



ISLAMIA COLLEGE PESHAWAR

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100th
of Glory

No. 9903 /Meetings

Dated: 19/09/2023

To

All members of the Syndicate
Islamia College Peshawar

Subject:- **FINAL MINUTES OF THE 38th MEETING (EMERGENCY) OF THE SYNDICATE, ISLAMIA COLLEGE, PESHAWAR HELD ON 27.08.2023**

Dear Sir/Madam,

I am directed to send herewith a copy of the final Minutes of the 38th meeting (Emergency) of the Syndicate held on 27.08.2023 for your information please.

Thanking you.

Encl: As stated above.

Copy to:

1. PSO to Vice-Chancellor
2. Office Record

Registrar

Registrar

MINUTES OF THE 38th MEETING (EMERGENCY) OF THE SYNDICATE, ISLAMIA COLLEGE PESHAWAR HELD ON 27th AUGUST, 2023 AT 09:30AM IN THE MAIN COMMITTEE ROOM, ISLAMIA COLLEGE PESHAWAR

The 38th Meeting (Emergency) of the Syndicate, Islamia College Peshawar was held on 27.08.2023 at 09:30 AM in the Main Committee Room, Islamia College Peshawar. The meeting was chaired by Prof. Dr. Gul Majid Khan, Vice-Chancellor, Islamia College Peshawar. The following attended the meeting:

1. **Prof. Dr. Gul Majid Khan**
Vice Chancellor, Islamia College Peshawar
2. **Ms. Justice (Rtd) Irshad Qaiser,**
Nominee of the Chief Justice, Peshawar High Court, Peshawar
3. **Prof. Dr. Khan Bahadur Marwat,**
Ex-Vice Chancellor, University of Agriculture, Peshawar
Nominee of the Higher Education Commission
4. **Prof. Dr. Izhar Ahmad,**
Department of Botany, Islamia College Peshawar
5. **Mr. Azhar Zahoor,**
Deputy Secretary (Universities),
Nominee of the Secretary,
Higher Education, Archives & Libraries Department,
Government of Khyber Pakhtunkhwa
6. **Mr. Syed Habib Ul Hassan Gillani,**
Deputy Secretary (Establishment),
Nominee of the Secretary,
Establishment Department,
Government of Khyber Pakhtunkhwa
7. **Ms. Aneela Fahim,**
Deputy Secretary,
Nominee of the Secretary,
Finance Department,
Government of Khyber Pakhtunkhwa
8. **Dr. Amirullah Khan**
Chairman,
Department of Political Science,
Islamia College Peshawar
9. **Dr. Amjad Ali,**
Tenured Associate Professor,
Department of Statistics,
Islamia College Peshawar
10. **Dr. Murad Ullah**
Director Students Affairs, Islamia College Peshawar



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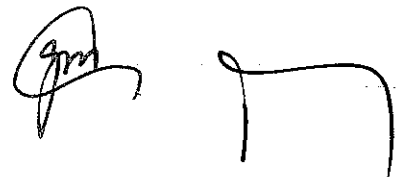
11. **Dr. Fazal-e-Wahid**
Assistant Professor,
Department of Economics,
Islamia College Peshawar
12. **Dr. Hamid Ullah Khan,**
Treasurer, Islamia College Peshawar
13. **Dr. Muhammad Waseem**
Lecturer, Department of Computer Science
14. **Mr. Zakaria**
Assistant Librarian, Central Library, ICP
15. **Mr. Ali Shah**
Deputy Director (Web), Islamia College Peshawar
16. **Dr. Muhammad Haroon Khan,**
Registrar, Islamia College Peshawar

The meeting started with recitation of few verses from the Holy Quran. The Vice-Chancellor welcomed and thanked all the members of the Syndicate, especially the external members, for sparing their precious time to attend the meeting on weekend. He apprised that the main agenda of the meeting pertains to the appointment/promotion of faculty members as recommended in the 42nd meeting of the Selection Board held on 08-09.07.2023, as well as promotion of administrative officers as recommended in 43rd meeting of the Selection Board held on 02.08.2023. He added that an additional agenda item pertaining to the report of a committee constituted by the Syndicate in its 36th meeting held 07.01.2023 will also be placed on the table after the main agenda is concluded first. If the Syndicate deems appropriate, the same may also be considered to facilitate the employees concerned. The Nominee of the Establishment Department suggested that in order to make all decisions on merit and justice, it is commendable to discuss every case on the agenda separately; the forum agreed to this suggestion. Also, the Nominee of the Higher Education Commission (HEC) pointed out that a new Registrar *VIZ* Dr. Muhammad Haroon Khan has been appointed who is sitting as Secretary of the meeting; he welcomed the freshly appointed Registrar.

Afterwards, the Registrar presented the agenda items of the meeting one by one:

Recommendations of the 42nd meeting of the Selection Board held on 08-09.07.2023

The Syndicate considered the minutes of the Board and approved the same. Further the following items were decided as under:



Item#01:- APPOINTMENT OF ASSISTANT PROFESSOR OF COMPUTER SCIENCE (BPS-19/TTS), ISLAMIA COLLEGE PESHAWAR

The Registrar apprised that five (05) posts of Assistant Professors in Computer Science were advertised on 20.12.2018. The advertisement was followed by Corrigendum/Addendum on 23.12.2018, and the closing date for submission of applicants was 30.01.2019. A total number of 66 candidates applied for these posts, out of whom 14 were declared ineligible. The remaining 52 candidates declared eligible candidates were called for interview after going through the prescribed process as per the Islamia College Peshawar Statutes, 2016. The interviews of the eligible candidates were conducted physically or virtually and the interviewees were awarded marks accordingly. The Selection Board members marked each candidate based on their respective performance.

