16

*[Handwritten signature and initials]*

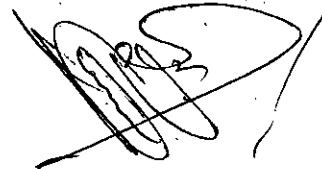
**GROUND OF THE APPEAL:-**

- a) The ground narrated in the Departmental Appeal dated 28-12-2015 are reiterated. There was no prior counseling for discoloring the ACR (PER) for the year 2014.
- b) The act of omission to make an express and definite order on the Departmental Appeal amounts to its admission.
- c) The Respondent-Authorities without prior Counseling in written memorandums are not within their legal authorities to discolour the ACR (PER) without any rhyme or reason and their such fiats are arbitrary and unjust and imbued with "preconceived notion bias" against the Appellant, when each such allegation as recorded requires sound and concise basis in the form of prior counseling.
- d) The Appellant's Counsel may be permitted to urge further grounds during hearing of the Appeal.

It is therefore, PRAYED that the Instant Appeal may graciously be Accepted.

Dated 06/04/2016

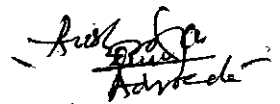
Your humble Appellant



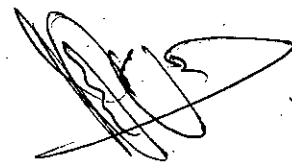
Karim Nawaz  
District Director Agriculture  
(Extension), D.I.Khan.

Verification

Through counsel —



It is solemnly affirmed that the contents of the Appeal are true and correct to the best of my knowledge and belief



Karim Nawaz

Attention To  
Yar Muhammad



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

NO.SOE(AD)V-11/2014-15/PER  
Dated Peshawar, the 25-11-2015.

SUBJECT:- PERFORMANCE EVALUATION REPORT OF MR. KARIM NAWAZ, DISTRICT DIRECTOR AGRICULTURE, D.I. KHAN FOR THE PERIOD FROM 1-1-2014 TO 18-7-2014 AND 19-7-2014 TO 31-12-2014.

Dear Mr. Karim Nawaz,

In the confidential report on your performance for the period from 1-1-2014 to 18-7-2014 and 19-7-2014 to 31-12-2014, the reporting officer has assessed you in Part-IV as under:-

Part-IV (1):-

"Not agree as he is not a Shop Keeper but District Director.

Part-IV (2):-

"Doubtful".

Part-III (3):-

- i. He is not fit for DDO post.
- ii. He does not know powers & competency of post.
- iii. He is not a good supervisor, Administrator and Monitoring Officer.

2. In Part-V, the Countersigning Officer has assessed you as under:-

"I agreed with the Reporting Officer".

3. A copy of this communication has been placed on your Character Roll.

4. Representation if made should be in duplicate and may be made not later than one month from the date of receipt of this communication.

5. Please sign the copy of this DO letter with your detailed signature in token of your having received the original.

SECTION OFFICER-ESTC

MR. KARIM NAWAZ  
DISTRICT DIRECTOR AGRICULTURE,  
D.I.KHAN.

*(Signature)*



**OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE  
EXTENSION DERA ISMAIL KHAN**

Phone & Fax: 0966-731399 E-Mail: karimnawaz46@gmail.com

No. 5473 /DDA

Dated 28 /12/2015



To

The Director General Agriculture  
Extension, Khyber Pakhtunkhwa  
Peshawar.

Subject:-

**REPRESENTATION AGAINST THE ADVERSE REMARKS FOR THE YEAR, 2014  
IN RESPECT OF MR. KARIM NAWAZ, DISTRICT DIRECTOR AGRICULTURE,  
D.I.KHAN**

Memo:

Enclosed please find herewith a Representation (in duplicate) against the adverse remarks for the year 2014 for information and onward submission to higher ups.

Encls. As above.

  
District Director Agriculture  
Dera Ismail Khan

No. 5474 /DDA

Dated \_\_\_\_\_ /12/2015

Copy alongwith Representation forwarded in advance to the:

Section Officer (Establishment), Govt. of Khyber Pakhtunkhwa Agriculture, Livestock and Cooperative Department, Peshawar with reference to his No. SOE (AD)V-11/2014-15/PER dated 25.11.2015 for information and further necessary action.

Encls: As above.

  
District Director Agriculture  
Dera Ismail Khan

To

The Worthy Chief Secretary  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

Through: PROPER CHANNEL

Subject:- REPRESENTATION AGAINST THE ADVERSE REMARKS FOR THE YEAR, 2014  
IN RESPECT OF MR. KARIM NAWAZ, DISTRICT DIRECTOR AGRICULTURE,  
D.I.KHAN

Respected Sir,

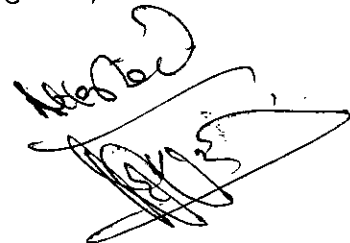
Kindly refer to Section Officer (Establishment), Govt. of Khyber Pakhtunkhwa Agriculture, Livestock and Cooperative Department, Peshawar No. SOE (AD)V-11/2014-15/PER dated 25.11.2015 received by me on dated 04.12.2015

The appellant; amongst other grounds respectfully submits as follows:

1. The adverse entries as per instructions of Establishment Code and Performance Evaluation Manual were to be communicated by 30.06.2015 and the delayed communication is a point of concern with negative impact against the Appellant.
2. There were no prior counseling against the alleged infirmities and are thus fiats of personal bias conceived at the moment of reporting and are not in line with the instructions on the subject matter; and are not impact worthy for any future consideration.
3. <sup>PIV</sup> PIV (2) The achievements made during 2014 are summaries as follows:

<u>Activity</u>	<u>Achievements</u>
Field Day	03 Nos.
Farmers Day	10 Nos.
Laying out of Demonstration Plots	194 Nos.
Wheat Seed sold	2140 Bags (50 Kgs each)

(Continued on Page # 2)



Sale of Maize Seed	180 Kgs
Sale of Sugarcane Seed	60000 Kgs
Sale of Cotton Seed	250 Kgs
Sale of Urea	2458 Bags
Sale of DAP	1890 Bag
Sale of Pesticide	2669 Ltr.

And these were achieved for running the business on Govt. Lines and not beyond that such remarks are thus ill-founded.

