

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 87/2016

Date of Institution ... 23.12.2015

Date of Decision ... 12.11.2021

Sher Alam Khan Ex-Assistant Professor (English), Higher Education Department,
presently Registrar Abdul Wali Khan University Mardan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa
Civil Secretariat Peshawar and three others. ... (Respondents)

Khush Dil Khan & Syed Noman Ali Bukhari,
Advocates

... For Appellant

Noor Zaman Khattak,
District Attorney

... For Respondents

SALAH-UD-DIN

...

MEMBER (JUDICIAL)

ATIQ-UR-REHMAN WAZIR

...

MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that upon the recommendations of Public Service Commission, the appellant was initially appointed as Lecturer (BPS-17) vide order dated 15-10-1992, who later on was promoted as Assistant Professor (BPS-18) vide order dated 01-01-2010. During the course of his career, the appellant applied through proper channel to the post of Registrar (BPS-20) in Abdul Wali Khan University Mardan (AWKUM) and the appellant was selected and appointed as registrar for a period of three years vide order dated 19-08-2014. The appellant submitted request to the respondents to relieve him of his post to join his new assignment,

which however was regretted, instead the appellant was asked to submit resignation from the post of assistant professor. The appellant again requested for retention of his lien or counting his service under section-418 of the Civil Service Regulations (CSR), which too was not acceded to, hence the appellant tendered his resignation on 10-10-2014, but when the appellant came to know that the post of registrar is a tenure based post, hence he requested again on 27-05-2015 for conversion of his resignation into a request to relieve him from service in order to join new assignment, but in the meanwhile his resignation was accepted vide order dated 08-06-2015, against which the appellant filed departmental appeal dated 30-06-2015 for withdrawal of his resignation or confirmation of his pension for the services he rendered in the respondents department, but his appeal was rejected vide order dated 01-12-2015, hence the instant service appeal with prayers that the impugned orders dated 08-06-2015 and 01-12-2015 may be set aside and resignation so tendered may be allowed to be withdrawn or in alternative, the appellant having rendered more than 20 years of service be allowed pension for the service rendered.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law and his rights secured under the law has been violated; that before acceptance of resignation, the appellant has virtually withdrawn his resignation, but was not considered by the respondents, which is against law and norms of natural justice; that the appellant has at his credit more than 20 years of service, however, the respondents rejected departmental appeal of the appellant, hence his long and spotless service has been washed out, inspite of the fact that under the law he is entitled either to have count his service for the purpose of pay and pension or at least he should have been allowed pension for the service he rendered in the Higher Education Department; that the respondents illegally insisted for resignation, despite the fact that the appellant

was entitled to retain his lien over his post or to have been allowed deputation; that case of the appellant is covered under section-418 of CSR.

03. Learned District Attorney for the respondents has contended that upon his selection as Registrar, the appellant was required either to submit resignation from the post of Assistant Professor or to quit the job of registrar and continue with his job; that the appellant opted to submit his resignation and quit the job of Assistant Professor, now he cannot opt to withdraw his resignation; that university is an autonomous body and any civil servant who wants to join the autonomous body, will have to resign from his previous job, hence request of the appellant for relieving was regretted and his resignation was accepted by the competent authority; that it is prerogative of the government to accept or reject the resignation.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was properly granted NOC for applying to the post of Registrar and upon his selection as Registrar in Abdul Wali Khan University Mardan (AWKUM) vide order dated 19-08-2014, the appellant placed a request dated 25-10-2014 to the respondents to relieve him either on deputation or retaining his lien in his parent department in order to join his new assignment, but the appellant was compelled to tender resignation from the post of Assistant Professor. The appellant though was hesitant but finally tendered his resignation on 10-10-2014. The appellant assumed the charge as registrar on 17-11-2014 and after taking over charge, it transpired that the post of registrar is a tenure based post only for the period of three years, hence he submitted an application to consider his resignation as withdrawn, but his request was declined vide order dated 17-06-2015, but in the meanwhile his resignation was accepted vide order

dated 08-06-2015, against which the appellant filed departmental appeal dated 30-06-2015, which was rejected vide order dated 01-12-2015.

06. Placed on record is a letter of Administration Department dated 03-10-1989 containing instructions that resignation tendered by a Government Servant shall either be accepted or rejected by the competent authority within the stipulated period of not more than 30 days of its submission and acceptance/rejection thereof be communicated to the Government Servant concerned accordingly, but in case of the appellant, his resignation was accepted after lapse of almost eight months, which is contrary to the instructions circulated by the provincial government. Placed on record is another letter dated 24-12-1959 of Administration Department containing instructions regarding resignation that where a government servant who has tendered resignation, withdraws it before it is accepted by the competent authority, or where after the acceptance but before the acceptance is communicated to him, he is allowed to withdraw the resignation. It was noted that the appellant requested for withdrawal of his resignation on 27-05-2015 well before acceptance of his resignation dated 08-06-2015 and as per instructions circulated by administration department vide order dated 24-12-1959, the appellant was entitled to withdraw his resignation before its acceptance, but the respondents illegally accepted his resignation in haste without taking into consideration his pending request for withdrawal of his resignation. In the judgment reported as 2003 PLC (CS) 1535 it has been held that ESTA CODE, Edition (1989) clearly mentioned that in case Civil Servant makes withdrawal of his resignation before the same was accepted by the competent authority, resignation would be deemed to have been withdrawn. In other judgments reported as 2015 PLC (CS) 337 and 1984 PLC (CS) 435, it has been held that resignation could be withdrawn or recalled before its acceptance by the competent authority, whereas the appellant had also requested for withdrawal of his resignation, but such request of the appellant was not

considered positively by respondents, which however was not warranted and on this score alone, the impugned orders are liable to be set at naught.

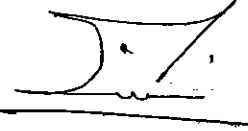
07. We have also noted that the appellant in his departmental appeal alleged his resignation not to be voluntary, but he was forced to do so and to this effect, august Supreme Court of Pakistan in its judgment reported as 2005 SCMR 1194 has declared such action of the respondents as illegal. Last but not the least, section-418(b) states that resignation of an appointment to take up another appointment, service that counts, is not a resignation of the public service, so in view of section-418(b) of CSR, the resignation so tendered cannot be termed a resignation in real terms and depriving the appellant from benefits of his long service would not be in accordance with the canons of law.

08. We are of the considered opinion that the appellant having more than 20 years service at his credit cannot be ousted for technical reasons, as the appellant submitted his application for withdrawal of his resignation well before its acceptance, but his request was illegally rejected. Most importantly, the appellant was properly granted NOC by the respondents for joining his new assignment and in view of granting such NOC, the respondents were required to grant him either deputation or retaining his lien against his original post, which however was not done by the respondents. The appellant was denied fundamental right of due process as guaranteed under Article-10-A of the constitution.

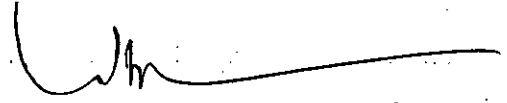
09. In view of the foregoing discussion, the instant appeal is accepted. Impugned orders dated 08-06-2015 and 01-12-2015 are set aside and resignation of the appellant stands withdrawn and service of the appellant as Assistant Professor (BPS-18) is restored without back benefit with observations that period during which he remained as Registrar would be treated on duty against leave accrued, if any, or leave without pay for the purpose of his length of service and

future benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
12.11.2021



(SALAH-UD-DIN)
MEMBER (J)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)


ORDER
12.11.2021

Appellant alongwith Messers Khush Dil Khan and Syed Noman Ali Bukhari, Advocates, present. Mr. Noor Zaman Khattak, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. Impugned orders dated 08-06-2015 and 01-12-2015 are set aside and resignation of the appellant stands withdrawn and service of the appellant as Assistant Professor (BPS-18) is restored without back benefit with observations that period during which he remained as Registrar would be treated on duty against leave accrued, if any, or leave without pay for the purpose of his length of service and future benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
12.11.2021

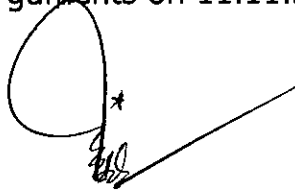

(SALAH-UD-DIN)
MEMBER (J)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

07.10.2021

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Clerk of learned counsel for the appellant seeks adjournment as learned counsel for the appellant is busy before the Peshawar High Court, Peshawar. Accorded. To come up for arguments on 11.11.2021 before the D.B.



(Mian Muhammad)
Member(E)

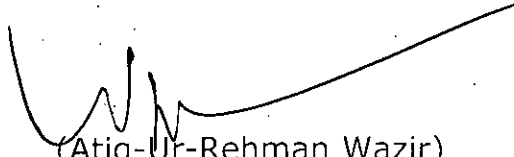


Chairman

11.11.2021

Appellant alongwith Messrs Khush Dil Khan and Syed Noman Ali Bukhari, Advocates, present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Partial arguments heard. To come up for remaining arguments on 12.11.2021 before this D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)




(Salah-Ud-Din)
Member (J)

27.07.2021

Appellant present. Mr. Jehanzeb, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel has proceeded to Islamabad for some urgent piece of work. Adjourned. To come up for arguments before the D.B on 09.09.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

09.09.2021

Appellant in person present.

Kabir Ullah Khattak learned Additional A.G for respondents present.

Lawyers are on general strike. Therefore, case is adjourned. To come up for arguments on 07.10.2021 before D.B.


(Rozina Rehman)
Member (J)

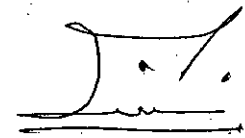

Chairman

22.06.2021

Appellant alongwith Messrs Khushdil Khan and Syed Noman Ali Bukhari, Advocates, present. Mr. Jehanzeb, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

In compliance of directions issued vide order sheet dated 17.05.2019, the learned Additional Advocate General submitted copies of record containing of 25 sheets, which are placed on file. Copy of the same handed over to the learned counsel for the appellant who sought further time for arguments. Adjourned. To come up for arguments before the D.B on 05.07.2021.

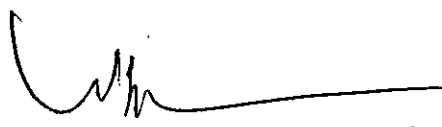

(ROZINA REHMAN)
MEMBER (JUDICIAL)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.07.2021

Appellant alongwith Messrs Khushdil Khan and Syed Noman Ali Bukhari, Advocates, present. Mr. Jehanzeb, Superintendent alongwith Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not gone through the record submitted by the respondents on the previous date. Adjourned. To come up for arguments before the D.B on 27.07.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 14.01.2021 for hearing before the D.B.


(Mian Muhammad)
Member


Chairman

14.01.2021

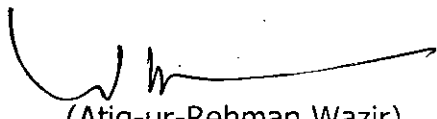
Due to COVID-19, the case is adjourned for the same on 22.03.2021 before D.B.


READER

22.03.2021

Appellant in person present. Mr. Riaz Khan Paindakhel learned Asst. AG alongwith Jehanzeb Superintendent for respondents present.

Appellant requests for adjournment as one of his learned counsel is indisposed. Adjourned to 22.06.2021 for arguments before D.B but as last chance. The respondents shall without fail produce record mentioned in the order sheet dated 17.05.2019 on or before next date of hearing.


(Atiq-ur-Rehman Wazir)
Member (E)


Chairman

16.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 27.07.2020 before D.B.

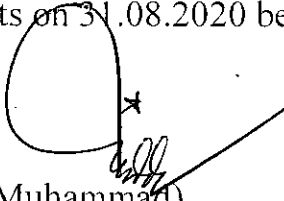

Reader


27.07.2020

Khushdil Khan Advocate present and submitted Wakalat Nama in favor of appellant.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Jehanzeb Zaman Superintendent for the respondents present.

Being freshly engaged, learned counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 31.08.2020 before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

31.08.2020

Due to summer vacation, the case is adjourned to 05.11.2020 for the same as before.


Reader

12.11.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present and seeks adjournment to furnish Additional documents vis-a-vis departmental appeal filed by the appellant. None present on behalf of the official respondent. Adjourn. To come up for additional documents and arguments on 14.01.2020 before D.B. Absent representative namely Mr. Irfan Assistant be summoned for the date fixed.


Member


Member

14.01.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Qazi Ayaz Litigation Officer for the respondent present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 09.03.2020 before D.B.


Member


Member

09.03.2020

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Kazi Ayaz Litigation Officer present. Representative of the respondent department seeks adjournment to submit record in compliance with the order sheet dated 17.05.2019. Adjourn. To come up for further proceedings/arguments on 20.04.2020 before D.B.


Member


Member

04.07.2019

Learned counsel for the appellant present. Mr. Riaz Ahmed Painsdakhel learned Assistant Advocate General alongwith Mr. Irfan Assistant Director for the respondents present and submitted relevant record mentioned in the order sheet dated 17.05.2019. Copy of the same is handed over to the learned counsel for the appellant. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.08.2019 before D.B



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

28.08.2019

Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for appellant seeks adjournment. Adjourn. Case to come up for arguments on 12.11.2019 before D.B.


Member


Member


~~04.07.2019~~


~~Learned counsel for the appellant present. Mr. Riaz Ahmed Painsdakhel learned Assistant Advocate General alongwith Mr. Irfan Assistant Director for the respondents present. None present on the date. The learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.11.2019 before D.B.~~

12.04.2019

Counsel for the appellant present. Mr. Muhammad Jan, DDA
for respondents present.

Learned counsel for the appellant invited attention to order
sheet dated 28.01.2019 and made a request that directions may also
be given to the official respondents to produce the record referred to
above. Both the learned counsel for the appellant and respondents
are directed to make available the record as contained in the order
sheet referred to above. Adjourned. Case to come up for arguments
on 17.05.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

17.05.2019

Appellant alongwith his counsel and Mr. Ziaullah, Deputy District
Attorney alongwith Mr. Irfanullah, Assistant Director for the respondents
present. When the case was argued at some length, learned counsel for the
appellant took plea that the Chief Secretary was the competent authority to
decide departmental appeal filed by the appellant. The available record
revealed that approval was not obtained by the respondents from the Chief
Secretary. Learned Deputy District Attorney raised objections that
application dated 27.05.2015 did not bear date of receipt/diary number
affixed by the respondents. Respondents are directed to produce relevant
record on both the points referred to above on or before the next date.
Adjourned to 04.07.2019 for record and arguments before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

29.11.2018

Syed Numan Ali Shah, Advocate for appellant and Mr. Muhammad Riaz Pinda Khel, Asstt. AG for the respondents present. Fresh power of attorney placed on file.