The Nominee of the Establishment Department sought clarification as to whether these positions were openly advertised. The Registrar responded to the query in affirmative. Similarly, the Nominee of the Finance Department inquired whether there exists budgetary provision for these positions. The Treasurer clarified that these five positions are available in the budget. Query was also raised as to whether these appointments are to be made on the basis of GP Fund or Contributory Provident (CP) Fund. It was clarified in response that since the Islamia College Peshawar has adopted the CP Fund policy, therefore all new inductions will be made on CP Fund basis. However, candidates who have already inducted in the University prior to the adoption of this policy, or those candidates from the outside who applied were inducted on GP Fund elsewhere and applied through proper channel, will be inducted on GP Fund basis.

After lengthy discussion, the Syndicate considered the recommendations of the Selection Board and decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	1. Dr. Haleem Farman 2. Dr. Jamil Ahmad 3. Dr. Khalid Haseeb 4. Dr. Shaukat Ali 5. Dr. Muhammad Irfan Uddin*	Approved

* Note: In the case of Dr. Muhammad Irfan Uddin, the Syndicate decided that being a fresh induction, the forenamed is appointed under the CP Fund policy.

Item#02: APPOINTMENT/PROMOTION OF DR. ATIF KHAN TO ASSOCIATE PROFESSOR (TENURED), DEPARTMENT OF COMPUTER SCIENCE, ISLAMIA COLLEGE PESHAWAR

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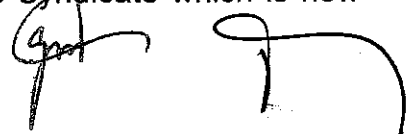
The Registrar apprised the forum that Dr. Atif Khan was appointed as Assistant Professor on TTS basis on 15.12.2016 in the Department of Computer Science, Islamia College Peshawar. The Departmental Tenure Review Committee (DTRC) in its meeting held on 29.06.2022, evaluated his performance for the period (15.12.2016 to 29.06.2022) and recommended him for the promotion to the rank of Tenured Associate Professor. Afterwards, his case was sent to three (03) foreign experts (members of Technical Review Panel (TRP) constituted for this purpose as per the Islamia College Peshawar Tenure Track System Statutes, 2016) and the reports of the experts were received accordingly. The same were considered by the Selection Board in its 42nd meeting held on 8th and 9th of July, 2023 which are now placed before the Syndicate for consideration.

After discussing the case, the Syndicate considered the recommendations of the Selection Board and made the following decision in light of TTS Statutes and HEC guidelines:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	"Based on the DTRC and TRP evaluation reports, Dr. Atif Khan is hereby recommended by the Selection Board for appointment as tenured Associate Professor of Computer Science".	Approved

Item#03: APPOINTMENT/PROMOTION OF DR. GUL RAHMAT TO ASSOCIATE PROFESSOR (TENURED), DEPARTMENT OF MATHEMATICS, ISLAMIA COLLEGE PESHAWAR

The Registrar informed the Syndicate that Dr. Gul Rahmat was appointed as Assistant Professor on TTS basis on 15.12.2016 in the Department of Mathematics, Islamia College Peshawar. As per the relevant Statutes, i.e., the Islamia College Peshawar Tenure Track System Statutes, 2016, the Departmental Tenure Review Committee (DTRC) in its meeting held on 23.06.2022, evaluated his performance for the period (15.12.2016 to 14.06.2022) and recommended him the promotion to the rank of Tenured Associate Professor. The DTRC was followed by sending his case to three (03) foreign experts (members of Technical Review Panel (TRP) constituted for the purpose under the Islamia College Peshawar Tenure Track System Statutes, 2016) and in response two (02) positive reports were received. Keeping in view the reports, the Selection Board made its recommendation on the case to the Syndicate which is now placed before the forum for consideration.



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After discussing the case, the Syndicate considered the recommendations of the Selection Board and made the following decision in light of TTS Statutes and HEC guidelines:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	"Based on the DTRC and TRP evaluation reports, Dr. Gul Rahmat is hereby recommended by the Selection Board for appointment as tenured Associate Professor of Mathematics".	Approved

Item # 04 and 05: APPOINTMENT OF PROFESSOR AND ASSOCIATE PROFESSOR OF CHEMISTRY

The Registrar informed the Syndicate that Items 04 and 05 were dropped from the Agenda of the Board, therefore the Syndicate decided as under:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Item # 04 regarding Appointment of Professor of Chemistry (BPS-21/TTS), Islamia College Peshawar and Item# 05 regarding Appointment of Associate Professor of Chemistry (BPS-20/TTS), Islamia College Peshawar, were already postponed. Therefore next item on the agenda was taken by the Board.	Approved

Item#06:- APPOINTMENT OF ASSOCIATE PROFESSOR OF BOTANY (BPS-20/TTS), ISLAMIA COLLEGE PESHAWAR

The Registrar mentioned that a post of Associate Professor (BPS-20/TTS) in Botany was advertised on 20.12.2018, for which closing date was 30.01.2019. A total number of four (04) candidates applied for the post, out of whom one candidate was declared ineligible. The remaining 03 candidates were called for interview after following due process as per relevant Statutes. However, only one candidate appeared for the interview, who was interviewed by the Selection Board accordingly and recommendation of the Board is now placed before the Syndicate for consideration.

After discussing the case, the Syndicate considered the recommendation of the Selection Board and decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
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01	1. Dr. Barkat Ullah	Approved
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Item#07:- APPOINTMENT OF ASSOCIATE PROFESSOR OF PHYSICS (BPS-20/TTS), ISLAMIA COLLEGE PESHAWAR

The Syndicate was apprised that two post of Associate Professor in Physics were advertised on 20.12.2018 for which the cutoff date was 30.01.2019. Total fifteen (15) candidates applied for the posts, out of whom four (04) were declared as ineligible, whereas, the remaining eleven (11) candidates were called for interview after following the due process as prescribed in the Statutes. The Selection Board interviewed the candidates who appeared in person or virtually and awarded marks to them. The recommendations of the Board are now placed before the Syndicate for consideration.