4. **Part-IV-2.** There were no complaints during 2014 and then was no report qua financial indiscipline.
5. **Part-III-3.** There was no evasion of any responsibility when there was no prior counseling hence it is the spur of some momentary mood and not prismatic approach. The excessive use of powers is always not appreciated and modest use of power is appreciable; hence the remarks are not well founded.

It is therefore requested that the adverse entries may be expunged.

The Appellant also wishes to be heard.

Yours Obediently



28-12-15

Karim Nawaz Baloch  
District Director Agriculture  
Dera Isamil Khan

Dated 28.12.2015

# وکالت نامہ

کورت فیس		قیمت ایک روپیہ
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بعدالت جناب سروس ٹری بزنل پشاور حدت KPK پشاور

مخانب سرمیم نواز

بنام حدت KPK روٹیہ

دعویٰ یا جرم رہیل سروس  
تفصیل دعویٰ یا جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام پشاور ڈیپوہ کیلئے جناب ستم خان گندی ریڈ فور کیوٹ عدالتی کورٹ ڈیپوہ سہ ماہ 9

کوسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں بروٹھی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکار سے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر بروٹھی پر مظہر حاضر نہ ہوا۔ اور مقدمہ میری غیر حاضر 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 پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معائنہ کے ادا کرنے یا بخاندہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا خط صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو بروٹھی دعویٰ یا جواب دعویٰ یا درخواست اجراء سے ڈگری و نظر ثانی اپیل گرانٹی و ہر قسم درخواست برداشتہ تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر تاشی یا راشی نامہ و فیصلہ بر خلاف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر پیروی مقدمہ مذکورہ نظر ثانی و اپیل و گرانٹی و برآمدگی مقدمہ یا مستوفی ڈگری کی طرف یا درخواست حکم استماعی یا ترقی یا گرفتاری قبل از فیصلہ اجراء سے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ بخاندہ پیروی کا اختیار ہوگا اور تمام ساختہ پروا خط صاحب موصوف مثل کردہ ذات خود منظور و 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 ایئر مٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دینے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور وہ رمان مقدمہ میں جو کچھ ہر جائتہ التزام پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے

مورثہ 6 ماہ اپریل 2016

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

الع ب الع ب الع ب

سرمیم نواز

*(Signature)*

Accepted

*(Signature)*

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP  
COURT DIKHAN**

---

Appeal No.386/2015

Mr. Karim Nawaz s/o,  
Rab Nawaz Ex-District Director Agriculture  
DIKhan

**APPELLANT**

**VERSUS**

1. Secretary to Government  
of Khyber Pakhtunkhwa, Agriculture Livestock &  
Cooperative Department Peshawar
2. Director General,  
Agriculture (Extension)  
Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no locus standi to file the instant appeal.
2. That the appeal is not maintainable in its present form and liable to be dismissed.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has deliberately concealed the material fact from this Hon'ble Services Tribunal.
5. That the appellant has not come to this Hon'ble Service Tribunal with clean hand.

**ON FACT PARA-WISE**

Para-1 Correct to the extent that the Performance Evaluation Report for the year 2014 of the appellant was submitted to the Government for Counter signature, after counter signature convey the adverse remarks recorded in the PER's to the appellant.

Para-2 The Departmental appeal was sent to the Government with the remarks that action against the appellant may be initiated as he committed the following irregularities, embezzlement of Government money and given loss to the Government exchequer and also suggested another inquiry to probe further into the matter vide No 12/344/Estt/12521/DG dated 02-06-2015, (Annexure-A).

1. Sanction for cutting of Trees and their option, disposal of grader / cleaner is beyond the competence of the appellant and thus as violated the standing rules.



2. Cutting of more Trees then shown in the optional paper in the ADF store as well as in Government Seed Farm Rakh Manghan Dikhan.
3. Neither proper procedure / Government formalities were observed, nor prior approval of the competent authority obtained.
4. All the Processes Seems to be ambiguous / baseless due to different statements of the Deputy Director Farm, Storekeeper & bidders and concealed the facts, miss appropriated of Government money.
5. The appellant issued irregular posting / transfer of official.
6. The appellant is not fit for the job of District Director as well as drawing & Disbursing.

The Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department was issued charge sheet and statement of allegation vide Endst No SOE (AD) VI-106/2015/EW/DIK dated 17-11-2015, (Annexure-B). the competent authority, after having considered the charges on record, the explanation of the accused officer, finding of the inquiry officer, personal hearing of accused officer and in exercising his powers under rules-3 has been pleased to imposed major penalty of "Removal from Service" on the appellant with immediate effect vide order No SOE (AD) / 21-226 / 2015 dated 21-07-2016, (Annexure-C).

Para-3 Detail Comments given in Para-2 above.

### **GROUNDS**

- Para-a Incorrect. The Respondent No 2 called explanation from the appellant on the poor performance and gross negligence of duties vide No. 4175 / DG dated 02-03-2015, (Annexure-D).
- Para-b Incorrect. Detail comments given in Para-2 above.
- Para-c Incorrect. Para-a may be re-iterated.
- Para-d No comments hence denied.

It is hereby humbly prayed that on acceptance on the instants comments, the appeal of the appellant may kindly dismissed.

SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA, AGRICULTURE,  
L.STOCK & COOP: DEPT. PESHAWAR

DIRECTOR GENERAL,  
AGRICULTURE (EXTENSION)  
KHYBER PAKHTUNKHWA, PESHAWAR

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP  
COURT DIKHAN**

---

Appeal No.386/2015

Mr. Karim Nawaz s/o,  
Rab Nawaz Ex-District Director Agriculture  
DIKhan

**APPELLANT**

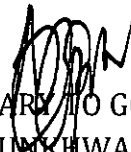
**VERSUS**


1. Secretary to Government  
of Khyber Pakhtunkhwa, Agriculture Livestock &  
Cooperative Department Peshawar
2. Director General,  
Agriculture (Extension)  
Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

**COUNTER AFFIDAVIT**

We the undersigned hereby solemnly declare / affirm that the contents of the Para-wise reply / comments are true and correct to the best of our knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

  
SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA, AGRICULTURE,  
L.STOCK & COOP: DEPT. PESHAWAR

  
DIRECTOR GENERAL,  
AGRICULTURE (EXTENSION)  
KHYBER PAKHTUNKHWA, PESHAWAR

Annex-A

4

No.12/344/Estt/ 12521 /DG

Dated Peshawar, the 02/06 /2015.