The former states that he has been engaged in this case, however, could not prepare brief of the instant appeal. Requests for adjournment. Adjourned to 28 .01.2019 for arguments before the D.B.


Member


Chairman

28.01.2019

Appellant with counsel present. Mr. Muhammad Jan, DDA for respondents present. Appellant seeks time to furnish necessary documents including copy of resignation dated 10.10.2014. Granted. Case to come up for such record and arguments on 08.03.2019 before D.B.


(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

08.03.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant seeks adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court. Adjourn. To come up for record and arguments on 12.04.2019 before D.B.


(M. AMIN KHAN KUNDI)
MEMBER


(M. HAMID MUGHAL)
MEMBER

12.04.2018


Junior to counsel for the appellant and Mr. Riaz Paindakheil, learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 28.06.2018 before D.B. Appellant is directed to provide member copy of the present appeal on the date fixed.

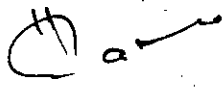

(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

28.06.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member


21.08.2018

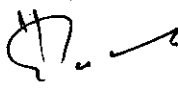
Due to Eidul Azha vacation,
the case is adjourned to 17-10-18


Reader

17.10.2018

Junior to counsel for the appellant and Mr. Riaz Ahmed Paindakheil learned Assistant Advocate General for the present. Junior to counsel for the appellant seeks adjournment that his senior counsel is not in attendance. Adjourned. To come up for arguments on 29.11.2018 before D.B.


Member


Member

15.06.2017

Mr. Yasir Saleem, Advocate submitted Wakalatnama on behalf of the appellant and requested for adjournment. Mr. Hameed-ur-Rehman, AD (Litigation) alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Adjourned. To come up for arguments on 09.10.2017 before D.B.

(GUL ZEB KHAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

09.10.2017

Clerk of the counsel for appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourn. To come up for arguments on 26.12.2017 before D.B.

(Muhammad Amin Khan Kundi)
Member

(Muhammad Hamid Mughal)
Member

26.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Wakalatnama in favour of Mr. Muhammad Asif Youysafzai, Advocate submitted which is placed on file. The newly engaged counsel seeks adjournment. Granted. Member copy be allowed submitted before the next date. To come up for arguments on 21.02.2018 before the D.B.

Member

Chairman

21.02.2018

Due to non availability of D.B. Adjourned. To come up on 12.04.2018 before D.B.

(Gul Zeb Khan)
Member

13.06.2016

Counsel for the appellant, Mr. Murad Khan, Supdt. and Mr. Zahoor Rehman, Asstt. Registrar alongwith Addl. AG for the respondents present. Written reply by respondents No. 2& 3 submitted. Learned Addl. AG relies on the same on behalf of respondents No. 1 and 4. The appeal is assigned to D.B for rejoinder and final hearing for 27.10.2016.


Chairman

27.10.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Rejoinder submitted. To come up for arguments on 01.03.2017.


(PIR BAKUSH SHAH)
MEMBER


(ABDUL LATIF)
MEMBER

01.03.2017

Mr. Yasir Saleem junior counsel for appellant and Mr. Ziaullah, Government Pleader for respondents present. Junior counsel for appellant requested for adjournment as senior counsel for appellant is busy in august High Court. Request accepted. To come up for arguments on 15.06.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

28.1.2016

Appellant Deposited
Security & Process Fee

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Assistant Professor when a post of Registrar in Abdul Wali Khan University, Mardan was advertised and appellant also applied for the same through proper channel and after due process and codal formalities appellant selected against the said position. That the appellant was not relieved by the Education Department and was directed to submit resignation which he accordingly submitted but later on submitted application for withdrawal of his earlier application for resignation but despite the same the resignation of the appellant was accepted where-against he preferred departmental appeal which was also rejected on 1.12.2015 and hence the instant service appeal on 23.12.2015.

That the appellant has applied to the post in the prescribed manners and was entitled to the service benefits rendered by him in the Higher Education and as such the impugned order dated 8.6.2015 is violative of law and liable to be set-aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 14.4.2016 before S.B.


Chairman

14.4.2016



Agent of counsel for the appellant and Mr. Muhammad Irfan, Assistant Director alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 13.6.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 87/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.01.2016	<p>The appeal of Mr. Sher Alam Khan resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR <u>22/1/16</u></p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-1-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2		

The appeal of Mr. Sher Alam Khan Ex-Assistant Professor Higher Education received to-day i.e. on 23.12.2015 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Copy of resignation mentioned in para- 8 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Documents mentioned in para-7 of the memo of appeal are not attached with the appeal which may be placed on it.

No. 2004 /S.T,

Dt. 28/12 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

*Copies not provided to us
P12 Ref to Court.*

(11)
3

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 87 /2016

Sher Alam Khan Ex Assistant Professor (English), Higher Education Department, presently Registrar Abdul Wali Khan University Mardan.

(Appellant)

VERSUS

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

(Respondents)

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Through

Appellant

(IJAZ ANWAR)
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 87 /2016

**S.W.F. Province
Service Tribunal**

Diary No. 1525

Dated 23-12-2015

Sher Alam Khan Ex Assistant Professor (English), Higher Education Department, presently Registrar Abdul Wali Khan University Mardan.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Secretary Higher Education Department, Khyber Pakhtunkhwa Peshawar.
3. Director Higher Education (Colleges) Khyber Pakhtunkhwa Peshawar.
4. Abdul Wali Khan University Mardan through its Vice Chancellor.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, for allowing the appellant to withdraw the resignation accepted vide letter No. SO (Colleges)HED /13-9/2010 dated 8.06.2015 communicated on 30.06.2015, the departmental appeal 30.06.2015 for the withdrawal of resignation or for pension has been regretted vide order dated 01.12.2015.

Prayer in Appeal: -

On acceptance of this appeal the orders dated 08.06.2015 & rejection letter dated 1.12.2015 may please be set aside and resignation may be allowed to be withdrawn or in alternate the appellant having rendered more than 20 years of service be allowed pension etc for the services rendered.

Handwritten signature
Registrar

23/12/15.

Re-submitted
hand over
22/1/16
to-day.

Respectfully Submitted:

1. That the appellant was initially appointed in the Higher Education Department as Lecturer BPS-17 on the recommendation of Public Service Commission on 15.10.1992.
2. That during the course of his service the appellant was promoted as Assistant Professor BS-18 on 01.01.2010.
3. That while serving in the capacity of Assistant Professor, the Abdul Wali Khan University Mardan (hereinafter to be referred as AWKUM) vide advertisement NO. 40/2013 advertised different posts including the post of Registrar BS-20 on regular basis. (Copy of advertisement is attached as annexure A).
4. That the appellant applied through proper channel to the respondent NO. 5 for the post of Registrar BS-20, as per requirement of law he obtained departmental permission/ NOC before applying and submitted the same along with the application. (Copies of the application form and NOC are attached as annexure B&C).
5. That the appellant was duly considered by the Selection Board and recommended for appointment, the syndicate of the AWKUM approved the recommendation of the selection board and accordingly the appellant was appointed as Registrar BS-20 vide office order dated 19.08.2014. Vide office order dated 22.08.2014 a corrigendum was issued appointment as Registrar BS-20 was made for a period of 3 years. (Copies of appointment letter & corrigendum are attached as annexure D & E).
6. That the appellant submitted his arrival report in the AWKUM on 20.08.2014, and took Charge of the post on 17.11.2014, duly acknowledge vide letter dated 17.11.2014. (Copies of the letters dated 20.08.2014 & 17.11.2014 are attached as Annexure F & G)
7. That on his appointment as Registrar in AWKUM, the appellant requested the respondent Govt for relieving him of his post to join the new assignment, however it was regretted and instead the appellant was directed to submit resignation. (Copies attached as Annexure H)
8. That since the AWKUM was considering the post of Registrar BS-20 as tenure post, hence the appellant took up the matter with the respondent department allowing him lien or counting of his service

under 418 Civil Service Regulations, however the department was insisted to resign before joining, hence he submitted resignation on 10.10.2014. (Copies of the resignation & correspondence with the department are attached as Annexure I & J).

9. That in the meantime when the appellant sensed that the AWKUM University Service is tenure based besides the HED vide their action are completely vanishing his past service hence he vide letter dated 27.05.2015 requested that his resignation be considered as a request for relieving him from service in order to join his new assignment. However quite illegally **letter No. SO (Colleges) HED /13-9/2010 dated 8.06.2015 communicated on 30.06.2015** accepted the resignation of the appellant. (Copies of the letter dated 27.05.2015 & 08.06.2015 are attached as K&L
10. That the appellant submitted his departmental appeal dated 30.06.2015 for withdrawal of his resignation or confirmation of his pension for the service he rendered in the respondent department. However the appeal was finally regretted vide letter dated 01.12.2015. (Copies of the departmental appeal and rejection order are attached as Annexure M & N).
11. That the Orders impugned are illegal, unlawful, without lawful authority, hence this appeal inter alia on the following grounds:

Grounds of appeal:

- A. That the Appellant was not been treated in accordance with law, and his rights secured and guaranteed under the Law and Constitution has been violated.
- B. That before acceptance of resignation vide letter dated 27.5.2015, the appellant has virtually withdrawn the application for resignation, when he requested that his request for resignation may be considered and read as "Relieving from service in order to join his new assignment at AWJUM w.e.f 10.10.2014 afternoon".
- C. That the appellant has at his credit about more than 20 years of regular pensionable service, however, vide the rejection of the departmental appeal his long and spotless service career has been washed out, though under the law he is entitled to either have count his service for the purpose of pay and pension or at least he should have been allowed pension for the services he rendered to the Higher Education Department.

D. That infact at the time when he initially applied for the issuance of relieving order to join the new assignment as Registrar BS-20 AWKUM, however, quite illegally it was insisted that the appellant has to resign before joining the new assignment, similarly while submitting resignation he was under the impression that the services in the AWKUM as Registrar is regular and pensionable, when it later transpires that it was a tenure post, he forthwith submitted application for treating the resignation as a request for relieving him from service, having done so the respondents were having no authority to have issued the acceptance of resignation and by doing so they acted illegally and in violation of law.

E. That the case of the appellant is covered under the provisions of 418 of the Civil Service Regulations even if it is accepted that the appellant has resigned from service for the sake of convenience the relevant provision is reproduced:-

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

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

F. That the Appellant seeks the permission of this Honourable Court to rely on additional grounds at the hearing of this appeal.

It is, therefore, humbly prayed that on acceptance of this appeal, the appeal as prayed for in the heading of this appeal may be accepted.

Through

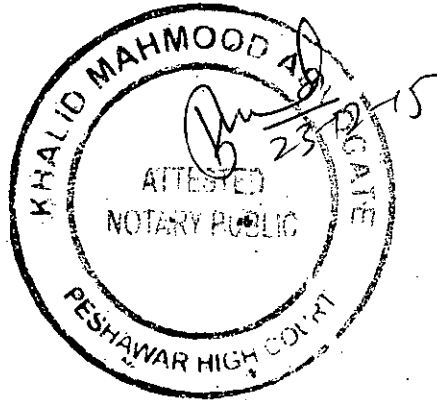

Appellant

IJAZ ANWAR
Advocate Peshawar

AFFIDAVIT

I, Sher Alam Khan Ex Assistant Professor (English), Higher Education Department, presently Registrar Abdul Wali Khan University Mardan, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.


DEPONENT



ABDUL WALI KHAN UNIVERSITY MARDAN FACULTY REQUIRED

Advertisement No. (40) 2013

Abdul Wali Khan University Mardan offers the following Faculty & Administrative positions on Regular Basis & Tenure Track System.

Name of Position	No. of Posts	Discipline, Specialization & No. of Positions
Professor (BPS-21) Age limit: 50 years	One Post each	Agriculture, Bio-Chemistry, Bio-Technology, Botany, Business Administration, Computer Science, Economics, English, Environmental Sciences, Health & Physical Education, Islamic Studies, Journalism & Mass Communication, Law, Mathematics, Pharmacy, Physics, Political Science/IR, Sociology, Tourism & Hospitality and Zoology
Associate Professor (BPS-20) Age limit: 45 years	mentioned against	Agriculture 01 post, Bio-Chemistry 01 post, Bio-Technology 01 post, Business Administration 02 posts, Computer Science 01 post, Economics 01 post, English 01 post, Health & Physical Education 01 post, Islamic Studies 01 post, Journalism & Mass Communication 01 post, Law 01 post, Pharmacy 01 post, Political Science 01 post, Sociology 01 post, Tourism & Hospitality 01 post, Zoology 01 post
Associate Professor (Female) (BPS-20) Age limit: 45 years University College for Women	One post each	Botany, Chemistry, English, Political Science, Law and Zoology
Assistant Professor (BPS-19) Age limit: 40 years	Post mentioned against	Agriculture (Agronomy) 01 Post, Economics 02 Posts, English 01 Post, Journalism & Mass, Communication 02 posts, Sociology 01 post
Assistant Professor (BPS-19) Age limit: 40 years	Post mentioned against	Law 02 posts Urdu (Female) 01 post: University College for Women
Lecturer BPS-18 Age limit: 35 years	Post mentioned against	Islamiat (One Post each in Timergara Campus & Bacha Khan Campus Chitral), Political Science 01 Post, Business Administration with specialization in Marketing (One post for Bacha Khan Campus Chitral), Botany Female (01 Post), Statistics Female (01 Post), Islamiat Female (01 Post), Computer Science Female (01 Post), Home Economics Female (01 Post) University College for Women.

Less than 3.00 CGPA will be considered as Second Division.