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	<i>"Dr. Safeer Ahmad Arbab is recommended for the Post of Associate Professor (BPS-20) in order of merit while the second post will be re-advertised because as per unanimous opinion of the Selection Board no other candidate was upto the mark".</i>	Approved

Item#08: APPOINTMENT ON VACANT POST OF PROFESSOR OF PHYSICS (BPS-21/TTS) ADVERTISED DATED 20.12.2018

The Board was informed that two (02) positions of Professor of Physics were advertised on 20.12.2018. Total seven (07) candidates applied in which one candidate was declared ineligible while six (06) candidates were eligible. After completing the due process, the case was finally placed before the 38th meeting of the Selection Board held on 29-30.01.2022 which recommended two (02) candidates namely Dr. Mushtaq Ahmad and Dr. Aurang Zeb.

Thereafter, recommendations of the Selection Board were placed before the 33rd meeting of the Syndicate held on 15.09.2022 which approved the recommendations. Furthermore, it is pertinent to mention that the Syndicate also decided as under;

"b. In case any appointee does not join the post within 15 days, the same shall be referred back to the Selection Board for recommendation of alternate candidates in order of merit, or otherwise in future"

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Subsequently, in light of the decision of the Syndicate, Office Orders of both the candidates were issued. Consequently, only Dr. Aurang Zeb joined as Professor whereas, Dr. Mushtaq Ahmad did not join Islamia College Peshawar within the stipulated time. Accordingly, the case was once again placed before the Selection Board in its 43rd meeting which made the following recommendations:

"Opinion of member on the issue differed. It was agreed upon that Syndicate should be apprised of the diverse opinions"

The Registrar further apprised the forum that, Dr. Saranjam Khan, Associate Professor, Deptt. of Physics, ICP and an applicant for the instant post, submitted an application on 11-11-2022 with the request that *"Since the undersigned is next on the merit. You are therefore, kindly requested to place my case on the agenda of the upcoming Selection Board please"*. Likewise, Dr. Safer Ahmad, Assistant Professor, Deptt. of Physics, ICP and an applicant for the instant post, had also submitted an application wherein he had, inter alia, requested that:

- *The Current post under consideration was advertised in 2018 and it took more than 5 years to mature. I am almost 51 years old and as there is no clear promotion criteria of teaching faculty in BPS as compared to TTS, if I wait for next advertisement and selection board, I will be almost near to retirement which seems unfair considering my contributions to this institute.*
- *Since there are no clear established rules of how this new point will be incorporated and implemented for the first time, I would request that a Fresh Selection board may be carried out on the remaining candidates and maximum benefit may be given to all.*
- *Most importantly the recalculation of marks should be carried out and if possible, under the rules benefit may be given to both equally.*
- *Furthermore, as per my knowledge the candidates next in line have almost same marks with **very minor difference**, so I request we both should be considered for the promotion.*

In view of the foregoing details, extensive discussion took place on this agenda item particularly in the wake of the diverse opinion of individual members of the Selection Board as well as its final recommendations reproduced above.

After going through the minutes of the Selection Board, the house discussed that the Selection Board basically has two points for not recommending the case to the Syndicate. First, the Selection Board had already taken up the case and made its recommendations in its earlier meeting. Therefore, the Board thought it not possible to give fresh recommendation in the same case. Second, the Board did not find any provision for considering case afresh and evaluating candidates in the waiting list.

Therefore, the Board deemed it appropriate to apprise the Syndicate about the situation. There were, however, members in the Board who wanted the case to be recommended positively as properly reflected in the minutes.

The Nominee of the HED remarked that he was part of the Selection Board making the above decision. He stated that the current situation is a new one and one has to think outside the box in such situations. He added that it has been observed in universities that senior/competent candidates intend to block the appointment of other candidates against a particular post. For this purpose, they apply for a position, compete with others, are selected through process but at the end of the day, they do not join the position offered to them and thus, make other candidates suffer. Based on this, the Syndicate in the previous meeting referred the case to the Selection Board for recommendation of an alternate candidate in the merit. He likewise added that recruitment process in the universities usually takes many years. After the case is mature, a candidate should not be made to suffer at the hands of cynical candidates who had no intention to joining the position and only competed to torture candidates who are below in merit. He similarly stressed that despite difference of opinion, the majority of the Selection Board members recommended the case positively and the same can be confirmed from the views of the individual members. He concluded by saying that it is expected that internal members of the Syndicate should be supportive and facilitative of their own colleagues.

The Nominee of the Establishment Department stated that we often observe that faculty recruitment process in the universities is hindered by internal and external factors like imposition of bans from time to time and delay in the appointment of regular Vice Chancellors etc. Even in the instant case, it has taken almost half a decade for the case to reach to its final stage today. In this situation, it will be injustice not to consider those candidates who are on the waiting list and who have been waiting for the outcome of the case for so many years.

The Nominee of the Finance Department also supported the above position stating that if there is silence in the issue and no explicit provision prohibits the consideration of candidates on waiting list, then there is no harm in considering the candidates on waiting list. The problem would only arise if there is a clear provision which bars the consideration of candidates in the waiting list. She also endorsed the stand that making candidates wait for so long is injustice and that it is better not to reinvent the wheel and reprocess the case in years again.

The Stance of Establishment and Finance was supported by Dr. Fazle Wahid, who opined that Dr. Saranjam be appointed being next in order of merit.

The Nominee of the Chief Justice raised the query that are there any rules elsewhere which cover this kind of scenario, i.e., considering the candidates on the waiting list if the candidates selected on merit do not join? It was responded that such rules do exist in Government Departments like the Public Service Commission. To this, she stated that the house may agree to consider and decide the case according to such rules existing elsewhere.

