

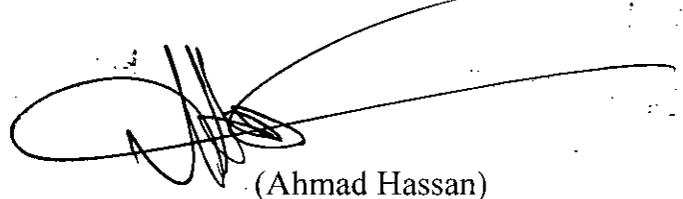
Order

14.12.2018

Counsel for the appellant present. Dr. M. Hanif, Research Officer alongwith Mr. Ziaullah, DDA for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 1136/2014 titled "Noor Zaman -vs- Govt: of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and two others" Parties are left to bear their own cost. File be consigned to the record room.

Announced:
14.12.2018



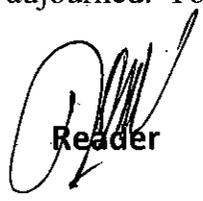
(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

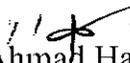
07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 05.12.2018.


Reader

05.12.2018

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Dr. Muhammad Hanif, Research Officer for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on tomorrow i.e 06.12.2018 before D.B.


(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

06.12.2018

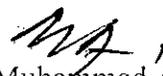
Counsel for the appellant present. Dr. M. Hanif, Research Officer alongwith Mr. Ziaullah, DDA for respondents present. Arguments heard. Case to come up for order on 14.12.2018 before D.B.


(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

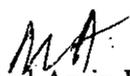
21.05.2018

Clerk to counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 13.06.2018 before D.B.


(Muhammad Amin Kundi)
Member

13.06.2018

Junior to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 23.07.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

23.07.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant requested for adjournment. Adjourned. To come up for arguments on 12.09.2018 before D.B.


Member

12.09.2018

Since 12 September 2018 has been declared as public holiday on account of Muharam Ul Haram. Therefore, the case is adjourned. Adjourned. To come up for the same on

7-11-18


Reader

1136/2014

13.12.2017

Counsel for the appellant and Addl. AG for the respondents present. The court time is over. To come up for arguments on 07.02.2018 before this D.B. Status quo be maintained till the date fixed.


Member


Chairman

07.2.2018

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG alongwith Muhammad Hanif, Research Officer for the respondents present. Due to shortage of time, arguments could not be heard. To come up for arguments on 02.03.2018 before the D.B. Status quo be maintained till the date fixed.

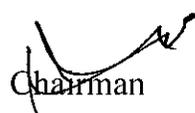

Member


Chairman

02.03.2018

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Muhammad Hanif, R.O for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 17.4.2018 before the D.B.


(Ahmad Hassan)
Member


Chairman

17.04.2018

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.05.2018 before D.B.

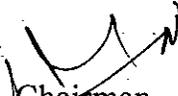

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

12.09.2017

Counsel for the appellant and Asstt. AG alongwith Dr. Sajid, SRO for the respondents present. Learned AAG seeks adjournment to produce relevant enquiry file. To come up for record and arguments on 09.11.2017. Status quo be maintained till the date fixed.


Member


Chairman

09.11.2017

Clerk of the counsel for appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Dr. Sajjad, Senior Research Officer for the respondents also present. 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 record and arguments on 07.12.2017 before D.B. Status-quo be maintained till the date fixed.

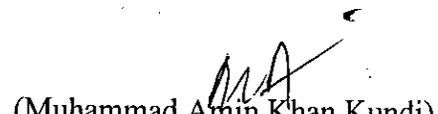

(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

07.12.2017

Clerk of the counsel for appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for record and arguments on 13.12.2017 before D.B. Status-quo be maintained till the date fixed.


(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

08.06.2017

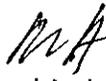
Agent to counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Agent to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 09.08.2017 before D.B. Status-quo be maintained.


(Muhammad Amin Khan Kundi)
Member

(Gul Zeb Khan)
Member

09.08.2017

Counsel for the appellant Mr. Yasir Saleem, Advocate present and submitted fresh Wakalatnama. Dr. Sajjad, Senior Research Officer alongwith Mr. Kabirullah Khattak, Assistant AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.08.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

0-----27 29.08.2017

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant Advocate General for the respondent present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.9.17 before D.B.


(Muhammad Hamid Mughal)
Member (J)

(Gul Zeb Khan)
Member (E)

25.10.2016

Counsel for the appellant and Mr. Sajid, Research Officer alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 02.01.2017 before D.B.

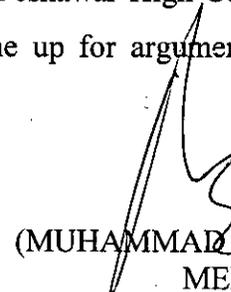

Member


Chairman

02.01.2017

Clerk counsel for the appellant and Dr. Sajjad, Senior Research Officer alongwith Additional AG for the respondents present. Clerk counsel for the appellant submitted before the court that counsel for the appellant is busy before the Hon'ble Peshawar High Court and requested for adjournment. Adjourned. To come up for arguments on 24.04.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

24.04.2017

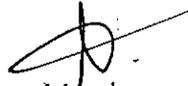
Agent to counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Requested for adjournment as learned counsel for the appellant has been appointed as judge of the High Court. Adjourned for final hearing to 08.06.2017 before D.B.

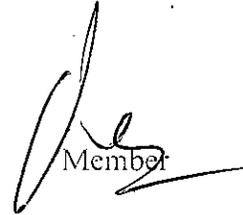

Member


Chairman

13.6.2016

Appellant in person and Dr. Sajid Khan, Research Officer alongwith Ziaullah, GP for respondents present. Appellant requested for adjournment. To come up for arguments on 26.7.2016. Till then status-quo regarding recovery is extended.

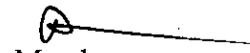

Member


Member

26.07.2016

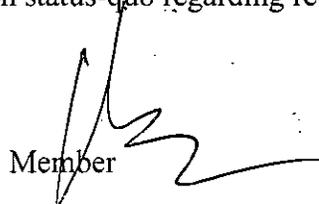
Clerk to counsel for the appellant and Dr. Sajid, Research Officer alongwith Addl: AG for respondents present. Clerk to counsel for the appellant requested for adjournment as counsel for the appellant is not available today. Adjournment granted. To come up for arguments on 08.09.2016. Till then status-quo regarding recovery is extended.


Member


Member

08.09.2016

Counsel for the appellant and Dr. Sajid Khan, Research Officer alongwith Additional AG for respondents present. Learned counsel for the appellant seeks adjournment and also requested for hearing of the instant appeal alongwith identical service appeal No. 1087/2014 Dr. Muhammad Mujtaba –vs-Government of KPK. Request accepted. To come up for arguments alongwith identical service appeal No. 1087/2014 on 25-10-16 before D.B. Till then status-quo regarding recovery is extended.


Member


Member

17.02.2016

Counsel for the appellant and Addl: A.G for respondents present. The learned Member (Executive) is on official tour to Abbottabad, therefore, Bench is incomplete. To come up for arguments on 7-4-16. Till then status-quo regarding recovery is extended.


Member

07.04.2016

Appellant in person and Dr. Sajjad, Research Officer alongwith Addl: AG for respondents present. The learned Member (Executive) is on leave therefore, Bench is incomplete. To come up for arguments on 13.5.16. Till then status-quo regarding recovery is extended.


Member

13.05.2016

Appellant with counsel and Addl. AG for respondents present. Appellant with counsel requested for adjournment. Adjourned for arguments on 13.6.2016. Till then status-quo regarding recovery is extended.

Member 

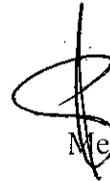

Member

09.10.2015

Appellant with counsel Dr. Sajid Research Officer
alongwith Mr. Muhammad Jan, GP for the respondents present.
Counsel for the appellant requested for adjournment. To come up
for rejoinder and arguments on 09-12-15. Till than
Status-quo regarding recovery is extended.



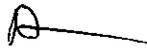
Member



Member

09.12.2015

Junior to counsel for the appellant and Mr. Muhammad Jan, GP
for respondents present. Junior counsel for the appellant requested for
adjournment as senior counsel for the appellant is stated busy before the
august Peshawar High Court. To come up for arguments on
15.1.2016. Till than status-quo regarding recovery is extended.



MEMBER



MEMBER

15.01.2016

Mr. Junaid Zaman, clerk of counsel for the appellant and Mr.
Ziaullah, GP for respondents present. Clerk of counsel for the appellant
stated the senior counsel for the appellant is not available due to his
personal engagement he requested for adjournment. Last opportunity given.
To come up for arguments on 17-2-2016. Till than status-quo
regarding recovery is extended.



Member



Member

16.3.2015

Appellant with counsel and Mr. Muhammad Jan, GP with Dr. Sajid Research Officer for the respondents present. Reply received on behalf of the respondents. To come up for rejoinder and arguments on 06.5.2015. Status quo order regarding recovery is extended till the date fixed.



MEMBER



MEMBER

06.05.2015

Counsel for the and Mr. Muhammad Jan, GP with Dr. Sajid Research Officer for the respondents present. The learned Member (Judicial) is on leave, therefore, case to come up for rejoinder and arguments on 17.6.2015. Till then the status quo regarding recovery is extended.



MEMBER

17.06.2015

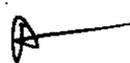
Appellant with counsel and Dr. Sajid, Research Officer alongwith Assistant A.G for respondents present. The learned Member (Judicial) is on leave, therefore, arguments could not be heard. To come up for rejoinder and arguments on 01.09.2015. Till then the status-quo regarding recovery is extended.



Member

01.09.2015

Appellant with counsel and Dr. Sajid, Research Officer alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for rejoinder and arguments on 9-10-2015. Till then status-quo regarding recovery is extended.



Member



Member

1138/14

12.2.2014

Counsel for the appellant and Mr. Muhammad Jan, GP present. The Tribunal is incomplete. To come up for the same on 17.2.2015.



READER

28.1.2015

Appellant with counsel present. Mr. Muhammad Jan, GP with Dr. Muhammad Sajid, Research Officer for the respondents present and requested for time. To come up for written reply/comments on 16.2.2015.

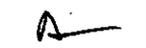


MEMBER

16.2.2015

Appellant with counsel and Dr. Sajid, Focal Person for respondent No. 3 with Addl. AG for the respondents present. Representative of respondent No. 3 submitted that record is with the administrative department and correspondence have been made with them to procure the relevant record. Further is requested to be granted for reply.

The learned counsel for the appellant submitted that the respondents have started recovery of the disputed amount from the appellant for which reason they are delaying the process by not submitting the reply in time. It was prayed that status quo order may be passed so that no recovery may be affected from the appellant. In this regard it was also stated at the Bar that Hon'ble Peshawar High Court granted status quo in favour of other colleague of the appellant vide order dated 07.1.2015 in Writ Petition No. 29-P/2015. Hence, status quo be maintained to the extent of recovery till next date. To come up for written reply on main appeal as well as reply/arguments on stay application on 16.3.2015.



MEMBER



MEMBER

30.10.2014

Clerk of counsel for the appellant present, and requested for adjournment as counsel for the appellant was busy in the Supreme Court of Pakistan. Request accepted. To come up for preliminary hearing on 06.11.2014.



Member

06.11.2014

Appellant alongwith his counsel present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 17.03.2014, vide which the penalty of recovery of rupees 0.175, million and Rs. 0.18 million, besides withholding of one increment for one year has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 14.04.2014 which was rejected vide order dated 23.07.2014, communicated to the appellant on 05.08.2014, hence the instant appeal on 03.09.2014. Counsel for the appellant has also filed an application for suspending the operation of impugned order dated 17.03.2014 and restraining the respondent from affecting recovery pursuant to the order dated 17.03.2014. Notice of application should also be issued to the respondents for reply/arguments.

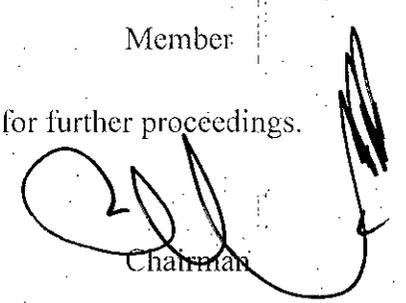
Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on main appeal on 28.01.2015 as well as reply/arguments on application on 02.12.2014.



Member

06.11.2014

This case be put before the Final Bench  for further proceedings.

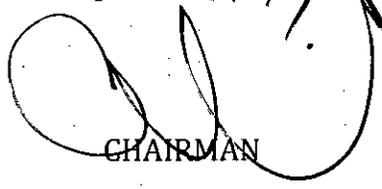


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1138 /2014

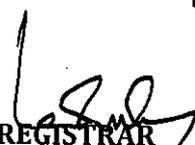
| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 15/09/2014 | <p>The appeal of Dr. Muhammad Irshad resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 22-9-2014 | <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>30-10-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p> |

The appeal of Dr. Muhammad Irshad Farm Manager Livestock & Dairy Development received today i.e. on 03.09.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15-days.

- 1- Copy of reply to the charge sheet mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of enquiry report is incomplete which may be completed.
- 3- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 4- Annexures of the appeal may be attested.
- 5- Appeal may be page marked according to the index.
- 6- Copies of Audit reports and show cause notice are illegible which may be replaced by legible one.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1325 /S.T.

Dt. 24/9 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

*Objection 1 to 7 is removed please put to
the Court*

- ① Copy of Reply to the charge sheet is attached is Annex C
- ② Enquiry report was not received by court
- ③ Annex Appeal is Serial wise in the Memo of Appeal
- ④ Annex Appeal as attached Appeal
- ⑤ Appeal marked according to the index
- ⑥ Five more copy was Attached

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 138 /2014

Dr. Muhammad Irshad, Farm Manager, (BPS-17) Live Stock
Research and Development Station, Surezai Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa Civil Secretariat Peshawar and others.

(Respondents)

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| 5 | Copy of inquiry | D | 12-13 |
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Appellant

Through


IJAZ ANWAR
Advocate, Peshawar
&


SAJIB AMIN
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1138 /2014

1131
03/9/2014

Dr. Muhammad Irshad, Farm Manager, (BPS-17) Live Stock
Research and Development Station, Surezai Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. The Secretary Govt of Khyber Pakhtunkhwa, Agriculture, Livestock and Corporation Department, Khyber Pakhtunkhwa, Peshawar.
3. Director General, Livestock and Dairy Development, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 17.3.2014, whereby the penalty of Recovery of Rupees 0.175 Million and Rs. 0.18 Million, besides withholding of one increment for one year" has been imposed upon the appellant, against which the departmental review/representation dated 14.4.2014 has also been rejected vide order dated 23.7.2014 Communicated to the appellant on 05.8.2014.

PRAYER IN APPEAL:

On acceptance of this appeal the impugned notification dated 17.3.2014 and the rejection order dated 23.7.2014 may please be set aside and the appellant may be allowed consequential benefits.

re-submitted to
and filed.

15/9/14

Respectfully Submitted:

1. That the appellant is serving as Farm Manger BS-17 in the Livestock Department. Ever since his appointment the appellant has performed his duties as assigned with zeal and devotion and therein was no complaint whatsoever regarding his performance.
2. That while serving in the said capacity the appellant along with other officials of live stock department were proceeded departmentally. The appellant was suspended from service vide order dated 21.2.2013 and was served with charge sheet vide letter dated 20.5.2013, containing certain false and baseless allegations, the allegations so leveled are reproduced below.

- i. *You misappropriated an amount of Rs. 1431040/- cost of 72732 Kg shown as issued to LR & DS Surezai for animal consumption without any record.*
- ii. *You have misappropriated a sum of Rs. 180000/- by receiving, less number (03) of Azakheli Buffaloes instead of 05 purchased as per record.*
- iii. *You misappropriated animal feed and feed ingredients showing their consumption much above the requirement of animals and making fictitious entries in the stock registers.*

(Copies of the suspension order, charge sheet and covering letter dated 20.5.2013 are attached as annexure A & B).

3. That the appellant duly replied the charge sheet and refuted the allegations leveled against him as false and baseless. (Copy of the reply to the charge sheet is attached as annexure C).
4. That a partial inquiry was conducted and the inquiry officer while submitting his findings gave certain recommendations regarding recovery of the amount allegedly misappropriated. (Copy of inquiry is attached as annexure D).
5. That the appellant was served with show cause notice dated 28.11.2013 which he duly replied and refuted the allegations. (Copies of the show cause notice and reply to the show cause notice along with relevant documents are attached as annexure E & F).
6. That the competent authority without applying his prudent mind, awarded the penalty of recovery of Rs. 0.715 million and Rs. 0.18 million besides the penalty of stoppage of one increment for one

year vide order dated 17.3.2014. (Copy of the order dated 17.3.2014 is attached as annexure G).

7. That the appellant submitted his review/representation on 14.4.2014, however it has also been rejected vide order dated 23.7.2014 communicated to the appellant on 05.8.2014. (Copies of departmental appeal and order dated 23.7.2014 are attached as annexure H & I).
8. That the impugned orders are illegal, unlawful against the law and facts, hence liable to be set aside inter alia on the following grounds.

GROUND OF APPEAL:

- a. That the appellant has not been treated in accordance with law he has been greatly prejudiced and discriminated in the grant of seniority, when his juniors were made senior to him.
- b. That no proper procedure has been followed before awarding the penalty to the appellant. The appellant has not been properly associated with the inquiry proceedings. Moreover, statement of witnesses were never recorded in presence of the appellant nor he has been allowed the opportunity of cross examination hence, the whole proceedings are defective in the eyes of law.
- c. That the appellant has not been given fair opportunity of personal hearing thus he has been condemned unheard.
- d. That the appellant has not been treated in accordance with law, he was not given proper, fair and meaningful opportunity to defend himself, thus he was greatly prejudiced in the enquiry proceedings.
- e. That the charges leveled against the appellant are false and baseless. Moreover, the same were never proved in the inquiry. The inquiry officer gave his findings on surmises and conjunctures.
- f. That the detailed reply to the charges leveled are as under:-
 - i. The vanda claimed by Dr. Muhammad Mujtaba provided to the appellant was used in the field days. So, it was not recorded and entered in the farm register. Statement for non receipt of vanda was provided to the inquiry committee as record of field days was pending/kept in the office of Director LR&D. The field days were organized with the approval of the Director LR&D.

- ii. The bill on account of cost of 10 No. buffaloes was handed over to Mr. Zahir Muhammad stock assistant /store keeper for entering the animals in stock register and the appellant was asked for its verification. At the time, the appellant pointed out that animals has not been received and supplied to the farm. It was told that such entries and verifications of bill is pre-requisite of A.G Office otherwise the funds will be lapsed.
 - iii. It is assured that the vanda issued for farm has not been misused. It has actually been fed to the animals. It is recognized fact that the LR&D, Surezai is located in a non irrigated and barani area. Nominal quantity of green fodder was not available at the farm, protection of animals from starvation and death, feeding of vanda at lib was necessary to animals otherwise huge losses in the shape of mortality in animals was sure. Similarly production of the animals was to be zero in such circumstances. Moreover, all the situations were in the notice of the Director LR&D, SRO and other staff.
 - iv. Later on 3 buffaloes and 5 buffaloes were handed over to Mr. Zahir Muhammad Stock Assistant/store keeper at different times in the presence of all farm staff. It was learnt that the supply of remaining 2 buffaloes was not made by the contractor due to security problem in swat. After that the appellant do not know that why the buffaloes has not been supplied. The appellant also do not know about any dealing made amongst the supplier and the office of Director LR&D.
- g. That as per rules, it was the responsibility of the office of Director LR&D to obtain certificate/NOC for complete supply of the items by the supplier from the store keeper of Farm Staff but they have directly made the payment of entire amount irrespective of outstanding animals and have also released the call deposit to the contractor.
 - h. That the appellant had never committed any act or omission which could be termed as misconduct albeit he has been awarded the penalty.
 - i. That the appellant have a long and spotless service career at his credit. The penalty imposed upon him is illegal and is a stigma on his bright and spotless service career.