Position	No. of Posts	Qualification & Experience
Registrar (BPS-20) Age Limit: 45 Years	01	Ph.D. with 10 years (at least 04 years Post-Ph.D) relevant experience in BPS-17 / equivalent and above, in a national or international organization, or MS / M.Phil. or equivalent qualification with 15 years relevant experience in BPS-17 / equivalent and above, in a national or international organization, or First Class Master Degree with 18 years Teaching / Administrative experience in BPS-17 / equivalent and above, in a national or international organization.
Treasurer (BPS-20) Age Limit: 45 Years	01	Chartered Accountant or FCMAA with 10 years' experience in Planning, Investment and Financial Management in BPS-17 / equivalent and above, in a national or international organization, or First Class Master in Commerce / Economics / Business Administration (majors in Finance / Accounting) and 18 years' experience in Audit / Finance / Planning in BPS-17 / equivalent and above, in a national or international organization.
Controller of Examinations (BPS-20) Age Limit: 45 Years	01	Ph.D. with 10 years (at least 04 years Post-Ph.D) relevant experience in BPS-17 / equivalent and above, in a national or international organization, or MS / M.Phil. or equivalent qualification with 15 years relevant experience in BPS-17 / equivalent and above, in a national or international organization, or First Class Master Degree with 18 years Teaching / Administration / Examination experience in BPS-17 / equivalent and above, in a national or international organization.
Director Works (BPS-20) Age Limit: 45 Years	01	Ph.D. in the relevant field with 10 years (at least 04 years Post-Ph.D) relevant experience in BPS-17 / equivalent and above, in a national or international organization, or MS in the relevant field or equivalent qualification with 15 years relevant experience in BPS-17 / equivalent and above, in a national or international organization, or First Class Master Degree in the relevant field with 18 years relevant experience in BPS-17 / equivalent and above, in a national or international organization.
Additional Director IT (BPS-19) Age Limit: 40 Years	01	Ph.D. in Computer Science with 04 years relevant experience in BPS-17 / equivalent and above, in a national or international organization, or MS in Computer Science or equivalent qualification with 08 years relevant experience in BPS-17 / equivalent and above, in a national or international organization, or First Class Master in Computer Science or equivalent Degree with 12 years' experience in the relevant field in BPS-17 / equivalent and above, in a national or international organization.
Assistant Librarian (BPS-17) Age Limit: 35 Years	01	First Class Master or equivalent Degree in Library Science, or 2nd Class Master or equivalent Degree with 05 years' experience in BPS-16 in the relevant field.
Assistant Director Sports (BPS-17) Age Limit: 35 Years	One each for Male & Female	First Class M.Sc in Physical Education, or 2nd Class M.Sc in Physical Education with 05 years' experience in BPS-16 in the relevant field.
Assistant Treasurer (BPS-17) Age Limit: 35 Years	01	First Class M.Sc in Physical Education, or First Class M. Com / MBA (Finance) with 05 years' experience in BPS-16 in the relevant field.
Assistant Director Works Civil (BPS-17) Age Limit: 35 Years	01	First Class (B Grade) Graduate in Civil Engineering from an HEC recognized University / Institution, or B-Tech from HEC recognized university/Institution with 02 years' experience in the relevant field, or OAE from Board of Technical Education with 04 years' experience in the relevant field.
Auditor (BPS-17) Age Limit: 35 Years	01	First Class M.Com / MBA / MA Economics, or 2nd Class M. Com / MBA / MA Economics with 05 years' experience in BPS-16 in the relevant field.

Note: As per Section 13, 14, 15 and 16 of Higher Education Act-2012, Admitted to the Posts from Serial No. 1, 2, 3 and 10 in tenured posts and they may be transferred to any other equivalent position in the University within their tenure or completion of tenure.

- PROFESSIONAL (TTS) PACKAGE (Rs. 224000-14400-109400)**
Ph.D. or Relevant Terminal Qualification in the relevant field from an HEC recognized University / Institution, with 11 years post-Ph.D./Relevant Terminal Degree or minimum of 07 years of post- Ph.D./Relevant Terminal Degree experience with at least 32 years of experience prior to U or International Organization. In addition, 15 research publications (with at least 05 publications in the past 05 years) in International or National Journals, recognized for the purpose of appointment on Tenure Track by the Higher Education Commission.
- PROFESSIONAL (BPS-21) REGULAR BASIS**
1. Ph.D. or Relevant Terminal Qualification in the relevant field from an HEC recognized University / Institution.
2. Qualification: Ph.D. Degree in Law or Equivalent Degree from HEC recognized university/Institution.
3. 11 years teaching / research experience with at least 8 years Post Ph.D. level experience in an HEC recognized University or post-graduate institution or professional experience in the relevant field in a National or International Organization.
4. (a) 30 years post-Ph.D. teaching / research experience in a recognized University or a post-graduate institution or professional experience in the relevant field in a National or International Organization.
5. **ASSOCIATE PROFESSOR (BPS-20) REGULAR BASIS (LAW)**
1. Ph.D. or Relevant Terminal Qualification in the relevant field from an HEC recognized University / Institution.
2. Qualification: Ph.D. Degree in Law or Equivalent Degree from HEC recognized university/Institution.
3. 10 years teaching / research experience with at least 8 years Post-Ph.D. level experience in an HEC recognized University or post-graduate institution or professional experience in the relevant field in a National or International Organization.
4. (a) 15 years teaching / research experience in an HEC recognized University or Post-graduate institution or Professional experience in the relevant field in a National or International Organization, with at least 08 years Post-Ph.D. level experience in an HEC recognized University or Post-graduate institution or Professional experience in the relevant field in a National or International Organization. OR
5. 10 years Post-Ph.D. teaching / research experience in a recognized University or a Post-graduate institution or Professional experience in the relevant field in a National or International Organization.
6. LL.M., LL.D. or equivalent degrees from an HEC recognized University / Institution with 17 years teaching / research experience (with at least 8 year experience after LL.M / LL.D. or equivalent degrees in HEC recognized University or a Post-graduate institution or Professional experience in the relevant field in a National or International Organization.)
7. **ASSOCIATE PROFESSOR (BPS-20) REGULAR BASIS (NON-LAW)**
1. Ph.D. or Relevant Terminal Qualification in the relevant field from an HEC recognized University / Institution, with either 06 years post-Ph.D./Relevant Terminal Degree or minimum of 04 years of post- Ph.D./Relevant Terminal Degree experience with at least 32 years of experience prior to the Ph.D. in a recognized University or a post-graduate institution or professional experience in the relevant field in National or International Organization. In addition, 10 research publications (with at least 4 publications in the past 05 years) in International Abstracted Journals, recognized for the purpose of appointment on Tenure Track by the Higher Education Commission.
2. **ASSOCIATE PROFESSOR (BPS-20) REGULAR BASIS (LAW)**
1. Ph.D. or Relevant Terminal Qualification in the relevant field from an HEC recognized University / Institution.
2. Qualification: Ph.D. Degree in Law or Equivalent Degree from HEC recognized university/Institution.
3. 10 years teaching / research experience with at least 8 years Post-Ph.D. level experience in an HEC recognized University or post-graduate institution or professional experience in the relevant field in a National or International Organization. OR
4. LL.M., LL.D. or equivalent degrees from an HEC recognized University / Institution with 17 years teaching / research experience (with at least 8 years experience after LL.M / LL.D. or equivalent degrees in HEC recognized University or a Post-graduate institution or Professional experience in the relevant field in a National or International Organization.)
5. **ASSOCIATE PROFESSOR (BPS-20) REGULAR BASIS (NON-LAW)**
1. Ph.D. or Relevant Terminal Qualification in the relevant field from an HEC recognized University / Institution, with either 06 years post-Ph.D./Relevant Terminal Degree or minimum of 04 years of post- Ph.D./Relevant Terminal Degree experience with at least 32 years of experience prior to the Ph.D. in a recognized University or a post-graduate institution or professional experience in the relevant field in National or International Organization. In addition, 10 research publications (with at least 4 publications in the past 05 years) in International Abstracted Journals, recognized for the purpose of appointment on Tenure Track by the Higher Education Commission.
2. **ASSOCIATE PROFESSOR (BPS-20) REGULAR BASIS (LAW)**
1. Ph.D. or Relevant Terminal Qualification in the relevant field from an HEC recognized University / Institution.
2. Qualification: Ph.D. Degree in Law or Equivalent Degree from HEC recognized university/Institution.
3. 10 years teaching / research experience with at least 8 years Post-Ph.D. level experience in an HEC recognized University or post-graduate institution or professional experience in the relevant field in a National or International Organization. OR
4. LL.M., LL.D. or equivalent degrees from an HEC recognized University / Institution with 17 years teaching / research experience (with at least 8 years experience after LL.M / LL.D. or equivalent degrees in HEC recognized University or a Post-graduate institution or Professional experience in the relevant field in a National or International Organization.)
5. **ASSISTANT PROFESSOR (BPS-19) REGULAR BASIS (NON-LAW)**
1. Ph.D. or Relevant Terminal Qualification in the relevant field from an HEC recognized University / Institution, with either 06 years post-Ph.D./Relevant Terminal Degree or minimum of 04 years of post- Ph.D./Relevant Terminal Degree experience with at least 32 years of experience prior to the Ph.D. in a recognized University or a post-graduate institution or professional experience in the relevant field in National or International Organization. In addition, 10 research publications (with at least 4 publications in the past 05 years) in International Abstracted Journals, recognized for the purpose of appointment on Tenure Track by the Higher Education Commission.
2. **ASSISTANT PROFESSOR (BPS-19) REGULAR BASIS (LAW)**
1. Ph.D. or Relevant Terminal Qualification in the relevant field from an HEC recognized University / Institution.
2. Qualification: Ph.D. Degree in Law or Equivalent Degree from HEC recognized university/Institution.
3. 10 years teaching / research experience with at least 8 years Post-Ph.D. level experience in an HEC recognized University or post-graduate institution or professional experience in the relevant field in a National or International Organization. OR
4. LL.M., LL.D. or equivalent degrees from an HEC recognized University / Institution with 17 years teaching / research experience (with at least 8 years experience after LL.M / LL.D. or equivalent degrees in HEC recognized University or a Post-graduate institution or Professional experience in the relevant field in a National or International Organization.)
5. **ACQUIRED QUALIFICATION FOR CIVIL ENGINEERS (BPS-19) REGULAR BASIS**
1. First Class Master's Degree OR equivalent degree awarded after 18 years of education in the relevant field with no 3rd Division in the academic career from an HEC recognized University / Institutions.
Note: All Fresh PhD Instructors shall be appointed on TTS
For further details and eligibility criteria please visit Abdul Wali Khan University Mardan Website: www.awkum.edu.pk
- Terms & Conditions for apply**
1. POST, Specialization, Name of Campus (for which applying) must be clearly mentioned in the Application form.
 2. The candidates serving in Government, Semi Government and autonomous bodies should route their application through Proper Channel.
 3. The selected candidates will be governed by rules/regulation of Abdul Wali Khan University Mardan.
 4. Only Short listed candidates will be called for test/Interview.
 5. The University reserves the right to increase or decrease the number of posts, not to fill any post and reject any application without showing any reason.
 6. 25 Quota in administrative positions of BPS-17 is reserved for employees of Abdul Wali Khan University Mardan.
 7. Applications should apply only on the prescribed form, available at the Enquiry Office, Abdul Wali Khan University Mardan, as well as on Website <http://www.awkum.edu.pk>
 8. A Bank Draft of Rs. 3000/- for the post of Professor & Associate Professor and Rs. 1500/- for BPS-17 and above in favor of Treasurer, Abdul Wali Khan University Mardan or online payment to Allied Bank Limited Cantt Branch Mardan Code 0273 Account No. 01-157-0010-3. Original receipt of online payment/Demand Draft with attested photocopies of PAN Card, Degree's, Certificate, Experience Certificates, CNIC, research papers and one (1) recent passport size photographs must be attached with the Application Form.
 9. Candidates applying for the post of Associate Professor & Professor, must submit four copies of their application forms along with complete set of publications, attested documents and bio-data.
 10. Less than 3.00 CGPA will be considered Second Division.
 11. Landline telephone No., Mobile No. Postal address and Email address must be written on the Application Form.
 12. All application forms must reach to the office of the undersigned within due date i.e. December 30, 2013. Incomplete & applications received after due date will not be accepted.
 13. Note: Errors and Omission are liable to rectify by the University authorities.

Dr. Saeed Islam REGISTRAR

Abdul Wali Khan University Mardan
Ph: 0937-9230618; Fax: 0937-9230619 registrar@awkum.edu.pk

Signature

Abdul Wali Khan Univ

7
ANNEX B

APPLICATION FOR
(Must be filled by the candidate)

Not Issued
University of Swabi

Attach Three Attested Photographs

POSITION APPLIED FOR: Registrar

Campus applied for: Abdul Wali Khan University Mardan

Field of Specialization: Master of Arts in English, University of Peshawar

NAME: Sher Alam Khan

F/NAME: Sikandar Roos Khan

Date of Birth: 01-07-1965 (dd/mm/yyyy) Age: 29 days-05 months-48 years (till the closing date of application)

Domicile/District: Shangla

CONTACT# 0333-9481941

Email: registrar@uoswabi.edu.pk

Nationality: Pakistani

Marital Status: Married

Position/Distinction at University Level (Gold Medal, Silver Medal and Bronze Medal only): Nil

Mailing Address (For Test, Interview Call): Registrar's Office, University of Swabi, Anbar Swabi

Permanent Address: Shangla House, Village Damarai, Shangla

ACADEMIC RECORD:

R#	DEGREE/CERTIFICATE	MARKS OBTAINED	TOTAL MARKS	PERCENTAGE/CGPA	Date of Obtaining Degree	Division or Grade	BOARD/INSTITUTION/UNIVERSITY
	Matriculation	635	850	74.70%	1982	"A" Grade	BISE, Peshawar
	Intermediate	595	1000	59.5%	1985	2 nd Division	BISE, Peshawar
	Bachelors	307	550	55.81	1987	2 nd Division	University of Peshawar
	Masters	530	1100	50%	1990	Countable as first division as per HEC criteria	University of Peshawar
	M.Phil/ MS						
	PhD						
	Any Other Qualification						

*Attested Copy of all Documents along with certificate of Distinction (if any) must be attached

His eligibility may be declared
You'll be awarded
of his NOC





**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

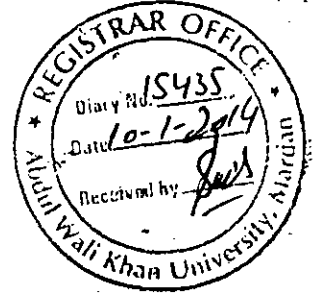
ANNEX: C
⑧

No. 619 / CA-I / Estt: Branch / A-12 / Sher Alam Khan / English
Phone # 091-9210242, 9211025 / Fax # 921021

Dated Peshawar the 08/01 / 2014

To

The Registrar
Abdul Wali Khan University, Mardan.



SUBJECT DEPARTMENTAL PERMISSION.
Memo:

I am directed to refer to the subject cited above and to state that this Directorate has no objection on applying to the post of Registrar in respect of Mr. Sher Alam Khan Assistant Professor of English, presently, working as Deputy Project Director/ Acting Registrar at University of Swabi on deputation basis.

[Signature]
DY: DIRECTOR (ESTABLISHMENT)

Endst; No. _____ /

Copy of the above is forwarded to the Assistant Registrar University of Swabi with reference to his Endst: No. 1242 dated 16.12.2013 with the remarks that in case of selection of the officer concerned against the post applied for, he will have to resign from the present post and his lien will not be retained in this Department.

DY: DIRECTOR (ESTABLISHMENT)

Attach it to the application form of applicant.