In contrast to the opinion of the aforementioned members who wanted the case to be decided positively, the majority of the members held a different opinion. The Nominee of the HEC drew the attention of the forum to the fact that the Selection Board has recommended only the top two candidates in its first meeting but there is no recommendation of the Board with respect to the third/fourth candidate. Based on the Statutory provision, he added that recommendation of the Board is mandatory for the Syndicate to appoint a candidate. In the absence of such recommendation, no appointment can be made by the Syndicate. He further stated that after the lapse of five years in the process, there will be more candidates whose qualification and credentials (including the credentials of the current candidates on waiting list) will have improved a lot in such time. Therefore, it will be advisable to allow these candidates to compete afresh based on their improved credentials.

Prof. Dr. Izhar Ahmad also pointed out that the Syndicate can only appoint a person on the basis of the recommendations of the Selection Board. In the absence of such recommendation in the instant case, it is not possible to appoint the candidates on waiting list. He further said that the case may be sent once again to the Selection Board. However, he was apprised that as per decision of the Selection Board re-selection / quantification is not possible, hence the case cannot be sent there for the 3rd time.

Dr. Amirullah Khan stated that the Act (which he referred to as Magna Carta for the universities), Statutes and other rules/regulations of the University are very much clear and they do not provide any room for such practice, i.e., considering a candidate on the waiting list for appointment. He likewise added that recommendation by the Selection Board is the prerequisite for any positive decision/approval of the Syndicate which is missing in this case. He went on to say that if the University wants to compensate Dr.

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Saranjam Khan, it is possible by reprocessing/readvertising the case quickly and efficiently.

Dr. Amjad Ali, like other members, clarified that the Syndicate can only make appointment of a candidate if there is positive recommendation from the Selection Board which is not the case here. Therefore, the Syndicate can do little in this situation. This view was also supported by Mr. Zakria who added nothing can be done at this stage when the Board has not come up with a clear and/or unanimous recommendation.

Dr. Muhammad Waseem stated that we should make rules covering this issue and then refer the case back to the Selection Board. The Treasurer also suggested that let the Selection Board be empowered to recommend a complete waiting list to entertain such cases. However, these suggestions were deemed not feasible because firstly, the rules will be applicable prospectively and secondly, such cases need to be covered via amendments in the Statutes which is a lengthy and complicated process.

After hearing these arguments, the Nominee of the Chief Justice also expressed her view stating that if statutory requirements necessitate recommendations of the Selection Board for appointment by the Syndicate, then it should be followed.

The Vice Chancellor responded to the delay in processing of the case by stating that when the Syndicate referred the case back to Selection Board, it did not make it time bound in terms of making decision. With respect to general delay in the processing of the case, he clarified that the post was advertised years before his taking charge as Vice Chancellor and, therefore, the delay cannot be attributed to his tenure. He further added that meetings of the Selection Board were called at least twice, i.e., on 17/18 December 2022 and 11/12 February 2023. However, the same had to be postponed due to the imposition of ban on recruitment. With respect to the suggestion to do necessary amendments in Statutes to cover such cases in the future, he responded that the same will be done in due time.

After an extensive deliberation on the issue from all aspects, the Nominee of the Establishment Department concluded that recommendations should be loud, clear and unanimous which is not case here. He added that going by mere sympathy can even fire back on the Syndicate itself and therefore, it is advisable not to open another pandora box and strictly adhere to the Act, Statutes and rules/regulations of the University. However, Mr. Zahoor Azhar and Dr. Fazle Wahid did not agree with this

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stance; and Mr. Zahoor Azhar also submitted his written dissenting note that has been made part of the record.

After threadbare discussion, the forum decided the case as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Keeping in view such diverse opinion, the Board recommended to the Syndicate as under: <i>"Opinion of member on the issue differed. It was agreed upon that Syndicate should be apprised of the diverse opinions"</i>	Keeping in view the Act, Statutes, and Rules, the case is hereby closed.

Item#09: APPOINTMENT ON VACANT POST OF LECTURER OF ZOOLOGY (BPS-18) ADVERTISED DATED 19.05.2017

The Syndicate was informed that three positions of Lecturer in Zoology were advertised on 19.05.2017. Total 325 candidates applied for the posts, out of whom 308 candidates were declared ineligible while 17 candidates were declared eligible. After completing the due process, the case was finally placed before the 38th meeting of the Selection Board held on 29-30.01.2022 which recommended three (03) candidates namely Dr. Farhad Ullah, Mr. Hussain Shah and Mr. Amjad Khan.

Thereafter, recommendations of the Selection Board were placed before the 33rd meeting of the Syndicate held on 15.09.2022 which approved the appointment of recommended candidates. Mr. Farhad Ullah and Mr. Hussain Shah accordingly joined as Lecturers whereas, Mr. Amjad Khan did not join Islamia College Peshawar within stipulated time. Accordingly, the case was once again placed before the Selection Board in its 43rd meeting which made certain recommendation in this regard placed before the Syndicate for consideration.

The Syndicate noted that the instant case is similar in nature to the case decided under the preceding agenda item. However, Mr. Zahoor Azhar recorded his dissent. Therefore, the instant was also decided on the same analogy as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Keeping in view such diverse opinion, the Board recommended to the Syndicate as under: <i>"Opinion of member on the issue differed. It was agreed upon that Syndicate should be apprised of the diverse opinions"</i>	Keeping in view the Act, Statutes, and Rules, the case is hereby closed.