To,

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

Subject:- **UN-AUTHORIZED CUTTING OF TREES / SALE OF SEED  
GRADER / CLEANER IN DIKHAN**

Memo

It is submitted that on verbal complaint of inhabitant of District DIKhan, an enquiry committee comprising M/s Hussain Ahmad, DDA, Bannu & Faham Dil, Senior Instructor, ATI, Peshawar was constituted vide this office order No.12/344/Estt/5754-58/DG dated 20.3.2015 (copy attached at Annexure-A) to probe into the un-authorized cutting of trees at ADF store building, Govt. Seed Farm Rakh Manghan and sale of three Nos graders/cleaner and 250 Kgs silver strips in ADF.

The enquiry officers submitted their findings report as under (copy of Enquiry report attached at **(Annexure-B)**).

- I. Twelve (12) Nos Eucalyptus trees standing in the premises of ADF store building were showed auctioned by the District Director Agriculture, DIKhan and the amount of Rs. 5790/- was deposited in Govt. treasury. (Copy of auction documents and challan attached at **(Annexure-C)**). While on the ground it was revealed that about 40 Nos of different types of trees e.g. Eucalyptus, Sheesham, Sanober and Poplar were cut down.

In response to the query from Mr. Jamil Ahmad Supervisor ADF, no auction has been made and the comparative statement so prepared is fake and bogus. 254 Maunds wood was sold @Rs.165/- per 56 Kgs and Rs. 42000/- were received from Mr. Mushtaq Ahmad out of which Rs.5790 were deposited in government treasury while the remaining amount of Rs.36210/- was spent on tiles in the ADF bath room. The statement of Mr. Jamil Ahmad Supervisor ADF and Mr. Mushtaq Ahmad s/o Allah Diwaya are attached as **(Annexure-D&E)**. Neither proper approval of the competent authority was obtained nor coddle formalities were observed.

- II. On confirmation of stock register 250 Kgs silver stripes and three Nos Seed Cleaner / Grader were confirmed as attached at **(Annexure-F)**. These (3) Nos Seed Cleaner/Grader and 20--25 Kgs Aluminum stripes were shown auctioned (Auction papers attached at **(Annexure-G)**) but

*Altaf*

*Mu*

Assistant Accounts Officer  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar

(5) 435

according to the statement of Mr. Mirza Khan s/o Qadar Khan no one participated in the bidding and these items were sold to him for amounting to Rs.32000/- statement attached at (Annexure-H) and the amount was deposited in Govt. treasury vide challan attached as (Annexure-I). 225 Kgs Silver stripes are still missing and the cost of which required to be recovered from Mr. Shafi ullah Store Keeper ADF Store. No auction and coddle formalities were observed.

- III. Five (5) Nos Forest trees i.e. Eculptus-2, Keekar-2, Saren-1 were showed auctioned for amounting to Rs.15000/- without any competent authority and the amount was deposited into the government treasury (copies of auction documents & challan attached at Annex-J), whereas as per statement of Mr. Rizwan ullah Store Keeper (Copy attached at (Annexure-K) Forty eight (48) Nos of trees i.e. Keekar-42, Saren-1 and Eucalyptus-5 were cut down. The Dy. Director Farms in his statement attached at (Annexure-L) stated that Mr. Rizwan ullah Store Keeper Rakh Manghan Farm has sold the extra trees on the directives of District Director Agriculture, DIKhan, whereas statement of the Mr. Hussain Bakhsh s/o Imam Bakhsh copy attached at (Annexure-M ) that he purchased 9 Nos trees (Keekar-4, Eucalyptus-4 and Siren-1) for Rs. 1,15,000/-

The record and statement of the Deputy Director Farms, Store Keeper bidder on account of auction of trees and amount realized do not tally and are different and contradictory as follows:

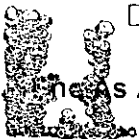
S. No	Name	Nos of trees auctioned / sold.	Total amount received	Deposited
1	Rizwan uallah, Store Keeper	Keekar-42 Sern-1 Sufaida-5 Total= 48	--	17550/-
2	Muhammad Irfan, Dy. Director Farm.	Eucalyptus-2 Keekar-2 Sufaida-1 Total=05	--	16000/-
3	Hussain Bakhsh Bidder	Keekar-4 Sufaida-4 Sern-1 Total=09	115000/-	--

*Muhammad Irfan*

Assistant Accounts Officer  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar

It is requested that necessary action against the District Director of Agriculture, DIKhan may be initiated as he committed the act of embezzlement of government money and given loss to the government exchequer and also suggested that another enquiry may be conducted to probe further into the matter.

1. Sanction for cutting of trees and their auction, disposal of grader/cleaner is beyond the competency of District Director Agriculture and thus has violated the standing rules.
2. Cutting of more trees than shown in the auction paper in the ADF Store as well as in Govt. Seed Farm Rakh Manghan DIKhan.
3. Neither proper procedure/coddle formalities were observed nor prior approval of the competent authority was obtained.
4. All the process seems to be under the statements of the Dy. Director Farm, Store Keeper and Bidders and concealed the facts, misappropriated Govt. money and pressurized subordinate staff for performing mal-practices.
5. He issued irregular posting / transfer of officials of BS-16 by putting the senior's one as Additional Store Keeper under the subordination of Store Keeper (BPS-5) on his own sweet will without any approval of the competent authority and any intimation to this office Copy attached (Annexure-N). The officer even does not know his competency and jurisdiction as District Director and is creating problems for this office in general and for the department in particular which resultantly bring bad name to the department.
6. The officer is not fit for the job of District Director as well as Drawing & Disbursing.



As Above).

**Assistant Accounts Officer**  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar



01/06/2017  
**DIRECTOR GENERAL**  
**AGRICULTURE (EXTENSION)**  
**KHYBER PAKHTUNKHWA,**  
**PESHAWAR.**



*Annex B* (7) 577

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

Endst: NO.SOE(AD)VI-106/2015/EW/DIK Dated Peshawar, the 17-11-2015

A copy is forwarded for information and necessary action to:

1. The Inquiry Officer Mr. Attiq-ur-Rehman. (PCS SG BS-19) Member (Gen), Governor Inspection Team for initiating proceedings against the accused officer under the provision of the Khyber Pakhtunkhwa E&D Department.
2. Mr. Karim Nawaz, District Director Agriculture (Extension), DIKhan with the advice to appear before the Inquiry officer, on the date, time and place fixed by the inquiry officer, for the purposes of the inquiry proceedings.
3. The DG Agriculture Extension, Khyber Pakhtunkhwa, Peshawar with the request to depute departmental representative who is well conversant with the facts of the case along with relevant record to assist the Inquiry Officer during the inquiry proceedings.