- j. That the facts and grounds mentioned in the replies to the charge sheet and show cause notice and departmental appeal of the appellant may also be read as integral part of the instant appeal.
- k. That the appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned notification dated 17.3.2014 and the rejection order dated 23.7.2014 may please be set aside and the appellant may be allowed consequential benefits.


Appellant

Through



IJAZ ANWAR
Advocate Peshawar
&


SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2014

Dr. Muhammad Irshad, Farm Manager, (BPS-17) Live Stock
Research and Development Station, Surezai Peshawar.

(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa Civil Secretariat Peshawar and others.

(Respondents)

**Application for the suspension of the impugned
order Dated 17.3.2014 and restraining the
respondents from affecting recovery pursuant to
the order dated 17.3.2014 till the decision of the
above noted Appeal**

Respectfully Submitted:

1. That the appellant has filed the titled appeal in this Honourable Tribunal in which no date of hearing is fixed so far.
2. That the facts and ground mentioned in the accompanied appeal may be read as integral part of this application.
3. That the applicant has got a good prima facie case and there is likelihood of it success.

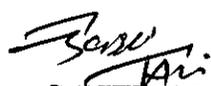
4. That the applicant would be exposed to great hard ship and inconvenience in case the order is not suspended.
5. That it will also serve the interest of justice if the order impugned is suspended till the final decision of the appeal.

It is, therefore, prayed that on acceptance of this application the operation of the impugned order dated 17.03.2014, may please be suspended and the respondents may please be restrained from recovery pursuant to the order dated 17.3.2014 till the decision of the appeal.


Applicant

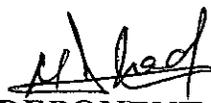
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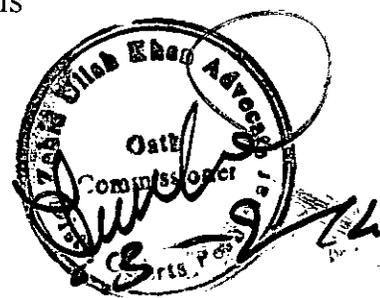

IJAZ ANWAR
Advocate, Peshawar
&


SAJID AMIN
Advocate, Peshawar

AFFIDAVIT

I, *Dr. Muhammad Irshad, Farm Manager, (BPS-17) Live Stock Research and Development Station, Surezai, Peshawar*, do hereby solemnly affirm and declare on oath that the contents of the titled appeal as well as application are true and correct to best of my knowledge and believe and that nothing has been kept back or concealed from this Honourable Tribunal.


DEPONENT



Spone Copy

P-2

ANIMEA A

8

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar the 21st February, 2013.

NOTIFICATION:

NO.SO(L&F)AD-B-2(99)/2012: In pursuance of Section-6 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, on the basis of the charges mentioned below:-

| | | |
|--------|---|------------------------|
| i. | Misappropriation an amount of Rs 214486/- (cost of 12400 kg Vanda). | Official at S.No-1. |
| ii. | Misappropriation an amount of Rs 5561081/- cost of 321500 kg Feed ingredients. | Officials at S.No-1&2 |
| ✓ iii. | Misappropriation of Rs 1431040/- cost of 82732 kg. | Official at S.No-1. |
| iv. | Misappropriation of Rs 270800/- by receiving less numbers of animals. | Official at S.No-2. |
| ✓ v. | Misappropriation of Rs 180000/- by receiving less numbers of animals. | Officials at S.No-3&4. |
| vi. | Misappropriation animal feed and feed ingredients. | |
| vii. | Misappropriation of Rs 99,000/- cost of 49500 kg Sugar Beet Pulp. | |
| viii. | Misappropriation of Rs 69,795/- on account of purchase of 4 numbers feed ingredients. | |
| ix. | Misappropriation of Rs 1,20,000/- on account of purchase of Vanda. | |
| x. | Misappropriation of Rs 82,215/- on account of purchase of Sugar Beet Pulp. | |

The Competent Authority is pleased to place the following officers/officials under suspension with immediate effect till completion of the inquiry:-

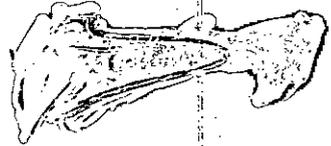
1. **Dr.Muhammad Mujtaba**, Senior Research Officer (BS-18), Veterinary Research Institute, Peshawar.
2. ✓ **Dr.Muhammad Irshad**, Farm Manager (BS-17), Livestock research & Development Station, Surezai.
3. **Mr.Noor Zaman Shah**, Superintendent (BS-16), Livestock & Development of L&DD (Research),
4. **Mr.Haider Ali**, Assistant / Accountant (B-14), Livestock Research & Development.

2. Consequent upon the above, the officers/officials will get subsistence grant during their suspension.

Sd/
SECRETARY AGRICULTURE

(Cont.....next page)

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(8) A 

CHARGE SHEET

I, Amir Haider Khan Hoti, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Dr. Muhammad Irshad, Farm Manager (BS-17), Livestock Research & Development Station (LR&DS) Surezai as follows:

That you while posted as Farm Manager, Livestock Research & Development Station (LR&DS) Surezai committed the following irregularities:

- i. You misappropriated an amount of Rs.1431040/-, cost of 82732kg shown as issued to LR&DS Surezai for animal consumption without any record.
- ii. You have misappropriated a sum of Rs.180000/- by receiving less numbers (03) of Azakheli Buffaloes instead of 05 purchased as per record.
- iii. You misappropriated animal feed and feed ingredients showing their consumption much above the requirement of animals and making fictitious entries in the stock registers.

2. By reason of the above, you appear to be guilty of corruption and misconduct 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 defence within seven days of the receipt of this Charge Sheet to the inquiry officer/inquiry committee, as the case may be.

4. Your written defence, 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 initiated against you.

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

6. A statement of allegations is enclosed.




/18-2-13
(AMIR HAIDER KHAN HOTI)
CHIEF MINISTER, KHYBER PAKHTUNKHWA.



(9) *ATTN: B*

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT
NO.SO(L&F)AD-B-2(99)/2012,
Dated Peshawar the 20th May, 2013.

To

1. Dr.Muhammad Mujtaba,
Senior Research Officer (BS-18), Veterinary Research
Institute, Peshawar.
2. Dr.Muhammad Irshad,
Farm Manager (BS-17), Livestock research & Development
Station, Surezal.
3. Mr.Noor Zaman Shah,
Superintendent (BS-16), Livestock & Development of L&DD
(Research),
4. Mr.Haider Ali,
Assistant / Accountant (B-14), Livestock Research &
Development.

Subject:

DISCIPLINARY ACTION AGAINST DR.MUHAMMAD MUJTABA,
SENIOR RESEARCH OFFICER, DR.MUHAMMAD IRSHAD,
RESEARCH OFFICER/FARM MANAGER (BS-17), MR.NOOR ZAMAN
SHAH, SUPERINTENDENT (BS-16) AND MR.HAIDER ALI, ASSISTANT
(BS-14), LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH).

I am directed to enclose herewith a copy of charge sheet duly signed
by the Competent Authority i.e. Chief Secretary, Khyber Pakhtunkhwa on
18.2.2013 on the subject noted above which is self-explanatory for information
and further necessary action.

2. It is however to point out that the transfer were mentioned in this
Department's Notification of even number dated 21.2.2013.

(Signature)
(Dr. Mir Ahmad Khan)
SECTION OFFICER (L&F)

Encl: As above.

Copy to P.S to Secretary, Agriculture, Livestock & Cooperative
Department.

(Signature)

(Signature)

SECTION OFFICER (L&F)

ANNEXURE G

70

~~ANNEXURE G~~

Mr. Muhammad Idrees Khan (PCS EG BS-19)
Director General, Special Development Unit (SDU)
Planning & Development Department.

Subject: DISCIPLINARY ACTION AGAINST DR. MUHAMMAD MUJTABA, SENIOR RESEARCH OFFICER, DR. MUHAMMAD IRSHAD, RESEARCH OFFICER/ FARM MANAGER (BS-17), MR. NOOR ZAMAN SHAH, SUPERINTENDENT (BS-16) AND MR. HAIDER ALI ASSISTANT (BS-14) LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH)

Respected Sir,

Reference letter No. SO(L&F)AD-B-2(99)/2002, dated 21/02/2013 from the Section Officer (L&F) Govt; of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department Peshawar addressed to you and copy there of endorsed to me and other on the above subject. In this respect, it is stated as under:-

S.No. III: **Misappropriation of Rs. 1431040/- cost of 82732 kg vanda / animal feed and feed ingredients**

The vanda claimed by Dr. Mohammad Mujtaba provided to me was used in the field days. So, it was not recorded and entered in the farm register. Statement for non receipt of vanda was provided to the inquiry committee as record of field days was pending / kept in the office of Director LR&D.

The field days were organized with the approval of the Director LR&D. All the relevant record i.e., minutes of meeting and progress report regarding field days is attached.

P. 25, 26 & 27 P.T.



(11)

~~XXXXXXXXXX~~
R-10

S.No. V: Misappropriation of Rs. 180000/- by receiving less No. of animals

Bill on account of cost of 10 No. Buffaloes was handed over to Mr. Zahir Mohammad Stock Asstt / Store Keeper for entering the animals in stock register and the undersigned was asked for its verification. At that time, I pointed out that animals has not been received and supplied to the farm. It was told that such enteries and verifications of bill is pre-requisite of A.G. Office otherwise the funds will be lapsed.

Later on 3 Buffaloes and 5 Buffaloes were handed over to Mr. Zahir Mohammad Stock Asstt. / Store Keeper at different times in the presence of all farm staff. It was learnt that the supply of remaining 2 Buffaloes was not made by the contractor due to security problem in swat. After that, I do not know that why the buffaloes has not been supplied. I also do not know about any dealing made amongst the supplier and the office of Director LR&D.

In addition to the above, it will be not out of place to mention that :-

1. My mandate is management of farm
2. I was not a member of purchase committee
3. All the items being supplied to farm is directly provided to the store keeper and he is responsible for maintaining the record.
4. We have not provided any Departmental Receipt Form (DRF) for the items not received by me or the Store Keeper.
5. As per rules, it was the responsibility of the office of Director LR&D to obtain certificate / NOC for complete supply of the items by the suppliers from the store keeper or Farm Staff but they have directly made the payment of entire amount irrespective of outstanding animals and have also released the call deposit to the contractor.

P.T.O

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S.No. VI: Misappropriation animal feed and feed ingredients

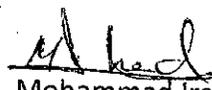
It is assured that the vanda issued for farm has not been misused. It has actually been fed to the animals. It is recognized fact that the LRDS surezai is located in a non irrigated and Barani area. Nominal quantity of green fodder was not available at the farm, protection of animals from starvation and death, feeding of vanda at lib was necessary to animals otherwise huge losses in the shape of mortality in animals was sured. Similarly production of the animals was to be zero in such circumstances. Moreover all the situations were in the notice of the Director LR&D, SRO and other staff.

Sir, in light of the above explanation, it is hoped that the matter may be studied in depth, I may be provided justice as being a subordinate employee. I am not involved in any misappropriation embezzlement and unfairmeans.

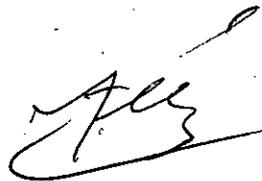
Submitted for favourable consideration please.

Dated: 3/6/2013

Yours obediently


Dr. Mohammad Irshad 3/6/2013

RO/ Farm Manager-



ANNEX D

12

would have divided the total amount on the accused and should have claimed Rs. 15520 from each one of them. After perusal of record, the Inquiry Committee submits the following recommendations for perusal of the competent authority:

Recommendations and Action:

Allegation No. 1:

As per first allegation regarding free distribution of Vanda during the Field Days, the following two options are proposed and the competent authority is suggested to approve any one of them:

Option No. 1:

- The competent authority may exonerate the accused as he got free Vanda and received directions from the Director Livestock to distribute it free of cost among the farmers during the Dood Melas/Field Days (Annex-D).

Option No. 2:

- In case the competent authority approves the option 2 in respect of Dr. Mujtaba then recovery to the proportion to his responsibility may be recovered from Dr. Irshad as well.

Allegation No. 2:

With regard to second allegation, relevant record depicts that although the accused was not the member of purchase committee, which was responsible for purchase and reception of the animals yet it was the mandatory responsibility of the accused to ensure proper reception of the total number of required animals from the contractor being signature-bearer (Annex-F). Hence, it is recommended that the amount of 2 numbers of missing animals {Azakheli Buffaloes} Rs. 180000/- must be recovered from the accused officer. The competent authority may impose a penalty of stoppage of 'one annual increment' for 2013 on the accused officer as he is guilty of negligence in handling the government business. Moreover, the contractor should also be black listed for not acting professionally while dealing with the government.

Allegation No. 3:

As for as third allegation is concerned, the accused has defended with solid arguments that Surezai is dry and barren area where no green fodder is found for the feed of the animals, kept at the station (as per his statement and replies to the questioner attached). Moreover, in the absence of excessive feeding to the animals; their death could be evident due to starvation. Keeping in view all the ins and outs of the matter,

record available and ground reality; it is recommended that the accused may be given benefit of doubt. Hence no action is hereby recommended against the accused in the said allegation. However the department is advised to further probe the issue through experts whether the contention of the accused is true or otherwise.

13



Dr. Irshad (Farm Manager): ✓

The Inquiry Committee has recommended recovery of Rs. Rs. 1,431,040/- @ Rs. 640/- per 37KG (cost of 2,236 bags) from Dr. Irshad. Moreover it has recommended recovery of Rs.180, 000/- by receiving less numbers (03) of Azakheli Buffaloes instead of 05 purchased as per record. Dr. Irshad was declared accused of misappropriation of animal feed and feed ingredients by showing their consumption much above the requirement of animals and making fictitious entries in the stock register.

It is strange to note that as for as feed is concerned, total loss sustained by the government is 1431040/-(cost of 2236 bags) but the same amount is also being claimed from Dr. Mujtaba, which is not justified. The previous inquiry committee

27/2/13

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10/1



14
Amir: - E

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SO(L&F)AD-B-2(99)/2013,
Dated Peshawar the 28th November, 2013.

To

✓
Dr. Muhammad Irshad,
Research Officer/Farm Manager (BPS-17),
Livestock Research and Development, Peshawar.

Subject: **SHOW CAUSE NOTICE.**

I am directed to forward herewith a copy of Show Cause Notice duly signed by the Competent Authority, tentatively imposing the penalty of "Recovery of RS 0.715 Million on account of Vanda shown issued to LR&DS Surezai and Rs 0.18 Million on account of less receipt of animals from the contractors. Besides, withholding of one annual increment for one year" upon you, under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

2. Your reply should reach this office within seven (07) days positively otherwise it will be deemed that you have no defence, to put in and in the case, an exparte action shall be taken against you.

(Dr. Mir Ahmad Khan)
SECTION OFFICER (I&F)

Incl: As above.

Copy to:

1. Principal Secretary to Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. P.S.O to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Director General (Research), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar.
4. P.S to Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S to Special Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (I&F)

entire amount was paid to M/S Ejaz & Co (on record) in advance before the supply of the required number of Buff.

3. The Director, LR&D, N.W.F.P (KPK) had constituted a postdated Technical Purchase Committee vide his Order No. DLR&D/1035-39 dated 08-05-2009 (copy attached as annex-VII) consisting the following Officers/ Officials to check the newly purchased animals from M/S Ejaz and Co & their delivery to the Farm. Page 18

- | | | |
|----|---|------------------|
| 1. | Dr. Sajjad Ahmad SRO | Member |
| 2. | Dr. Muhammad Iqbal PRO | Member |
| 3. | Dr. Zabita Khan R.O | Member |
| 4. | Dr. Muhammad Mujtaba, R.O | Member |
| 5. | Mr. Noor zaman Shah Supptt: | Member/Secretary |
| 6. | Mr. Zahir Muhamad Stock Asstt/ Store Keeper | Member |
| 7. | Mr. Haya Khan A.I Technician. | Member |

4. After selection/ approval of the Purchase Committee, the contractor had handed over eight (8) Buff: in three (3) installment as per detail given below to Mr. Zahir Muhammad, Store Keeper and entries there of were made by him in the ⁺sock register (on record) as (annex-VIII & IX). Page 23-24

| S.No | Date of Receipt | Breed of animal | No. of animal received | Entry page of stock book |
|------|-----------------|---|------------------------|--------------------------|
| 1 | 05-05-2009 | Nili Ravi Buff Tag= 950,951,952,953 & 954 | 05 | 106 |
| 2 | 09-05-2009 | Azakheli Buff Tag= 857 | 01 | 06 |
| 3 | 20-05-2009 | Azakheli Buff Tag= 859 & 860 | 02 | 06 |

5. As clarified above, the cost of two, not supplied Buff: viz Rs. 180000/- stands refundable/ recoverable from M/S Ejaz and Co out of lump sum cost of ten (10) Buff: paid to them in advance before full supply to enable to make the loss good.

6. I am not at all responsible/ involved having no mandatory assignment for the receipt of Buff because the proper recipient is Mr. Zahir Muhammad, Store Keeper/ Member of the purchase Committee to whom eight Buff were handed over by the contractor/ Purchase committee in three (3) installments and were entered by him in the stock register as evident from (annex-VIII & IX). Page-23-24



7. For the remaining two Buff Mr. Zahir Muhammad, Store Keeper reported the shortage duly endorsed by me to the Station Director, LR&D, Surizai having the overall mandatory responsibility of Farm Administration.
8. For pursuance of recovery of shortage, the Station Director, LR&D Surizai onward reported vide his letter No. DLR&D/601 dated 2-07-2009 and DLR&D/634 dated 25-08-2009 (copy attached as annex-X&XI) to the Director LR&D Peshawar for the supply of outstanding animals on urgent basis but with no response so far. Thus the responsibility for recovery of shortage from M/S Ejaz & Co the real defaulter lie on the Director/ Purchase committee & not on me and other un-involved subordinates.
9. In response to irrelevant charges imposed on me by the Enquiry Officer under allegation No.2, it humbly submitted that the overall mandatory responsibility for recovery of shortage lie on Director/DDO who had placed order for supply and paid the entire cost before complete supply and not on me having no Financial/ Administrative mandates. I remained out of picture through out in the purchase, receipt of Buff: & payment of cost there of.
10. Though the shortage was in the notice of Director, yet without obtaining of N.O.C from the Station Director, Surizai/ Purchase Committee and with holding of Call Deposit till making the recovery of shortage, the Director released the call deposit to M/S Ejaz and Co and overlooked the above requisits.
11. Sir, In a similar case in the Purchase/ Supply of Lohani Cows and Lohani Bull to the livestock Research and Development Station Pahapur D.I. Khan, the same Contractor viz M/S Ejaz & Co had played the role of less supply of 5 Lohani cows & one lohani Bull. The Anticorruption Department Peshawar vide their letter No. 254-57 dated 07-01-2013 read with letter No. LR&DS/DI Khan dated 22-09-2011(Copy attached as Annex XII) Mr. Ejaz & Co was held responsible for Shortage. The above shortage of animals detected by the Anticorruption Department were supplied by M/S Ejaz & co as confirmed by the Station Director LR&D Pharpur in his letter

Page

49-43-

(annex XIII). Accordingly the said contractor is habitual defaulter and deceiver. In the instant case the contractor is playing the same role in spite of making the supply of short animals.