OA, heard

[Signature] 10/1



ABDUL WALI KHAN UNIVERSITY
MARDAN, PAKISTAN

Phone No. 0937-9230618; Fax No. 0937-9230619

ANNEX-D

F.No. 1(1)-Reg-1/AWKUM/2014/11/30

August 19, 2014

OFFICE ORDER

Consequent upon the recommendations of the 26th meeting of the Selection Board held on August 9-11, 2014 and subsequent approval of the Syndicate in its 10th Meeting held on August 18, 2014, the Competent Authority is pleased to appoint Mr. Sher Alam Khan S/O Sikandar Roos Khan as Registrar (BPS-20) for a term of three years, renewable from time to time, as prescribed in Section-13 of Khyber Pakhtunkhwa Universities Act 2012. The selectee is required to submit arrival report within 15 days after issuance of this notification.

Further, his services will be governed by the rules, regulations and statutes of Abdul Wali Khan University Mardan.

Zahoor UI Haq
19/8/14
Prof. Dr. Zahoor UI Haq
Registrar

Copy to:

1. PS to Vice Chancellor
2. All Deans
3. All Principals
4. HODs/HOS
5. Officer Concerned
6. Relevant file

Prof. Dr. Zahoor UI Haq
Registrar

gk

U
AB



ABDUL WALI KHAN UNIVERSITY

MARDAN, PAKISTAN

Ph# +92-937-9230618, Fax# +92-937-9230619

ANNEX 2 E

(10)

F. No. 1(2)-Reg-1/AWKUM/2014/11229

August 22, 2014

CORRIGENDUM

In substitution of Office Orders No. 1(2)-Reg-1/AWKUM/2014/11130 dated August 19, 2014 and 1(2)-Reg-1/AWKUM/2014/11214 dated August 20, 2014, on recommendations of the 26th meeting of the Selection Board held on August 9-11, 2014 and subsequent approval of the Syndicate in its 10th Meeting held on August 18, 2014, the Competent Authority is pleased to appoint Mr. Sher Alam Khan as Registrar (BPS-20), Abdul Wali Khan University Mardan for a term of three years, as prescribed in Section-13 of Khyber Pakhtunkhwa Universities Act-2012.

All concerned to note please.

Deputy Registrar
(Establishment)

Copy for information;

1. PS to Vice Chancellor
2. PS to Secretary, Higher Education Department; Peshawar
3. Registrars, All Public Sector Universities of Peshawar
4. All Deans
5. All Principals
6. All Coordinators
7. All HODs/HOS
8. Officer Concerned
9. Pay Assistant
10. Personal file
11. Relevant file

Deputy Registrar
(Establishment)



ABDUL WALI KHAN UNIVERSITY

MARDAN, PAKISTAN

Ph# +92-937-9230618, Fax# +92-937-9230619

Website: www.awkum.edu.pk

Email: registrar@awkum.edu.pk

Admex:- F

(11)

F.No. 1(2)-Reg-1/AWKUM/2014/11215

August 20, 2014

OFFICE ORDER

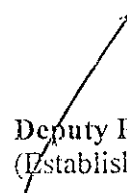
In continuation of the Office Order Vide No. 1(1)-Reg-1/AWKUM/2014/11130 dated August 19, 2014 and subsequent arrival of the Mr. Sher Alam Khan, Registrar, Abdul Wali Khan University Mardan today on August 20, 2014 (FN); the Competent Authority has been pleased to relieve Dr. Zahoor Ul Haq, of the charge of Acting Registrar and to allow him to act as Chairperson, Department of Economics in anticipation of the approval of the Syndicate with immediate effect.

The Competent Authority has further been pleased to allow Dr. Shahid Jan, Associate Professor, Department of Management Sciences, to act as Chairperson Department of Management Sciences, Abdul Wali Khan University Mardan, in anticipation of the approval of the Syndicate with immediate effect.


Deputy Registrar
(Establishment)

Copy to:

1. PS to Vice Chancellor
2. All Deans
3. All Principals
4. All Coordinators
5. All HODs/HOS
6. Officer Concerned
7. Pay Officer
8. Personal file
9. Relevant file


Deputy Registrar
(Establishment)





ABDUL WALIKHAN UNIVERSITY

MARDAN, PAKISTAN

Ph# =0937 9230618 Fax # 0937-9230619

ANNEX-9

(12)


F.No. 1(2)-Reg-1/AWKUM/2014/11691

November 17, 2014

NOTIFICATION

In pursuance of this Office Endst No: 1(2)-Reg-1/AWKUM/2014/11683 dated November 17, 2014, Mr. Sher Alam Khan, Registrar, has taken over the charge as Registrar, Abdul Wali Khan University Mardan on November 17, 2014 (AN).

All concerned to note please.


17-11-2014
Assistant Registrar
Establishment

Copy for information to:

1. P.S to Executive Director, Higher Education Commission, H-9, Islamabad
2. Director, Higher Education Commission, Regional Center, Phase-V, Hayatabad, Peshawar
3. Section Officer (Universities), Higher Education Department, Peshawar
4. Registrar all Public sector Universities
5. PS to Vice Chancellor
6. All Deans
7. All HOS
8. HODS
9. All Coordinators
10. Relevant File

Personal File

~~Assistant Registrar
Establishment~~



C- The same matter is under the purview of the Registrar -







Phone Off. 0938-490236
Fax No. 0938-490238
registrar@uoswabi.edu.pk

UNIVERSITY OF SWABI

Khyber Pakhtunkhwa, Pakistan

Aug 25, 2014

F. No. 1(3)-Reg-1/UOS/2014/2037

61 79
ANNEXURE
13

To
The Section Officer (Colleges),
Higher Education Department,
Peshawar.

Subject: Appointment of Mr. Sher Alam Khan as Registrar, Abdul Wali Khan University, Mardan

Madam,

I have the honor to submit that Mr. Sher Alam Khan, Assistant Professor of English has been performing as acting Registrar (on deputation basis) at this university since November 16, 2012 till date. The officer concerned has been appointed as Registrar (BPS-20) on regular basis at Abdul Wali Khan University, Mardan vide Notification No. (1)-Reg-1/AWKUM/2014/1130, dated August 19, 2014 as per provision contained in the Khyber Pakhtunkhwa Universities Act.

It is, therefore, requested that Hon: Secretary may kindly be approached to allow him to join his new assignment at Abdul Wali Khan University, Mardan on deputation/lien basis as permissible under the rules. If agreed, he will be relieved off this office to join his new assignment at AWKUM please.

Regards,

Note: Officer order of appointment from AWKUM enclosed


Assistant Registrar
(Establishment)

- Cc:
1. PS to Secretary, Higher Education Department, Peshawar
 2. PS to Vice Chancellor, UOS
 3. PS to Vice Chancellor, AWKUM
 4. Section Officer (Colleges), HED, Peshawar ;
 5. Master File

Assistant Registrar
(Establishment)

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Annex I

To,

**The Secretary to Govt. of Khyber Pakhtunkhwa,
Higher Education, Archives & Libraries Department
Peshawar.**


Reminder-2

Subject: Appeal Against Resignation, Notification No. SO(Colleges-II)/HED/13-9/2010

Sir,

Reference may be made to the request submitted vide No. 1(1) Reg-2/UOS/2015/ 3907 dated May 27, 2015 and subsequent appeal against the subject resignation. In this regard, it is once again requested that the appeal may be considered/processed for further consideration of the authority for withdrawal of the resignation please. The matter being related with my career may be processed/considered on priority please.

Regards,

 6/10/15

Sher Alam Khan
Assistant Professor of English,
Appointed as Registrar, AWKUM

Copy for information to:

1. Director Higher Education, Archives & Libraries Department Peshawar.
2. Principal, Govt. College No. 2 Mardan
3. District Accounts Officer Mardan
4. Deputy Secretary (Colleges), HED
5. Section Officer (College-II), HED
6. Personal File



SUBJECT

APPOINTMENT OF MR. SHER ALAM KHAN AS REGISTRAR,
ABDUL WALI KHAN UNIVERSITY, MARDAN.

Memo:

I am directed to refer to your office letter No. SO (UE-II) /HE/11-2/2013/2691 dated 09.02.2015 on the subject cited above and to enclose herewith a copy of a self-explanatory application in respect of Mr. Sher Alam Assistant Professor of English Govt; Post Graduate College, Mardan, presently, working in University of Swabi on deputation basis requesting therein for resignation from service w.e.f 10.10.2014 (A.N) alongwith a copy of letter No. F. No. 1 (5)-Reg-1/UOS/2014/3269 dated 10.12.2014 received from the Assistant Registrar (Establishment) University of Swabi for necessary action with the remarks that the resignation from service tendered by the above-mentioned officer w.e.f 10.10.2014 (A.N) may be considered as per rules, please.

Endst; No. 5278-80

DY: DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to the:-

1. Assistant Registrar (Establishment) University of Swabi.
2. Officer concerned.

3/ Bashir
DY: DIRECTOR (ESTABLISHMENT)

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To: The Section Officer (Colleges-II)
Higher Education Department, Khyber Pakhtunkhwa
Peshawar

Through: Proper Channels

Subject: APPOINTMENT OF MR. SHER ALAM KHAN AS REGISTRAR, ABDUL WALI KHAN UNIVERSITY, MARDAN

Memo

Reference: your office letter vide No. SO (C-II)/13-9/2012/Sher Alam Khan/724-26, dated 24/09/2014, on the subject cited above and a copy forwarded to the undersigned. In this regard, it is to mention that a request for issuance of NOC was made with Director Higher Education (Colleges) through proper channels vide No. 1242, dated December 18, 2013, after proper approval of the Vice-Chancellor, University of Swabi. A copy of same forwarded to PS to Secretary, Higher Education Department (copies of the relevant documents attached).

In response to the request the Directorate Higher Education, Khyber Pakhtunkhwa issued NOC in the matter vide No. 619/CA-J/Esst/Branch/A-12/Sher Alam Khan/English, dated 08/01/2014, addressed to Registrar, Abdul Wali Khan University, Mardan and a copy mailed to Assistant Registrar, University of Swabi (photocopy enclosed).

Moreover, it may be added that the post of the Registrar was advertised vide No. (40)-2013, dated December 07, 2013 on regular basis (copy of the advertisement attached).

Submitted for your information and record please.

Thanks

[Signature]
Sher Alam Khan
Assistant Professor (English)
On deputation to University of Swabi

 **Office of the Registrar, University of Swabi**
Phone: 0938-490236
Fax: 0938-490238
registrar@uowabi.edu.pk

Endst: No. 1(6)-Reg-1/UOS/2014/3010

Sep 30, 2014

Forwarded to Section Officer (Colleges-II), Higher Education Department, Khyber Pakhtunkhwa with respect to his letter as mentioned above for clarification and record please.

[Signature]
Assistant Registrar
(Establishment)

- Copy to:
1. PS to Secretary, Higher Education Department, Peshawar
 2. PS to Vice Chancellor, AWKUM
 3. PS to Vice Chancellor, UOS
 4. Personal File

[Signature]
Assistant Registrar
(Establishment)

Respect to note & reply accordingly.

V.C. AC 3/10

Handwritten notes and signatures at the bottom of the page, including 'AP' and other illegible text.

AP



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**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

No. SO (C-II)HED/13-9/2010/Sher Alam:
Dated Peshawar the 17.06.2015.

To

Mr. Sher Alam Khan,
Registrar University of Swabi,
Swabi.

DESPATCHER
Govt. of Khyber Pakhtunkhwa
Higher Education Archives &
Libraries Department

**SUBJECT: - APPOINTMENT OF MR. SHER ALAM KHAN AP OF
ENGLISH HED AS REGISTRAR, ABDUL WALI KHAN
UNIVERSITY MARDAN ON REGULAR BASIS.**

I am directed to refer to your letter No. F.NO1(1)-Reg-2/UOS/2015/3907 dated 27.05.2015 on the above noted subject and to state that your request for relieving instead of resignation cannot be entertained in light of Establishment Department's Notification No. SOR.VI(E&AD) 1-11/2003 dated 29.07.2006 (copy enclosed).

Rukhsana Jabeen
(RUKHSANA JABEEN)
SECTION OFFICER (COLLEGES-II)

Endst: No. & Date Even.

A copy of the above is forwarded for information to Directorate of Higher Education Department.

SECTION OFFICER (COLLEGES-II)

SUBJECT

APPOINTMENT OF MR. SHER ALAM KHAN; ASSISTANT
PROFESSOR (ENGLISH) HED AS REGISTRAR, ABDUL WALI
KHAN UNIVERSITY, MARDANON REGULAR BASIS.

Memo:

I am directed to refer to your letter No. F.No. 1 (15)-Reg-1/UOS/2014/3269 dated 10.12.2014 on the subject cited above and to request you to direct Mr. Sher Alam Khan Assistant Professor of English of this Department, now working at your University, to submit his resignation to this office as already requested vide this office letter No. 29144 dated 01.12.2014, as the Provincial Government is pressing hard for the same.

Zubia
DEPUTY DIRECTOR (FEMALE)

Endst; No. /

Copy of the above is forwarded to the:-

1. Deputy Secretary (Colleges) Govt; of Khyber Pakhtunkhwa, Higher Education Department, Peshawar.
2. Mr. Sher Alam Assistant Professor of English, presently, working at University of Swabi on deputation basis with the remarks to submit his resignation from service to this office immediately for onward submission to the Provincial Government.
3. PA to Director Higher Education, local Directorate.

DEPUTY DIRECTOR (FEMALE)

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ABDUL WALI KHAN UNIVERSITY
Mardan, Pakistan

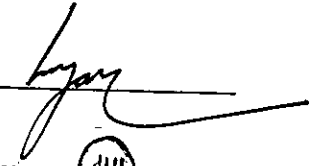
Phone No. 0937-9230618, Fax No. 0937-9230619

19/11


HANDING/TAKING OVER OF CHARGE

We, the following, handed / taken over the charge of the post of Registrar, AWKUM today on 17th November 2014 (A.N.)

1. **Relieved Officer**
Muhammad Tariq
Acting Registrar

Signature: 

2. **Relieving Officer**
Sher Alam Khan

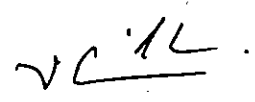
Signature: 
Signature: _____

Station: Abdul Wali Khan University Mardan

Date: 17/11/2014 (A.N.)

Endst No. F.No. 1(3)-Reg-1/AWKUM/2014/ 11683

November 17, 2014

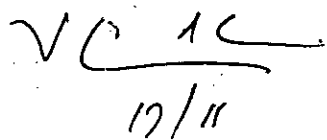


Counter signed by 17/11
Vice Chancellor
Abdul Wali Khan University Mardan

Copy for information to:

1. PS to Vice Chancellor
2. All Deans
3. All HODs
4. All HOS
5. Relevant file

D. kept to note by pl.


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ABDUL WALI KHAN UNIVERSITY MARDAN

Ph: 0937-843356, Fax: 0937-843357


URL: www.awkum.edu.pk

**MINUTES OF THE 12TH MEETING OF THE SYNDICATE, HELD ON JULY 9,
2015**

The 12th meeting of the Syndicate was held in the Conference Room of Garden Campus of the university on July 9, 2015 (11:00 AM) with Prof. Dr. Ihsan Ali, Vice Chancellor, AWKUM, Chairperson, Syndicate in chair.