~~SECTION OFFICER-ESTT:~~

*S/E*  
*[Signature]*  
*19/11/2015*

*[Signature]*  
**Assistant Accounts Officer  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar**

*E-1*  
*[Signature]*  
*19/11/15*

*DFA added*  
*[Signature]*  
*19/11/15*

*[Signature]*  
*19/11/15*



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

8

**CHARGE SHEET**

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Karim Nawaz (BS-18) District Director Agriculture, DIKhan, as follow:-

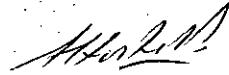
That you, while posted as District Director Agriculture, DIKhan committed the following irregularities:

**A. AGRICULTURE DEVELOPMENT FUND**

- i. That twelve (12) eucalyptus trees standing in the premises of DAF store building were shown auctioned while on the ground about 40 Nos of different type of trees were cut down, which caused huge loss to the Govt: exchequer and violated codal formalities.
- ii. That 254 Maunds wood was sold @ Rs. 165/- per 56 kgs to Mr. Mushtaq Ahmad for amounting to Rs. 42000/- out of which Rs. 5790 excluding taxes was deposited in Govt: treasury while the remaining amount of Rs. 36210 is missing.
- iii. That no auction has been made and the comparative statement prepared is fake and bogus as committed by Mr. Jamil Ahmad Supervisor ADF during the enquiry proceedings.
- iv. That three (3) Nos seed cleaner/grader and 20-25 Kgs Silver strips out of 250 Kgs were shown auctioned whereas according to the statement of Mr. Mirza Khan S/o Qadar Khan, these items were sold to him for amounting to Rs. 32000/- and no one participated in the bidding. Whereabout of 250 kgs silver strip is not known.

**B. GOVT SEED FARM RAKH MANGHAN**

- i. Five (5) Nos. Forest trees i.e Eucalyptus-2, Keekar-2, Saren-1 were shown auctioned in Govt. Seed Farm Rakh Manghan, DIKhan whereas according to the statement of Mr. Rizwan Ullah, Store Keeper Forty Eight (48) Nos trees i.e Keekar-42, Saren-1 and Eucalyptus-5 were cut down. While the bidder Mr. Hussain Bakhsh S/o Imam Bakhsh has given statement that he purchased 9 Nos trees for Rs. 1,15,000/- but only Rs. 15,000/- excluding taxes were deposited in gov. treasury while whereabout of the remaining amount is not known. The cost of thirty nine (39) trees is still missing. Neither proper procedure/codal formalities were observed nor prior approval of the competent authority was obtained.
- ii. That the D.D Farms in his statement stated that Mr. Rizwanullah Store Keeper has sold the extra trees, as mentioned in preceding, upon your directive without observing codal formalities and thus caused loss to government exchequer.

  
Assistant Accounts Officer  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar

C. APPOINTMENT, POSTING & TRANSFER

- i. Appointed Mr.Aamir Rasool S/o Khan Rasool hailing from District Tank as Store Keeper (BPS-5) against the district cadre post of DIKhan.
- ii. Appointed Mr.Umar Hayat S/o Sher Ali Khan as Field Assistant being twelve years overage, violating the rules/policy despite of clear cut recommendation of the District Selection Committee in the minutes of the meeting to get age relaxation certificate.

2. By reasons of the above, you appear to be guilty of misconduct under rule-3 of the Khyber Pakhtunkhwa Government Servants (Disciplinary and Control) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in section-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/Committee, as the case may be.

Your written defense, if any, should reach the Inquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case, exparte action shall follow against you.

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

6. A statement of allegations is enclosed.

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

**(COMPETENT AUTHORITY)**

*Muhammad*  
 Assistant Accounts Officer  
 To Director General Agriculture  
 (Extension) K.P.K Province Peshawar





(10) 583

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

**DISCIPLINARY ACTION**

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Karim Nawaz (BS-18) District Director Agriculture, DIKhan, as follow:-


That you, while posted as District Director Agriculture, DIKhan committed the following irregularities:-

**A. AGRICULTURE DEVELOPMENT FUND**

- i. That twelve (12) eucalyptus trees standing in the premises of DAF store building were shown auctioned while on the ground about 40 Nos. of different type of trees were cut down, which caused huge loss to the Govt: exchequer and violated codal formalities.
- ii. That 254 Maunds wood was sold @ Rs. 165/-per 56 kgs to Mr. Mushtaq Ahmad for amounting to Rs. 42000/- out of which Rs. 5790 excluding taxes was deposited in Govt: treasury while the remaining amount of Rs. 36210 is missing.
- iii. That no auction has been made and the comparative statement prepared is fake and bogus as committed by Mr. Jamil Ahmad Supervisor ADF during the enquiry proceedings.
- iv. That three (3) Nos seed cleaner/grader and 20-25 Kgs Silver strips out of 250 Kgs were shown auctioned whereas according to the statement of Mr. Mirza Khan S/o Qadar Khan these items were sold to him for amounting to Rs. 2000/- and the remaining amount of about of 250 kgs silver strip is not known.

**B. GOVT SEED FARM RAKH MANGHAN**

- i. Five (5) Nos. Forest trees i.e Eucalyptus-2, Keekar-2, Saren-1 were shown auctioned in Govt. Seed Farm Rakh Manghan, DIKhan whereas according to the statement of Mr. Rizwan Ullah, Store Keeper Forty Eight (48) Nos trees i.e Keekar-42, Saren-1 and Eucalyptus-5 were cut down. While the bidder Mr. Hussain Bakhsh S/o Imam Bakhsh has given statement that he purchased 9 Nos trees for Rs. 1,15,000/- and the remaining amount of taxes were deposited in govt. treasury while where-about of the remaining amount is not known. The cost of thirty nine (39) trees is still missing. Neither proper procedure/codal formalities were observed nor prior approval of the competent authority was obtained.
- ii. That the D.D Farms in his statement stated that Mr. Rizwanullah Store Keeper has sold the extra trees, as mentioned in preceding, upon your directive without observing codal formalities and thus caused loss to government exchequer.