12. It will not be out of place to submit that neither the previous Enquiry Committee nor the instant Enquiry Officer summand M/S Ejaz & Co for production of receipts obtained by them from the recipient to whom the entire ten number of Buff: were handed over by them in the Farm. Due to this draw back & clarification given above, I have been held responsible for no fault on my part.

13. Brief of my contention as explained above is submitted for sympathetic consideration please.

- i. The cost of ten Buff was drawn on the advance bill of M/S Ejaz & Co and was paid in lumpsum which is in contradiction of Treasury 290 and 397 because in such cases the suppliers get freedom from bondage.
- ii. It is the mandatory responsibility of the Director to recover the shortage from M/S Ejaz & Co because the payment was made to them before supply.
- iii. The Director overlooked the pre-requisites of obtaining N.O.C from the Station Director, Surizai/ Purchase Committee/ completion of shortage & instead the call deposit was released to M/S Ejaz & Co.
- iv. Neither the previous Enquiry Committee nor the Enquiry Officer summand M/S Ejaz & Co for production of receipt obtained by them from the recipient to whom ten Buff: were handed over by them in the Farm.
- v. It was also incumbent on the purchase committee to have reported the case of shortage immediately to the Director but they remained quiet and avoided their responsibilities.
- vi. Station Director, Surizai/-Mr. Zahir Muhammad store Keeper who reported shortage in time vide annex-X & XI have not been called by the Enquiry Committee and Enquiry Officer for confirmation of shortage.
- vii. The Purchase Committee to whom the task of purchase & delivery of animals was entrusted have not been summond by the Enquiry Committee and Enquiry Officer for confirmation of shortage.

ASB

- viii. The wrong has been done from initiative step but instead the innocent subordinates are being held responsible for making the loss good which is otherwise Justice please.

It is humbly requested that I may very kindly be given opportunity to be heard in person, so that I could explain my position more in detail.

It is also requested that the uncalled charges imposed on me may very kindly be set aside & I may be exonerated from in the irrelevant and so called charges of misappropriation to get relief from mental torture and harassment for no fault of mine please.

Enclosure. (13)

~~Annex~~: I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII & XIII

Date: 12 /12/2013

Yours Obediently

M. Irshad 12/12/13

Dr. Muhammad Irshad

Research Officer/ Farm Manager (BPS-17)
Livestock Research and Development, Peshawar.

Abd

67 Annex-I

20

Directorate of Livestock
Research & Development NWFP,
Peshawar

No. _____

Dated: 28/12/2008

To

The Director,
Research & Development NWFP,
Peshawar.

Through: Proper Channel

Subject: Issue of Shandar Wanda to Field Day/Farmer Training Workshops

Please refer to the subject noted above and the letter received from Store Keeper Cattle Feed Mill, Livestock R&D Station Surezai, Peshawar.

It please stated that a balance ration namely Shandar Wanda has been prepared in cattle feed mill. Now as per your directive to the undersign to grant all possible help in arrangement of Field Days Farmer Awareness program to the Farm Manager, Livestock R&D Station Surezai, Peshawar, the prepared shandar wanda may be distributed among the farmers. The result of feeding balance feed to their animal will create awareness for maximizing their production and health of their animals. The developmental project "Enhancement of Livestock Productivity through improving feeding situation in NFWP" has one of objective to overcome the problem face by Livestock Farmer of our province due to malnutrition of their animals.

The distribution of Shandar Wanda will play a catalyst role among farmer to use balance ration instead of feeding cotton seed cake, which is costly and not fulfilling the nutritive demand of animals. In this connection, field days will be arrange at village level as well as union council level and Tehsil level for creating farmer awareness and technology transfer program like de-worming, AI services, urea treated wheat straw and it technique to the livestock farmers.

These fields will be arranged at District Peshawar, Charsadda, Nowshehra, and Mardan in the selective villages or union council. In each district ten no filed days will be arranged.

It is therefore requested to allow us to distribute Shandar Wanda 150 to 200 begs (each of 50kg) and urea among the livestock farmers in each field day.

(Dr. Muhammad Mujtaba)
Research Officer/FM

Forwarded to
S/D Surezai
28/12

Allowed
as discussed

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Emergency Report

14A
Photocopy

D-50

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

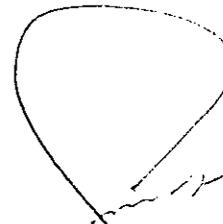
NO.SO(L&F)AD-B-2(99)/2013.
Dated Peshawar the 2nd December, 2013

To

✓
Dr. Muhammad Irshad,
Research Officer/Farm Manager (BPS-17).
Livestock Research and Development, Peshawar.

Subject: SHOW CAUSE NOTICE.

In continuation of this Department's letter of even number dated
28.11.2013 on the subject noted above and to enclose herewith a copy of finding
report of the inquiry officer.)



(Dr. Mir Ahmad Khan)
SECTION OFFICER (L&F)

Incl: As above.

Copy to:

1. Principal Secretary to Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. P.S.O to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Director General (Research), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar.
4. P.S to Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S to Special Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (L&F)



To

Dr. Mir Ahmad,
Section Officer (L&F)
Government of Khyber Pakhtunkhwa
Agriculture Livestock & Cooperative Department,
Peshawar.

Subject: SHOW CAUSE NOTICE.

Sir,

Reference your letter No. SO(L&F)AD-B-2(99)/2013 dated 28-11-2013 and No. SO(L&F)AD-2/99/2013 dated 2-12-2013

1. In response to same confusion noticed in the extract of the enquiry report, further clarifications against each charge are given as under please.

iii) Misappropriation of Rs. 1431040/- cost of 82732-Kg Wanda.

2. Beside my earlier explanations given by me to the Enquiry Officer, it is further clarified that under the development project "Enhancement of livestock productivity through improving feeding situation in N.W.F.P", the Director LR&D N.W.F.P Peshawar as per sanction accorded by him vide letter dated 25-12-2008 (Copy attached as annex-I) for holding of field days & distribution of Shandar Wanda 150 to 200 bags (each of 50-Kg) and Urea among the livestock farmers in each field day at District Peshawar, Charsadda, Newshehra and Mardan.

3. In compliance of sanction accorded for implementation of the project field days as annex-II,III,IV,V and VI were held in Peshawar District wherein Wanda in question was distributed among the Farmers duly authenticated by the senior Officers.

v) Misappropriation of Rs. 180000/- by receiving less number of animals.

1. In addition to the explanation already given by me to the Enquiry Officer in my letter dated 03-06-2013 and dated 17-06-2013, it is further submitted as follow:-

2. During the year 2009 the Director, LR&D, N.W.F.P (KPK) had drawn in advance the cost of ten Buff: on the advance bill of the contractor and the

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57
1
ANNEX I
(15)
D/W/O 12948
Dt: 12/12/13
RA (17)
12/12

P. 52-53

P. 11

Page 12-16

23

Annex - IV

65

| | | |
|------------|--------------------------|---|
| | | animals 229. Provision of balance rations (wanda) to boost the animal production 200 bags. Urea for wheat straw treatment 120 kg |
| 29.04.2009 | Mattani | De-worming of 250 animals Vaccination of 262 animals, A.I. Services provided 38 animals, Technical and advisory services regarding treatment of diseased animals 311. Provision of balance rations (wanda) to boost the animal production 200 bags. Urea for wheat straw treatment 80 kg |
| 30.04.2009 | Sheikh Muhammadi Village | De-worming of 110 animals Vaccination of 119 animals, A.I. Services provided 22 animals, Technical and advisory services regarding treatment of diseased animals 159. Provision of balance rations (wanda) to boost the animal production 200 bags. Urea for wheat straw treatment 64 kg |

The information is submitted please.

Sayyad Ahmad
 Station Director
 AD & DS Surezal
 Peshawar.
 16/5/2009

16/5/2009
 (Dr. Muhammad Irshad)
 Farm Manager

(Dr. Muhammad Mujtaba)
 Research Officer/F.M.
 Mangra



(21)

Annex IV

Livestock Research & Development Station Surezai, Peshawar

No. LR&DS/ 586

To

The Director,
LR&DS Surezai,
Peshawar

Subject: Field Days

Kindly refer to the subject noted above.

It is to inform you that as per your directives the Fields Days in the following areas surrounding our stations were held during the month of June 2009.

| Date | Field Days | Activities performed |
|------------|-------------|--|
| 01.06.2009 | Surezai | De-worming of 366 animals Vaccination of 219 animals, A.I. Services provided 41 animals, Technical and advisory services regarding treatment of diseased animals 317. Provision of balance rations (wanda) to boost the animal production 200 bags. Urea for wheat straw treatment 115 kg |
| 03.06.2009 | Pando Payan | De-worming of 360 animals Vaccination of 119 animals, A.I. Services provided 19 animals, Technical and advisory services regarding treatment of diseased animals 390. Provision of balance rations (wanda) to boost the animal production 200 bags. Urea for wheat straw treatment 108 kg |
| 05.06.2009 | Urmar Bala | De-worming of 229 animals Vaccination of 156 animals, A.I. Services provided 19 animals, Technical and advisory services regarding treatment of diseased |



25

65
Annex IV

| | | | |
|------------|--|--------------|--|
| | | | animals 212. Provision of balance rations (wanda) to boost the animal production 200 bags. Urea for wheat straw treatment 65 kg |
| 07.06.2009 | | Mera Kachori | De-worming of 382 animals Vaccination of 278 animals, A.I. Services provided 36 animals, Technical and advisory services regarding treatment of diseased animals 365. Provision of balance rations (wanda) to boost the animal production 200 bags. Urea for wheat straw treatment 118 kg |
| 09.06.2009 | | Uoch naher | De-worming of 250 animals Vaccination of 92 animals, A.I. Services provided 33 animals, Technical and advisory services regarding treatment of diseased animals 112. Provision of balance rations (wanda) to boost the animal production 200 bags. Urea for wheat straw treatment 60 kg |

The information is submitted please.

Sayed Ahmad
 Station Director 11/7/09
 & DS Surezal
 Peshawar.

Ahmad 11/7/2009
 (Dr. Muhammad Irshad)
 Farm Manager

(Dr. Muhammad Mustafa)
 Research Officer/PA
 Manager

AKG

(26) Amm 8 - V 11
64

DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT,
NWFP, PESHAWAR

ORDER

A technical Committee of the following officers is hereby constituted to examine and check newly purchased animals from M/S Ijaz & Co., for Livestock Research and Development Station, Surezai, Peshawar at their original place, from where these animals are to be shifted to Livestock Research & Development Station, Surezai.

Mr. Zahir Muhammad, ^{Stock} Field Assistant and Mr. Haya Khan, A.I Technician are directed to assist the purchase committee in selection of newly purchased animals.

- | | | |
|----|-------------------------------------|------------------|
| 1. | Dr. Sajjad Ahmad, SRO | Member |
| 2. | Dr. Muhammad Iqbal, PRO | Member |
| 3. | Dr. Zabita Khan, RO | Member |
| 4. | Dr. Muhammad Majtaba, RO | Member |
| 5. | Mr. Noor Zaman Shah, Superintendent | Member/Secretary |

(DR. FIDA MUHAMMAD)
DIRECTOR

No. DLR&D/ 1035-39

Dated Peshawar, the 8/05.2009

Copy of the above is forwarded to all concerned for information and necessary action including Mr. Ijaz & Co. Contractor for information and necessary arrangements as per the terms and conditions of supply of animals.

Dr. Sajjad Sahib
SRO

(DR. FIDA MUHAMMAD)
DIRECTOR
HKG/S

JG

LIVESTOCK RESEARCH & DEVELOPMENT FARM,
SUREZAI.

LIVESTOCK REGISTER.

(27)

69

| S. No. | Tag. No. | Sex | Name | Date of Birth | Date of entry into herd | History Sheet Page | Remarks |
|--------|----------|-------------|------------------|---------------|-------------------------|--------------------|--|
| (53) | (853) | ♂ | 815 | 16-12-08 | | | Die 16-12-08 Farm Manager LR S Surezai |
| (54) | (854) | Female | 803 35 kg | 26-2-09 | | | Auction 20-10-2011 |
| (55) | (855) | Male | 834 37 | 2-3-09 | | | Auction 17-6-09 (855) Long |
| (56) | (856) | Female | 802 33 | 25-4-09 | | | Die 07-6-09 Dr. Rajwal Khan Research Officer Research & Development Ura Soc. Sialon Peshawar |
| (57) | (857) | ✓ | Buttlers | | 9-5-09 | | Received 1 Buttlers patches no 857 on 9-5-09 Purchased |
| (58) | (858) | ✓ | Male calf 301 31 | 20-5-09 | | | Buttlers |
| (59) | (859) | ✓ | Buttlers | | 20/5/09 | | Received and Received 20/5/09 Auction 17-6-09 |
| (60) | (860) | ✓ | Buttlers | | 20/5/09 | | Received and Patched on 20/5/09 Auction 20-10-2011 |
| (61) | (861) | Female calf | 820 30 | 20-5-09 | | | 18-6-11 |
| (62) | (862) | Male | 821 31 | 29-5-09 | | | 18-6-11 |
| (63) | (863) | Male | 822 30 | 14-7-09 | | | 10-10-11 (863) Auctioned 10-10-11 Long |

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Annex IX

70

LIVESTOCK RESEARCH & DEVELOPMENT FARM, SUREZAI. LIVESTOCK REGISTER.

98

| S. No. | Reg. No. | Sex | Name | Dorm B.W. | Date of Birth | Date of entry into herd | History Sheet Page | Remarks | S. |
|--------|----------|----------|---------------------------------|-----------|---------------|-------------------------|--------------------|---|------|
| (48) | 918 | + | 909 | 33 | 13-1-09 | ✓ | | | (61) |
| (49) | 9419 | ♂ | 921 | 32 | 29-3-09 | ✓ | | Auction on 10-11-09 | (62) |
| (50) | 950 | Buffaloe | | | | | | Received 5 Buffaloes on 5/5/09 → 4 Buffaloes (Milkmaid) purchased on 5/5/09 → Auction on 25/10/2012 | (63) |
| (51) | 951 | Buffaloe | | | 11 | 5/5/09 | | | (64) |
| (52) | 952 | Buffaloe | | | 11 | 5.5.09 | | Shifted to D.1. Khan on 28-9-2012 | (65) |
| (53) | 953 | Buffaloe | | | 11 | 5.5.09 | | Shifted to D.1. Khan on 28-9-2012 | (66) |
| (54) | 954 | Buffaloe | | | 11 | 5.5.09 | | Shifted to D.1. Khan on 28-9-2012 | (67) |
| (55) | 955 | Buffaloe | Revised and purchased on 9-7-09 | | | | | | (68) |
| (56) | 956 | Buffaloe | do | | | | | | (69) |
| (57) | 957 | Buffaloe | do | | | | | Auction on 25/10/2012 | (70) |
| (58) | 958 | ♀ | 955 | 31 | 4-7-09 | | | | (71) |
| (59) | 959 | ♀ | 956 | 32 | 9-7-09 | | | | (72) |
| (60) | 960 | ♀ | 957 | 30 | 10-7-09 | | | | (73) |

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No/DLR&D 601 / Dt: 29/7/2009
To,

Annex X 71
6

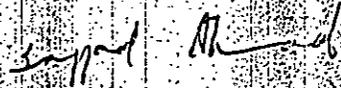
(29)

The Director,
Livestock Research and Development,
Peshawar.

Subject: SUPPLY OF REMAINING ANIMAL

It is stated that this office has issue a supply order for the supply of Azakheli Buffaloes Contractor M/S Ijaz & Co, Govt. Contractor, Charsadda, but after laps of two months 2 Nos Azakheli Buffaloes are not supplied so far.

Therefore, the concerned contractor may asked to supply the remaining animals to Livestock Research & Development station Sureza, on urgent basis please.


(Dr. Sajjad Ahmad)
Station Director.



No./D/LR&D 634 / dt. 28/8/2009
To,

AmmeX-⁷²XI

30

The Director,
Livestock Research and Development,
Peshawar.

Subject: SUPPLY OF REMAINING ANIMALS

Kindly refer to this office letter No. DLR&D/601 Dated 29.07.2009 on the
subject cited above.

It is, once again requested that the contractor i.e. M/S Ijaz & Co, may be
directed to supply the remaining animals to Livestock Research & Development station
Surely, on urgent basis please.

Sajjad Ahmad
(Dr. Sajjad Ahmad)
Station Director.

AS

Annex - 11 23

31

PART - D

AUDIT REPORT IN OPEN ENQUIRY NO. 20011-LG&RDD, AGAINST THE CONCERNED STAFF OF LIVE STOCK, RESEARCH & DEVELOPMENT DEPTT PESHAWAR.

ALLEGATIONS

As in previous audit report Part A, B & C.

| | | | |
|-------------------------|-------------------|---|-------------------|
| Part - A Loss to Govt: | Rs. 48,13,750/- | } | Rs. 1,00,04,745/- |
| Part - B Lost to Govt: | Rs. 51,90,295/- | | |
| Part - C Need Technical | Rs. 1,10,00,000/- | | |

Apart from the above, the following amounts/items have been received during this inquiry:

| | | |
|----|--|------------------------|
| 1. | Sugar Beet Pulp Unit received in LG & RDD Station, D.I.Khan shown in Audit Report Part-A. | Rs. 18,00,000/- |
| 2. | Amount of Urea less supplied deposited to Govt Treasury not included in audit reports. | Rs. 5,00,545/- |
| 3. | Recovered Animal, 05 Lohani Cow & one Lohani Bull (289285+57857) not included in audit report. | Rs. 3,47,142/- |
| 4. | Cost of milk Surizai Farm Peshawar not included in audit report. | Rs. 1,92,000/- |
| 5. | Supplied M.B. Plough and cultivator in LG&RDD Station D.I.Khan. not included in audit report. | Rs. 71,000/- |
| 6. | Received Titration apparatus in M. Office Peshawar. not included in audit report. | Rs. 4,00,000/- |
| | Total :- | Rs. 33,10,687/- |

In the previous audit reports (Parts-A & B) total losses were detected as Rs.1,00,04,745/-, out of which Rs. 18,00,000/- were recovered as cost of Sugar Beet Pulp Unit delivered to D.I.Khan Station, while loss to the tune of Rs. 82,04,745/- is still outstanding. Moreover, equipments to the tune of Rs. 1,10,00,000/- as mentioned previous audit report Part-C is yet to be verified by the concerned Technical Inspection Team as already requested.