The following attended the meeting:

1. **Prof. Dr. Jehanzeb Khan Khalil,** Member
Dean Faculty of Arts, AWKUM
2. **Mr. Abdul Ghafoor Baig,** Member
Special Secretary to Government of Khyber Pakhtunkhwa,
Higher Education Department, Peshawar/Nominee of HED
3. **Mr. Taj Muhammad,** Member
Deputy Secretary to Government of Khyber Pakhtunkhwa,
Finance Department, Khyber Pakhtunkhwa, Peshawar, Nominee of Finance Department
4. **Mr. Aziz Khan Khattak,** Member
Special Secretary to Government of Khyber Pakhtunkhwa,
Regulation Wing, Establishment Department, Khyber Pakhtunkhwa
5. **Prof. Fayyaz Ali Shah,** Member
Principal, Government Post-Graduate College Mardan
- Prof. Haleema Begum,** Member
Principal, Government Post-Graduate College for Women, Mardan
6. **Prof. Dr. Khanzadi Fatima Khattak,** Member
Professor/Dean Faculty of Sciences, Abdul Wali Khan University Mardan


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan



Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan

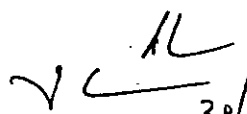




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- 7. **Dr. Saeed Islam,** Member
Associate Professor, Department of Mathematics, Abdul Wali Khan University Mardan
- 8. **Mr. Muhammad Zubair,** Member
Assistant Professor, Department of Law, Abdul Wali Khan University Mardan
- 9. **Mr. Farhad Safi,** Member
Lecturer, Department of Journalism & Mass Communication,
Abdul Wali Khan University Mardan
- 10. **Dr. Zahid Hussain,** Member
Principal, University College of Sciences Shankar,
Abdul Wali Khan University Mardan
- 11. **Prof. Dr. Sakhawat Shah, Former Vice Chancellor,** Member
Hazara University, Mansehra
Nominee of Higher Education Commission, Islamabad
- 12. **Dr. Riasat Ali,** Member
Chairperson, Department of Education/Controller of Examinations, AWKUM
- 13. **Ms. Nasreen Bibi** Member
Member of the Syndicate
- 14. **Engr. Ejaz Yousafzai** Member
Managing Director, Pakhtunkhwa Highway Authority, Peshawar
- 15. **Mr. Shakeel Ahmad,** Member
Director General, Technical Education & Manpower Training
Khyber Pakhtunkhwa, Peshawar
- 16. **Mr. Aziz Khan** Member
Former Member, Federal Public Service Commission, Islamabad
- 17. **Mr. Sher Alam Khan,** Secretary
Registrar, Abdul Wali Khan University Mardan


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan


Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan



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The meeting started with recitation of verses from the Holy Quran by Mr. Farhad Safi, Lecturer, Department of Journalism & Mass Communication, AWKUM. The Chair welcomed the participants and thereafter proceedings of the meeting commenced.

The Secretary, Syndicate presented the agenda items and discussion/decisions took place as following:

Agenda item No.1: Confirmation of the minutes of the 11th meeting of the Syndicate

The minutes of the 11th meeting of the Syndicate, held on February 9, 2015, were placed before the house for confirmation.

Discussion:

The agenda item was placed before the house for confirmation. The Registrar explained that the minutes were recorded, circulated, distributed and authenticated as per Rules of the Business of the Syndicate. The authenticated minutes of the 11th meeting of Syndicate are required for confirmation from the August House.

Special Secretary HED questioned the status of Statutes with reference to letter of Governor's Secretariat. The Vice Chancellor explained that observations raised by the Governor's Secretariat regarding the Statutes were discussed in the Senate in its 7th meeting held on June 30, 2015. He added that as per Rules of Business of the Senate, the proceedings are recorded by the Registrar of the university (Secretary, Senate) and are circulated among the members for comments for any discrepancy between the recorded proceedings and decisions taken in the meeting. He added that no observations from any member were received to the Secretary within stipulated time of fifteen days.

The Vice Chancellor made it clear that after confirmation of the authenticated copy of the minutes of 6th meeting of Senate, the matter has been resolved. He further added that the Secretary, HED, however, raised some objections about the same in the 7th meeting of the Senate held on June 30, 2015, which is yet to be received in this office in writing. The Special Secretary

Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan

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Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan



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was of the view that the matter shall be placed before the Chancellor through Higher Education Department for clarification.

Mr. Aziz Khan Khattak, Special Secretary Establishment, Prof. Dr. Syed Sakhawat Shah, Nominee of HEC and Engr. Ejaz Yousafzai clarified that as a matter of routine, minutes of the previous meeting are confirmed in the ensuing meeting of the house.

Decision:

After in-depth discussion, the house unanimously confirmed the minutes of the 12th meeting of the Syndicate.

Agenda item No.2:

Action taken in pursuance of the decisions on the 11th meeting of the Syndicate

Mr. Abdul Ghafoor Baig, Special Secretary, HED once again questioned the status of the Statutes. The Vice Chancellor informed that agenda item has already been approved by the Syndicate and is reported as a matter of compliance.

Prof. Dr. Syed Sakhawat Shah, Nominee of HEC pointed out that PhD degree holders may be appointed on Tenure Track System only, once the university approves HEC Statutes for TTS.

Dr. Zahid Hussain, Principal UCSS explained that it is a common practice in most of the universities, that they adopt follow HEC guidelines as well as their own Statutes. He quoted Quaid-e-Azam University, Islamabad and University of Peshawar as ready reference. Special

Secretary HED pointed out that the university Statutes are made under Act i.e. law, whereas HEC has guidelines/recommendations and in the case law will prevail.

The Chair made it clear that criteria for appointment of Teaching Faculty is the same both in AWKUM as well as HEC TTS Statutes.

Decision: After lengthy discussion, the house perused the item and appreciated timely compliance in the decision.

Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan

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Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan

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Agenda item No.3:

Extension in Study Leave in respect of Mr. Tahir Zeb, Assistant Professor, Department of Physics, UCS Shankar

Decision:


The house looked into the item and unanimously agreed to grant extension in study leave (without pay) for one year commencing from March 1, 2015 on existing terms and conditions as per provision in the Statutes.

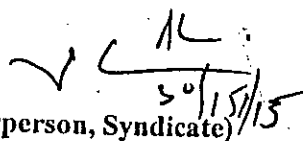
Agenda item No.4:

Recommendations of the 8th meeting of the Academic Council

Discussion:

The house considered the agenda item at a great length. Prof. Dr. Syed Sakhawat Shah, Nominee of HEC, pointed that Department of Agriculture should be treated as an independent faculty. The Vice Chancellor explained that Agriculture is a newly launched Teaching Department and with passage of time it will grow both in size and activities and will then be able to emerge as an independent faculty. Mr. Abdul Ghafoor Baig, Special Secretary, HED raised the question of financial impact in re-structuring of the faculties. The Vice Chancellor asked the Treasurer to explain the financial implication in the budget status. The Treasurer highlighted that the university has a mechanism to generate more than 70 % of its budget. He added that the university is fastly growing and can meet the additional expenditure involved in the establishment and re-structuring of departments and faculties with no financial liability. He further explained that this issue was thoroughly debated in the meeting of F & PC and care was taken for raising our own resources to meet this expenditure.


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan


Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan






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While discussing the agenda item No. 8 of the Academic Council, Mr. Abdul Ghafoor Baig, Special Secretary HED and Prof. Dr. Syed Sakhawat Shah, Nominee of HEC stated that introduction of new Departments may be based on marketability and availability of the jobs. Special Secretary, HED pointed out that introduction of IR department will not be wise without market survey as the university already has Department of Political Science. Dean Faculty of Arts explained that IR Department is launched on request of Principals of affiliated public sector colleges of the university. He further stated that the teaching staff is already available in the university so it will be in the benefit of the institution to launch Department of IR. Nominee of HEC stated that introduction of new programs must be linked with accreditation from the relevant councils. The Vice Chancellor explained to the house that all of the programs offered by the university have been accredited by the respective council, except the newly launched Agriculture and Animal Husbandry departments, where accreditation is in final stage of approval from the respective Councils and the university has already fulfilled all the pre-requisite in this regard.

Decision:

After in-depth discussion, the house unanimously approved the recommendations of the 8th meeting of the Academic Council for agenda item no. 3 & 8.


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan


Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan





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Agenda item No.5:

Recommendations of the 9th meeting of the Finance & Planning Committee

Discussion:

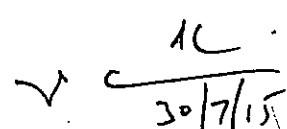
Talking on the Agenda item, Special Secretary HED informed the house that the agenda item may be kept pending in the line with Chancellor's directives. The chair explained that the item has already been recommended by the relevant body where it was represented by Dr. Khalid Khan, Additional Secretary, HED. In the 9th meeting of the F & PC held on May 5, 2015, the item was placed for confirmation. Mr. Kaleem Baloch, Deputy Secretary, HED represented HED in the 9th meeting of the F & PC. The Vice Chancellor wanted to know as to how a Deputy Secretary can overrule the decision of Additional Secretary, who too being below the rank of Additional Secretary was unauthorized to attend the meeting. The Vice Chancellor further added that the matter was placed before the Senate in its 7th meeting held on June 30, 2015, where the budget has been approved with zero deficit.

Mr. Aziz Khan Khattak, Special Secretary, Establishment and Prof. Dr. Sakhawat Shah, Nominee of HEC stated that once the matter has been approved by the Senate with zero deficit, then the revised budget estimates may be produced before the Syndicate for perusal. The Vice Chancellor asked the Treasurer to table the revised budget in summarized form with zero deficit as decided in the Senate in its 7th meeting held on June 30, 2015, for perusal of the Syndicate. The Syndicate decided that in order to have consistency and transparency in decisions of the Syndicate, Senate and F & PC, HED, Finance and Establishment Department shall nominate authorize officers for three years period as is done by the Public service commission.

Decision

After going through the Revised Budget Estimates with zero deficit, the house unanimously recommended the minutes of the 9th meeting of the F & PC.


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan


Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan



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Agenda item No.6:

Recommendations of the 12th meeting of the Affiliation Committee

Decision:

The house looked into the item and unanimously approved the recommendations of the 12th meeting of the Affiliation committee.

Agenda item No.7:

Recommendations of the 30th meeting of the Selection Board


Discussion:

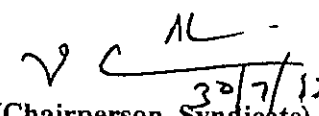
While discussing the item, Prof. Dr. Syed Sakhawat Shah wanted to know about the procedure followed in agenda item no.1 of the Selection Board i.e. "Transfer of existing faculty from BPS to TTS". The Registrar presented all the relevant documents including evaluation reports of Technical Review Committee.

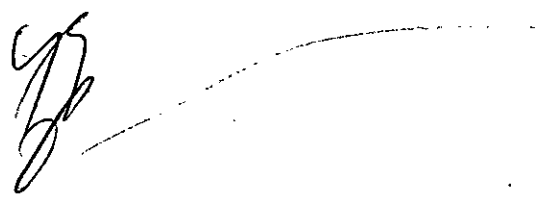
Dean Faculty of Sciences raised observations in Selection/recommendations in agenda item No. 3 of the Selection Board, where she told the house that being the convener of the Scrutiny committee, she didn't consider the application of Dr. Zahid Hussain for the post of Professor of Chemistry.

The house inquired about the deficiency in the case, to which Dean Faculty of Sciences answered that the applicant didn't sign the application form, the Scrutiny committee didn't consider his case and no subject expert was present in the Selection Board, except Dean Faculty of Sciences herself, where she declined to evaluate the applicant.

The Vice Chancellor explained that after scrutiny of applications, the list of eligible and ineligible applicants is placed on university webpage giving an opportunity to ineligible applicants to lie an appeal. Dr. Zahid Hussain, along with others filed an appeal before the Appellate Committee, against the decision of Scrutiny committee and the Appellate Committee


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan


Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan





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constituting of Professors of the university marked his application eligible. Prof. Dr. Sakhawat Shah asked whether his application form was sent to relevant subject experts for evaluation. The Registrar clarified that the application has been evaluated by subject experts and showed the Evaluation Reports to the Syndicate.

Dean Faculty of Sciences further questioned the eligibility of the applicant for the subject post in term of his experience. Mr. Aziz Khan, Member Selection Board, commented that as per eligibility criteria, the applicant is eligible.


Special Secretary, HED, Special Secretary Establishment and Nominee of HEC proposed that to address the concerns of Dean Faculty of Sciences a committee may be constituted to look into the case and report for further action.

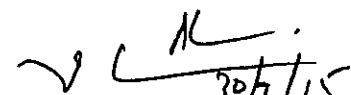
Decision:

The house unanimously approved the agenda item for appointment w.e.f. September 1, 2015 except recommendations at agenda item No. 3, where a committee of the following was constituted to look into the case.

- | | |
|---|-----------|
| 1. Principal Post Graduate College Mardan | Convener |
| 2. Nominee of HEC | Member |
| 3. Nominee of HED | Member |
| 4. Registrar | Secretary |

The house authorized the committee as provided in Section 23 (2) (t) of the Act to look into the experience of the candidate as per Statutes and to report to the Chairperson, Syndicate.


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan


Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan



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Agenda item No.8:

Consideration of Annual Reports 2012-13 & 2013-14

Decision:

The Syndicate considered the Annual Report for the Academic Year 2012-13 and appreciated the efforts for compiling such a comprehensive and to the point report.

The house also considered the draft Annual Report for the Academic Year 2013-14 and it was unanimously decided that observation or suggestion, if any will be communicated to Secretary, Syndicate within due time for incorporation before the reports are placed for approval of the Senate.

Mr. Ejaz Yousafzai, along with other Syndics proposed that pictures of the meeting of the Syndicate may be incorporated in the annual report.

Agenda item No.9:


Proposed Amendments in Abdul Wali Khan University Mardan Statutes-2013

Discussion & Decision:

The house perused the agenda item and a lengthy discussion took place in the same .It was pointed by the Special Secretary, Establishment Department that Higher Education Department, Khyber Pakhtunkhwa is working on Model Statutes for adoption in public sector universities.

