



ISLAMIA COLLEGE PESHAWAR

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100
Years
of Glory

No. 8701 /Meetings

Dated: 21/04/2021

To

All members of the Syndicate
Islamia College Peshawar

Subject:- MINUTES OF THE 25TH MEETING (EMERGENCY) OF THE
SYNDICATE, ISLAMIA COLLEGE, PESHAWAR HELD ON APRIL
11, 2021

Dear Sir,

I am directed to refer to this office letter No. 8698/Meetings dated 14.04.2021 on the subject cited above and to state that no observation has been received, therefore, the minutes stand confirmed.

Thanking you.

(Dr. Qasim Mansoor Jalali)
Registrar

Copy to:

1. PS to Vice-Chancellor
2. Office Record

Registrar

MINUTES OF THE 25th MEETING (EMERGENCY) OF THE SYNDICATE, ISLAMIA COLLEGE PESHAWAR HELD ON 11TH APRIL 2021 AT 11:00 HRS IN THE MAIN COMMITTEE ROOM, ISLAMIA COLLEGE PESHAWAR

The 25th Meeting (Emergency) of the Syndicate, Islamia College Peshawar was held on 11th April, 2021 at 11.00 Hrs in the Main Committee Room, Islamia College Peshawar, which was presided over by the Worthy Vice-Chancellor, Islamia College Peshawar, Prof. Dr. Gul Majid Khan. The following members of the Syndicate, Islamia College Peshawar attended the meeting:

1. Prof. Dr. Gul Majid Khan
Vice Chancellor, Islamia College Peshawar
2. Representative of the Secretary to Government Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa
3. Representative of the Secretary to Government Establishment Department
Government of Khyber Pakhtunkhwa
4. Representative of the Secretary to Government Finance Department
Government of Khyber Pakhtunkhwa
5. Engr. Syed Imtiaz Hussain Gillani
Nominee of the Chairman, Higher Education Commission, Islamabad
6. Prof. Dr. Abdus Salam
Department of English
7. Dr. Saleem -ur- Rehman
Department of Islamic Theology
8. Dr. Khalid Khan
Department of Chemistry
9. Mr. Salah-ud-Din
Department of Computer Science
10. Dr. Zahoor Jan
Department of Computer Science
11. Dr. Qasim Mansoor Jalali,
Registrar
Islamia College Peshawar
12. Mr. Hamid Mehmood Khan,
Treasurer,
Islamia College Peshawar

Mr. Justice (Retd) Miftah ud Din remained absent.

Proceedings of the meeting started with recitation of few verses from the Holy Quran. The Vice-Chancellor warmly welcomed all the members of the Syndicate for attending the meeting. At the very outset, the Syndicate offered Fateha on the sad demise of the former Vice-Chancellor, Islamia College Peshawar Prof. Dr. Habib Ahmad (TI). Thereafter, the Registrar Dr. Qasim Mansoor Jalali took up agenda of the meeting.

The Registrar, Islamia College Peshawar apprised the members of the Syndicate that various petitions were filed before the Honourable Peshawar High Court, Peshawar, wherein, the petitioners, consisting of administrative and ministerial staff working on contract/Adhoc/Daily-wages/Fixed pay and contract faculty-members had prayed for the regularization of their respective services. In its judgment dated: 03.02.2021 in W.P. No. 2674-P/2020 filed by 196 petitioners mainly of Class-III and IV employees, the Honourable Court sent the cases of the petitioners to the University for placing before the Syndicate, Islamia College Peshawar for:

“examining the case of each petitioner separately and individually with regard to their appointment, regularization and continuation of contract in accordance with the needs and requirements of the University. If the Syndicate is not satisfied with the appointment, regularization or extension of contract for further period, of any of the petitioner, he/she shall be provided an opportunity of personal hearing and while passing the order shall record reasons for the same.

It is expected that the Syndicate shall complete the exercise as proposed within a period of three (03) months whereas until the decision of the Syndicate each petitioner shall continue and perform his/her duties against his/her respective posts and they will be paid for the same by the University.”