Apart from the above, other available relevant record pertaining to Shandaar Mandated ingredients etc. checked and no loss detected.

Submitted please.


 (SHAH JEHAN)
 Senior Auditor,
 Anti-Corruption Establishment,
 Peshawar

No. 257-57 Dated 7/11/2012.

Copy forwarded to :-

1. The Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa, Peshawar.
2. The A.D. Crimes, A.C.E., Peshawar.
3. The Circle officer, A.C.E., Peshawar.
1. S.A., ACE, Peshawar.



(32) Annex ⁷⁴² XIII

**OFFICE OF THE PRO/STATION DIRECTOR
LIVESTOCK RESEARCH AND DEVELOPMENT STATION
PAHARPUR D.I.KHAN**

No.LR&DS/DIK

Dated Peshawar, the 22/09/2011

To

The Director,
Livestock Research & Development,
Khyber Pakhtunkhwa, Peshawar.

Subject:

**RECEIPT OF LOHANI ANIMALS RESULTANT TO OPEN
ENQUIRY OF ANTICORRUPTION DEPARTMENT.**

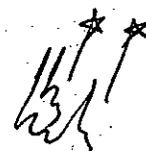
Please refer to the subject noted above.

It is please stated that during open enquiry of Anticorruption Department, it was found that six numbers of Lohani animals (05 Cows and one bull) were found missing in Livestock Research and Development Station, Pahar Pur, D.I.Khan.

The contractor of the animals was asked by the Anticorruption Department to supply the animals to Livestock Research and Development Station, Pahar Pur, D.I.Khan which were accordingly supplied and were tagged 116,117,118,119 120 and 121. entered in the animal stock register vide pages 124,126,128,130,132 & 134 respectively (copy enclosed).

OS (LR&D)




Station Director
LR&DS, Pahar Pur
D.I.Khan

No.LR&DS/DIK

Dated Peshawar, the 22/09/2011

Copy of the above is forwarded for information to the Senior Research Officer LR&DS, Pahar Pur D.I.Khan with reference to his receipt dated 21/09/2011.


Station Director
LR&DS, Pahar Pur
D.I.Khan





GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SO(L&F)AD-B-2(99)/2002,

Dated Peshawar the 21st February, 2013.

33

To

Mr. Muhammad Idrees Khan (PCS EG BS-19),
Director General, Special Development Unit (SDU),
Planning & Development Department.

Subject:

DISCIPLINARY ACTION AGAINST DR. MUHAMMAD MUJTABA,
SENIOR RESEARCH OFFICER, DR. MUHAMMAD IRSHAD,
RESEARCH OFFICER/FARM MANAGER (BS-17), MR. NOOR ZAMAN
SHAH, SUPERINTENDENT (BS-16) AND MR. HAIDER ALI, ASSISTANT
(BS-14), LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH).

I am directed to refer to the subject noted above and to enclose herewith copies of the statement of allegation and charge sheet duly signed by the Competent Authority, Chief Minister, Khyber Pakhtunkhwa for initiating proceedings under the provision of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 against the following officers/officials:-

1. Dr. Muhammad Mujtaba, Senior Research Officer (BS-18), Veterinary Research Institute, Peshawar.
2. Dr. Muhammad Irshad, Farm Manager (BS-17), Livestock research & Development Station, Surezai.
3. Mr. Noor Zaman Shah, Superintendent (BS-16), Livestock & Development of L&DD (Research),
4. Mr. Haider Ali, Assistant / Accountant (B-14), Livestock Research & Development.

(Dr. Mir Ahmad Khan)
SECTION OFFICER (L&F)

Encl: As above.

Copy to:

1. Director General (Research), L&DD, Khyber Pakhtunkhwa, Peshawar with request to depute a departmental representative who is well conversant with the fact of the case alongwith relevant record to assist the Inquiry Officer during the proceedings.
2. Dr. Muhammad Mujtaba, Senior Research Officer (BS-18), Veterinary Research Institute, Peshawar. *With advice to appear before the Inquiry Officer on the date, time and venue fixed by the Inquiry Officer for the purpose of the inquiry proceedings.*
3. Dr. Muhammad Irshad, Farm Manager (BS-17), Livestock research & Development Station, Surezai.
4. Mr. Noor Zaman Shah, Superintendent (BS-16), Livestock & Development of L&DD (Research),
5. Mr. Haider Ali, Assistant / Accountant (B-14), Livestock Research & Development.
6. P.S to Secretary, Agriculture, Livestock & Cooperative Department.

SECTION OFFICER (L&F)

Received letter
No. SO(L&F)AD-B-2(99)/2002 dated 21/2/2013
d No. Application No. SO(L&F)AD-B-2(99)/2012
21-02-2013

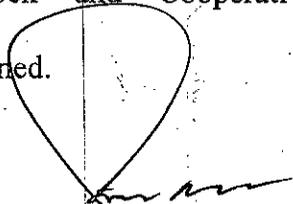
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35

ENDST: NO. & DATE EVEN:

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director General (Research), Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar for information and further necessary action.
3. Dr. Muhammad Mujtaba, Senior Research Officer (BS-18), Veterinary Research Institute, Peshawar.
4. Dr. Muhammad Irshad, Farm Manager (BS-17), Livestock research & Development Station, Surezai.
5. Mr. Noor Zaman Shah, Superintendent (BS-16), Livestock & Development of L&DD (Research).
6. Mr. Haider Ali, Assistant / Accountant (B-14), Livestock Research & Development.
7. P.S to Chief Secretary, Khyber Pakhtunkhwa.
8. P.S to Minister Livestock & Cooperatives Department
9. P.S to Secretary Agriculture, Livestock and Cooperatives Department.
10. Personal file of the Officers/Officials concerned.
11. Master file.


(Dr. Mir Ahmad Khan)
SECTION OFFICER (L&F)



36



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT AG NUFP PESH
PAY ROLL SYSTEM

PAYMENT ADVICE

P Sec: 010 Month: August 2014
PR4816 -PR6541 Station Director

Pers #: 00335894 Ruckle:
Name: MUHAMMAD IRSHAD
Dsg.: RESEARCH OFFICER
CNIC No. 1730138763433

Min: Agriculture, Live stock
NTN:
GPF #:
Dtd #:

GPF Interest Applied
BPS 17 Active Temporary

DEPTT CODE PR4816

| PAYS AND ALLOWANCES: | | |
|--------------------------------|---------------------------|--------------------|
| 0001-Basic Pay | | 25,600.00 |
| 1000-House Rent Allowance | | 2,955.00 |
| 1210-Convey Allowance 2005 | | 5,000.00 |
| 1947-Medical Allow 15% (16-22) | | 2,143.00 |
| 1948-Adhoc Allowance 2010@ 50% | | 7,145.00 |
| 1970-Adhoc Relief Allow 2011 | | 2,143.00 |
| 2118-Adhoc Relief Allow (2012) | | 5,120.00 |
| 2148-15% Adhoc Relief All-2013 | | 3,840.00 |
| 2174-Adhoc Relief Allow-2014 | | 2,560.00 |
| Gross Pay and Allowances | | 56,506.00 |
| DEDUCTIONS: | | |
| IT Payable | 6,028.56 Deducted | 2,086.00 |
| GPF Balance | 41,105.00 | |
| 3501-Benevolent Fund | | TAX: (3609) 670.00 |
| 3511-Addl Group Insurance | | Subrc: 2,240.00 |
| 3604-Group Insurance | | 250.00 |
| 5801-Adj Basic Pay | | 25.00 |
| | | 230.00 |
| | | 8,400.00 |
| Total Deductions | | 11,815.00 |
| | NET AMOUNT PAYABLE | 44,691.00 |

QUALIFYING SERVICE
YRS MON
09 Years 10 Months 026 Days

D. O. B
28.03.1968

LFP Quota:
HBL
18557100011201

BADABER, PESHAWAR

Handwritten signature/initials

37

Subject: MIS-APPROPRIATION OF RS.1431040/- COST OF 82732 Kgs WANDA

The Director, Livestock Research & Development, Khyber Pakhtunkhwa Peshawar vide his letter No.DLR&D/Doodh Mela/Field days/2435 dated 31.12.2008 (copy attached) addressed to me had allowed the provision of deworming, vaccination, urea molasses block, WANDA and fodder seed as well as Artificial Insemination Services FREE of COST to the animals of farmers in the field day.

Annex
IV

The provision of the above facilities free of cost was also approved by all participants in the coordination meeting for Field Days & Doodh Mela held on 01.01.2009 (copies of relevant documents attached).

Annex
V

The aforesaid documents were provided to the Enquiry Officer with my letter dated 03.06.2013.

Annex
I

As explained above, I stand innocent from baseless charges of misappropriation because all the above facilities were to be provided by the team free of cost in accordance with sanction of the Director, Livestock Research & Development, Khyber Pakhtunkhwa Peshawar/ approved in the coordination meeting.

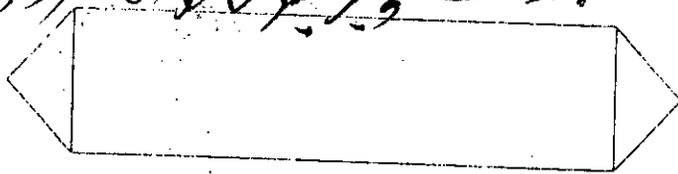
The charges and penalties imposed on me may be set-a-side because of free distribution of Wanda.

Dated: 26/8/2014

Muhammad 26/8/14
(DR. MUHAMMAD IRSHAD)
Research Officer/ Farm Manager

AMS

بعدالت و خیر بخیر و ہمدردی سے



2017 پنجاب
ڈاکٹر محمد ارشد بنام عکدہ

مورخہ
مقدمہ
دعوی
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کلروائی متعلقہ
 آن مقام **سپاؤر** کیلئے **یا مسر مسلم ایلو**
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
 اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
 سبب ہے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حدت باہر ہو تو وکیل صاحب پابند ہوں
 گے۔ کہ پیروی مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

20/7

ماہ اللہ

9

الرقوم

Handwritten signature and date 11/18/17

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S.No. VI: Misappropriation animal feed and feed ingredients

Ammer I
Ammer - I

To

Open Call
38

Mr. Muhammad Idrees Khan (PCS EG BS-19)
Director General, Special Development Unit (SDU)
Planning & Development Department.

Subject: DISCIPLINARY ACTION AGAINST DR. MUHAMMAD MUJTABA, SENIOR RESEARCH OFFICER, DR. MUHAMMAD IRSHAD, RESEARCH OFFICER/ FARM MANAGER (BS-17), MR. NOOR ZAMAN SHAH, SUPERINTENDENT (BS-16) AND MR. HAIDER ALI ASSISTANT (BS-14) LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH)

Respected Sir,

Reference letter No. SO(L&F)AD-B-2(99)/2002, dated 21/02/2013 from the Section Officer (L&F) Govt; of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department Peshawar addressed to you and copy there of endorsed to me and other on the above subject. In this respect, it is stated as under:-

S.No. III: Misappropriation of Rs. 1431040/- cost of 82732 kg vanda / animal feed and feed ingredients

The vanda claimed by Dr. Mohammad Mujtaba provided to me was used in the field days. So, it was not recorded and entered in the farm register. Statement for non receipt of vanda was provided to the inquiry committee as record of field days was pending / kept in the office of Director LR&D.

The field days were organized with the approval of the Director LR&D. All the relevant record i.e., minutes of meeting and progress report regarding field days is attached.

Pi 25, 26, 27, 28

AS

S.No. V: Misappropriation of Rs. 180000/- by receiving less No. of animals

Annex P
39
2

Bill on account of cost of 10 No. Buffaloes was handed over to Mr. Zahir Mohammad Stock Asstt / Store Keeper for entering the animals in stock register and the undersigned was asked for its verification. At that time, I pointed out that animals has not been received and supplied to the farm. It was told that such enteries and verifications of bill is pre-requisite of A.G. Office otherwise the funds will be lapsed.

Later on 3 Buffaloes and 5 Buffaloes were handed over to Mr. Zahir Mohammad Stock Asstt. / Store Keeper at different times in the presence of all farm staff. It was learnt that the supply of remaining 2 Buffaloes was not made by the contractor due to security problem in swat. After that, I do not know that why the buffaloes has not been supplied. I also do not know about any dealing made amongst the supplier and the office of Director LR&D.

In addition to the above, it will be not out of place to mention that :-

1. My mandate is management of farm
2. I was not a member of purchase committee
3. All the items being supplied to farm is directly provided to the store keeper and he is responsible for maintaining the record.
4. We have not provided any Departmental Receipt Form (DRF) for the items not received by me or the Store Keeper.
5. As per rules, it was the responsibility of the office of Director LR&D to obtain certificate / NOC for complete supply of the Items by the suppliers from the store keeper or Farm Staff but they have directly made the payment of entire amount irrespective of outstanding animals and have also released the call deposit to the contractor.



S.No. VI: Misappropriation animal feed and feed ingredients

40 max $\frac{I}{3}$

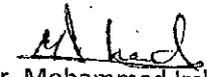
It is assured that the vanda issued for farm has not been misused. It has actually been fed to the animals. It is recognized fact that the LRDS surezai is located in a non irrigated and Barani area. Nominal quantity of green fodder was not available at the farm, protection of animals from starvation and death, feeding of vanda at lib was necessary to animals otherwise huge losses in the shape of mortality in animals was sured. Similarly production of the animals was to be zero in such circumstances. Moreover all the situations were in the notice of the Director LR&D, SRO and other staff.

Sir, in light of the above explanation, it is hoped that the matter may be studied in depth, I may be provided justice as being a subordinate employee. I am not involved in any misappropriation embezzlement and unfairmeans.

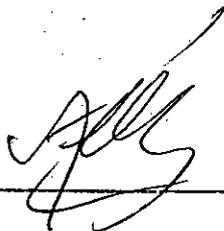
Submitted for favourable consideration please.

Yours obediently

Dated: 3 / 6 / 2013

 3/6/2013
Dr. Mohammad Irshad

RO/ Farm Manager



Directorate of Livestock
Research & Development NWFP
Peshawar

Amrtd = 11
40

No. _____

Date: 26/12/2008

To

The Director,
Research & Development NWFP
Peshawar.

Through:

Proper Channel

Subject:

Issue of Shandar Wanda to Field Day/Farmer Training Workshops

Please refer to the subject noted above and the letter received from Store Keeper Cattle Feed Mill, Livestock R&D Station Surezai, Peshawar.

It please stated that a balance ration (namely, Shandar Wanda) has been prepared in cattle feed mill. Now as per your directive to the undersign to grant all possible help in arrangement of Field Days, Farmer Awareness program to the Farm Manager, Livestock R&D Station Surezai, Peshawar, the prepared shandar wanda may be distributed among the farmers. The result of feeding balance feed to their animal will create awareness for maximizing their production and health of their animals. The developmental project "Enhancement of Livestock Productivity through improving feeding situation in NWFP" has one of objective to overcome the problem face by Livestock Farmer of our province due to malnutrition of their animals.

The distribution of Shandar Wanda will play a catalyst role among farmer to use balance ration instead of feeding cotton seed cake, which is costly and not fulfilling the nutritive demand of animals. In this connection, field days will be arranged at village level as well as union council level and Taluk level for creating farmer awareness and technology transfer program like de-worming, AI services, urea treated wheat straw and its technique to the livestock farmers.

These field days will be arranged at District Peshawar, Charsadda, Nowshera, and Mardan in the selective villages or union council. In each district ten field days will be arranged.

It is therefore requested to allow us to distribute Shandar Wanda 150 to 200 bags (each of 50kg) and urea among the livestock farmers in each field day.

(Dr. Muhammad Mujtaba)
Research Officer/FM

Forwarded to
S.D. Jais
28/12

Allowed
as discussed

[Signature]

Directorate of Livestock Research and Development
NWFP, Peshawar

Annex-III

42

No.DLR&D/Minutes.doodhMella.Nas/

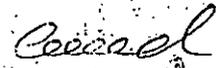
Dated Peshawar the 30-12-2008

To

- Dr. Sajjad Ahmad, Station Director, Livestock R&D Station Surezai, Peshawar.
- Dr. Ghulam Muhammad, Deputy Director Livestock & Dairy Dev. Peshawar.
- Dr. Pervaiz Senior Research Officer, Livestock R&D Station Surezai Peshawar.
- Dr. Rahimullah shah, Senior Research Officer, Veterinary Research Institute Peshawar.
- Dr. Zabita Khan, Senior Research Officer, Center of Animal Nutrition Peshawar.
- Dr. Muhammad Mujtaba, Research Officer, Livestock R&D Peshawar.
- ✓ Dr. Irshad, Farm Manager, Livestock R&D Station Surezai, Peshawar.
- Mr. Hafiz Ur Rehman Khan, President Dairy Association Peshawar
- Mr. Kamran Khan, General Secretary Sarhad Dairy Association Peshawar
- Mr. Asif Aziz, Vice President, Sarhad Dairy Association Peshawar
- Major (R) Tariq Mahmood, Secretary, Progressive Farmers Peshawar

Subject: Field Days/Doogh Mella

Enclosed please find herewith the minutes of meeting held on 10:00 AM 30-12-2008 in the office of undersigned regarding the arrangement of Field Days/Doogh Mella on UC level at selected districts to be held on 01-01-2009 for information and necessary action please.


(DR. FIDA MUHAMMAD)
DIRECTOR 



Directorate of Livestock Research & Development

NWFP Peshawar

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(43)

No. DLR&D(Doodhniela/field days/ns/2435) + Dated the Peshawar 31/12/2008

To

The Farm Manager,
Livestock R&D Station Surizai,
Peshawar

Subject: FIELD DAYS

Please refer to the minutes of the meeting dated 30-12-2008 and the subject note above.

It is please stated that make all necessary arrangements for holding of fields days as assigned to you in the surrounding areas of Livestock Research and Development Station Surizai. The Livestock Farmers Association already established by this directorate may be approached for active participation in the events. In these field days farmer will be attracted by provision of De-worming, vaccination, urea molasses blocks, Vanda and fodder seed as well as A.I services free of cost to their animals.

You are directed to arrange at least 20 no field days in the surrounding areas of station.

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(DR. FIDA MUHAMMAD)

DIRECTOR *[Handwritten initials]* 07/12

No. DLR&D(Doodhniela/field days/ns/

Dated the Peshawar 12/2008

Copy to:-

1. Station Director, Livestock Research and Development Station Surizai, Peshawar.
2. Feed Mill Manager, Livestock Research and Development Station Surizai, Peshawar is directed to provide all possible support and Vanda for field days.