Mr. Abdul Ghafoor Baig, Special Secretary, HED raised that work on Model Statutes is in progress and the university should wait for the Model Statutes instead of bringing its own amendments in the Statutes.

The Vice Chancellor explained that even after the finalization of the Draft Model Statutes, the same will be again routed through the Syndicate and Senate for approval. Meanwhile, the university may face certain problems which have been proposed in the amendments.


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan


Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan

20/2/15
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Additional Agenda Item No.2:

Appointment of Chairpersons of Teaching Departments

Decision:

The Syndicate considered the agenda item in line with the provision in the Statutes and agreed to appoint the following as Chairpersons of the Teaching Departments for a period of three years from the date mentioned against each below:

S.No	Department	Chairperson Appointed	w.e.f.
1	Department of Agriculture	Dr. Asad Ali, Associate Professor, Department of Agriculture	February 25, 2015
2	Department of Islamiat	Prof. Dr. Niaz Muhammad, Department of Islamiat	February 26, 2015
3	Department of Mathematics	Prof. Dr. Gul Zaman, Professor, Department of Mathematics	February 26, 2015
4	Department of Physics	Prof. Dr. Aurangzeb, Department of Physics	July 9, 2015
5	Department of Sociology	Dr. Syed Rashid Ali, Associate Professor, Department of Sociology	February 11, 2015

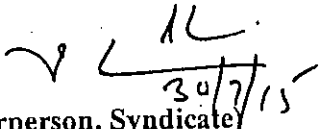
Additional Agenda Item No. 3

DEPUTATION IN RESPECT OF MS. SALMA NAZ, LECTURER, HPE, GGDC, KOHAT ROAD, PESHAWAR AT UNIVERSITY COLLEGE FOR WOMEN, AWKUM

Decision:

The house considered the request of one, Ms. Salma Naz and unanimously agreed to allow deputation as per deputation policy of the Government of Khyber Pakhtunkhwa provided codal formalities are met in the case.


 Registrar (Secretary, Syndicate)
 Abdul Wali Khan University Mardan


 Vice Chancellor (Chairperson, Syndicate)
 Abdul Wali Khan University Mardan
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Additional Agenda Item No. 4

ADOPTION OF LATEST VERSION OF ESTA CODES, GOVERNMENT OF KHYBER PAKHTUNKHWA

The house considered the agenda item titled "Promotion policy of the Government of Khyber Pakhtunkhwa as contained in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973)" and unanimously agreed that the title may be replaced by "Adoption Of Latest Version Of Esta Codes, Government Of Khyber Pakhtunkhwa".


Mr. Aziz Khan, Special Secretary, Establishment Department was of the opinion that the university may adopt Government of Khyber Pakhtunkhwa Esta Codes, in cases where the University statutes are silent or where there exists ambiguity.

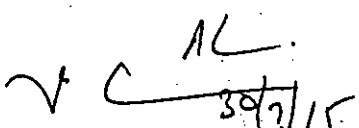
Mr. Shakeel Ahmad and Mr. Abdul Ghafoor Baig, were of the opinion that Esta Codes may be followed in service matters for BPS-1 to 16 and for cases of BPS-17 and above, the policy of HEC be followed.

The Vice Chancellor explained that the university has its own rules and Statutes concerning service matter of all cadres. He further made it clear that the university needs adoption of Government of Khyber Pakhtunkhwa, Esta Codes in cases where Statutes/rules don't provide or where there exist grey areas.

Decision:

The House unanimously allowed the university to adopt Esta Code(Latest Version), Government of Khyber Pakhtunkhwa in cases where there exists ambiguity or where no rule/Statutes exist at all.


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan


Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan
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Additional Agenda Item No. 5

ADOPTION OF HIGHER EDUCATION COMMISSION, ISLAMABAD LETTER REGARDING NOMINATION OF DIRECTOR QEC AS NON-VOTING MEMBER OF UNIVERSITY STATUTORY BODIES

While considering the agenda item, Dr. Saeed Islam, Associate Professor, Department of Mathematics informed the house that action in the letter has already been taken and the same has been incorporated in the Statutes of the university where Director QEC is non-voting member of the Selection Board of the university and the same may be intimated to quarter concerned at HEC.

Decision:

The house decided that action taken in the matter may be conveyed to HEC.

Additional Agenda Item No. 6

PERFORMANCE AUDIT OF PUBLIC SECTOR UNIVERSITIES OF KHYBER PAKHTUNKHWA BY HED

The Registrar presented the agenda item before the house. The Vice Chancellor, AWKUM Chairperson, Syndicate solicited guidance of the Syndicate in the matter. He requested Special Secretary, HED to amicably solve the issue. The Special Secretary made it clear that the issue needs discussion to be resolved and settled. He said that M/S Delloite, is a reputable firm and has already been engaged by Finance Department and many other organization for performance audit.

Mr. Aziz Khan remarked that this type of audit shall be resisted in all public sector universities as it is against the basic principles of finance and also contrary to the spirit of The Constitution of

Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan

30/7/15

Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan



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Islamic Republic of Pakistan. Mr. Shakeel Ahmad and Engr. Ejaz Yousafzai also supported the view point.

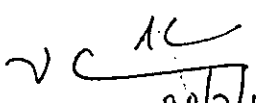
Special Secretary Establishment highlighted that Performance Audit is different from Pre-Audit, Internal Audit and Audit conducted by Director General, Audit. He explained that Chartered Accountant really help in streamlining the financial regulations. He further explained that financial audit is different from performance audit and may be allowed. The Vice Chancellor explained that performance audit is done by Higher Education Commission, which has required methodology and trained HR's for it. He further explained that as per provision third party audit is the responsibility of the university. Mr. Ejaz Yousafzai, Dr. Saeed Islam and Mr. Muhammad Zubair termed the third party audit as violation of the Constitution of Pakistan. They opined that performance audit is carried out by HEC and the ranking of the university is determined through performance audit as the HEC has a established accreditation and evaluation sections for this purpose.

Decision/Recommendations:

The house unanimously demanded the Higher Education Department to re-visit the provision in the Act in consultation with HEC and Vice Chancellor of public sector universities through the assembly.

Special Secretary, HED assured the house of his cooperation and settlement of the issue in a meeting of the Vice Chancellors of public sector universities of the province.


Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan


Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan
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Additional Agenda Item No. 7

APPOINTMENT OF TREASURER AND AUDITOR OF THE UNIVERSITY AS PER PROVISION IN SECTION 14 & 16 OF KHYBER PAKHTUNKHWA UNIVERSITIES (AMENDMENT) ACT, 2015

The house looked into the recommendations contained in the agenda item and the following discussion took place in the case.

Special Secretary, HED, Special Secretary, Regulation Wing, Establishment Department and Mr. Shakeel Ahmad, were of the opinion that the post may be advertised or services of professional auditors may be hired on deputation from Local Fund Audit. The Vice Chancellor agreed to the proposal. He, however, requested that one from each panel may be allowed for the respective positions as a matter of interim arrangement till the arrival of regular selectee.

Decision:

The house unanimously allowed Mr. Muhammad Tariq, Additional Registrar and Mr. Tariq Shah, Superintendent to act as Treasurer and Auditor of the university, respectively with immediate effect as interim arrangement till the appointment of the officer as per prescribed procedure in the Act.

**ADDITIONAL AGENDA ITEM NO. 8:
PENSION PROTECTION AND RELATED BENEFITS IN CASE OF MR. SHER ALAM,
REGISTRAR**

The house allowed the Registrar to present the agenda item and to leave when decision is to be reached. The Registrar explained that his appointment was made on regular basis through proper channel. In this regard, he informed the house that his resignation has been accepted by the Higher Education Department on June 8, 2015. It was further added that Section 186(2) of the Statutes provides for pension protection in the case as the Pension statutes are applicable to all regular employees of the university. He requested pension protection and related benefits may be confirmed in case if his retirement.

Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan

Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan



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After Registrar left the house, the Vice Chancellor informed the house that it is a tenured posting and HED has accepted his resignation. The Vice Chancellor sought expert opinion from the house in the matter.

Special Secretary, Establishment informed the house that a civil servant is not given lien while applying to any advertised post in Autonomous bodies. Furthermore, the parent department rather than relieving the officer has accepted the resignation against the tenured posting of Registrar, which has created technicalities in pension protection.

The Syndicate was of the view that the Parent Department may allow lien for a specific period to facilitate the officer as per practice followed in other provinces.

Decision:

here

After in-depth discussion the house unanimously agreed that the matter may be taken up with Higher Education and Establishment Department to look into the matter again and decide the same in the interest of the officer concerned.

Resolution:

Prof. Dr. Sakhawat Shah, Nominee of HEC invited the attention of the house to the rapid developments and growth that are taking place on the Campus under the leadership of Prof. Dr. Ihsan Ali. He added that due to the dynamic role of Prof. Dr. Ihsan Ali, the university has achieved a tremendous growth and progress. He reminded the house that services of this great team leader may be recognized and recorded in the proceedings of the meeting in golden words for promotion of Higher Education in the province.

The house unanimously agreed that his services may be recognized and the recognition may be put in the proceeding of the meeting in golden words.

The meeting ended with a vote of thanks to the chair.

Registrar (Secretary, Syndicate)
Abdul Wali Khan University Mardan

VC
30/7/15

Vice Chancellor (Chairperson, Syndicate)
Abdul Wali Khan University Mardan



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12TH MEETING OF THE SYNDICATE HELD ON JULY 9, 2015

ADDITIONAL AGENDA ITEM

ADDITIONAL AGENDA ITEM NO. 1:

ACTION REQUIRED UNDER SECTION 11(5)(C) OF KHYBER PAKHTUNKHWA UNIVERSITIES (AMENDMENT) ACT, 2015

The Agenda item has its reference to Government of Khyber Pakhtunkhwa Higher Education, Archives & Libraries Department letter vide No. SO(UE)HE/11-1/2015 dated June 15, 2015 asking for immediate action as pointed in point. XI of the said letter.

The relevant section states that, *"The Vice Chancellor shall also have the powers to create, re-designate and on the recommendation of a Committee constituted by the Syndicate, fill contract, temporary posts for a period not exceeding once year, provided that no extension shall be granted beyond the period of one year."*

In this regard, a committee of the following is proposed for recommending necessary cases, as required under the relevant section, please:

1. Registrar
2. One member of the Selection Board
3. Head of the concerned Teaching Department/Section
4. Treasurer

Constitution of the committee, as proposed above, is submitted for perusal/approval of the Syndicate please.

Decision:

12th Meeting of Syndicate
July 9, 2015



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Additional Agenda Item No. 2

APPOINTMENT OF CHAIRPERSONS OF TEACHING DEPARTMENTS

As provisioned in Section 42(2) of AWKUM Statutes-2013, *"The Chairperson of a Teaching Department/Director of an Institute shall be appointed by the Syndicate on the recommendation of the Vice Chancellor from amongst the three senior most Professors/Associate Professors of the Department/Institute for a period of three years and shall be eligible for re-appointment"*

In this regard, Chairpersons of the following Teaching Departments are required to be appointed by the Syndicate from the panel given against each, w.e.f. the date of approval of the Syndicate/interim placement as Chairperson, as given against each, as provided in the Statutes of the university:

S.No	Department	Panel
1	Department of Agriculture	Dr. Asad Ali, Associate Professor, Department of Agriculture
2	Department of Mathematics	1. Prof. Dr. Gul Zaman, Professor, Department of Mathematics 2. Dr. Saeed Islam, Associate Professor, Department of Mathematics
3	Department of Physics	1. Prof. Dr. Aurangzeb, Department of Physics 2. Prof. Dr. Mushtaq Ahmad, Department of Physics
4	Department of Sociology	1. Dr. Syed Rashid Ali, Associate Professor, Department of Sociology
5	Department of Islamiat	1. Prof. Dr. Niaz Muhammad, Department of Islamiat 2. Dr. Salihuddin, Associate Professor, Department of Islamiat

12th Meeting of Syndicate
July 9, 2015



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The August House is requested to allow appointment of Chairpersons of the above-mentioned Teaching Departments as provisioned in Section 42(2) of the Statutes of the university, please.

Decision:

12th Meeting of Syndicate
July 9, 2015

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Additional Agenda Item No. 3

DEPUTATION IN RESPECT OF MS. SALMA NAZ, LECTURER, HPE, GGDC, KOHAT ROAD, PESHAWAR AT UNIVERSITY COLLEGE FOR WOMEN, AWKUM

One Ms. Salma Naz, Lecturer HPE, regular basis, at Government Girls Degree College, Kohat Road, Peshawar has requested for deputation as Assistant Director, Physical Education at University College for Women, AWKUM. The applicant is a regular employee of Government of Khyber Pakhtunkhwa, Higher Education Department and is residing at Mardan. Her husband is performing as Assistant Professor, Department of Physical Education, AWKUM. Her request for deputation is placed for kind consideration of the August Forum as admissible under the Deputation policy of Government of Khyber Pakhtunkhwa, please.

Decision:

12th Meeting of Syndicate
July 9, 2015



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Additional Agenda Item No. 4

ADOPTION OF PROMOTION POLICY AS CONTAINED IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS ACT, 1973 (KHYBER PAKHTUNKHWA ACT NO. XVIII OF 1973)

A number of employees of the university approached the Vice Chancellor to adopt the promotion policy of the Government of Khyber Pakhtunkhwa as contained in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

The Vice Chancellor agreed that the matter may be placed before the Competent Forum to allow the university to adopt the Promotion policy as mentioned above and also to allow the university to adopt Esta Codes, Government of Pakistan in cases where AWKUM Statutes are silent or where exists vagueness. (Copies of the Promotion Policy, Government of Khyber Pakhtunkhwa and Higher Education Commission, Islamabad are annexed)

Decision:

**12th Meeting of Syndicate
July 9, 2015**



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Additional Agenda Item No. 5

ADOPTION OF HIGHER EDUCATION COMMISSION, ISLAMABAD LETTER REGARDING NOMINATION OF DIRECTOR QEC AS NON-VOTING MEMBER OF UNIVERSITY STATUTORY BODIES

Director General (Quality Assurance Agency), HEC vide letter No. Reg:7-17/Misc/QAA/HEC/2015/793 dated January 20, 2015 has proposed that the Head of QEC may be nominated as Non-Voting Member of all Statutory bodies of the University, enabling the Director QEC to be aware of University/ DAI strategic academic direction and playing specific role in refining the quality of Higher Education.

Further, it has been mentioned in the letter that it will be highly appreciated if the notification is issued before the next annual report due in June-2015.

The letter is placed before the August House for adoption and consideration, please.