Decision on the recommendation of the Additional Agenda Item of the 42nd Selection Board

Item: **Court case of Dr. Javed Iqbal**

The Syndicate was informed that one post of Associate Professor of Pushto (BPS-20/TTS) was advertised on 10.06.2017. Two candidates applied for the same including Dr. Javed Iqbal. Thereafter, the credentials of the candidates were sent to the Director, QEC for evaluation of Research Publications which was submitted accordingly. The Scrutiny Committee held its meeting on 09.01.2018 and declared both the candidates eligible. Thereafter, their research papers were sent to reviewers for evaluation. Meeting of the Quantification Committee was held on 16.07.2018 and the Committee awarded marks to the candidates. Lastly, the case was placed before the 25th meeting of the Selection Board held on 27th – 29th July 2018 which recommended re-advertisement of the post. These recommendations of the Selection Board were placed before the 16th meeting of the Syndicate held on 31.08.2018 for consideration which decided as under; ***“Re-advertisement of the post is approved”***

Aggrieved by such decision to readvertise the post, Dr. Javed Iqbal approached to Peshawar High Court Peshawar by filing WP No. 6451-/2018 which was decided by the Peshawar High Court Peshawar on 24.05.2022 in the following terms:

“In view of above we dispose of this petition with the direction to the Selection Board of the respondent-university that either it may reconsider the case of the petition for his appointment as Assistant Professor in Pashto discipline by the Syndicate by the respondent-university as hinted hereinabove or it may assign the reason on the basis of which it has asked the respondent-university to issue a fresh advertisement. We expect the Selection Board shall de the needful within one month from the receipt of the judgment rendered by this Court”.

Thereafter, directives of the Court in WP No. 6451-P/2018 were considered by the Selection Board in its 41st meeting held on 10-11 September 2022. Relevant paras from the Minutes are reproduced as under:

The Selection Board discussed the case in light of judgment of Peshawar High Court Peshawar in WP No.6451-P.2018 and recommended that the case may be placed before the Selection Board once the case of Dr. Abaseen Yousafzai regarding his correction in date of birth is decided by the Syndicate.”

These recommendations were approved by the Syndicate in its 33rd meeting held on 15.09.2022.

Thereafter, the matter of Dr. Abaseen Yousafzai regarding his correction in Date of Birth was placed before the 36th meeting of the Syndicate held on 07.01.2023 which decided the same in these terms: ***“The Syndicate decided to defer the case due to difference of opinion amongst the members.”***

In the meanwhile, Dr. Abaseen Yousafzai submitted his application along with relevant document requesting for processing of his pension / papers. Thus, his case was closed and the complication was resolved.

However, Dr. Javed Iqbal had filed a COC in WP No. 6451-P/2018 which was disposed of by the Peshawar High Court Peshawar on 25.01.2023 in the following terms:

“4. In view of the above, we find that the petitioner should not suffer for the delay in the finalization of the case of Dr. Muslim Shah (M.S) Abaseen Yousafzai who has since been retired from service; as such, we direct the respondents to decide the case of the petitioner within a period of sixty days by all means. Learned counsel for the respondent-University along with the representative of the respondent-University is made clear that no excuse will be accepted after the expiry of said sixty days, in case the judgment of this Court is not implemented. This COC petition stands disposed of in the above manner”

In order to comply with such directives of the Honorable Court, the University administration had to wait till the grant of permission from the Election Commission of Pakistan to process the case of the petitioner. After the permission was granted, his case was placed before the 42nd Selection Board which considered the same in light of the directives of the Honorable Court and gave its recommendation in the case which are now placed before the Syndicate for consideration.

Dr. Fazle Wahid drew the attention of the forum to the fact that the applicant is to be appointed in Pashto Department. However, the current situation in Pashto Department is that the number of students at BS level is very low and there is no MPhil/PhD program offered. Hence, the applicant will have no workload to bear in this situation. Based on this observation, the Nominee of the Finance Department stated that if such is the situation, it means that need assessment before the advertisement of the instant post has not been done. Likewise, Prof. Dr. Izhar Ahmad stated that the forum should keep in mind that the applicant is more than 50 years old and he will be retiring in due course of time. Therefore, it should be evaluated whether he can render services in the

University for sufficient number of years commensurate with the benefits he will be availing. Keeping in view such points raised, the Nominee of the Finance Department requested that her opinion/observation from a financial/budgetary perspective may be retained in the discussion part of the minutes of the Syndicate.

Detailed response was given to the above raised queries. The Nominee of the HEC responded that departments of languages, as per the HEC, are the liability and social responsibility of the universities. The Vice Chancellor clarified that the post was advertised in the year 2017 along with various other posts against which appointment process has been completed but the current post is the last one in the process. Hence, the current position is part of the whole pool of positions advertised through a single advertisement. With respect to the low number of students, it was clarified that this situation exists in many other departments too, but efforts are underway to lessen the financial impact of such low recruitment. Dr. Amirullah Khan stated that the petitioner has suffered a lot as he has been involved in years of litigation and it is unfair to delay the case further, particularly in the presence of court directives and positive recommendations of the Selection Board. The Nominee of the Establishment Department opined that after the lapse of so many years and much litigation resulting in explicit court directives in the case, it will not be wise to go for need assessment at such belated stage. Similarly, the Nominee of the HED stated that since the Selection Board has given clear recommendation in this case, the Syndicate can competently proceed with a positive decision without the need to go for minor details.

In response to the above, Dr. Fazli Wahid stated that processing the instant which involves an outsider candidate and not processing numerous other cases which involve internal faculty members is injustice and he therefore objected to it. He demanded that the Syndicate should give directions that all pending cases be processed and placed before the Syndicate in its next meeting. This point was also supported by Prof. Dr. Izhaz Ahmad who added that it is necessary to give a time frame for processing of appointment cases. However, the Vice Chancellor responded that he had taken the initiatives to process and complete all pending cases long ago. However, it is unfortunate that the same could not be materialized due to many internal and external reasons/forces, which are well known to the community. He further added that processing all cases within the same time frame is also problematic due to the fact that in some disciplines, hundreds of candidates apply for the advertised posts whereas in other cases, only a handful of candidates are competing. Hence, expecting the two cases to be processed within the same time frame is not logical.

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After threadbare discussion on the case, the Syndicate decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	"Dr. Javed Iqbal"*	Approved

*Note: He will be appointed under GP Fund policy.

Recommendations of the 43rd meeting of the Selection Board held on 02.08.2023

The Registrar appraised the forum that the 43rd meeting of the Selection Board was held on 02.08.2023 wherein the promotion cases of various administrative officers were discussed and recommendations thereon were made. He added that two of these cases pertain to redesignation whereas the remaining cases pertain to promotion. The recommendations of the Selection Board are now placed before the Syndicate for consideration. The Syndicate decided that, just as in the case of faculty appointments, the case of each administrative officer will be discussed separately to ensure justice and rule of law.