(DR. FIDA MUHAMMAD)
DIRECTOR

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~~Amir~~
44

Directorate of livestock Research and Development
Peshawar

Minutes of the coordination meeting for Field Days and Doodh Mella scheduled to be held on January 01, 2009 and onward on Union Council level in selected Districts

1. **Participants:** Representatives of Directorate of Livestock Research and Development, Peshawar, Veterinary Research Institute Peshawar, Govt Poultry Farm, Livestock R&D Station Surezai, Peshawar, Govt Cattle and Breeding Farm Harichand, District Charsadda, Livestock Research Station Jabba, Mansahra, Sarhad Dairy Farmers Association attended the meeting. List of participants is given below.
2. **Chair:** Dr. Fida Muhammad, Director Livestock Research & Development presided the meeting.
3. **Recitation:** The meeting commenced with recitation from the Holy Quran by Dr. Pervaiz, Senior Research Officer, Livestock Research and Development Station Surezai Peshawar.
4. **Welcome:** Dr. Fida Muhammad welcomed and thanked the participants for sparing their precious time and attended the meeting. He inform the participants that meeting was convened to discuss the preparatory measures for the Fields Days and Doodh Mellā scheduled to be held in district of Peshawar, Charsadda, Swabi, Mardan, Nowshahra, Haripur, Mansehra and Kohat. He expressed thanks for active participation in meeting to the President and other office bearer of Sarhad Dairy Farmer Association.
5. **Participation In Field Days;** He informed the participants that Directorate of Livestock R&D, Veterinary Research Institute Peshawar, Directorate of Livestock and Dairy Development, Agricultural University Peshawar, Sarhad Dairy farmers Association and the union council based farmer associations along with progressive farmers and other marginalized livestock farmers will participate in the fields day.
6. **Objectives of the show are as under:**
 - To develop a linkages among scientist of livestock and dairy farmers.
 - To introduce the livestock and dairy farmers with latest technologies regarding Breeding, Disease control, Fodder and animal nutrition.
 - To develop the livestock sector by providing incentives to farmers in shape of vaccination, feeding balance ration, fodder preservation techniques and record keeping.

AKS

- To acquaint the directorate of Livestock R&D and other organization of public sector in province with the problems faced by livestock farmers with main aim to help them by new research and development methodologies to overcome their problems.

Annex - 71
45

7. Committee: The Director Livestock R&D will assigned task to officers of Livestock R&D Peshawar for each Field Day. The following committees and groups will help in each field day

- Management Committee: Dr. Sajjad Ahmad Station Director, Livestock R&D Station Surezal Peshawar, Dr. Zabita Khan, Senior Research Officer Animal Nutrition, Dr. Muhammad Irshad, Farm Manager, Dr. Muhammad Mujtaba, Research Officer and Mr. Qaisar Khan Store Keeper Feed Mill.
- Responsibilities: Arrangement of Feed, Fodder, Shelter, water and disposal of waste etc. Feed Mill staff will provide Wanda to the farmers and animal participated in the events.
- Milk: Mr. Asif Aziz will purchase milk on spot from those farmers who are willing to sale it.
- Veterinary Cover: Veterinary Officer of the concerned UC will provide cover for duration of event.
- A.I: Research Officer (Reproduction) and technician will be available for AI and PD services on the spot.
- Stalls: In each field day private medicine, dairy equipments manufactures, and other organization will be approached to establish stalls for livestock farmers.

The meeting was ended with vote of thanks from chair.

Annex II

49

Directorate of Livestock
Research & Development NWFP
Peshawar

No. _____

Dated 25/12/2008

To

The Director,
Research & Development NWFP,
Peshawar.

Through: Proper Channel

Subject: Issue of Shandar Wanda to Field Day/Farmer Training Workshops

Please refer to the subject noted above and the letter received from Store Keeper Cattle Feed Mill, Livestock R&D Station Surezai Peshawar.

It please stated that a balance ration namely Shandar Wanda has been prepared in cattle feed mill. Now as per your directive to the undersign to grant all possible help in arrangement of Field Days, Farmer Awareness program to the Farm Manager, Livestock R&D Station Surezai, Peshawar, the prepared shandar wanda may be distributed among the farmers. The result of feeding balance feed to their animal will create awareness for maximizing their production and health of their animals. The developmental project "Enhancement of Livestock's Productivity through improving feeding situation in NFWP" has one of objective to overcome the problem face by Livestock Farmer of our province due to malnutrition of their animals.

The distribution of Shandar Wanda will play a catalyst role among farmer to use balance ration instead of feeding cotton seed cake which is costly and not fulfilling the nutritive demand of animals. In this connection field days will be arrange at village level as well as union council level and Tehsil level for creating farmer awareness and technology transfer program like de-worming, All services, urea treated wheat straw and it technique to the livestock farmers.

These fields^{days} will be arranged at District Peshawar, Charsadda, Nowshehra, and Mardan in the selective villages or union council. In each district ten no filed days will be arranged.

It is therefore requested to allow us to distribute Shandar Wanda 150 to 200 bogs (each of 50kg) and urea among the livestock farmers in each field day.

(Dr. Muhammad Mujtaba)
Research Officer/FM

Forwarded to
S/D
28/12

Allowed
as discussed

[Handwritten signature]

SG
Amir - 11
1

Directorate of Livestock Research and Development
NWFP, Peshawar

No.DLR&D/Minutes.doodhMella.Nas/

Dated Peshawar the 30-12-2008

To

- Dr. Sajjad Ahmad, Station Director, Livestock R&D Station Surezai, Peshawar.
Dr. Ghulam Muhammad, Deputy Director Livestock & Dairy Dev. Peshawar.
Dr. Pervaiz Senior Research Officer, Livestock R&D Station Surezai Peshawar.
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Dr. Zabita Khan, Senior Research Officer, Center of Animal Nutrition Peshawar.
Dr. Muhammad Mujtaba, Research Officer, Livestock R&D Peshawar.
✓ Dr. Irshad, Farm Manager, Livestock R&D Station Surezai, Peshawar.
Mr. Hafiz Ur Rehman Khan, President Dairy Association Peshawar
Mr. Kamran Khan, General Secretary Sarhad Dairy Association Peshawar
Mr. Asif Aziz, Vice President, Sarhad Dairy Association Peshawar
Major (R) Tariq Mahmood, Secretary, Progressive Farmers Peshawar
Subject: Field Days/Doodh Mella

Enclosed please find herewith the minutes of meeting held on 10:00 AM 30-12-2008 in the office of undersigned regarding the arrangement of Field Days/Doodh Mella on UC level at selected districts to be held on 01-01-2009 for information and necessary action please.


(DR. FIDA MUHAMMAD)
DIRECTOR 



11
50
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1

Directorate of Livestock Research and Development
NWFP, Peshawar

No.DLR&D/Minutes.doodhMella.Nas/

Dated Peshawar the 30-12-2008

To

Dr. Sajjad Ahmad, Station Director, Livestock R&D Station Surezai, Peshawar.

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Dr. Pervaiz Senior Research Officer, Livestock R&D Station Surezai Peshawar.

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(DR. FIDA MUHAMMAD)
DIRECTOR 



UMR-111
2

(51)

Directorate of livestock Research and Development

Peshawar

Minutes of the coordination meeting for Field Days and Doodh Mella scheduled to be held on January 01, 2009 and onward on Union Council level in selected Districts

1. **Participants:** Representatives of Directorate of Livestock Research and Development, Peshawar, Veterinary Research Institute Peshawar, Govt Poultry Farm, Livestock R&D Station Surezai, Peshawar, Govt Cattle and Breeding Farm Harichand, District Charsadda, Livestock Research Station Jabba, Mansahra, Sarhad Dairy Farmers Association attended the meeting. List of participants is given below.
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5. **Participation in Field Days;** He informed the participants that Directorate of Livestock R&D, Veterinary Research Institute Peshawar, Directorate of Livestock and Dairy Development, Agricultural University Peshawar, Sarhad Dairy farmers Association and the union council based farmer associations along with progressive farmers and other marginalized livestock farmers will participate in the fields day.
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 - To develop the livestock sector by providing incentives to farmers in shape of vaccination, feeding balance ration, fodder preservation techniques and record keeping.



Amma-III
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52

To acquaint the directorate of Livestock R&D and other organization of public sector in province with the problems faced by livestock farmers with main aim to help them by new research and development methodologies to overcome their problems.

7. Committee: The Director Livestock R&D will assigned task to officers of Livestock R&D Peshawar for each Field Day. The following committees and groups will help in each field day

- **Management Committee:** Dr. Sajjad Ahmad Station Director, Livestock R&D Station Surezai Peshawar, Dr. Zabita Khan, Senior Research Officer Animal Nutrition, Dr. Muhammad Irshad, Farm Manager, Dr. Muhammad Mujtaba, Research Officer and Mr. Qaisar Khan Store Keeper Feed Mill.
Responsibilities: Arrangement of Feed, Fodder, Shelter, water and disposal of waste etc. Feed Mill staff will provide Wanda to the farmers and animal participated in the events.
- **Milk:** Mr. Asif Aziz will purchase milk on spot from those farmers who are willing to sale it.
- **Veterinary Cover:** Veterinary Officer of the concerned UC will provide cover for duration of event.
- **A.I:** Research Officer (Reproduction) and technician will be available for AI and PD services on the spot.
- **Stalls:** In each field day private medicine, dairy equipments manufactures, and other organization will be approached to establish a stall for livestock farmers.

The meeting was ended with vote of thanks from chair.



53

Annual cattle shows are being held by the livestock & Dairy Development Department through out the Province for gaining devotion, extending awareness amongst the farmers for maximizing the productivity & health improvement of their animals.

All the managemental expenditure viz to & fro transportation of animals from the remote surrounding villages, providing of Camp lodging facilities to farmers/ animals, providing of feed, fodder, shelter etc and award of competitive prizes to animals are borne by the Department out of the Government Funds.

In the instant case the Government of Khyber Pakhtunkhwa has sanctioned the scheme "Enhancement of livestock productivity through improving of feed situation in the Khyber Pakhtunkhwa at a total cost of Rs. 5,10,66,000/- for five years commencing from 2004-05 to 2009.

Holding of field days and Doodh mella under "farmers Awareness programme of distribution of Wanda among the Farmers", the Director, LR & D, NWFP (KPK) Peshawar had arranged Coordination Meeting consisting of large number of prominent members on 01/01/2009 and the programme was approved (copy each of the minutes/ list of participants are attached) (Annex-III).

According to approval accorded by the House, arrangement of feeding, fodder, shelter, water, disposal of waste & providing wanda from feed will were to be made by the Department according to responsibility assigned to the Department.

With due regards to the decision made in the meeting & established precedent of annual Cattle Shows referred above, the recovery from field assisting workers is unjustified and is the new convention proposed by the Enquiry Committee and Enquiry Officer being bias and intentionally did not probe into the record deeply.

The minutes etc were sent by me to Mr. Muhammad Idrees Khan enquiry Officer with my letter dated 03/06/2013 (reply to show cause) (Annex: I, II) but he did not probe into the case fairly.

Formal sanction for holding of field days & distribution of Wanda was granted by the competent authority (Annex: I).

As clarified above none of the field/ subordinate worker stands at fault because their performance is duly supported by rules, precedents and sanction of the competent authority. The charges may be set-aside.

No responsibility lies on me because I was the member of managemental Committee (Para-7 of minutes) having no assignment of distribution of wanda.

Other Points.

- i. Maximum period of suspension allowed = 180 days.
- ii. Period of suspension = 21/02/2013 to 23/07/2014 = 01-5-3 (513 days)
- iii. Initial Period = 21/02/2013 to 20/05/2013 = 90 days.
- iv. Extended Period = 21/05/2013 to 20/08/2013 = 90 days
- v. No extension beyond 21/08/2013.
- vi. Rules-6 of E/D rules-2011 provides that on expiry of suspension period the Government servant shall be deemed to be reinstated.

Dated: 19 / 8 / 2014



Dr. Muhammad Irshad
 Dr. Muhammad Irshad
 RO/Farm Manager, Surizai

Fitness Certificate

Annex - IV

55

general.ner

The following animals were checked by the nominated committee at the place of contractor, M/S Ejaz & Co, Bagh Korona Charsadda.

Buffaloes

Nili Ravi Female = 05 Nos.
Aza Kheli Female = 03 Nos

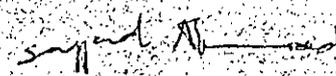
Cow

Cross Breed (Frisian) Female = 10 Nos

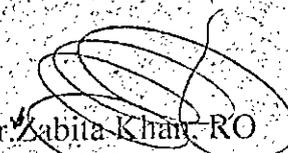
Calves:

Bagnari (Male) = 05 Nos
Sahiwal (Male) = 05 Nos
Dahni (Male) = 05 Nos
Cross Breed Frisian (Male) = 08 Nos
Nili Ravi (Male) = 10 Nos
Lohani (Male) = 04 Nos

It is certified that that all the above mentioned animals were thoroughly checked by the Technical Committee and found ^{healthy and} correct as per the ^{tender} conditions. These animals are suitable for Research and Development activities, of this directorate.

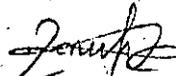

Dr. Sajjad Ahmad, SRO

Dr. Muhammad Iqbal, PRO


Dr. Zabita Khan, RO


Dr. M. Mujtaba, RO


Mr. Noor Zaman Shah,
Superintendent/Secretary


Mr. Zahir Muhammad
Stock Assistant


Mr. Haya Khan
A.I. Technician


(DR. FIDA MUHAMMAD)



GOVERNMENT OF NWFP

Account No. 03124
 Cheque No. 03124
 Dated 28/05/2009

Token No. 0000000312409
061628
 A/C No. RON. FOOD A/C: PWR

Pre-Audit Cheque

(Signature)

Department

Office of DIR. Livestock & PDS Govt. NWFP PESH
N/S IJAZ & CO. BANK A/C NO. 2193-1 BOX

Pay to Rupees ONE MILLION THREE HUNDRED NINETY EIGHT THOUSAND TWO HUNDRED EIGHTY-NINE ONLY

Rs. 1,398,285/-

(Signature)
 Assistant Accountant General
 Accounts Officer

and charge the same against the account of the Government of NWFP

N.B. This cheque is current for three months only after the month of issue.
 DO NOT WRITE BELOW THIS LINE

(Handwritten signature)
 16/05

| | | | | | | |
|-------------------------|---|---|---|---|---|---|
| 6. COST CENTER/DDO CODE | P | R | 4 | 8 | 1 | 6 |
| 7. FUNCTION | 0 | 4 | 2 | 1 | 0 | 6 |
| 8. VENDOR | 3 | 0 | 0 | 6 | 6 | 7 |
| 9. C.L CODE | 1 | 2 | | | | |
| 10. C.N. CODE | 0 | 1 | | | | |

TOKEN NO. 61628 DT 28/5/09 DEDUCTION (CREATED)

| Detail Object | Amount | Detail Head | Amount |
|----------------------------|----------------------|--------------------|--------------------|
| <u>A09801</u> | <u>Rs. 1449000/-</u> | G-12714 Income Tax | <u>Rs. 50715/-</u> |
| <u>Purchase of Animals</u> | | G-12777 GST | |
| | | | |
| | | | |

Cross Payment Rs. 1449000/-

Total Deduction Rs. 50715/-

Net Payment Rs. 1398285/-

(SIGNATURE OF D.D.O.)
 Livestock & PDS Development
 Peshawar

(Handwritten signature)

LIVESTOCK RESEARCH & DEVELOPMENT FARM, SUREZAI.

Annex-VI

LIVESTOCK REGISTER.

| S.No. | Tag. No. | SEX | Name | B.W | Date of Birth | Date of entry into herd | History Sheet Page | Remarks |
|-------|----------|-------------|------|-------|---------------|-----------------------------------|--------------------|---|
| 53 | 853 | ♂ | 815 | | 16-12-08 | | | Died 16-12-08 Farm Manager LR & DS, Surezai |
| 54 | 854 | Female | 803 | 35 kg | 26-2-09 | | | Auction 20-10-2011 Wali Auction on 17-3-2010 855 Wali |
| 55 | 855 | Male | 834 | 37 | 2-3-09 | | | Died on 7-6-09 Dr. Rajwal Khan Research Officer Livestock Research & Development Station Peshawar |
| 56 | 856 | Female | 802 | 33 | 25-4-09 | | | 857 Wali Auction on 17-5-2010 |
| 57 | 857 | Buffaloes | | | | Purchased 9.5.09 | | 858 Wali Died on 21-1-2010 |
| 58 | 858 | Male calf | 801 | 31 | 20-5-09 | | | Auction 17-6-09 |
| 59 | 859 | Buffaloes | | | | Purchased and Received 20/5/09 | | Auction 20-10-2011 Wali |
| 60 | 860 | Buffaloes | | | | Received and Purchased on 20/5/09 | | Died on 24/5/09 |
| 61 | 861 | Female calf | 860 | 30 | 20-5-09 | | | |
| 62 | 862 | Male | 859 | 31 | 29-5-09 | | | Checked 18-6 |
| 63 | 863 | Male | 806 | 30 | 14-9-09 | | | 10-11-2011 863 Auction 10-11-2011 Farm Manager LR & DS, Surezai |

Atty

Amme...
(58)

No.LR&DS/Surezai/594

To

The station Director
Livestock Research & Development station
Surizai Peshawar

Subject: **SUPPLY OF REMAINING TWO AZAKHALI BUFFALO**

It is please stated that the bill of five Azakhali Buffalo was signed in advance for purchase. In which only three Azakhali Buffalo was supplied by the contractor in the following dates, one on 09/05/2009, and two on 20/05/2009, but after the laps of two months two Buffalo are still short.

Therefore, the concerned contractor may ask to supply the remaining two Azakhali Buffalo to Livestock Research & Development Station Surezai, on urgent basis please.

(Signature) 20/12/2009

(Dr. Muhammad Irshad)
Farm Manger LR&DS
Surezai

(Signature)

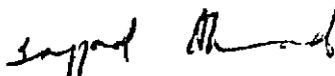
No. C R&D 601 / DT. 29/7/2009
To,

The Director,
Livestock Research and Development,
Peshawar.

Subject: SUPPLY OF REMAINING ANIMAL.

It is stated that this office has issued a supply order for the supply of Azakheli Buffaloes Contractor M/S Ijaz & Co, Govt. Contractor, Charsadda, but after two months 2 Nos. Azakheli Buffaloes are not supplied so far.

Therefore, the concerned contractor may be asked to supply the remaining animals to Livestock Research & Development station Surzai, on urgent basis please.


(Dr. Sajjad Ahmad)
Station Director.

No./D R&D 634 / D.T. 28/8/2009
To,

Amir

(58)

18
18

117

The Director,
Livestock Research and Development,
Peshawar.

Subject: SUPPLY OF REMAINING ANIMALS

Kindly refer to this office letter No. DLR&D/601 Dated 29.07.2009 on the
subject cited above.

It is once again requested that the contractor i.e. M/S Ijaz & Co, may be
directed to supply the remaining animals to Livestock Research & Development station
Surely, on urgent basis please.

Sajjad Ahmad
(Dr. Sajjad Ahmad)
Station Director.

Annex 4

X
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PART - D

AUDIT REPORT IN OPEN ENQUIRY NO. 2/2011-LG&RDD, AGAINST THE CONCERNED STAFF OF LIVE STOCK, RESEARCH & DEVELOPMENT DEPTT. PESHAWAR.

ALLEGATIONS.