Decision:

12th Meeting of Syndicate
July 9, 2015



Additional Agenda Item No. 6

(44) 9

PERFORMANCE AUDIT OF PUBLIC SECTOR UNIVERSITIES OF KHYBER PAKHTUNKHWA BY HED

This university received a letter from Higher Education Department vide No. SOG/HE/Universities Audit/2014 dated May 29, 2015 and subsequent letter from an Audit Firm named M/S Deloitte, M. Yousaf Adil Saleem & Co. (Chartered Accountants), Islamabad vide No. 604/2015 dated June 2, 2015 on the subject captioned above and requesting for information/record for audit purpose (Letter attached).

In this regard, this office requested HED to approach the Honorable Governor, Khyber Pakhtunkhwa, Chancellor, AWKUM for his valuable guidance in the matter please.

Furthermore, as per Section 38(6) of Khyber Pakhtunkhwa Universities (Amendment) Act, 2015, quoted as

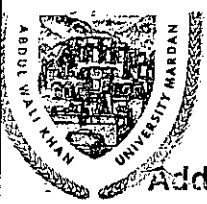
"Provided further that the University shall also cause to carry out its yearly academic, administrative and financial audit by a third party of national or international repute

Provided also that the government shall have the power to carry out financial and performance audit of all activities carried out by the universities out of the funds provided by National and Provincial exchequer, grants and loans whether local or foreign, in such a manner, as deemed appropriate."

The matter is placed before the August House for guidance regarding appropriate manner in the case please.

Decision:

12th Meeting of Syndicate
July 9, 2015



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Additional Agenda Item No. 7

**APPOINTMENT OF TREASURER AND AUDITOR OF THE UNIVERSITY AS
PER PROVISION IN SECTION 14 & 16 OF KHYBER PAKHTUNKHWA
UNIVERSITIES (AMENDMENT) ACT, 2015**

Section 14 of the Khyber Pakhtunkhwa Universities (Amendment) Act, 2015, provides that:

"(1) The Treasurer shall be appointed by the Syndicate on recommendation of the Selection Board from amongst the candidates with relevant professional qualification and experience and on such terms and conditions as may be prescribed:

Provided that the Treasurer shall not be appointed from the superannuated employees retired from the government / universities service and teaching faculty.

(2) The experience and the professional and academic qualifications necessary for appointment to the post of the Treasurer shall be such as may be prescribed.

(3) The Treasurer shall-

(a) manage the assets, liabilities, receipts, expenditures, funds and investments of the University;

(b) prepare the annual and revise budget estimates of the University and present

them to the Syndicate or a committee thereof for approval and incorporation in the budget to be presented to the Senate;

(c) ensure that the funds of the University are expended on the purposes for

which they are provided;

(d) have the account of the University audited annually so as to be available for submission to the Senate within six months of the close of the financial year; and

(e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be three years and may be renewed from time to time.

**12th Meeting of Syndicate
July 9, 2015**

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Provided that the Syndicate may, on advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of inefficiency or misconduct, in accordance with the prescribed procedure."

In this regard, one of the following may be allowed to act as Treasurer as per provision contained in Section 14(1) of the Act, please.

S.No	Name & Designation	Qualification	Remarks, if any
1	Mr. Muhammad Tariq, Additional Registrar (BS-19)	MS in Finance	Acting as Treasurer of the university
2	Mr. Shafeeq Ullah, Deputy Treasurer (BS-18)	MBA	Nil
3	Mr. Sayim Sohail, Deputy Treasurer (BS-18)	M.Com	Nil

Similarly, as per Section 14 of the Khyber Pakhtunkhwa Universities (Amendment) Act, 2015, stating as:

(1) There shall be an internal auditor, of the University responsible for pre-auditing of all bills and documents for all payments to be made by the University.

(2) The Internal Auditor shall be appointed by the Syndicate on recommendation of the Selection Board from amongst the candidates with relevant professional qualification and experience and on such terms and conditions as may be prescribed.

(3) The term of office of the Internal Auditor shall be three years and may be renewed from time to time."

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July 9, 2015



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In this regard, one of the following may be allowed to act as Auditor as per provision contained in Section 16(2) of the Act, please.

S.No	Name & Designation	Qualification	Remarks, if any
1	Mr. Saifullah, Assistant Treasurer (BS-17)	MBA (Finance)	Has more than 10 years experience in the relevant field
2	Mr. Muhammad Ishfaq Assistant Treasurer (BS-17)	MBA (1.5 Years) in Finance	Nil
3	Mr. Tariq Shah, Superintendent (BS-17)	B.Sc	Has more than 10 years experience in the relevant field

The Syndicate is requested to allow one from the above mentioned panel to act as Treasurer and Auditor, respectively initially for a period of one year, extendable, till the arrival of regular selectee as provided in Khyber Pakhtunkhwa Universities (Amendment) Act, 2015.

Decision:

12th Meeting of Syndicate
July 9, 2015



ADDITIONAL AGENDA ITEM NO. 8: ✓

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PENSION PROTECTION AND RELATED BENEFITS IN CASE OF MR. SHER ALAM,

REGISTRAR

This has reference to Notification vide No. 1(1)-Reg-1/AWKUM/2014/11229 dated August 22, 2014, wherein the appointment of Registrar (BS-20), AWKUM was made on regular basis. The officer applied against an advertised position through proper channel and the Higher Education Department, Peshawar relieved him off the department vide No. SO(COLLEGES-II)HED/13-9/2010 dated June 8, 2015.

The officer has 22 years and 7 months as regular service at his credit and has requested for protection of pension and related benefits as admissible in Section 186 (2) of the AWKUM Pension Statutes, 2013

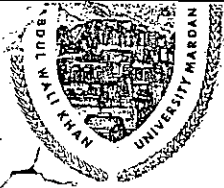
"The Statutes shall apply to Former employees of the Federal and Provincial Government who acquired service in the University through proper channel and whose pension contribution is borne by the respective government"

Moreover, Section 189 (1& 2) of the AWKUM Pension Statutes, 2013 allows the Syndicate to resolve any issue by its decision, where then exists an issue. The relevant sections are quoted as,

"(1) Save as otherwise provided in these Statutes, the existing Government Pension Rules, applicable to Government servants of the Khyber Pakhtunkhwa, shall mutatis mutandis apply to University employees.

(2) If any difficulty or dispute arises regarding the application of the said Rules to the University employees, the matter may be resolved by the decision of the Syndicate."

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July 9, 2015



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The Syndicate, being the sanctioning authority in the case as provisioned in Section-195 of the Pension Statutes of the university, is requested to grant pension protection and related benefits in the case as admissible in the Statutes of the university.

Decision:

12th Meeting of Syndicate
July 9, 2015

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Withdrawals of Resignation.

Acceptance of resignation and willful absence for more than five (5) years.

Under the existing practice, even a temporary Government servant is required to sign an undertaking containing inter alia the following provisions:-

- (a) I understand that my employment under Government is temporary and that my services may be terminated by Government at any time, without assigning any reasons, by giving a notice for a period not less than 14 days or payment, in lieu of the notice, of a sum equivalent to my pay for 14 days or for the period by which the notice falls short of 14 days;
- (b) I agree that I wish to terminate my services under Government at any time, I shall resign in writing and shall thereafter continue to serve Government until my resignation is accepted.
- (c) I also understand that if I absent myself from duty without resigning in writing or before the acceptance by Government of my resignation, I shall be liable to disciplinary action, which may involve disqualification from future employment under Government.

2. It has however, come to notice that in certain cases Government servants have tendered resignations and without waiting for acceptance have left their jobs unauthorisedly and kept themselves absent for years. The departments on their part failed to initiate any action against such employees in time with the result that they subsequently reported for duty after the passage of long periods on one excuse or the other.

3. It has also been noticed that liberal relaxations are being granted under FR.18 in cases of willful absence from duty for more than 5 years without cogent/convincing reasons whereas according to the rules ibid a Government servant remains no more a Government employee after willful absence for five years.

4. The matter has been considered and it has been decided that:-

- (a) After tendering resignation, a Government Servant shall not leave his job until the acceptance of his resignation by the Competent Authority nor shall he be granted any leave. In case one leaves his job without acceptance of his resignation he shall be treated as absconder and disciplinary action should invariably be initiated against him.
- (b) Resignation tendered by a Government servant shall either be accepted or rejected by the Competent Authority within the stipulated period of not more than 30 days of its submission and acceptance/rejection thereof be communicated to the Government servant concerned accordingly.
- (c) After 5 years of continuous absence, services of a Civil Servant shall automatically stand terminated under FR.18 and Rule 12 of the NWFP Civil

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Servants Revised Leave Rules, 1981. In the light of Rule 12 *ibid*, a willful absence of more than five years shall not be converted into leave without pay.

5. It is therefore, requested that the above instructions may be brought to the notice of all concerned for strict compliance in future.

(Authority: S&GAD's letter No.SORII(S&GAD)6(37)/89, dated 3rd Oct., 1989).

Determination of seniority of officials who are allowed to withdraw their resignation

A question has arisen whether a Government servant who resigned and has subsequently been allowed to withdraw his resignation should be assigned seniority and given other benefits which would have accrued to him had he not resigned.

2. When a resignation tendered by a Government servant has been accepted and the acceptance has been communicated to him, it becomes final. There can be no question of allowing him to 'withdraw' the resignation.

3. Where a Government servant who has tendered resignation withdraws it before it is accepted by the competent authority, or where, after the acceptance but before the acceptance is communicated to him, he is allowed to withdraw the resignation, he continues in the post held by him without a break and the question of re-fixation of his seniority, etc. does not arise.

4. Where an appellate authority finds that the resignation was not tendered voluntarily or that it is otherwise null and void, the appellate authority may re-instate the Government servant concerned. On re-instatement the Government servant shall be regarded as having continued in service throughout.

5. If a Government servant, whose resignation has been accepted and communicated to him, is appointed to Government service thereafter, such appointment shall be regarded as a fresh appointment. The seniority, pension, leave, etc. of such a Government servant shall be fixed in accordance with the rules applicable to him as if this appointment was his first appointment to Government service.

6. There may, however, be cases in which it may not be fair to treat such a re-employed Government servant as a new recruit and it is proposed to give him any benefit in relaxation of the rules, the orders of the Government should invariably be obtained.

(Authority S&GAD letter No.SOXII/2-96/59, dated 24.12.59)

Preparation/issuance of seniority list of Government Servants

I am directed to say that sub-section (1) of Section 8 of the NWFP Civil Servants Act, 1973, *inter alia* provides that for proper administration of service, cadre or post, the appointing authority shall cause to prepare a seniority list of the members for the time being of such service, cadre or post. Similarly, the note below clause(e) of sub-rule(2) of the rule 6 of the NWFP Service Tribunals Rules, 1974, enjoins upon the appointing authority or any other authority which has been delegated the powers to make decision regarding seniority of

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a Government Servant to prepare and notify in the official Gazette a list of Seniority of Government Servants under its administrative control. The list so prepared shall be maintained upto date and shall be revised at least once a year. The NWFP Civil Servants (Amendment) Act, 1989, also provides that the seniority list prepared under sub-section (1) of Section 8 (of the NWFP Civil Servants Act, 1973) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

2. I am further to say that the Governor, NWFP has been pleased to delegate his powers to Chief Secretary, NWFP to approve the issuance of the Seniority List of the members of a service, cadre or post for which the Governor is appointing authority.

3. The above instructions may please be brought to the notice of all concerned for guidance/compliance please.

(Authority: No.SOR-I(E&AD)3-15/88(Vol.I), dated 9th May, 2002)





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F. No. 1(1)-Reg-2/UOS/2015/3907

May 27, 2015

To Immediate
The Secretary,
Higher Education Department,
Khyber Pakhtunkhwa.

Subject: APPOINTMENT OF MR. SHER ALAM KHAN, AP (ENGLISH) HED AS REGISTRAR, ABDUL WALI KHAN UNIVERSITY, MARDAN ON REGULAR BASIS

Sir,
Reference may be made to this office letter Vide No: 1(5)-Reg-1/UOS/2014/3269 dated December 10, 2014 addressed to Deputy Director Colleges on the subject noted above. In this regard the officer's request for resignation from HED endorsed Vide No: 1(5)-Reg-1/UOS/2014/3064 dated October 10, 2014 may be considered and read as **relieving from service in order to join his new assignment at AWKUM w.e.f October 10, 2014 afternoon.**

This is important because the officer concerned applied through proper channels and NOC was issued from Director Colleges, HED in this regard.

Submitted for favour of relieving instead of resignation, please.

With Kindest Regards,

Registrar

Copy to:

1. Director Higher Education Colleges.
2. PS to Minister Higher Education.
3. PS to Chief Secretary.
4. PA to Principal Secretary, Chief Minister's Secretariat.
5. PS to Vice Chancellor.
6. Deputy Secretary Colleges.
7. Section Officer Colleges (SO-I).
8. PA to Registrar, Abdul Wali Khan University, Mardan.
9. Personal File.


Registrar

Personal file
AS

28/5/15



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**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the June 08th, 2015.

2354-57

NOTIFICATION

NO. SO(COLLEGES-II)HED/13-9/2010: The Competent Authority is pleased to accept the resignation tendered by Mr. Sher Alam, Assistant Professor of English (BPS-18), Govt. Degree College, No. 2 Mardan w.e.f 10.10 2014 (A.N).

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even.

A copy of the above is forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt. Degree College, No. 2 Mardan.
3. District Account Officer Mardan.
4. Officer concerned.

1/9/15

Rukhsana Jabeen
(Rukhsana Jabeen)
o/c SECTION OFFICER (COLLEGES-II)

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YANFEX - M

The Secretary to Government of Khyber Pakhtunkhwa,
Higher Education Department, Peshawar.

Subject: Appeal against resignation Notification No: SO(COLLEGES-II) HED/13-9/2010
Dated: June 8th, 2015, received on 30th June, 2015

I have the honour to state that I was appointed as Registrar, Abdul Wali Khan University Mardan on regular basis. The Higher Education Department notified my resignation Vide No: SO(COLLEGES-II) HED/13-9/2010 Dated: June 8th, 2015 received on 30th June, 2015. In this regard I beg to say the following points:

I have completed 22 year 7 months service and am qualified for premature retirement as per government rules. I requested my parent department to consider my case on deputation or I may be allowed lien in the case.

Now I have received resignation notification, I requested the Vice Chancellor /Chairperson AWKUM to place my case before the Syndicate for protection of my pension and other benefits as admissible under the Statutes of the University. The case will be discussed in the Syndicate on 9th July, 2015.


I therefore, requested that implementation in the case may not be initiated and I may not be relieved off the Parent Department till the decision of the Syndicate. In case of non-confirmation of pension protection, the Competent Authority may be approached kindly to withdraw my resignation after its acceptance on merit basis as admissible under the rules Vide Estt. Division. O.M. No.8/1369-D.I, dated 30-1-1970 read with Estt. Division O.M.No.6/9/79-D.I, dated 19-6-1979 which state:

"Withdrawal of resignation after its acceptance but before it become effective i.e. before the government servant concerned is relieved. It should be open to the Authority accepting the resignation to allow the government servant concerned to withdraw the resignation on merit of the case".