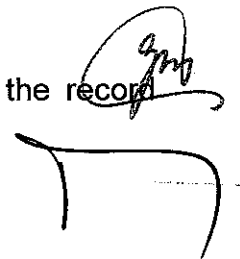
Before taking up the individual cases, the Nominee of the Establishment Department asked that whether the appointment of administrative officers is made on the basis of open competition. It was responded that no open competition takes place in this case and cases are processed as and when they are mature without floating any advertisement. However, it is ensured while processing the cases that all codal formalities are met, including the availability of budgetary positions, eligibility in terms of length of service, positive ACRs and the like.

Afterwards, the Registrar presented the cases one by one as follows.

Item#1 (3) a: Consideration of promotion case of Mr. Imtiaz Hussain, Assistant Controller of Examinations

The Registrar informed that Mr. Imtiaz Hussain has been working in the Examination Section of the University as Assistant Controller of Examination (BPS-17) since 15.12.2016. The forenamed fulfills the requisite criteria for promotion to the post of Deputy Controller of Examination (BPS-18), i.e., he has the required years of service, his ACRs are positive, vacant budgeted post is available and no disciplinary proceedings are pending against him.

Keeping in view the recommendations of the Selection Board, perusal of the records available and discussing the case, the Syndicate decided as follows:



S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on the credentials, Mr. Imtiaz Hussain, Assistant Controller of Examination (BPS-17) is hereby recommended by the Selection Board for promotion as Deputy Controller of Examinations (BPS-18), Islamia College Peshawar against the vacant budgetary position.	Approved

Item#1 (3) b: Consideration of promotion case of Dr. Aqib Ali Khan, Assistant Controller of Examinations

The Registrar apprised the forum that Dr. Aqib Ali Khan has been working in the Examination Section of the University as Assistant Controller of Examination (BPS-17). Currently, he is rendering services in the Center for Material Sciences (CMS) but in his own pay and scale. The forenamed fulfills the requisite criteria for promotion to the post of Deputy Controller of Examination (BPS-18), i.e., he has the required years of experience, his ACRs are positive, vacant budgeted post is available and no disciplinary proceedings are pending against him.

At this moment, Prof. Dr. Izhar Ahmad asked where Dr. Aqib Ali Khan is currently working and what duties he is performing? It was explained that he is working in the Center for Material Sciences (CMS) and working there under the respective Head of CMS. Prof. Dr. Izhar Ahmad inquired how an administrative officer can be performing teaching or research activities. To this, the Vice Chancellor replied that, firstly, the forenamed has been transferred to CMS before his joining the University and, secondly, it is within the competence of the Vice Chancellor to make such transfers. Reference was made to the relevant sections/provisions of the Act and Statutes wherein the Vice Chancellor has been empowered to make such transfers. But Prof. Dr. Izhar Ahmad responded that his experience in CMS is not relevant because he is not working as administrative officer there. However, the Vice Chancellor responded that various other administrative officers have been transferred to various sections of the University and it is a common norm to make such transfers in the best interest of the University. The transfers are made to assign the incumbents with additional responsibilities but their substantive positions are not affected; therefore, their relevant experience is also not affected by such transfer to other departments/sections. But Prof. Dr. Izhar Ahmad insisted that the case of the incumbent is different because he is performing non-administrative services in CMS whereas other administrative officers are performing administrative assignments; therefore, other cases are differentiated. He further added

that currently, there is lack of staff in the Examination Section of the University due to which, we frequently observe various scandals emerging in that section. Therefore, it is illogical to keep an officer of that section elsewhere. But the Vice Chancellor responded that being the competent authority, he is aware of the needs of various sections of the University and he can make such decisions as empowered by law. He likewise clarified that since his taking charge, the Examination Section has made tremendous progress and improvement and the same needs no evidence. Therefore, keeping the forenamed in the CMS was a decision made by the previous administration and the same was continued in the best interest of the University.

The Nominee of the Establishment Department referred to rules and practice in other Government Departments and clarified that transfer from one department to another is a routine. The services rendered in other department after transfer are counted towards the relevant experience of the transferee. It is, therefore, a normal practice if the transfer is made by the competent authority. Other members including Nominee of the HEC and Dr. Amirullah Khan also referred to the relevant provisions of the Act and the Statutes and clarified that it is rather normal to make such transfers. However, a question was raised by the Nominee of the Finance Department as to who wrote the ACRs of the forenamed. It was responded that his ACRs in CMS were obviously written by the Head of CMS under whose supervision the forenamed worked. However, the Nominee of the Establishment Department clarified that he personally worked in a different department for two years and his ACR for these two years was written by his respective head of the new department and the same ACRs, being positive, were considered during his promotion to the next higher grade. The Nominee of the Chief Justice also endorsed that employees are frequently transferred from one department to another and it is a common practice. Dr. Amjad Ali stated that if such practice/transfer is objected to, it will hinder the smooth functioning of the University. Despite this positive opinion of the majority of the members, Prof. Dr. Izhar Ahmad remarked that his observation in the instant case may be noted on the grounds he had raised above.

Keeping in view the recommendations of the Selection Board, perusal of the record available and extensive discussion on case, the Syndicate decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on the credentials, Dr. Aqib Ali Khan, Assistant Controller of Examination (BPS-17) is hereby recommended by the Selection Board for promotion as Deputy Controller of Examinations (BPS-18), Islamia College	Approved

Peshawar against the vacant budgetary position.	
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Item#1(3)c: Consideration of promotion case of Mr. Tehsinullah, Assistant Librarian

The Registrar apprised that Mr. Tehsinullah was initially appointed by the University of Peshawar as Cataloger in BPS-16 on 31.03.2001. He was upgraded to BPS-17 on 12.12.2001. Later on, he made a request for redesignation from Cataloger to Assistant Librarian and for promotion to Deputy Librarian (BPS-18). His request for promotion could not be acceded due to non-availability of budgetary position but in pursuance of the decision of the Honorable Peshawar High Court in Writ Petition No. 1578-P/2009 and subsequent recommendation by the Selection Board, the Syndicate in its 19th meeting held on 04.05.2019 approved the redesignation of Mr. Tehsinullah from Cataloger to Assistant Librarian in the same pay and scale (BPS-17), without any financial liability, with retrospective effect.