  
**Assistant Accounts Officer**  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar

**C. APPOINTMENT, POSTING & TRANSFER**

- i. Appointed Mr.Aamir Rasool S/o Khan Rasool hailing from District Tank as Store Keeper (BPS-5) against the district cadre post of DIKhan.
- ii. Appointed Mr.Umar Hayat S/o Sher Ali Khan as Field Assistant being twelve years overage, violating the rules/policy despite of clear cut recommendation of the District Selection Committee in the minutes of the meeting to get age relaxation certificate.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry Officer/Committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules:

- i. Mr. Atiq-ur-Rhman (Pcs SG, BS-15)
- ii. \_\_\_\_\_

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

**(PERVEZ KHATTAK)  
CHIEF MINISTER,  
KHYBER PAKHTUNKHWA**

**(COMPETENT AUTHORITY)**  
S/11/415

*[Signature]*  
**Assistant Accounts Officer**  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar



*Annex C* (12)

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

Dated Peshawar, the July.21, 2016

**ORDER:**

NO. SOE (AD)/21-226/2015.-

WHEREAS, Mr. Karim Nawaz (BS-18) District Director Agriculture, DIKhan 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 dated 05.11.2015.

AND WHEREAS, Mr. Atiq-ur-Rehman (PCS SG BS-19) Member (Gen), GIT was appointed as Inquiry Officer to conduct inquiry against the said officer for the charges leveled against him.

AND WHEREAS, the Inquiry Officer after considering the allegations, evidence on record, explanation of the officer, submitted his report, and pointed out that the allegations mentioned in the Charge Sheet and Statement of Allegations have partially been proved.


NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanation of the accused officer, finding of the inquiry officers, personal hearing of the accused officer and in exercising his powers under Rule-3 read with Rule 14 (5) (ii) of the Government Servants (Efficiency and Discipline) Rules, 2011 has been pleased to impose major penalty of "Removal from service" on the officer with immediate effect.

**Sd/-X  
CHIEF MINISTER, KHYBER  
PAKHTUNKHWA**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer, DIKhan.
3. Officer concerned.
4. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
6. Master file.

  
**Assistant Accounts Officer  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar**

*(Dr. Mir Ahmad Khan)*  
**SECTION OFFICER-ESTT:**



Ph: 091 9216370

# DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA, PESHAWAR

Fax: 091 9216372



*Ames D. 21*  
*(13)*

Director Field Operations HQ	091 921 6377	Director Plant Protection HQ	091 921 6374
Director Horticulture HQ	091 921 6373	Director CRS KPK	091 921 6376
Director Coord. Planning & Monitoring	091 570 2943	Dy. Director Planning Hq	091 570 2943
Director Agriculture Marketing HQ	091 921 6774	Dy. Director Horticulture Hq	091 570 2943
Director Seed HQ	091 921 6373	Dy. Director Plant Protection Hq	091 921 8348
Director Model Farm Services Centres HQ	091 584 0289	Dy. Director Bureau of Agric. Information	091 921 6378
Principal Agric. Training Institute Peshawar	091 921 6375	Assistant Accounts Officer Hq	091 921 6373

*12/344 4175*

No. \_\_\_\_\_ /DGA (E)

Dated Peshawar, the 02/03 /2015

To

Mr. Karim Nawaz,  
District Director Agriculture,  
Dera Ismail Khan.

Subject: POOR PERFORMANCE/EXCESSIVE ABUSE OF POWERS/GROSS NEGLIGENCE.

Memorandum,

It has been observed that since your joining you are not performing upto the level that been expected, resulting to put you in the list of poor performers, which is directly resulting in willful insubordination and gross negligence of duties, in your capacity as District Director Agriculture, DIKhan.

On 19<sup>th</sup> instant, you've conducted an open auction of wheat shrinkle, paddy and inert mater. In the attendance list, against 3 participants, one person's signatures affixed (serial No. 1 to serial No. 3); whereas against serial No. 4, 6, 9, 10 & 12 affixed signatures are the same. In case of tender opening your aptitude towards public procurements remained below average. All these lead to chaos and defame for the department and services delivery to the common public. In some cases you exercise your powers beyond the scope of law, which you've telephonically warned from time to time.

Performing below the level is making yourself liable for necessary action. You are hereby warned to develop your performance; failure to do so shall invoke appropriate action.

You are further advised to submit a written explanation on your poor performance as soon as you receive this letter. Besides that photo copies of all the call deposits received from the bidders should immediately be sent to this office. All call deposits should also be got verified unveiling the account names of the EMD (earnest money depositors).

*[Signature]*

Assistant Accounts Officer  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar

*20/03/2015*  
DIRECTOR GENERAL

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP  
COURT DIKHAN**

---

Appeal No.386/2015

Mr. Karim Nawaz s/o,  
Rab Nawaz Ex-District Director Agriculture  
DIKhan

**APPELLANT**

**VERSUS**

1. Secretary to Government  
of Khyber Pakhtunkhwa, Agriculture Livestock &  
Cooperative Department Peshawar
2. Director General,  
Agriculture (Extension)  
Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no locus standi to file the instant appeal.
2. That the appeal is not maintainable in its present form and liable to be dismissed.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has deliberately concealed the material fact from this Hon'ble Services Tribunal.
5. That the appellant has not come to this Hon'ble Service Tribunal with clean hand.

**ON FACT PARA-WISE**

Para-1 Correct to the extent that the Performance Evaluation Report for the year 2014 of the appellant was submitted to the Government for Counter signature, after counter signature convey the adverse remarks recorded in the PER's to the appellant.

Para-2 The Departmental appeal was sent to the Government with the remarks that action against the appellant may be initiated as he committed the following irregularities, embezzlement of Government money and given loss to the Government exchequer and also suggested another inquiry to probe further into the matter vide No 12/344/Estt/12521/DG dated 02-06-2015, (Annexure-A).

1. Sanction for cutting of Trees and their option, disposal of grader / cleaner is beyond the competence of the appellant and thus as violated the standing rules.

2. Cutting of more Trees then shown in the optional paper in the ADF store as well as in Government Seed Farm Rakh Manghan Dikhan.
3. Neither proper procedure / Government formalities were observed, nor prior approval of the competent authority obtained.
4. All the Processes Seems to be ambiguous / baseless due to different statements of the Deputy Director Farm, Storekeeper & bidders and concealed the facts, miss appropriated of Government money.
5. The appellant issued irregular posting / transfer of official.
6. The appellant is not fit for the job of District Director as well as drawing & Disbursing.

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Para-3 Detail Comments given in Para-2 above.

**GROUNDS**

- Para-a Incorrect. The Respondent No 2 called explanation from the appellant on the poor performance and gross negligence of duties vide No. 4175 / DG dated 02-03-2015, (Annexure-D).
- Para-b Incorrect. Detail comments given in Para-2 above.
- Para-c Incorrect. Para-a may be re-iterated.
- Para-d No comments hence denied.