The Registrar further informed the house that six (06) petitions of other employees and a single petition (W.P. No. 1977-P/2020) of a faculty-member viz Dr. Zafar Hayat Khan were clubbed with the decision given by the Honourable Peshawar High Court, Peshawar in response to the above-referred petition (W.P. No. 2974-P/2020).

Moreover, the Honourable Peshawar High Court has also sent cases of three faculty-members to the University for placing before the Syndicate, Islamia College Peshawar with the following remarks:

“Therefore, instead of issuing direction to the respondent-University for regularization of the petitioners, we direct the respondent-University to place

the case of the petitioners qua regularization before the Syndicate and in case, there is no objection over the eligibility or performance of the petitioners, their case be considered positively.”

In addition to the above, another Writ Petition (W.P. No. 6448-P/2019) filed by three faculty members wherein the Honorable Court granted Interim Relief and the judgment is awaited.

Furthermore, the Syndicate was apprised that the promotion cases of six TTS faculty members, duly recommended by the Selection Board on 19th September, 2020, were placed before the 24th meeting of the Syndicate, Islamia College Peshawar held on 30th December, 2020. The Syndicate, constituted a committee to look into the formalities required for promotion in the instant case in accordance with the Islamia College Peshawar Tenure Track System Statutes, 2016 and authorized it to accord approval accordingly from the date of meeting of the Syndicate at par with other appointments. The Committee endorsed the recommendations of the Selection Board with effect from 30th December, 2020 (i.e. The date of 24th meeting of the Syndicate) in the following words:

“after threadbare discussion and perusal of the available record i.e Departmental Technical Review Committee (DTRC), Technical Review Panel (TRP), Guidelines/Letters of the Higher Education Commission Islamabad (HEC), minutes of the Selection Board and Syndicate, the Committee endorsed the recommendations of the Selection Board made in its 37th meeting held on 19/09/2020 with effect from date of the 24th Syndicate, whereas, two members of the Committee opined that section-2.3.4 (h) of TTS Statutes may be followed in letter and spirit.

Further, the case of Dr. Naveed Islam, Assistant Professor, Department of Computer Science may be processed under Section 1.4.1.2 (b) of the TTS Statutes.”

Besides the above petitioners, there are a number of non-petitioners who have been attending the offices but their contracts have expired and the same have not been renewed.

Mr. Javed Iqbal, Deputy Secretary Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa remarked that it is really unfortunate that Section 11(5)(e) of the Khyber Pakhtunkhwa Universities Act has been ruthlessly exploited in the past while making appointments on contract basis. He stressed for conduction of a comprehensive need analysis in the first instance. He also added that if the case is to be referred to a Committee(as discussed below), the committee should be mandated with the task of making recommendations regarding regularisation of the petitioners, if required, and shall make sure that proper procedure is followed as per the Act *ibid* and the Islamia College

Peshawar Statutes, 2016. Mr. Javed Iqbal was also of the view that at least Additional Secretary (Regulations), Establishment Department, Government of Khyber Pakhtunkhwa shall be part of the proposed Committee.

Mr. Salah-ud-Din, Lecturer, Department of Computer Science, Islamia College Peshawar opined that a committee may be constituted to look into the needs & demands of the University and decide the matter accordingly. He also sought clarification about the judgement of the Peshawar High Court, which was accordingly clarified by the Incharge Legal Cell.

Dr. Salim-ur-Rahman, Associate Professor, Department of Islamic Theology also seconded the opinion/suggestion of the member referred above regarding the constitution of a Committee.

Prof. Dr. Abdus Salam, Department of English, Islamia College Peshawar opined that due to the sensitivity of the case, it can and shall not be decided in a single sitting and every step needs to be taken carefully and after proper deliberation. He agreed with other members of the Syndicate regarding constitution of the proposed Committee but excused himself from becoming part of it due to his involvement in numerous other committees.

The representative of the Establishment Department raised a query that what justification is on the ground for not filing CPLA against the subject judgment? The Incharge Legal Cell, with the permission of the Chair, explained to the august forum as to how the judgment is not fit for filing CPLA.

Dr. Khalid Khan, Assistant Professor, Department of Chemistry was of the opinion to constitute a committee with the mandate to go through the subject matter and in case if any illegality on part of any officer or authority of the University is found, they may be proceeded against accordingly.