The Syndicate perused the case of Mr. Tehsinullah carefully, especially the minutes of the Selection Board in which the case was thoroughly encapsulated. Prof. Dr. Izhar Ahmad drew the attention of the forum to his appointment as Assistant Librarian which, in his opinion, was upgradation and therefore, the forenamed was not eligible for further promotion because BPS-17 was not his substantive grade. However, it was clarified that since his designation has been changed by the Syndicate of the University in his own pay and scale, the same is his substantive position.

Prof. Dr. Izhar Ahmad raised question about the quorum of the Selection Board and he also asked question about the person who attended his Selection Board as Sectional Head. The Registrar clarified that as there is no Sectional Head for the administrative officers working in the main library, it was deemed appropriate that the Registrar, being the administrative head of all the officers, attend the meeting as Sectional Head for these administrative staff. Therefore, the Registrar attended the Selection Board in two capacities: the capacity of Registrar and the capacity of Section Head of the administrative officers working in the main library. However, Prof. Dr. Izhar Ahmad said that this practice is questionable and that someone should have been appointed as temporary Sectional Head so as to sit in the Selection Board. He stated that one person sitting in Board and thumbing his signature in two different capacities is questionable and it may lead to serious complications afterwards. However, the Vice Chancellor replied that logically, only three members could attend the Selection Board in this case.

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Therefore it was after much deliberation that the decision to give Registrar two votes was made; the same cannot be changed at this belated stage. However, in future, appointment of another senior person as a member will be considered in such like case.

Keeping in view the recommendations of the Selection Board, perusal of the record available and extensive discussion on case, the Syndicate decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on the credentials, Mr. Tehsin Ullah, Assistant Librarian (BPS-17) is hereby recommended by the Selection Board for promotion as Deputy Librarian (BPS-18), Islamia College Peshawar against the vacant budgetary position.	Approved*

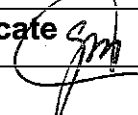
* Note: In future the Registrar should not sign the recommendations of the Board twice.

Item#1(3) d: Consideration of promotion case of Mr. Zakaria, Assistant Librarian

The Registrar apprised that Mr. Zakaria has been working in the University as Assistant Librarian in BPS-17. The forenamed fulfills the requisite criteria for promotion to the post of Deputy Librarian (BPS-18), i.e., he has the required years of experience, his ACRs are positive, vacant budgeted post is available and no disciplinary proceedings are pending against him.

The Syndicate noted that the case of Mr. Zakaria is similar to the case of Mr. Tehsinullah in terms of constitution of the Selection Board. Therefore, it was deemed appropriate to dispose of this case in the same terms.

Keeping in view the recommendations of the Selection Board, perusal of the record available and extensive discussion on case, the Syndicate decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on the credentials, Mr. Zakaria, Assistant Librarian (BPS-17) is hereby recommended by the Selection Board for promotion as Deputy Librarian (BPS-18), Islamia College Peshawar against the vacant budgetary position.	Approved* 

* Note: In future the Registrar should not sign the recommendations of the Board twice.

Item#1(3)(e): Consideration of promotion case of Mr. Zeeshan Ullah, Assistant Librarian

The Registrar apprised that Mr. Zeeshan Ullah has been working in the University as Assistant Librarian in BPS-17. The forenamed fulfills the requisite criteria for promotion to the post of Deputy Librarian (BPS-18), i.e., he has the required years of experience, his ACRs are positive, vacant budgeted post is available and no disciplinary proceedings are pending against him.

The Syndicate noted that the case of Mr. Zeeshan Ullah is similar to the case of Mr. Tehsinullah in terms of constitution of the Selection Board. Therefore, it was deemed appropriate to dispose of this case in the same terms.

Keeping in view the recommendations of the Selection Board, perusal of the record available and extensive discussion on case, the Syndicate decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on the credentials, Mr. Zeeshan Ullah, Assistant Librarian (BPS-17) is hereby recommended by the Selection Board for promotion as Deputy Librarian (BPS-18), Islamia College Peshawar against the vacant budgetary position.	Approved*

* Note: In future the Registrar should not sign the recommendations of the Board twice.

Item#1(3) (f): Consideration of promotion case of Mr. Imtiaz Ahmad, Assistant Provost


The Registrar apprised that Mr. Imtiaz Ahmad has been working in the University as Assistant Provost in BPS-17. The forenamed fulfills the requisite criteria for promotion to the post of Deputy Provost (BPS-18), i.e., he has the required years of experience, his ACRs are positive, vacant budgeted post is available and no disciplinary proceedings are pending against him. However, the forenamed is currently availing Extra Ordinary Leave (EOL) and has proceeded abroad.