It is hereby humbly prayed that on acceptance on the instants comments, the appeal of the appellant may kindly dismissed.

SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA, AGRICULTURE,  
L.STOCK & COOP: DEPT. PESHAWAR

DIRECTOR GENERAL,  
AGRICULTURE (EXTENSION)  
KHYBER PAKHTUNKHWA, PESHAWAR

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP  
COURT DIKHAN**

Appeal No.386/2015

Mr. Karim Nawaz s/o,  
Rab Nawaz Ex-District Director Agriculture  
DIKhan

**APPELLANT**


**VERSUS**


1. Secretary to Government  
of Khyber Pakhtunkhwa, Agriculture Livestock &  
Cooperative Department Peshawar
2. Director General,  
Agriculture (Extension)  
Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

**COUNTER AFFIDAVIT**

We the undersigned hereby solemnly declare / affirm that the contents of the Para-wise reply / comments are true and correct to the best of our knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

  
 SECRETARY TO GOVT. OF  
 KHYBER PAKHTUNKHWA, AGRICULTURE,  
 L.STOCK & COOP: DEPT. PESHAWAR

  
 DIRECTOR GENERAL,  
 AGRICULTURE (EXTENSION)  
 KHYBER PAKHTUNKHWA, PESHAWAR

Annex A. (4)

No.12/344/Estt/ 12521 /DG

Dated Peshawar, the 02/06/2015.

To,

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

Subject:- **UN-AUTHORIZED CUTTING OF TREES / SALE OF SEED  
GRADER / CLEANER IN DIKHAN**

Memo


It is submitted that on verbal complaint of inhabitant of District DIKhan, an enquiry committee comprising M/s Hussain Ahmad, DDA, Bannu & Faham Dil, Senior Instructor, ATI, Peshawar was constituted vide this office order No.12/344/Estt/5754-58/DG dated 20.3.2015 (copy attached at Annexure-A) to probe into the un-authorized cutting of trees at ADF store building, Govt. Seed Farm Rakh Manghan and sale of three Nos graders/cleaner and 250 Kgs silver strips in ADF.

The enquiry officers submitted their findings report as under (copy of Enquiry report attached at **Annexure-B**).

I. Twelve (12) Nos Eucalyptus trees standing in the premises of ADF store building were showed auctioned by the District Director Agriculture, DIKhan and the amount of Rs. 5790/- was deposited in Govt. treasury. (Copy of auction documents and challan attached at **Annexure-C**) While on the ground it was revealed that about 40 Nos of different types of trees e.g. Eucalyptus, Sheesham, Sanober and Poplar were cut down.

In response to the query from Mr. Jamil Ahmad Supervisor ADF, no auction has been made and the comparative statement so prepared is fake and bogus. 254 Maunds wood was sold @Rs.165/- per 56 Kgs and Rs. 42000/- were received from Mr. Mushtaq Ahmad out of which Rs.5790 were deposited in government treasury while the remaining amount of Rs.36210/- was spent on tiles in the ADF bath, room. The statement of Mr. Jamil Ahmad Supervisor ADF and Mr. Mushtaq Ahmad s/o Allah Diwaya are attached as **Annexure-D&E**. Neither proper approval of the competent authority was obtained nor coddle formalities were observed.

On confirmation of stock register 250 Kgs silver stripes and three Nos Seed Cleaner / Grader were confirmed as attached at **Annexure-F**. These (3) Nos Seed Cleaner/Grader and 20--25 Kgs Aluminum stripes were shown auctioned (Auction papers attached at **Annexure-G**) but

  
Assistant Accounts Officer  
To Director of Agriculture  
(Extension) K.P.K. Province Peshawar

II.



according to the statement of Mr. Mirza Khan s/o Qadar Khan no one participated in the bidding and these items were sold to him for amounting to Rs.32000/- statement attached at (Annexure-H) and the amount was deposited in Govt. treasury vide challan attached as (Annexure-I). 220 Kgs Silver stripes are still missing and the cost of which required to be recovered from Mr. Shafi ullah Store Keeper ADF Store. No auction and coddle formalities were observed.

III. Five (5) Nos Forest trees i.e. Eculptus-2, Keekar-2, Saren-1 were showed auctioned for amounting to Rs.15000/- with the competent authority and the amount was deposited into the government treasury (copies of auction documents & challan attached at Annex-J), whereas as per statement of Mr. Rizwan ullah Store Keeper (Copy attached at (Annexure-K) Forty eight (48) Nos of trees i.e. Keekar-42, Saren-1 and Eucalyptus-5 were cut down. The Dy. Director Farms in his statement attached at (Annexure-L) stated that Mr. Rizwan ullah Store Keeper Rakh Manghan Farm has sold the extra trees on the directives of District Director Agriculture, DIKhan, whereas statement of the Mr. Hussain Bakhsh s/o Imam Bakhsh copy attached at (Annexure-M ) that he purchased 9 Nos trees (Keekar-4, Eucalyptus-4 and Siren-1) for Rs. 1,15,000/-

The record and statement of the Deputy Director Farms and the bidder on account of auction of trees and amount realized do not tally and are different and contradictory as follows:

S. No	Name	Nos of trees auctioned / sold.	Total amount received	Deposited
1	Rizwan uallah, Store Keeper	Keekar-42 Sern-1 Sufaida-5 Total= 48	--	17550/-
2	Muhammad Irfan, Dy. Director Farm.	Eucalyptus-2 Keekar-2 Sufaida-1 Total=05	--	16000/-
3	Hussain Bakhsh Bidder	Keekar-4 Sufaida-4 Sern-1 Total=09	115000/-	--

It is requested that necessary action against the District Director of Agriculture, DIKhan may be initiated as he committed embezzlement of government money and given loss to the government exchequer and also suggested that another enquiry may be conducted to probe further into the matter.