As in previous audit report Part A, B & C.

| | | |
|-------------------------|-------------------|---------------------|
| Part - A Loss to Govt: | Rs. 48,13,750/- | } Rs. 1,00,04,745/- |
| Part - B Lost to Govt: | Rs. 51,90,295/- | |
| Part - C Need Technical | Rs. 1,10,00,000/- | |

Apart from the above, the following amount/items have been received during this enquiry:

- | | | |
|----|--|-----------------------|
| 1. | Sugar Beet Pulp Unit received in LG & RDD Station, D.I.Khan shown in Audit Report Part-A. | Rs. 18,00,000/- |
| 2. | Amount of Urea less supplied deposited to Govt Treasury not included in audit reports. | Rs. 5,00,545/- |
| 3. | Recovered Animal, 05 Lohani Cow & one Lohani Bull (289285+57857) not included in audit report. | Rs. 3,47,142/- |
| 4. | Cost of milk Surizai Farm Peshawar not included in audit report. | Rs. 1,92,000/- |
| 5. | Supplied M.B. Plough and cultivator in LG&RDD Station D.I.Khan, not included in audit report. | Rs. 71,000/- |
| 6. | Received Titration apparatus in M. Office Peshawar, not included in audit report. | Rs. 4,00,000/- |
| | Total :- | Rs.33,10,687/- |

In the previous audit reports (Parts-A & B) total losses were detected as Rs.1,00,04,745/-, out of which Rs. 18,00,000/- were recovered as cost of Sugar Beet Pulp Unit delivered to D.I.Khan Station, while loss to the tune of Rs. 82,04,745/- is still outstanding. Moreover, equipments to the tune of Rs. 1,10,00,000/- as mentioned previous audit report Part-C is yet to be verified by the concerned Technical Inspection Team as already requested.

Apart from the above, other available relevant record pertaining to Standard Mandated ingredients etc. checked and no loss detected.

Submitted please.

(Signature)
 (SHAFI JEHAN)
 Senior Auditor,
 Anti-Corruption Establishment,
 Peshawar

No. 251-57 Dated 7/1/2012.

Copy forwarded to :-

1. The Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa, Peshawar.
2. The A.D.Crimes, A.C.E., Peshawar.
3. The Circle officer, A.C.E., Peshawar.
4. S.A., ACE, Peshawar.

(Signature)

(15)
Annex ~~2~~ 119
60

**OFFICE OF THE PRO/STATION DIRECTOR
LIVESTOCK RESEARCH AND DEVELOPMENT STATION
PAHARPUR D.I.KHAN**

No.LR&DS/DIK

Dated Peshawar, the 22/09/2011

To

The Director,
Livestock Research & Development,
Khyber Pakhtunkhwa, Peshawar.

Subject:

**RECEIPT OF LOHANI ANIMALS RESULTANT TO OPEN
ENQUIRY OF ANTICORRUPTION DEPARTMENT.**

Please refer to the subject noted above.

It is please stated that during open enquiry of Anticorruption Department, it was found that six numbers of Lohani animals (05 Cows and one bull) were found missing in Livestock Research and Development Station, Pahar Pur, D.I.Khan.

The contractor of the animals was asked by the Anticorruption Department to supply the animals to Livestock Research and Development Station, Pahar Pur, D.I.Khan which were accordingly supplied and were tagged 116,117,118,119 120 and 121, entered in the animal stock register vide pages 124,126,128,130,132 & 134 respectively (copy enclosed).

[Handwritten signature]

**Station Director
LR&DS, Pahar Pur
D.I.Khan**

OS (LR&D)
[Handwritten signature]

No.LR&DS/DIK

Dated Peshawar, the 22/09/2011

Copy of the above is forwarded for information to the Senior Research Officer LR&DS, Pahar Pur D.I.Khan with reference to his receipt dated 21/09/2011.

[Handwritten signature]

**Station Director
LR&DS, Pahar Pur
D.I.Khan**

[Handwritten signature]



Col Arshad: G

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar the 17th March, 2014.

NOTIFICATION:

NO.SO(I&F)AD-B-2(99)/2013: WHEREAS, **Dr.Muhammad Irshad**, Research Officer/Farm Manager (BPS-17), Livestock Research and Development, Peshawar was proceeded against under the Khyber Pakhtunkhwa Government Servants (*Efficiency & Discipline*) Rules, 2011, for the charges mentioned in the charge sheet and statement of allegations.

2. WHEREAS, Mr.Muhammad Idrees Khan (PCS EG BS-19), Director General, Special Development Unit (SDU), Planning & Development Department as Inquiry Officer to conduct inquiry against the said officer for the charges leveled against him.

3. 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 been proved.

4. NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanations of the accused officer, finding of the inquiry officer and in exercising his powers under Rule-4(ii)&(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to confirm imposition of the major penalty of "Recovery of RS 0.715 Million on account of Vanda shown issued to LR&DS Surezai and Rs 0.18 Million on account of less receipt of animals from the contractors. Besides, withholding of one annual increment for one year" upon the accused officer.

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA,
AGRICULTURE, LIVESTOCK & COOP. DEPT.

Minor & old
Major

ENDST: NO. & DATE EVEN.

Copy to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. ✓ Director General (Research), Livestock & Dairy Development, Khyber Pakhtunkhwa Peshawar with the request to ensure implementation of penalty imposed by the Competent Authority.
3. ✓ Dr.Muhammad Irshad, Research Officer/Farm Manager (BPS-17), Livestock Research and Development, Peshawar.
4. P.S to Secretary Agriculture, Livestock and Cooperative Department.

Reminded on
24/3/2014.

11

(Dr. Mir Ahmad Khan)
SECTION OFFICER (I&F)

2/C

ANNEX-I-H

(38) (19)

REVIEW PETITION.

Before: The Honourable Chief Minister, Government of Khyber Pakhtunkhwa Peshawar.

Through: Proper Channel.

Subject: REVIEWING OF "PENALTY FOR RECOVERY"

Respected Sir,

Reference Notification No. SO(L&F) AD-B-2/99/2013 dated 17-03-2014 from the Secretary to Govt: of Khyber Pakhtunkhwa, Agriculture Livestock & Cooperation Department Peshawar. (received on 24.3.2014.)

2. In addition to my explanation dated 12-12-2013 to Show Cause Notice, further seriatim clarifications with due respect are as under for your sympathetic consideration.

iii. Misappropriation of Rs. 1431040/- cost of 82732 Kg Vanda.

3. Under the development project; "Enhancement of Livestock Productivity through improving feed situation in NWFP (K.P.K) by distribution of Shandar Vanda (prepared in the departmental feed mill installed in the L.R&D Station, Surizai Peshawar) among the field development Formers in various field days as proposed in the Project. For implementation of the scheduled activities, Dr. Muhammad Mujtaba, R.O/Feed Mill Manager/ Incharge of the project had obtained formal sanction from the Director L.R &D, NWFP (KPK) Peshawar (Annex-1) for holding of field days and distribution of Shandar Vanda of 150 to 200 bags in each field day at the District of Peshawar, Charsadda, Newshehra and Mardan.

4. The detail of Vanda distributed amongst the Farmers duly authenticated by Station Director L.R &D.S Surizai Peshawar as per (Annex-II(1-5) is as under.

Annex I

Annex II (1-5)

| S.No | Date | Field days Peshawar District | Vanda Issued. |
|----------------------------|------------|------------------------------|---------------|
| 1 | 01-01-2009 | Badaber | 117-Bages |
| 2 | 02-01-2009 | Badaber | 200-Bages |
| 3 | 23-04-2009 | Kaga Wala | 200-Bages |
| 4 | 25-04-2009 | Maryanzai | 200-Bages |
| 5 | 27-04-2009 | Telaband | 200-Bages |
| 6 | 29-04-2009 | Mattani | 200-Bages |
| 7 | 30-04-2009 | Sheikh Muhammadi | 200-Bages |
| 8 | 01-06-2009 | Surizai | 200-Bages |
| 9 | 03-06-2009 | Phandu Payan | 200-Bages |
| 10 | 05-06-2009 | Urmar Bala | 200-Bages |
| 11 | 07-06-2009 | Mera Kachori | 200-Bages |
| 12 | 09-06-2009 | Uch Neher | 200-Bages |
| Total Peshawar Distr. | | | 2317-Bages |
| 2317 x 37 = 85729-Kg Vanda | | | Each 37-Kg. |

In the field days held in Peshawar District 85729-Kg Vanda including 82732-Kg Vanda provided by me on the order of the Director LR&D, NWFP

(KPK) was distributed by Dr. Muhammad Mujtaba, R.O/ Feed Mill Manager & Incharge of the Project. Thus no misappropriation was made.

6. In addition to distribution of Vanda & according to scheduled requirements, Vety aid as detailed below was also provided by the team headed by Dr. Muhammad Mujtaba to the animals in these field days.

| | | | |
|----|---------------------------|---|------|
| 1. | Animals Dewarmed | = | 3122 |
| 2. | Animals Vaccinated | = | 2626 |
| 3. | Artificial Insemination | | |
| | Service performed | = | 331 |
| 4. | Diseased animals treated. | = | 3240 |

V) Misappropriation of Rs. 180000/- by receiving less numbers of animals.

1. A combined bill No. 1131 dated 05-05-2009 (Annex-III) including the cost of five (5) Azakheli Buffaloes amounting to Rs. 4,50,000/- (Rs. 90,000/- each) was presented by M/S Ejaz & Co (Contractor) to the Director, LR&D, NWFP (KPK) Peshawar for payment.

Annex
III

2. Entries of these Buffs; as evident from the bill (Annex-III) were made by Mr. Zahir Muhammad, Store Keeper/ Member of the Purchase Committee and the proper recipient.

Annex
III

3. Afterward the Director, LR&D NWFP directed me for verification of entries already made by Mr. Zahir Muhammad Store Keeper which I refused.

4. Because having no mandatory assignment in the purchase and receipt of Buffs; I denied for seconding the verification of entries already made by Mr. Zahir Muhammad Store Keeper on the bill. I had also told to the Director that the animals have not been received as such I again refused the verification because in case of misshaping I shall have to be held responsible irrespective of my official assignment but merely for illegal verification made on force.

5. In spite of my repeated refusal, I was severely directed by the Director, LR&D that in case of non compliance of his order, disciplinary action will be taken against me which reluctantly compelled me to second the verification to save my career.

6. The Director, LR&D had assured me that the entries already made by Mr. Zahir Muhammad Store Keeper on the bill and verification asked form me are tentative to fulfill audit pre requisite and to avoid lapse of funds, where as physical entries in the Stock Register will be made on the date of actual receipt. The Stock Register was remained blank till the receipt of

3

three Buffs. One on 09-05-2009 and Two on 20-05-2009 respectively (Annex-IV), duly physically checked by the Technical Committee and were declared suitable for Research and development activities.

[Handwritten initials]
Annex
IV

7. The cost of five (5) Buffs; amounting to Rs. 450000/- (Rs. 90000/- each) was paid through cross cheque No. 03124 dated 28-05-2009 (copy attached Annex-V) on 01-06-2009 before complete supply but none could be able to oppose the serious wrong done of advance payment being against the rules because in such state of affairs the suppliers get freedom from bondage. The necessity of obtaining the N.O.C from Station Director/ Purchase Committee/ Store Keeper for advance payment and release of call deposit without complete supply was also overlooked. Instead I have been held responsible merely for tentative verifications made on force and in compliance of order of my Superior being his subordinate and to save my career.

Annex
V

8. Out of five (5) Buffs; M/S Ejaz & Co (Contractor) had supplied three (3) Buffs; duly checked by the Technical departmental Purchase Committee (copy of fitness Certificate attached Annex-IV) to Mr. Zahir Muhammad Store Keeper and there after he made physical regular entries as detailed below in the Stock Register (copy of relevant page of Stock Register attached Annex-VI).

Annex
IV

Annex
VI

| <u>Date of Receipt</u> |
|------------------------|
| 09-05-2009 |
| 20-05-20069 |

| <u>Nos. of Buffs; Received.</u> |
|---------------------------------|
| One Taje No. 857 |
| Two Taje No. 859 & 860 |

9. For the supply of two remaining Buffs; which were to be purchased from Swat, the supplier had showed his inability due to security problems in Swat at that moment.

10. For the above Two Buffs; the Contractor had given an undertaking on Stamp Paper to Dr. Muhammad Mujtaba R.O/ Member of the Purchase Committee in the presence of Mr. Noor Zaman Shah, Superintendent/ Secretary of the Purchase Committee that these Two Buffs; will be supplied when the situation in Swat becomes normal, but the Contractor as well as the Director/ DDO/ Purchase Committee remained quiet and thus the supply is still awaited.

11. Awaiting the supply of Two Buffs; and to get rid off from the responsibility for the tentative verification, I reported the shortage to the Station Director, L.R Station Surizai vide my letter No. LR&DS/ Surizai/ 594 dated 20-07-2009 (Copy attached annex-VII).

Annex
VII

[Handwritten signature]

12. The Station Director, LR&D Surizai vide his letters No. DLR&D/601 dated 29-07-2009 and No. DRL&D/634 dated 28-09-2009 (Copy attached annex-VIII) and (IX) onward requested to the Director, LR&D Peshawar for early supply but with no movement so far.

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 [EP]
 Annex
 VIII & IX

13. In a similar case in the purchase/ supply of Lohani animals to the Livestock Research and Development Station Paharpur, D.I Khan, the same Contractor had played the role of less supply of six (6) animals and had remained quiet for completion.

14. In the Belated Open Enquiry conducted against the department by the Anticorruption Deptt: Peshawar vide their report No. 254-57 dated 07-01-2012 (copy attached Annex-X) M/S Ejaz & Co were held responsible for the shortage of Six animals. The short Six animals detected by the Anticorruption Deptt were supplied by the Contractor as confirmed by the Station Director, LR&D, Paharpur, D.I Khan vide his letter No. LR&DS/D.I.K dated 22-09-2011 (copy Attached annex-X1).

Annex
 X

Annex
 XI

15. In the instant case the Enquiry Officer has Blacklisted M/S Ejaz & Co Contractor for not acting professionally while dealing with the Govt; which proves that the Contractor stands defaulter and responsible for the supply of Two (2) outstanding Buffs:

DRAW BACK due to which the lengthy case could not get its fair decisive end because of overlooking the clarification from the contractor by the Enquiry Committee/ Enquiry Officer.

16. The essential Element viz Ejaz Contractor who is the habitual foul player in his Trade as Established by the Anticorruption Department followed by his Blacklisting by the Enquiry Officer was neither called by the Enquiry Committee nor has been called by the Enquiry Officer for clarification with documentary proof about the supply of Two outstanding Buffs. Due to this draw back the case stands confused.

17. To facilitate in finding of real accused for making the loss good, it is requested that Mr. Ejaz Contractor may be asked to produce the following documentary proof enabling fair decision, in the case, failing which he may be asked to refund Rs. 180000/- immediately.

- i. Receipt obtained by him from the recipient with name and date to whom two numbers outstanding Buffs; were handed over by him.
- ii. Prescribed fitness certificate of each Buff; given by the Technical Purchase Committee, alike three Buffs; supplied by him one on 09-05-2009 and two on 20-05-2009 vide Annex-IV para 8(v) refer.

Annex
 XII

iii. Had the advance payment not been made in contradiction of Treasury rules 290 & 397, call deposit not been released before completion of Supply, these would have provided hold in the refunding of the amount into the Bank with no losses to the Govt; but the authority did not.

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It is humbly requested that the uncalled charges of misappropriation imposed on me for no fault of mine may very kindly be set aside and I may be exonerated to get relief from mental torture and harassment for which act of kindness I shall pray for ever for your long life and prosperity please.

End: 15 - pages

Date 14 / 4 / 2014

Yours Obediently

Irshad 14/4/2014

(Dr. Muhammad Irshad)
Research Officer/ Farm Manager (BPS-17)
Live Stock Research & Dev; Station
Surizai, Peshawar.

[Handwritten signature]

ANNEX I

Dairy No. 1024
Dated 5/8/14

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVES
DEPARTMENT

No. SO (L&F) AD-B-2 (99) /2014
Dated Peshawar the 23rd July, 2014

To

The Director General,
Livestock & Dairy Development (Research),
Khyber Pakhtunkhwa, Peshawar.

Subject:

**REVIEW APPEAL AGAINST IMPOSITION OF PENALTIES OF RECOVERY
etc.**

I am directed to refer to your letters No. DG (Res) L&DD/Est.I/PF (36)/80/2497 & No. DG (Res) L&DD/Est.I/PF (37)/80/2498 dated 18/04/2014 and to state that the Competent Authority has considered the review appeals of the accused officers/officials against the imposition of penalties on them as mentioned against their names below and is pleased to reject the same being untenable:

1. **Dr. Sajjad Ahmad** (B-19) Director Livestock Research & Development.
Penalty: Recovery of Rs.1.112 Million on account of free distribution of Vanda in Field Days without authorization and record and withholding of one annual increment for one year.
2. **Dr. Muhammad Mujtaba** (B-18) Senior Research Officer, L&DD (Research)
Penalty: Recovery of Rs.0.715 Million on account of Vanda shown issued to LR&DS Surezai, Recovery of Rs.1.112 Million on account of free distribution of Vanda in Field Days without authorization and record besides withholding of one annual increment for one year.
3. **Dr. Muhammad Irshad** (B-17) Research Officer/Farm Manager LR&DS Surezai.
Penalty: Recovery of Rs.0.715 Million on account of Vanda shown issued to LR&DS Surezai, and Rs.0.18 Million on account of less receipt of animals from contractors besides withholding of one annual increment for one year.
4. **Mr. Noor Zaman Shah**, (B-16) Superintendent, L&DD (Research):
Penalty: Recovery of Rs.0.076 Million on account of non-receipt of feed ingredients and sugar beet pulp, besides withholding of one annual increment for one year.
5. **Mr. Haider Ali**, (B-14) Assistant/Accountant:
Penalty: Recovery of Rs.0.076 Million on account of non-receipt of feed ingredients and sugar beet pulp, besides withholding of one annual increment for one year.

I am therefore directed to request that appropriate measures be adopted for actualization of the penalties imposed on the officers/ officials.

Endst No. and date even:-

Copy to:

1. Accountant General, Khyber Pakhtunkhwa.
2. PS to Secretary Agriculture, Khyber Pakhtunkhwa.

(Dr. MIR AHMAD KHAN)
SECTION OFFICER (L&F)

SECTION OFFICER (L&F)

AS (E)

25/7/14



DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

Ph #: 091-9210218, 091-9210219
Fax#: 091-9210220

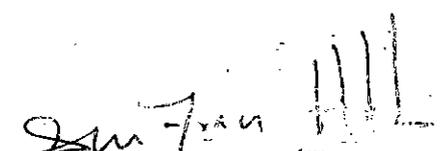
No. DG (Res) L&DD/Est. I/PF (37)/2009/5426-34

Dated Peshawar the 05/08/2014

Copy of the overleaf is forwarded for information and necessary action to the:-

1. Dr. Sajjad Ahmad, Director, Livestock Research & Development. Khyber Pakhtunkhwa. Peshawar.
2. Dr. Muhammad Mujtaba, Senior Research Officer Veterinary Research Institute. Peshawar.
3. Dr. Muhammad Irshad, Farm Manager through Station Director, Livestock Research & Development Station, Surezai.
4. Mr. Noor Zaman Shah, Superintendent Veterinary Research Institute, Peshawar.
5. Mr. Haider Ali, Assistant through Director, Livestock Research & Development. Peshawar.
- 6-9. Personal file of the Officers/ Officials concerned.