I therefore, requested that my appeal may be considered/processed for withdrawal of the resignation, after its acceptance, in case of non-confirmation of pension protection by the Syndicate in this case.

Submitted for favourable consideration, please,

With many regards,


Sher Alam Khan
A/P English, HED
Registrar, AWKUM.

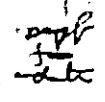
Copy to:

- Director Higher Education Colleges, Khyber Pakhtunkhwa.
- Principal Government Degree College No .2 Mardan.
- District Accounts Officer Mardan.
- PS to Chief Secretary Khyber Pakhtunkhwa
- PS to Vice Chancellor, AWKUM
- Deputy Secretary Colleges, HED
- Section Officer (Colleges-II)
- Personal File



C- Jh Sir in merit Amind 14 DV

ATD





7

(56) ANNEX:- IV
Page 366 of 368

**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

No. SO (C-II)HED/13-9/2012/Sher Alam.
Dated Peshawar the 01.12.2015.

To

The Registrar,
Abdul Wali Khan University Mardan.

SUBJECT: **APPEAL AGAINST RESIGNATION, NOTIFICATION NO.
SO(COLLEGES-II)/HED 13-9/2010.**

I am directed to refer to your letter No. Nil dated 06-10-2015 on the subject noted above and to state that the Competent Authority has regretted your appeal regarding the withdrawal of the resignation tendered by you in light of Establishment Department circular letter No. S&GAD No. SO XII/2-96/59 dated 24.12.59 wherein it has been clearly mentioned that:

"When a resignation tendered by a Govt. Servant has been accepted and the acceptance has been communicated to him, it becomes final. There is no question of allowing him to withdraw the resignation." (Copy of the letter enclosed)

Rukhsana Jabeen.
(RUKHSANA JABEEN)
SECTION OFFICER (COLLEGES-II)

[Handwritten signature]

POWER OF ATTORNEY

In the Court of KPK Sesiore Tribunal Peshawar
Shes Alam Khan } For
 } Plaintiff
 } Appellant
 } Petitioner
 } Complainant

VERSUS

Govt of IC PIC etc } 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 Amir Jada 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 Peshawar
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

Sajid Amir Jada
Abdullah

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.PESHAWAR

Service appeal .No87/2016.

Sher Alam..... Petitioner

VERSUS

Secretary, Higher Education and othersRespondents.

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S.NO	Description of documents	Annexure	Page No.
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2.	Affidavit		3
3.	Copy of resignation	A	4
4.	Acceptance of resignation	B	5


Respondents



4

73.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service Appeal No.87/2016

Mr. Sher Alam Khan, Ex Assistant Professor of English..... Appellant

Versus

Govt of Khyber Pakhtunkhwa, through secretary and Director Higher Education..... Respondents

Subject: Parawise comments on Behalf of Respondent No2.and No.3

Preliminary objections.

Respectfully sheweth:

1. That the appellant has got no locus standi/cause of action to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appellant is trying to conceal material facts from the Honourable Tribunal
5. That the appeal in hand is bad for non joinder of one of the necessary party like Secretary Finance and Secretary Establishment.

ON FACTS.

1. Correct. Hence no comments.
2. Correct. Hence no comments.
3. Correct. Hence no comments.
4. Correct. Hence no comments.
5. Correct. Hence no comments.
6. Correct. Hence no comments.
7. Incorrect. That the appellant on selection and appointment took over the charge of the post of registrar BPS 20 in Abdul Wali Khan University Mardan (AWKUM). Before joining his service, he was required to submit his resignation from the post of Assistant Professor in the Higher Education Department and he submitted his resignation and it was accepted by the competent authority. The appellant had the option either to resign from the service of Govt. of Khyber Pakhtunkhwa, higher Education Department and than join the university service or not join at all the university service and thus continue his services as Assistant professor in the higher Education Department. But the appellant opted for the university service. Now he cannot turn around other ways and now he cannot be allowed to make a volte -face.
8. As explained in the proceeding paras the appellant had two options either to join the service of university as registrar or sacrifice his past 22 year service as assistant professor. He opted for the former i-e University Service.
9. The appellant is a well matured person possessed of enough intelligence to make selection of either of the two options already explained. In order to join his service in the university as Registrar, he had submitted resignation from service to Secretary Higher education department. Moreover, University is an

autonomous body and if any civil servant who wants to join the autonomous body, he will have to resign from the present post, so his request for relieving was regretted and his resignation was accepted by the competent authority. Furthermore, it is the prerogative of the govt to accept the resignation, therefore, the Provincial Govt, accepted the resignation. The rest of the para relates to respondent No.4.

- 10. Correct that the appellant submitted his departmental appeal dated 30-6-2015 for the withdrawl of resignation but the same was regretted as explained in the preceding facts above. (copy of resignation and acceptance is attached as Annex A and B).
- 11. That the orders issued by the respondents are lawful, legal and the appellant has no cause of action to impugn the same before the Honourable Service Tribunal.

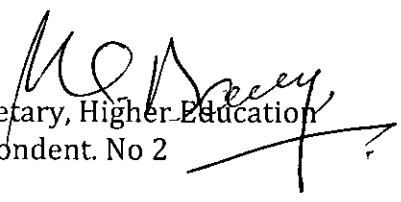
ON GROUNDS


- A. Incorrect and misconceived. The appellant is treated according to law.
- B. Before joining his service in University as registrar he has thoughtfully chosen for the same and tendered his resignation from the post of assistant professor which was accepted by the competent authority while the other application for consideration his resignation application as request for relieving i-e in other words withdrawl of his resignation was not accepted by the competent authority.
- C. The appellant is to be blamed for choosing the wrong carrier. He left the job in Higher Education department and joined the service of University. All his services of more than 22 years stands forfeited to the Government due to the decision of the appellant himself for which the respondent cannot be blamed.
- D. Incorrect as explained in the preceeding paras that the appellant opted for the service of University instead of service with the Provincial Government. He resigned from service with the respondents and his application for withdrawl of resignation could not bear any fruit. As the process of resignation had reached to completion. After resignation from service with the respondent all his services stands forfeited to the Government. The respondents have done no wrong in accepting his resignation from service.
- E. Incorrect and misconceived. The regulations as referred by the appellant are not attractable here. Govt instructions that after resignation the past services of the appellant stands forfeited. (Copy attached as Annex C)
- F. That the respondents also seek permission to assist the Honourable Tribunal besides the above facts.

Prayer.

In view of the above, the service appeal being devoid of merits may graciously be dismissed in the public interest.

2


 Secretary, Higher Education
 Respondent. No 2


 Director, Higher Education.
 Respondent. No 3

3

BEFORE THE HONOURABLE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 87/2016

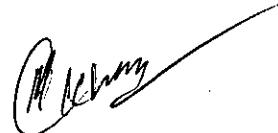
Sher Alam Petitioner.

VERSUS

Secretary, Higher Education Khyber Pakhtunkhwa and
others..... Respondents.

AFFIDAVIT

I Murad Khan, Superintendent, Directorate of Higher Education Department, do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'able Tribunal.

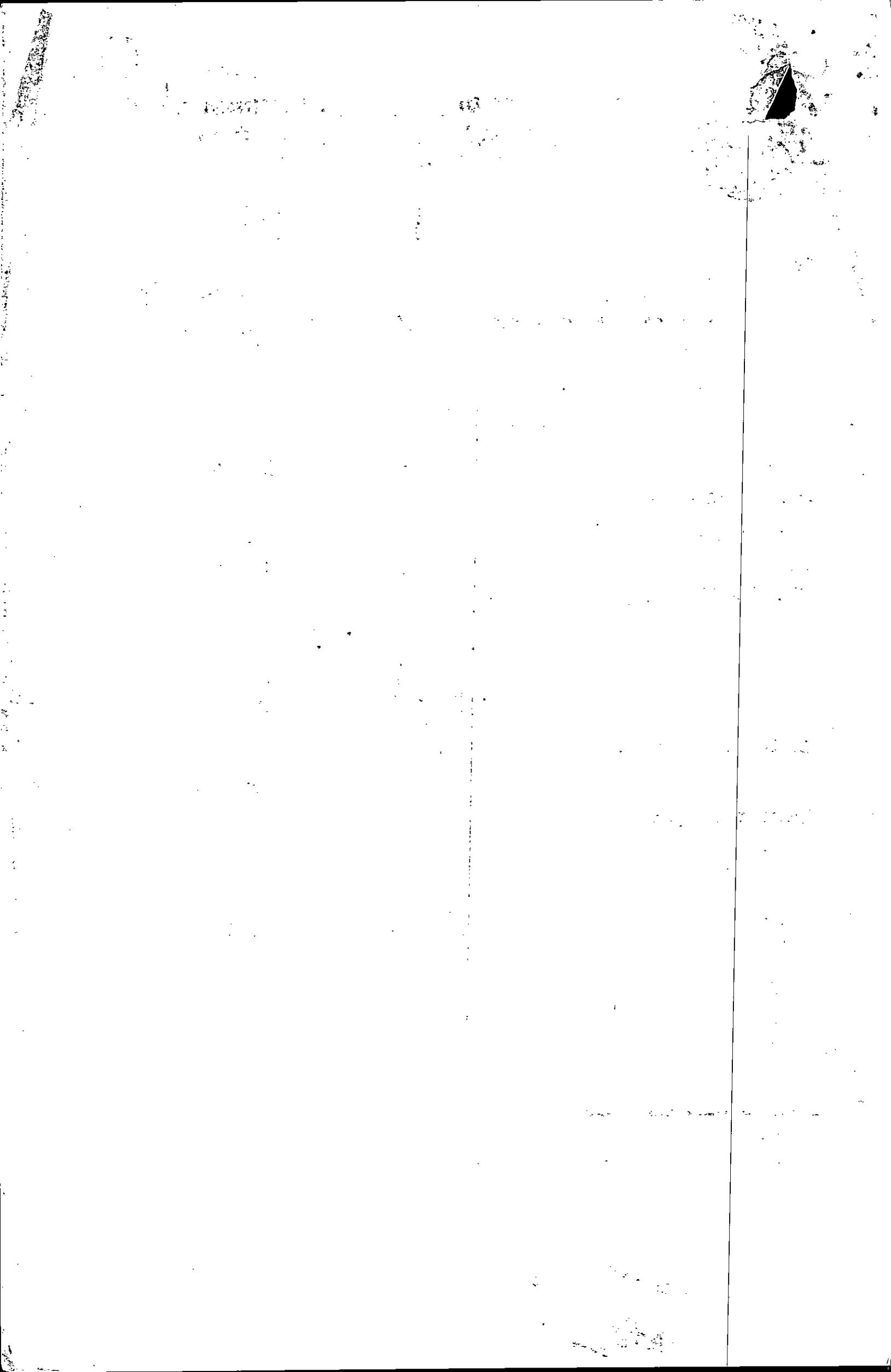


Deponent

CNIC No.17301-1457940-7

Identify by :

Advocate General.
Service Tribunal Peshawar.





✓
Inlex-A

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GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

No. SO (C-II)HED/13-9/2010/Sher Alam.
Dated Peshawar the 17.06.2015.

To

✓
Mr. Sher Alam Khan,
Registrar University of Swabi,
Swabi.

✓
DESPATCHER
Govt. of Khyber Pakhtunkhwa
Higher Education Archives &
Libraries Department

SUBJECT: - APPOINTMENT OF MR. SHER ALAM KHAN AP OF ENGLISH HED AS REGISTRAR, ABDUL WALI KHAN UNIVERSITY MARDAN ON REGULAR BASIS.

I am directed to refer to your letter No. F.NO1(1)-Reg-2/UOS/2015/3907 dated 27.05.2015 on the above noted subject and to state that your request for relieving instead of resignation cannot be entertained in light of Establishment Department's Notification No. SOR.VI(E&AD) 1-11/2003 dated 29.07.2006 (copy enclosed).

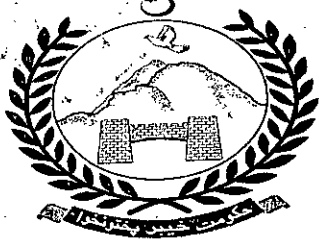
Rukhsana Jabeen
(RUKHSANA JABEEN)
SECTION OFFICER (COLLEGES-II)

Endst: No. & Date Even.

A copy of the above is forwarded for information to Directorate of Higher Education Department.

SECTION OFFICER (COLLEGES-II)

Person U
AS



**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the June 08th, 2015.

NOTIFICATION

NO. SO(COLLEGES-II)HED/13-9/2010: The Competent Authority is pleased to accept the resignation tendered by Mr. Sher Alam, Assistant Professor of English (BPS-18), Govt. Degree College, No. 2 Mardan w.e.f 10.10.2014 (A.N).

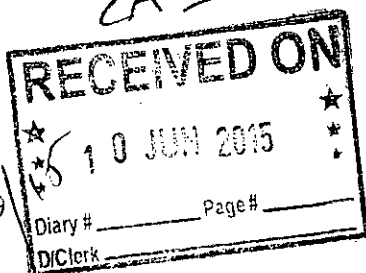
SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even.

A copy of the above is forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt. Degree College, No. 2 Mardan.
3. District Account Officer Mardan.
4. Officer concerned.

Rukhsana Jabeen
(Rukhsana Jabeen)
SECTION OFFICER (COLLEGES-II)



VAKALAT NAMA

Appel NO. 87/2018

IN THE COURT OF K.P.O. Service Tribunal Peshawar

Sher Alam Khattar (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

H. Education Deptt. (Respondent)
(Defendant)

I/We, Sher Alam Khattar

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

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

Dated _____/20


(CLIENT)

ACCEPTED


SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 87/2016

Sher Alam Khan, Ex- assistant Professor (English), Higher Education Department, presently Registrar Abdul Wali Khan University Mardan.

(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar others.

(Respondents)

REJOINDER TO THE PARA WISE REPLY ON
BEHALF OF THE APPELLANT

Respectfully submitted:

The appellant submits his rejoinder as under:

ON PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading, the appellant has got the locus standi and cause of action to file the instant appeal.
2. Contents incorrect and misleading, the appellant has come to the Tribunal with clean hands.
3. Contents incorrect and misleading, no rule of estoppel is applicable to the instant case.
4. Contents incorrect and misleading, nothing has been concealed from this Honorable Tribunal.
5. Contents incorrect and misleading, all the parties necessary for the disposal of the appeal are arrayed in the instant appeal.