*Muhammad*  
Assistant Accounts Officer  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar

1. Sanction for cutting of trees and their auction, disposal of grader/cleaner is beyond the competency of District Director Agriculture and thus has violated the standing rules.
2. Cutting of more trees than shown in the auction paper in the ADF Store as well as in Govt. Seed Farm Rakh Manghan DIKhan.
3. Neither proper procedure/coddle formalities were observed nor prior approval of the competent authority was obtained.
4. At the process, statements of the Dy. Director Farm, Store Keeper and Bidders and concealed the facts, misappropriated Govt. money and pressurized subordinate staff for performing mal-practices.
5. He issued irregular posting / transfer of officials of BS-16 by putting the senior's one as Additional Store Keeper under the subordination of Store Keeper (BPS-5) on his own sweet will without any approval of the competent authority and any intimation to this office (Copy to (Annexure-N). The officer even does not know his competency and jurisdiction as District Director and is creating problems for this office in general and for the department in particular which resultantly bring bad name to the department.
6. The officer is not fit for the job of District Director as well as Drawing & Disbursing.



(As Above).



*[Handwritten signature]*

Assistant Accounts Officer  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar

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DIRECTOR GENERAL  
AGRICULTURE (EXTENSION)  
KHYBER PAKHTUNKHWA,  
PESHAWAR



GOVERNMENT OF  
 KHYBER PAKHTUNKHWA  
 AGRICULTURE LIVESTOCK & COOPERATIVE  
 DEPARTMENT

Annex-B (3)

Endst: NO.SOE(AD)VI-106/2015/EW/DIK Dated Peshawar, the 17-11-2015

A copy is forwarded for information and necessary action to:

1. The Inquiry Officer Mr. Attiq-ur-Rehman (PCS SG BS-19) Member (Gen), Governor Inspection Team for initiating proceedings against the accused officer under the provision of the Khyber Pakhtunkhwa E&D Department.
2. Mr. Karim Nawaz, District Director Agriculture (Extension), DIKhan with the advice to appear before the Inquiry officer, on the date, time and place fixed by the inquiry officer, for the purposes of the inquiry proceedings.
3. The DG Agriculture Extension, Khyber Pakhtunkhwa, Peshawar with the request to depute departmental representative who is well conversant with the facts of the case along with relevant record to assist the Inquiry Officer during the inquiry proceedings.

~~SECTION OFFICER-ESTT:~~

S/E  
 [Signature]  
 19/11/2015

[Signature]  
 Assistant Accounts Officer  
 To Director Agriculture  
 (Extension) K.P.K Province Peshawar

E-1  
 [Signature]  
 19/11/15

DFA added [Signature]  
 19/11/15

[Signature]



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

**CHARGE SHEET**

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Karim Nawaz (BS-18) District Director Agriculture, DIKhan, as follow:-

That you, while posted as District Director Agriculture, DIKhan committed the following irregularities:

**A. AGRICULTURE DEVELOPMENT FUND**

- i. That twelve (12) eucalyptus trees standing in the premises of DAF store building were shown auctioned while on the ground about 40 Nos of different type of trees were cut down, which caused huge loss to the Govt: exchequer and violated codal formalities.
- ii. That 254 Maunds wood was sold @ Rs. 165/-per 56 kgs to Mr. Mushtaq Ahmad for amounting to Rs. 42000/- out of which Rs. 5790 excluding taxes was deposited in Govt: treasury while the remaining amount of Rs. 36210 is missing.
- iii. That no auction has been made and the comparative statement prepared is fake and bogus as committed by Mr. Jamil Ahmad Supervisor ADF during the enquiry proceedings.
- iv. That three (3) Nos seed cleaner/grader and 20-25 Kgs Silver strips out of 250 Kgs were shown auctioned whereas according to the statement of Mr. Mirza Khan S/o Qadar Khan, these items were sold to him for amounting to Rs. 32000/- and no one participated in the bidding. Whereabout of 250 kgs silver strip is not known.

**B. GOVT SEED FARM RAKH MANGHAN**

- i. Five (5) Nos. Forest trees i.e Eucalyptus-2, Keekar-2, Saren-1 were shown auctioned in Govt. Seed Farm Rakh Manghan, DIKhan whereas according to the statement of Mr. Rizwan Ullah, Store Keeper Forty Eight (48) Nos trees i.e Keekar-42, Saren-1 and Eucalyptus-5 were cut down. While the bidder Mr. Hussain Bakhsh S/o Imam Bakhsh has given statement that he purchased 9 Nos trees for Rs. 1,15,000/- but only Rs. 15000/- excluding taxes were deposited in govt. treasury while where-about of the remaining amount is not known. The cost of thirty nine (39) trees is still missing. Neither proper procedure/codal formalities were observed nor prior approval of the competent authority was obtained.
- ii. That the D.D Farms in his statement stated that Mr. Rizwanullah Store Keeper has sold the extra trees, as mentioned in preceding, upon your directive without observing codal formalities and thus caused loss to government exchequer.

Assistant Accounts Officer  
To Director of Agriculture  
(Extension) K.P.K Province Peshawar

C. APPOINTMENT, POSTING & TRANSFER

- i. Appointed Mr.Aamir Rasool S/o Khan Rasool hailing from District Tank as Store Keeper (BPS-5) against the district cadre post of DIKhañ.
- ii. Appointed Mr.Umar Hayat S/o Sher Ali Khan as Field Assistant being twelve years overage, violating the rules/policy despite of clear cut recommendation of the District Selection Committee in the minutes of the meeting to get age relaxation certificate.

2. By reasons of the above, you appear to be guilty of misconduct under rule-3 of the Khyber Pakhtunkhwa Government Servants (Disciplinary) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in section-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/Committee, as the case may be.

Your written defense, if any, should be submitted within the specified period, failing which it shall be presumed that you have no defence to put in and in that case, exparte action shall follow against you.

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

6. A statement of allegations is enclosed.

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

**(COMPETENT AUTHORITY)**

*[Signature]*  
**Assistant Accounts Officer**  
**To Director of Agriculture**  
**(Extension) K.P.K Province Peshawar**



100

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

**DISCIPLINARY ACTION**

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Karim Nawaz (BS-18) District Director Agriculture, DIKhan, as follow:-

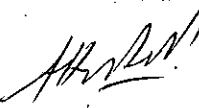
That you, while posted as District Director Agriculture, DIKhan committed the following irregularities:-

**A. AGRICULTURE DEVELOPMENT FUND**

- i. That twelve (12) eucalyptus trees standing in the premises of DAF store building were shown auctioned while on the ground about 40 Nos. of different type of trees were cut down, which caused huge loss to the Govt: exchequer and violated codal formalities.
- ii. That 254 Maunds wood was sold @ Rs. 165/-per 56 kgs to Mr. Mushtaq Ahmad for amounting to Rs. 42000/- out of which Rs. 5790 excluding taxes was deposited in Govt: treasury while the remaining amount of Rs. 36210 is missing.
- iii. That no auction has been made and the comparative statement prepared is fake and bogus as committed by Mr. Jamil Ahmad Supervisor ADF during the enquiry proceedings.
- iv. That three (3) Nos seed cleaner/grader and 20-25 Kgs Silver strips out of 250 Kgs were shown auctioned whereas according to the statement of Mr. Mirza Khan S/o Qadar Khan these items were sold to him for amounting to Rs. 2000/- and the remaining amount of about of 250 kgs silver strip is not known.