ST
5-8-14


(GHUFRAN ULLAH, Ph.D.)
Director General (Research)
K.S.
09/08/14

Received on 11/8/2014

Dr. M. Irshad.
RO

POWER OF ATTORNEY

In the Court of

ICPIC Service Tribunal Peshawar
Dr. Muhammad Ishaq

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of ICPIC and others

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

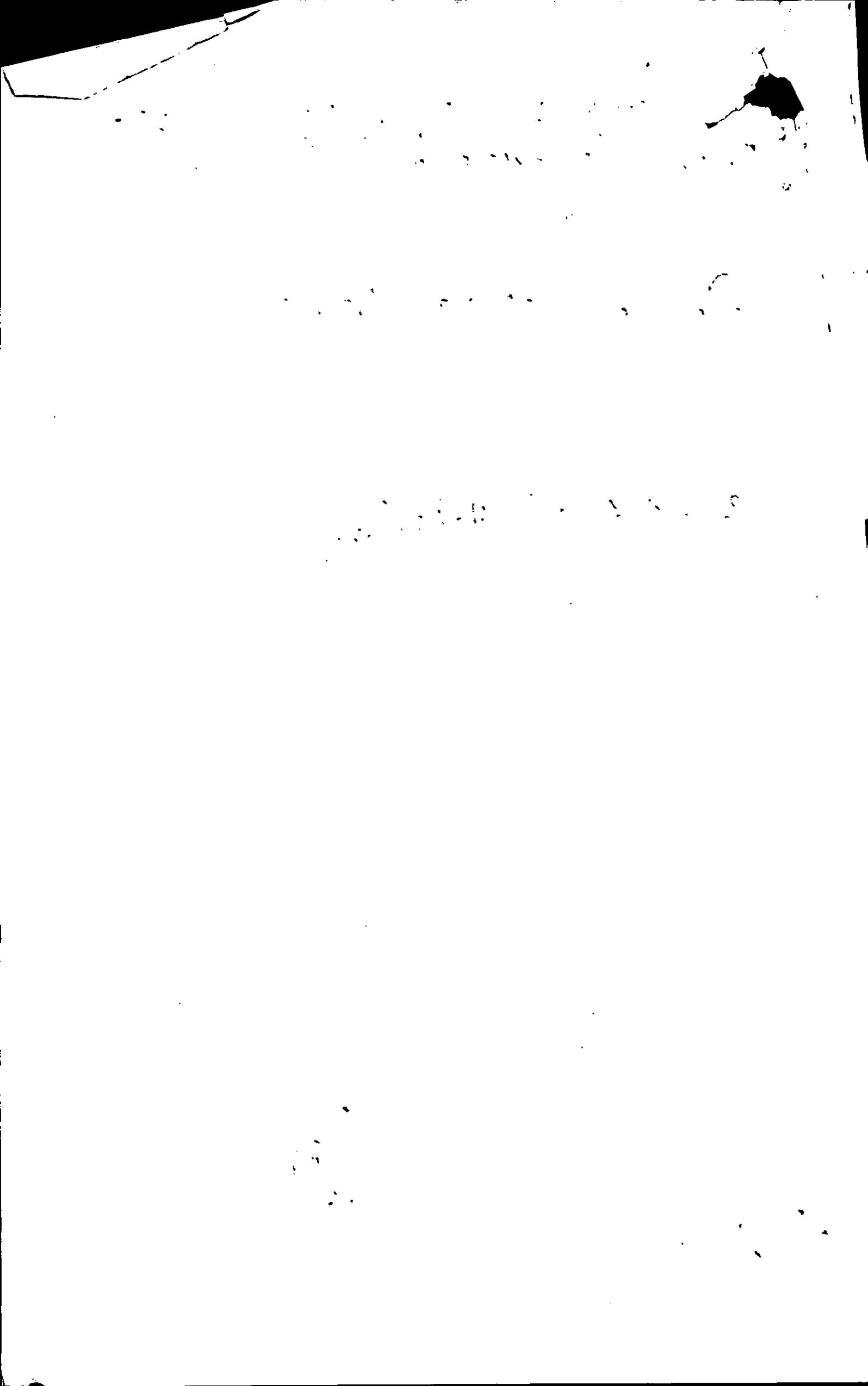
PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____ 19/8/2014

Sajid Amin
Advocate

Sajid Amin Advocate
Peshawar

Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan



Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Appeal No. 1138/2014

Dr. Mohammad Irshad, Farm Manager (BPS- 17)..... Appellant

Versus

Government of KPK etc..... (Respondents)

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| 3 | Charge sheet To Appellant By Competent Authority | I | 4 |
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| 8 | Letter to the Petitioner for Personal Hearing | VI | 20 |

M. Irshad
DEPONENT

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Appeal No. 1138/2014

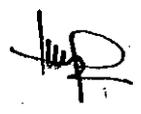
Dr. Mohammad Irshad, Farm Manager (BPS- 17)..... Appellant

Versus

Government of KPK etc..... (Respondents)

AFFIDAVIT

I, Mr. Muhammad Shakir Khan, Statistical Officer, Livestock research & Development Peshawar, do hereby solemnly affirm and declare that the contents of the attached Para-wise Comments are true and correct to the best of my knowledge and belief.

M. 
DEPONENT

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Appeal No. 1138/2014

Dr. Mohammad Irshad, Farm Manager (BPS- 17)..... Appellant

VERSUS.

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Government of Khyber Pakhtunkhwa, Secretary Agriculture, Livestock Fisheries & Cooperative Department, Peshawar.
3. Director General Livestock & Dairy Development Department (Research) Khyber Pakhtunkhwa Peshawar

Para -Wise Comments On Behalf of Respondents No.1, 2 &3;

Respectfully Sheweth;

Preliminary Objections;

- a) That the Appellant has got no Locus Standi or cause of action to file the instant case.
- b) That the Appellant has not come to this Honorable tribunal with clean hands.
- c) That the Appellant has deliberately concealed the facts from this Honorable tribunal.
- d) That the instant appeal is barred by law.

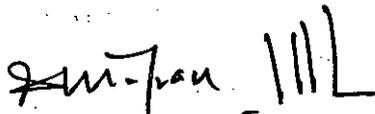
Facts

1. No comments.
2. Correct to the extent, that appellant was proceeded departmentally and was suspended from the service. Moreover, he was charge sheeted and statement of allegation was properly issued to him for providing fair opportunity of hearing (**Annexure I & II**).
3. Correct to the extent that the appellant submitted reply of charge sheet however his reply was found unsatisfactory (**Annexure III**).
4. Incorrect. Proper inquiry was conducted in light of statement of allegation and inquiry report was submitted to the competent authority along with the recommendations (**Annexure IV**).
5. Correct to the extent of show cause notice and its reply, however the same was found without any justification.
6. Incorrect. The competent authority awarded the penalty of recovery of Rs. 0.715 million and Rs. 0.18 million along with stoppage of one annual increment for one year, in light of the recommendations of inquiry proceedings (**Annexure V**).
7. Correct to the extent, that the appellant submitted review/application, which was filed by the competent authority on merit basis.
8. Incorrect. Order issued by authority is legal and lawful.

Grounds

- a. Incorrect. The appellant has been treated in accordance with law.
- b. Incorrect. The appellant was awarded penalty after conducting proper inquiry the appellant has been properly associated with the inquiry proceeding and was given opportunity to defend himself.
- c. Incorrect. The appellant has been given fair opportunity of personal hearing by the competent authority (**Annexure VI**).
- d. Incorrect. Detailed reply has already been given in grounds b and c as above.
- e. Incorrect. After proper inquiry the allegation leveled against the appellant were proved.
- f. (i) Incorrect. The Vanda was a asset/property of the Government Khyber Pakhtunkhwa and being a Government servant it was his duty to properly entered in the register of Vanda receive from feed mill and record of issue was also necessary.
(ii) Incorrect. The appellant himself is confessing that the animals have been properly entered in stock register and arrival of these animals was also verified by the appellant and as such the charge is correct and established.
(iii) Not relevant.
(iv) Incorrect. As reply in sub para (ii).
- g. Incorrect. Detailed reply has already been given in sub para (ii) as above.
- h. Incorrect penalty is based on merit.
- i. Incorrect. The various inquiries are against the appellant which prove to be involved in Government property loss, self responsible for stigma on his service record. The penalty imposed in according to law.
- j. Incorrect Detailed reply has already been given in para 2, 3, 4, 6 & 7 as above.
- k. That the respondent also seeks permission to raise additional grounds at the time of arguments.

It is therefore, prayed that the instant appeal may very kindly be dismissed with cost.


Director General (Research)
Livestock & Dairy Development
Khyber Paktunkhwa Peshawar
(Respondent. No.3)


Secretary
Agriculture, Livestock & Cooperation
Department Khyber Pakhtunkhwa
(Respondent. No. 1 & 2)

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(8)

CHARGE SHEET

I, Amir Haider Khan Hoti, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Dr. Muhammad Irshad, Farm Manager (BS-17), Livestock Research & Development Station (LR&DS) Surezai as follows:

That you while posted as Farm Manager, Livestock Research & Development Station (LR&DS) Surezai committed the following irregularities:

- i. You misappropriated an amount of Rs.1431040/-, cost of \$27521/- shown as issued to LR&DS Surezai for animal consumption without any record.
- ii. You have misappropriated a sum of Rs.180000/- by receiving less numbers (03) of Azakbeli Buffaloes instead of 05 purchased as per record.
- iii. You misappropriated animal feed and feed ingredients showing their consumption much above the requirement of animals and making fictitious entries in the stock registers.

By reason of the above, you appear to be guilty of corruption and misconduct 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.

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

Your written defence, 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 initiated against you.

Intimate whether you desire to be heard in person.

A statement of allegations is enclosed.

(AMIR HAIDER KHAN HOTI)
CHIEF MINISTER, KHYBER PAKHTUNKHWA.



66 (14) APPROVED - E

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SO(L&F)AD-B-2(99)/2013,
Dated Peshawar the 28th November, 2013.

To

✓
Dr. Muhammad Irshad,
Research Officer/Farm Manager (BPS-17),
Livestock Research and Development, Peshawar.

Subject: SHOW CAUSE NOTICE.

I am directed to forward herewith a copy of Show Cause Notice duly signed by the Competent Authority, tentatively imposing the penalty of "Recovery of RS 0.715 Million on account of lands shown issued to LR&DS Surezai and Rs 0.18 Million on account of less receipt of animals from the contractors. Besides, withholding of one annual increment for one year" upon you, under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

Your reply should reach this office within seven (07) days positively otherwise it will be deemed that you have no defence, to put in and in the case, an ex parte action shall be taken against you.

Encl: As above.

Copy to:

(Dr. Mir Ahmad Khan)
SECTION OFFICER (L&F)

1. Principal Secretary to Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. P.S.O to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Director General (Research), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar.
4. P.S to Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S to Special Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (L&F)

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ANNEXURE C

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Mr. Muhammad Idrees Khan (PCS EG ES-19)
Director General, Special Development Unit (SDU)
Planning & Development Department.

DISCIPLINARY ACTION AGAINST DR. MUHAMMAD MUJTABA,
SENIOR RESEARCH OFFICER, DR. MUHAMMAD IRSHAD, RESEARCH
OFFICER/ FARM MANAGER (BS-17), MR. NOOR ZAMAN SHAH,
SUPERINTENDENT (BS-16) AND MR. HAIDER ALI ASSISTANT (BS-14)
LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH)

Respected Sir,

Reference letter No. SO(L&F)AD-B-2(99)/2002, dated 21/02/2013 from the
Section Officer (L&F) Govt; of Khyber Pakhtunkhwa Agriculture Livestock &
Cooperative Department Peshawar addressed to you and copy there of
endorsed to me and other on the above subject. In this respect, it is stated as
under:-

S.No. III: Misappropriation of Rs. 1431040/- cost of 82732 kg vanda / animal feed and
feed ingredients

The vanda claimed by Dr. Mohammad Mujtaba provided to me was used in the field
days. So, it was not recorded and entered in the farm register. Statement for non
receipt of vanda was provided to the inquiry committee as record of field days was
pending / kept in the office of Director LR&D.

The field days were organized with the approval of the Director LR&D. All the
relevant record i.e., minutes of meeting and progress report regarding field days is
attached.

P. A. Khan

P.T.

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Misappropriation of Rs. 180000/- by receiving less No. of animals

Bill on account of cost of 10 No. Buffaloes was handed over to Mr. Zahir Mohammad Stock Asstt / Store Keeper for entering the animals in stock register and the undersigned was asked for its verification. At that time, I pointed out that animals has not been received and supplied to the farm. It was told that such enteries and verifications of bill is pre-requisite of A.G. Office otherwise the funds will be lapsed.

Later on 3 Buffaloes and 5 Buffaloes were handed over to Mr. Zahir Mohammad Stock Asstt. / Store Keeper at different times in the presence of all farm staff. It was learnt that the supply of remaining 2 Buffaloes was not made by the contractor due to security problem in swat. After that, I do not know that why the buffaloes has not been supplied. I also do not know about any dealing made amongst the supplier and the office of Director LR&D.

In addition to the above, it will be not out of place to mention that :-

1. My mandate is management of farm
2. I was not a member of purchase committee
3. All the items being supplied to farm is directly provided to the store keeper and he is responsible for maintaining the record.
4. We have not provided any Departmental Receipt Form (DRF) for the items not received by me or the Store Keeper.

As per rules, it was the responsibility of the office of Director LR&D to obtain certificate / NOC for complete supply of the items by the suppliers from the store keeper or Farm Staff but they have directly made the payment of entire amount irrespective of outstanding animals and have also released the call deposit to the contractor.

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S.No. VI: ✓ Misappropriation animal feed and feed ingredients

It is assured that the vanda issued for farm has not been misused. It has actually been fed to the animals. It is recognized fact that the LRDS surezai is located in a non irrigated and Barani area. Nominal quantity of green fodder was not available at the farm, protection of animals from starvation and death, feeding of vanda at lib was necessary to animals otherwise huge losses in the shape of mortality in animals was sured. Similarly production of the animals was to be zero in such circumstances. Moreover all the situations were in the notice of the Director LR&D, SRO and other staff.

Sir, in light of the above explanation, it is hoped that the matter may be studied in depth, I may be provided justice as being a subordinate employee. I am not involved in any misappropriation embezzlement and unfairmeans.

Submitted for favourable consideration please.

Dated: 3 / 6 / 2013

Yours obediently

M Irshad 3/6/2013
Dr. Mohammad Irshad

RO/ Farm Manager

Inquiry Report

Introduction & Background:

The competent authority (vide letter No. SO(L&F)AD-B-2(99)/2002, dated 21.02.2013) nominated the undersigned to conduct inquiry of the following accused officials (Annex-A) and if found guilty, recommend an appropriate disciplinary action against them:

| S.No. | Name & Designation | Allegations |
|-------|--|--|
| 1. | Mr. Mujtaba Senior Research Officer | <ol style="list-style-type: none">He has misappropriated an amount of Rs.214, 486/- (cost of 12,400 kg Vanda) by recording the Vanda as issued to Livestock Research & development Station, Paharpure D.I.Khan without any indent and approval of the Competent Authority.He misappropriated an amount of Rs.5, 561,081/- on account of 321,500 kg by recording as issued to the field days, which was not the mandate of the station and without any record.He misappropriated an amount of Rs.1, 431,040/- cost of 82,732 kg, shown as issued to LR&DS Surezai for animal consumption without any record.He has misappropriated a sum of Rs.270, 800/- by receiving less numbers of animals (3 Cross Bred and 5 Nili Ravi Buffaloes). |
| 2. | Dr. Irshad Farm Manager | <ol style="list-style-type: none">He misappropriated an amount of Rs.1, 431,040/- cost of 82,732 kg, shown as issued to LR&DS Surezai for animal consumption without any record.He has misappropriated a sum of Rs.180,000/- by receiving less numbers (03) of Azakheli Buffaloes instead of 05 purchases as per record.He misappropriated animal feed and feed ingredients shown their consumption much above the requirement of animals and making fictitious entries in the stock register. |
| 3. | Mr. Noor Zaman Shah Superintendent | <ol style="list-style-type: none">He misappropriated Rs.99000/- on account of purchase of 49500 kg Sugar Beet Pulp which has not been recorded in the Stock Register.He misappropriated Rs.69795/- account of purchase of 4 numbers feed ingredients which have not been received and entered in the record.He misappropriated Rs.120000/- on account of purchase of Vanda from the Barani Livestock Production & Research Institute, Kherimura, Attock without fulfilling codal formalities.He misappropriated Rs.82215/- on account of purchase of Sugar Beet Pulp from Muhanimad Amin Govt. Contractors which has not been received in the Station. |
| 4. | Mr. Haider Ali Assistant Accountant | Same as against serial No -1 |

2. The Agriculture Department appointed Dr. Din Muhammad (Research Officer) (BPS-17) and Livestock Research Station, Surezai, as a Representative of Director General (Research), Livestock & Dairy Development Department, Khyber Pakhtunkhwa and Local Person in order to assist the Inquiry Committee in the inquiry proceedings.

3. After detailed study of the documents, it appears that the entire business of the department has been conducted in a non serious way by the officials of the Livestock Research & Dairy Development Department as no solid self contained record has been maintained. Purchase of various feed ingredients, preparation of Vanda and its distribution seems doubtful due to lack of record.

4. At times it appears that the entire establishment of the said department was handed in glove with each other and supported each other in apparently dirty business of using government property for the personal benefit due to non-professional approach to government business mainly due absence of record. Therefore apart from thorough investigation, the Livestock Research & Dairy Development Department should develop an appropriate mechanism of check and balance/internal control, so as to prevent leakages in future.

During the inquiry proceedings, the Inquiry Committee interacted with various stakeholders including sitting and previous employees of the department of Livestock and it transpired that the Department is in the vortex of conspiracies and leg-pulling amongst its own employees for the last many years. During the tenure of the late Director, he and a group of employees were in the centre of the department while a group of employees of the same department were on the periphery having no say in the department affairs. They were trying to level all sort of allegation, whether true or false. However, with the departure of the ex-Director, the employees in the periphery managed to get in to the centre and started chasing the employees who were dislodged from the centre. The tussle is reportedly going on till date and the same resulted into numerous inquiries against one another. The best example of such fact is the case of Dr. Mufaba who was apparently dragged into the Inquiry without his name being included in the notification of the inquiry proceeding (Annex III).

Record keeping is one of the major issues of the department. In most of the cases, record has not been maintained in a professional way. For example, the department is conducting Dood Mela since 2005. But record of Dood Mela conducted during 2008, 2009, and 2010 has either deliberately not been shared with the inquiry committee or the same has not been maintained by the department. Reportedly, the former Director, Livestock was not very fond of record keeping. The department needs to introduce culture of record keeping as mandatory under the rules.