Engr. Syed Imtiaz Gilani also endorsed the suggestion of the constitution of a committee with regard to the subject matter. However, he added that there does not exist any law that allows regularization of the services of the University employees and stressed for following of proper procedure as per Act *ibid* and ICP Statutes 2016 while making recommendation for regularisation or otherwise. He added that the proposed Committee will need to do a lot of hard work to resolve the instant case. He also suggested that in committees, if need arises, the convener should have double vote, one in his capacity as a member and the other as Convener of the said committee which the forum agreed upon.

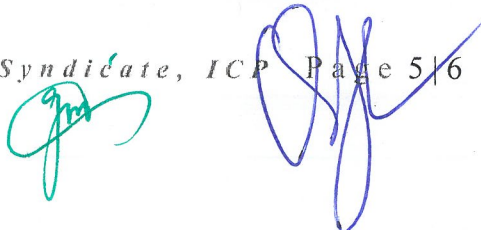
Regarding the promotion cases of TTS faculty, some of the members, viz. Mr. Salahuddin and Prof. Dr. Abdus Salam referred to Rules of Business of the Syndicate that do not allow more than one agenda items to be discussed during the Emergency Meeting.

After threadbare discussion, the following decisions were made unanimously:

1. With regard to the directives of the Honourable Peshawar High Court, Peshawar regarding the case of the petitioners as well as non-petitioners, it was decided, after thorough discussion by the members of Syndicate, to constitute a Committee comprising the following:
 - i. **Engr. Syed Imtiaz Hussain Gilani.....Convener**
Nominee of the Chairman, Higher Education Commission Islamabad
 - ii. **Mr. Justice(Retd) Miftah-ud-Din.....Member**
Member of the Syndicate, Islamia College Peshawar
 - iii. **Dr. Salim-ur-Rahman.....Member**
Department of Islamic Theology, Islamia College Peshawar
 - iv. **Dr. Khalid KhanMember**
Department of Chemistry, Islamia College Peshawar
 - v. **Representative of Secretary Establishment (Regulations Wing)**
.....**Member**
Government of Khyber Pakhtunkhwa
 - vi. **Representative of Secretary Finance Department, Government of Khyber Pakhtunkhwa.....Member**
Government of Khyber Pakhtunkhwa
 - vii. **The Registrar.....Secretary**
Islamia College Peshawar

TORs:

- i. The TORs are the same as contained / laid down in the judgement of the Honorable Peshawar High Court.
- ii. The Committee shall examine the case of each petitioner separately and individually, give them chance of personal hearing, if required, and submit its findings/detailed report to the ensuing meeting of the Syndicate, Islamia College Peshawar.



- iii. The Committee will conclude the task/assignment within 02 months from the date of Syndicate.
- iv. The Committee may co-opt maximum two members based on its need.


2. Keeping in view the decision of the Honorable Peshawar High Court, Peshawar, petitioners as well as non-petitioners will be paid salary subject to availability of funds till the final decision of the Syndicate on the subject matter.

3. The Syndicate discussed the directives of the Court in W.P. No. 1936-P/2020 and decided that the same Committee constituted shall look into the issue of payment of salaries to such faculty. However, the Syndicate could not discuss the W.P. No. 6448-P/2019 since the final judgment has not been received.

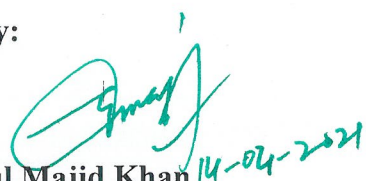
4. The Syndicate directed that in case of availability of budgetary faculty positions, the same may be advertised as per needs and requirements.

5. The Syndicate directed for grant of extension to the faculty-members who have not yet completed their three years of Contract Services as per Section 11(5) (e) of the Khyber Pakhtunkhwa Universities Act, 2012(Amended 2016). However, the administration shall mention Second Proviso of the said Section as and when applicable.

The meeting concluded with mutual vote of thanks to and by the Chair.


14/04/2021
Dr. Qasim Mansoor Jalali
Registrar,
Islamia College Peshawar

Approved by:


14-04-2021
Prof. Dr. Gul Majid Khan
Vice-Chancellor
Islamia College Peshawar