**B. GOVT SEED FARM RAKH MANGHAN**

- i. Five (5) Nos. Forest trees i.e Eucalyptus-2, Keekar-2, Saren-1 were shown auctioned in Govt. Seed Farm Rakh Manghan, DIKhan whereas according to the statement of Mr. Rizwan Ullah, Store Keeper Forty Eight (48) Nos trees i.e Keekar-42, Saren-1 and Eucalyptus-5 were cut down. While the bidder Mr. Hussain Bakhsh S/o Imam Bakhsh has given statement that he purchased 9 Nos trees for Rs. 2000/-, Rs. 1000/- taxes were deposited in govt. treasury while where-about of the remaining amount is not known. The cost of thirty nine (39) trees is still missing. Neither proper procedure/codal formalities were observed nor prior approval of the competent authority was obtained.
- ii. That the D.D Farms in his statement stated that Mr. Rizwanullah Store Keeper has sold the extra trees, as mentioned in preceding, upon your directive without observing codal formalities and thus caused loss to government exchequer.

  
**Assistant Accounts Officer**  
To Director Agriculture  
(Extension) K.P.K Province Peshawar

C. APPOINTMENT, POSTING & TRANSFER

- i. Appointed Mr.Aamir Rasool S/o Khan Rasool hailing from District Tank as Store Keeper (BPS-5) against the district cadre post of DIKhan.
- ii. Appointed Mr.Umar Hayat S/o Sher Ali Khan as Field Assistant being twelve years overage, violating the rules/policy despite of clear cut recommendation of the District Selection Committee in the minutes of the meeting to get age relaxation certificate.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry Officer/Committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules:

- i. Mr. Atiq-ur-Rhman (P.S. SG, BS-11)
- ii. \_\_\_\_\_

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

**(PERVEZ KHATTAK)  
CHIEF MINISTER,  
KHYBER PAKHTUNKHWA**

**(COMPETENT AUTHORITY)**  
*S/11/2015*

*[Signature]*  
**Assistant Accounts Officer**  
To Director of Agriculture  
(Extension) K.P.K Province Peshawar



*Amnet C*

(12)

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

Dated Peshawar, the July 21, 2016

**ORDER:**

**NO. SOE (AD)/21-226/2015.-**

WHEREAS, Mr. Karim Nawaz (BS-18) District Director Agriculture, DIKhan 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 dated 05.11.2015.

AND WHEREAS, Mr. Atiq-ur-Rehman (PCS SG BS-19) Member (Gen), GIT was appointed as Inquiry Officer to conduct inquiry against the said officer for the charges leveled against him.

AND WHEREAS, the Inquiry Officer after considering the allegations, evidence on record, explanation of the officer, submitted his report, and pointed out that the allegations mentioned in the Charge Sheet and Statement of Allegations have partially been proved.

NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanation of the accused officer, finding of the inquiry officers, personal hearing of the accused officer and in exercising his powers under Rule-3 read with Rule 14 (5) (ii) of the Government Servants (Efficiency and Discipline) Rules, 2011 has been pleased to impose major penalty of "Removal from service" on the officer with immediate effect.

**Sd/-X  
CHIEF MINISTER, KHYBER  
PAKHTUNKHWA**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer, DIKhan.
3. Officer concerned.
4. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
6. Master file.

*(Dr. Mir Ahmad Khan)*  
**SECTION OFFICER-ESTT:**

*(Signature)*  
**Assistant Accounts Officer  
To Director General Agriculture  
(Extension) K.P.K Province Peshawar**





9216370  
**DIRECTORATE GENERAL**  
**AGRICULTURE (EXTENSION)**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Fax: 091 9216372



Field Operations HQ 091 921 6377  
 Horticulture HQ 091 921 6373  
 Coord. Planning & Monitoring 091 570 2943  
 Agriculture Marketing HQ 091 921 6774  
 Seed HQ 091 921 6373  
 Model Farm Services Centres HQ 091 584 0289  
 Principal Agric. Training Institute Peshawar 091 921 6375

All Honorable Members of the  
 Provincial Council, Peshawar

Director Plant Protection HQ 091 921 6374  
 Director CRS KPK 091 921 6376  
 Dy. Director Planning Hq 091 570 2943  
 Dy. Director Horticulture Hq 091 570 2943  
 Dy. Director Plant Protection Hq 091 921 8348  
 Dy. Director Bureau of Agric. Information 091 921 6378  
 Assistant Accounts Officer Hq 091 921 6373

12/344 4175

No. /DGA (E)

Dated Peshawar, the 02/03/2015

To

Mr. Karim Nawaz,  
 District Director Agriculture,  
 Dera Ismail Khan.

Subject: POOR PERFORMANCE/EXCESSIVE ABUSE OF POWERS/GROSS NEGLIGENCE.

Memorandum,

It has been observed that since your joining you are not performing upto the level that been expected, resulting to put you in the list of poor performers, which is directly resulting in willful insubordination and gross negligence of duties, in your capacity as District Director Agriculture, DIKhan.

On 19<sup>th</sup> instant, you've conducted an open auction of wheat shrinkle, paddy and inert mater. In the attendance list, against 3 participants, one person's signatures affixed (serial No. 1 to serial No. 3); whereas against serial No. 4, 6, 9, 10 & 12 affixed signatures are the same. In case of tender opening your aptitude towards public procurements remained below average. All these lead to chaos and defame for the department and services delivery to the common public. In some cases you exercise your powers beyond the limits which you've telephonically warned from time to time.

Performing below the level is making yourself liable for necessary action. You are hereby warned to develop your performance; failure to do so shall invoke appropriate action.

You are further advised to submit a written explanation on your poor performance as soon as you receive this letter. Besides that photo copies of all the call deposits received from the bidders should immediately be sent to this office. All call deposits should also be got verified unveiling the account names of the EMD (earnest money depositors).

20/03/2015  
 DIRECTOR GENERAL

Assistant Accounts Officer  
 To Director Agriculture  
 (Extension) K.P.K Province Peshawar