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5. The allegations communicated to the accused officers / officials are partly based on previous inquiries reports tabulated as under, particularly on inquiry at serial number 4 & 5:

| S.No. | Name & Designation of Inquiry Officer | Date | Whether inquiry Report submitted with current Inquiry Officer. |
|-------|--|------------|--|
| 1 | Dr. Ehsanullah, Director Buffalo (L&DD (Extension Wing) | Nil | Report not shared with the present Inquiry Committee |
| 2 | Dr. Amir Ahmad, Section Officer (L&DD) and others. | Nil | Report not shared with the present Inquiry Committee |
| 3 | Mr. Muqarab Ali Khan Director, Breed Improvement and Farms (Extension wing). | 20.12.2011 | Report not shared with the present Inquiry Committee |
| 4 | Mr. Shah Jehan, Senior Audit Officer), Anti-corruption Establishment Peshawar. | 07.01.2012 | Report shared with the present Inquiry Committee |
| | Dr. Bakht Daraz Khan (Station Director), Livestock Research & Dairy Development Station Surezai and Dr. Wahid Mir Khan (Project Director), Achai Cattle Conservation & Development Programme, Khyber Pakhtunkhwa Peshawar. | 29.12.2012 | Report shared with the present Inquiry Committee |

(i). The most recent inquiry (5th inquiry) has recommended recoveries of s.214486/- @ Rs. 640/- per 37kg on account of 12400kg Vanda issued to Livestock Research and Development (D.I. Khan), and Rs. 5561081/- cost of 321500/- kg Vanda used for field days, Rs. 1431040/- @ Rs. 640/- per 37 KG (cost of 2236 bags) Vanda issued to Farm Manager Surazai and Rs. 270800/- for less receipt of animals from Dr. Mujtaba the then Feed Mill Manager.

(ii). The previous Inquiry Committee has further recommended recovery of Rs. 1431040/- @ Rs. 640/- per 37 KG (cost of 2236 bags) from Dr. Irshad. Moreover it has recommended recovery of Rs.180 000/- by receiving less numbers (03) of Azakheli Buffaloes instead of 05 purchased as per record. Dr. Irshad has been also declared accused of misappropriation of animal feed and feed ingredients by showing its consumption much above the requirement of animals and making fictitious entries in the stock register.

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(iii) Similarly Mr. Noor Zaman Shah (Superintendent) and Mr. Haider Ali (Assistant Accountant) are accused of preparation of fictitious bills and less receipt of store/animals. The previous Inquiry Committee has recommended recoveries of Rs. 99,000/-, Rs. 69,795/-, Rs. 120,000/-, Rs. 82,215/- from Mr. Noor Zaman Shah (Superintendent), Mr. Haider Ali (Accountant) respectively.

6. The accused officers/officials were asked to submit written statements in their defense which was delayed partly due to unavailability of record (Annex-B). The Administrative Department was accordingly advised to facilitate the accused and provide them required documents, so that they have an ample opportunity to defend themselves (Annex-C). The accused officers were also given sufficient time for submission of written statement. Accordingly, they submitted their written statements which have been reflected juxtaposed to the allegation and are attached to the enquiry report.

7. The accused officers/officials were also given 2nd opportunity of personal hearing. A questioner was also served on two of them (questioner and replies of the accused officers have been compiled separately. The succeeding lines of the report give separate status/performance and then recommendations regarding each of the accused officers/officials.

Mr. Mujtaba (Senior Research Officer):

2.

Issue of Feed:

8. Being Feed Mill Manager, he issued free of cost Vanda for the following activities against the provision of the Feed Mill's PC-1, which allows Vanda on payment only. He is also accused of receipt of less number of animals for which he has been directed to deposit Rs.270800 in the government treasury.

- | | |
|------------------|----------|
| 1. LR&DS Surezai | 114000KG |
| 2. Field Days | 321500KG |
| 3. LR&D DI Khan | 12400 KG |

Record of the beneficiaries of free of cost Vanda amounting to Rs. 5561081/- distributed during Dood Mela is not available. The Mill Manager has maintained the record of production and delivery of Vanda, however record of beneficiaries during Dood Mela is not available within department. The single member inquiry committee found it difficult to search the numerous beneficiaries scattered in more than 5 districts. However the Audit Officer of Anti-corruption Department who conducted the previous inquiry informed during interview the present inquiry committee that he has personally met some of the beneficiaries in various districts who confirmed free receipt of Vanda and therefore it can be said that Vanda was actually distributed free of cost.

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9. The Inquiry Committee believes that provision of free of cost Vanda to LR & DS Surezai and LR & D, D I Khan is not a big issue as these are the government installations and the government, if so desires, can recover the cost of Vanda from aforementioned two stations even now. The department was also asked whether any allocation was made by the government for purchase of feed for the above two stations. However the department provided no information in this regard. The actual issue is the free distribution of Vanda among the farmers during the Field Days/Dood Melas.

The second important fact which needs to be ascertained is, whether the Vanda was actually distributed or misappropriated for personal benefits.

10. After detailed study of the available papers, discussions with the employees of the departments and previous inquiry officers; the present inquiry committee using best judgment has deduced the following facts and the competent authority is requested to take these facts in consideration while deciding the case against the accused:

- i. The PC-1 of the Feed Mill clearly stipulates that Vanda and other Feed ingredients prepared by the Feed Mill should be made available to the public on cost. The money generated by the Mill should be deposited in the government treasury. However the Livestock department violated the provision of the PC-1 and allowed free distribution of Vanda to the public without required variation in the PC-1 and its approval from the competent forum
- ii. Dood Melas were not held for the first time but it is culture of the department and as per record, the same are being held regularly since 2005. Dood Mela held during the period under report had the full backing of both political leadership and the administrative department. However record of recent such activities is not available with the department
- iii. As per available record Dood Melas were not a one man show rather a team of expert conducted it and in most of the cases; in presence of political leadership. Apart from free distribution of Vanda, free De-worming and vaccination were also provided to the farmers.
- iv. During 2009-10 and 2010-11, the Feed Mill reportedly produced huge amount of Vanda. This fact, however, need further confirmation from the department. The Feed Mill had no approved rate structure for sale of Vanda. Reportedly the Vanda was getting stale /infected and it was feared that the government would sustain a huge loss, if the Vanda is not disbursed immediately.

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- v. The decision of arrangement of Dood Melas and provision of free of cost Vanda and other services to the farmers was taken in a meeting held on 30.12.2008 which was chaired by the then Director General Livestock Research & Development. The Director , Livestock Research & Development later on wrote letter addressed to the Farm Manager and a copy was enclosed to Feed Mill Manager to arrange Vanda for free distribution (Annex-D).
- v. All the senior officers, in-charge of the department including political leadership expressed keen interest in such Dood Melas and free distribution of the package containing de-worming, vaccination and Vanda; therefore it was not possible for a junior officer to resist the idea of free distribution of Vanda.
- vi. Free distribution of agriculture equipments including feed is not a new idea. There are projects both local and donor-driven in the towns which are giving free feed and other equipments worth huge amount to farmers and dairy farms owners.
- vii. The Station Director and Farm Manager were actually advised by the Director Livestock to arrange and provide free Vanda during Dood Melas (Annex-D).
- viii. Mr. Shah Jahan (Audit Officer), Anti Corruption Establishment, who previously conducted detailed inquiry in the matter, maintained during the interview with the present Enquiry Committee, that he personally visited few places, asked people whether they got free Vanda and other facilities during Dood Melas or they paid for it. He related that wherever he went people acknowledged that they got free Vanda and other facilities in Dood Melas.
- ix. Vanda of amounting to Rs. 214,486/- was given free of cost to the Livestock Research & Dairy Development, research station DIK which is a Government Farm and the government , if so desires , can recover the amount from the concerned station. The reception and consumption record is available in record of the ongoing inquiry (Annex-I & II).
- x. Similarly, Surezia farm is a government property, which also generates money through selling milk, therefore cost of Vanda given to it, if government so desires, must be recovered from the farm instead of the individual.

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- xi. Moreover, the Ex-Director Livestock reportedly acted as DDO for numerous projects, including Feed Mill and the incumbent Feed Mill Manager (accused) was apparently used as a mere tool for functioning of department activities.

Issue of animals

1. The accused has maintained that total 33 animals were purchased and he selected 25 out of the purchased animals for experiments. He has produced a photo copy of auction register as evidence (Annex-E). The department also confirmed the contention of the accused.

Recommendations:

Based on the above facts and rationale, following two options are being submitted to the competent authority for approval of any one of them:

Option No. 1:

The competent authority may ignore the provision of Vanda free of cost to various government owned stations and general public and exonerate the accused from the charges in light of facts given above at serial number 2 to 11. However he may be issued warning to keep record of government business in a professional way in future.

Option No. 2:

The cost of Vanda given to the LR&DS Surezai, LR&D, D I Khan may be recovered from these two stations and the cost of Vanda given free of cost to the general public during the Field days may be recovered from all the officers/officials particularly from the ex-Director General Livestock who were involved in the decision making of conducting Dood Mclas in light of fact given at serial no.1 above.

Dr. Irshad (Farm Manager):

The Inquiry Committee has recommended recovery of Rs. 1,431,040/- @ Rs. 640/- per 37KG (cost of 2,236 bags) from Dr. Irshad. Moreover it has recommended recovery of Rs.180, 000/- by receiving less numbers (03) of Azakheli Buffaloes instead of 05 purchased as per record. Dr. Irshad was declared accused of misappropriation of animal feed and feed ingredients by showing their consumption much above the requirement of animals and making fictitious entries in the stock register.

It is strange to note that as far as feed is concerned, total loss sustained by the government is 1431040/-(cost of 2236 bags) but the same amount is also being claimed from Dr. Mujtaba, which is not justified. The previous inquiry committee

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should have divided the total amount on the accused and should have claimed Rs.715520 from each one of them. After perusal of record, the Inquiry Committee submits the following recommendations for perusal of the competent authority:

Recommendations and Action:

Allegation No. 1:

As per first allegation regarding free distribution of Vanda during the Field Days, the following two options are proposed and the competent authority is suggested to approve any one of them:

Option No. 1:

- The competent authority may exonerate the accused as he got free Vanda and received directions from the Director Livestock to distribute it free of cost among the farmers during the Dood Melas/Field Days (Annex-D).

Option No. 2:

- In case the competent authority approves the option 2 in respect of Dr. Mujtaba then recovery to the proportion to his responsibility may be recovered from Dr. Irshad as well.

Allegation No. 2:

With regard to second allegation, relevant record depicts that although the accused was not the member of purchase committee, which was responsible for purchase and reception of the animals yet it was the mandatory responsibility of the accused to ensure proper reception of the total number of required animals from the contractor being signature-bearer (Annex-F). Hence, it is recommended that the amount of 2 numbers of missing animals {Azakheli Buffaloes} Rs.180000/- must be recovered from the accused officer. The competent authority may impose a penalty of stoppage of 'one annual increment' for 2013 on the accused officer as he is guilty of negligence in handling the government business. Moreover, the contractor should also be black listed for not acting professionally while dealing with the government.

Allegation No. 3:

As for as third allegation is concerned, the accused has defended with solid arguments that Surezai is dry and barren area where no green fodder is found for the feed of the animals, kept at the station (as per his statement and replies to the questioner attached). Moreover, in the absence of excessive feeding to the animals; their death could be evident due to starvation. Keeping in view all the ins and outs of the matter,

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record available and ground reality; it is recommended that the accused may be given benefit of doubt. Hence no action is hereby recommended against the accused in the said allegation. However the department is advised to further probe the issue through experts whether the contention of the accused is true or otherwise.

Mr. Noor Zaman Shah and Haider Ali:

The allegation against Mr. Noor Zaman and Mr. Haider Ali is that each of them misappropriated a sum of Rs 371,010/ but interestingly from each an amount equal to the total amount is being claimed which is not justified. The previous inquiry committee should have divided the loss on the two accused and an amount of Rs 185,505/ should have been claimed from each one. Upon perusal of the relevant documents, replies of the accused officials and consultation with the department, it transpires that some of allegations against the accused officials are based on facts. The factual position deduced from available literature on the subject is given below:

1. Both the accused officials have maintained that they had been transferred from the department before the transaction of Sugar Beet Pulp (14.12.2009) for which an amount of Rs.99000/ was made. Upon inquiry from the department and perusal of relevant papers, it appeared that the accused officials, in fact were transferred from the department on 30.09.2009 and therefore the case was not handled by them. Notifications showing their transfers are attached (**Annex-G1 and Annex-G2**).
2. Apparently there is no problem with the Vanda purchased from Barani Livestock production Research Institute District Attock for which payment of Rs 120000/was made. As per available documents and consultation with the department, the store was received and consumed by the department (**Annex-H**). Therefore the recovery is not justified.
3. The available record of the department regarding purchase of 4 numbers feed ingredients for which payment of Rs.69795/- was made by department was found complicated. The record does not show the receipt of store as per the contention of Senior Research Officer and Mr. Qaisar Khan laboratory Assistant Surazai Research Station (**Annex-J**). Therefore the amount may be recovered from both the accused officials.
4. Receipt of Sugar Beet Pulp purchased from Muhammad Amin Government Contractors for which an amount of Rs.82215/-was paid is not available. According to Mr Irshad the store was not received (**Annex-K**). It appears that the accused officials have misappropriated the amount. Therefore the same may be recovered from both of them.

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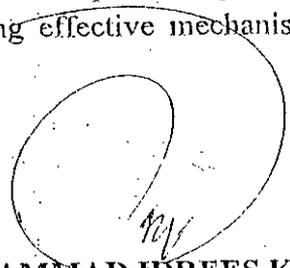
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Recommendations:

The competent authority may order recovery of amount of Rs. 76005/- from each accused official and they should also be kept under observation for a period of one year. Moreover, it is also recommended that the two officials must be kept away from financial transactions in future. Furthermore, a penalty of stoppage of "one annual increment" for 2013 may be imposed on each of the accused for being guilty of misappropriation.

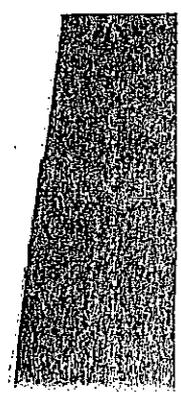
Conclusion:

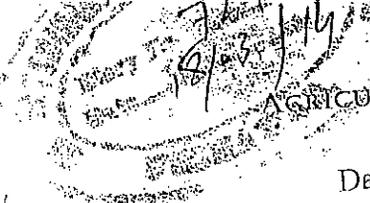
The Live Stock Department has been dealing with the government business in non-professional way. Penalties have been recommended for accused officials due to misappropriation. Moreover, record regarding some issues highlighted by the previous Inquiry Committee was not shared by the department as one of the dealing hand Ms. Beena has already left the department. Efforts were made to interview her (Annex-L). However, she was contacted on telephone but she maintained that she has no idea of the record. Since she has not been nominated as accused at the moment, therefore the department may conduct in-house research and dig out the relevant record before further proceedings. Moreover, the department needs to assess the performance of its attached department particularly by focusing on proper record-keeping and introducing effective mechanism for discouraging leakages.



(MUHAMMAD IDREES KHAN)
Inquiry Officer

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar the 17th March, 2014.

NOTIFICATION:

NO.SO(L&F)AD-B-2(99)/2013:

WHEREAS, Dr.Muhammad Irshad, Research Officer/Farm Manager (BPS-17), Livestock Research and Development, Peshawar was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the charges mentioned in the charge sheet and statement of allegations.

2. WHEREAS, Mr.Muhammad Idrees Khan (PCS EG BS-19), Director General, Special Development Unit (SDU), Planning & Development Department as Inquiry Officer to conduct inquiry against the said officer for the charges leveled against him.

3. 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 been proved.

4. NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanations of the accused officer, finding of the inquiry officer and in exercising his powers under Rule-4(ii)&(iii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to confirm imposition of the major penalty of "Recovery of RS 0.715 Million on account of Vanda shown issued to LR&DS Surezai and Rs 0.18 Million on account of less receipt of animals from the contractors. Besides, withholding of one annual increment for one year" upon the accused officer.

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA,
AGRICULTURE, LIVESTOCK & COOP. DEPT.

ENDST. NO. & DATE EVEN.

Copy to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. ✓ Director General (Research), Livestock & Dairy Development, Khyber Pakhtunkhwa Peshawar with the request to ensure implementation of penalty imposed by the Competent Authority.
3. Dr.Muhammad Irshad, Research Officer/Farm Manager (BPS-17), Livestock Research and Development, Peshawar.
4. P.S to Secretary Agriculture, Livestock and Cooperative Department.

(Signature)
(Dr. Mir Ahmad Khan)
SECTION OFFICER (L&F)

read on
24/3/2014.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SO(L&F)AD-B-2(99)/2014,
Dated Peshawar the 7th February, 2014.

The Director General (Research),
Livestock & Dairy Development,
Khyber Pakhtunkhwa, Peshawar

Subject: DISCIPLINARY ACTION AGAINST DR.SAJJAD AHMAD, STATION DIRECTOR, DR.MUHAMMAD MUJTABA, SENIOR RESEARCH OFFICER, DR.MUHAMMAD IRSHAD, RESEARCH OFFICER/FARM MANAGER (BS-17), MR.NOOR ZAMAN SHAH, SUPERINTENDENT (BS-16) AND MR.HAIDER ALI, ASSISTANT (BS-14), LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH).

I am directed to refer to this Department's letter of even number dated 7.2.2014 on the subject noted above and to inform that the following accused officers/officials shall appear before Secretary Establishment on 12.2.2014 at 10:30 a.m in the office of Secretary to Government of Khyber Pakhtunkhwa Establishment Department.

1. Dr.Sajjad Ahmad, ✓
Station Director, LR and Development, Peshawar.
2. Dr.Muhammad Mujtaba, ✓
Senior Research Officer (BS-18), Veterinary Research Institute, Peshawar.
3. Dr.Muhammad Irshad, ✓
Farm Manager (BS-17), Livestock research & Development Station, Surezai.
4. Mr.Noor Zaman Shah, ✓
Superintendent (BS-16), Livestock & Development of L&DD (Research),
5. Mr.Haider Ali, ✓
Assistant / Accountant (B-14), Livestock Research & Development.

I am further directed that the above named officers/officials shall attend the office of Secretary Establishment for personal hearing on the scheduled date, time and venue without failure.

(Dr. Mir Ahmad Khan)
SECTION OFFICER (L&F)

Copy for information to:
Section Officer (R-III), Govt. of Khyber Pakhtunkhwa
Establishment Department.
P.S to Secretary, Agriculture, Livestock & Cooperative Department.

all concerned

SECTION OFFICER (L&F)

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Appeal No. 1138/2014

Dr. Mohammad Irshad, Farm Manager (BPS- 17)..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Government of Khyber Pakhtunkhwa, Secretary Agriculture, Livestock Fisheries & Cooperative Department, Peshawar.
3. Director General Livestock & Dairy Development Department (Research) Khyber Pakhtunkhwa Peshawar

Reply to the application for the suspension of impugned order on behalf of Respondents.

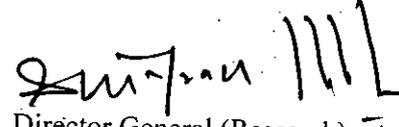
Preliminary Objections:

- 1) That the Appellant has got no cause of action to file the instant application.
- 2) That the application is barred by law.
- 3) That the Appellant is stopped by his own conduct to file the instant application.
- 4) That the Honorable tribunal lacks the jurisdiction to entertain upon the instant application.
- 5) The instant application is bad in its present form hence not maintainable.

On Facts

- 1) No Comments.
- 2) No Comments. The main reply may be considered part of this reply.
- 3) Incorrect.
- 4) Incorrect. All the three ingredients for issuing temporary injunction are in favor of Respondent.
- 5) Incorrect. Already explain in para above.

It is therefore humble prayed that the application, being not fulfilling all the necessary ingredients for suspension of impugned order, may kindly be dismissed.


Director General (Research)
Livestock & Dairy Development
Khyber Pakhtunkhwa Peshawar
(Respondent. No.3)