The Nominee of the Establishment Department pointed out that the applicant has availed EOL and he is currently abroad. Hence, it is not possible to promote him. This is because a person on EOL is not considered to be on job unless he/she resumes duties. He relied on provision of Esta Code in this regard. The Vice Chancellor responded that there no explicit rules of the University that covers this situation. However, he added during the meeting of the Selection Board, the Nominee of the Public Service

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Commission had opined that since the EOL has been granted by the competent authority, therefore, it is possible to consider him for promotion while being on EOL. the Nominee of the Public Service Commission had similarly stated during the Selection Board that since the promotion process usually takes time, it may be harmful for the candidate if he is not considered for promotion because it is very possible that the next Selection Board for promotion is held even after years, a fact which is frequently observed in the Universities. Dr. Fazle Wahid also stated that the applicant got EOL duly granted by the competent authority and, therefore, he cannot be deprived of promotion on this ground alone. However, the Nominee of the Establishment Department responded that an employee on EOL cannot be considered for promotion and this is a well-established policy of the Provincial Government. He also the relevant provision of the Esta Code wherein it was stated that such an employee has to resume his duties, earn one PER and only then can such an employee be considered for promotion to the next higher grade. To this, Prof Dr. Izhar Ahmad objected and stated that, universities being autonomous bodies, the University employees are not civil servants and, hence, such policy is not applicable in the instant case. However, the Vice Chancellor responded that we can resort to relevant rules of the Government in case there is silence on a particular issue. When asked where is the statutory backing for such position, the Vice Chancellor asked Registrar to clarify the position, and the Registrar drew the attention of the forum to Section 24 (1) of the Service Statutes which states that *"In all other matters, not specifically provided for in the Statutes, the employees shall be governed by such rules and orders as are for the time being in force and applicable to persons holding corresponding posts in Government service; unless in any particular case the Syndicate decides otherwise"*.

Keeping in view the fact that the applicant is on EOL and pursuant to extensive discussion on case, the Syndicate decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on the credentials, Mr. Imtiaz Ahmad, Assistant Provost (BPS-17) is hereby recommended by the Selection Board for promotion as Deputy Provost (BPS-18), Islamia College Peshawar against the vacant budgetary position, with effect from joining his duties after availing the already sanctioned Extraordinary Leave i.e. 01.12.2024.	Referred back to Selection Board. 

Item# 1(3)(g): Consideration of promotion case of Mr. Muhammad Shabir, Assistant Registrar

The house was apprised that Mr. Muhammad Shabir has been working in the Registrar Office as Assistant Registrar (BPS-17). The forenamed fulfills the requisite criteria for promotion to the post of Deputy Registrar (BPS-18), i.e., he has the required years of experience, his ACRs are positive, vacant budgeted post is available and no disciplinary proceedings are pending against him.

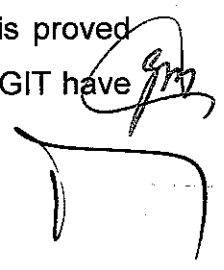
The Syndicate perused the credentials of the candidate as well as the recommendations of the Selection Board and decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on the credentials, Mr. Muhammad Shabir, Assistant Registrar (BPS-17) is hereby recommended by the Selection Board for promotion as Deputy Registrar (BPS-18), Islamia College Peshawar against the vacant budgetary position.	Approved

Item#1(3) (h): Consideration of promotion case of Mr. Sikandar Sardar, Assistant Registrar

The Registrar apprised the Syndicate that Mr. Sikandar Sardar has been working in the University as Assistant Registrar (BPS-17). He further informed that the applicant fulfills all the requirements for promotion to the post of Deputy Registrar (BPS-18). However, disciplinary proceedings against the forenamed are currently in process and a Show Cause has been issued to him. When asked about the details of the proceedings, the Registrar apprised the forum about the allegations against the forenamed which were taken up and investigated by the Governor Inspection Team (GIT) and certain recommendations with respect to penalty imposition were made by the GIT.

Prof. Dr. Izhar Ahmad pointed out that the proceedings are currently in progress and no penalty has been imposed upon the applicant. Therefore, he cannot be deprived of promotion on the basis of mere allegations. Dr. Fazle Wahid was of the opinion that the forenamed is not guilty until he is proven guilty. Therefore, he cannot be punished by delaying his promotion; it will tantamount to punishing him twice even if he is proved guilty. Likewise, the Nominee of the HEC stated that recommendations of the GIT have no legal force until the same are endorsed by the Syndicate.



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On the other hand, the Nominee of the HED stated that the GIT report has been approved by the worthy Chancellor and therefore, the recommendations are no more mere recommendations. Similarly, the Nominee of the Establishment Department added in such like cases, one has to look at the "intensity" of the recommendations too. If the recommendations are mild, one can be considered for promotion during the pendency of proceedings. However, in the case of severe recommendations, the case cannot be processed. When he asked about the nature of recommendations in the instant case, it was responded that the recommendations are quite severe as these include compulsory retirement and etc. The Nominee of the Establishment Department clarified that in the presence of such recommendations, the case cannot be considered for promotion.

Nevertheless, some members of the Syndicate including Prof. Dr. Izhar Ahmad, Dr. Amirullah Khan, Mr. Zakria and Mr. Ali Shah stated that the Syndicate should give time for conclusion of the proceedings because there are numerous cases pending in the wake of the GIT inquiry and its outcome has been delayed for years now. The Nominee of the Establishment Department endorsed the view that inquiry/proceedings should not be made linger for so long and added that in the Establishment Department, only 60 days are given to conclude such inquiries which are only extendable once for 30 more days. In case of failure to conclude it within such 90 days, the person responsible for inquiry is held responsible. However, the Vice Chancellor responded that the GIT report came before his taking charge as the Vice Chancellor and he has already done the main task of processing the case and placing it before the Syndicate; however, it was the Syndicate which decided to defer the case. Nevertheless, an effort will be made to process the case further as and when possible. Dr. Amirullah Khan also suggested that the forenamed can be compensated by giving effect to his promotion from the date of instant Syndicate so that he does not suffer in terms of seniority. However, it was clarified that promotion is always granted with immediate effect.

Keeping in view the recommendations of the GIT as well as the recommendations of the Selection Board and threadbare discussion on case, the Syndicate decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on the credentials, the promotion case of Mr. Sikandar Sardar, Assistant Registrar (BPS-17) is hereby deferred owing to disciplinary proceedings pending against him.	Approved

Item#1(3) i: Consideration of promotion case of Mr. Hamid Mehmood Khan, Assistant Treasurer

The Registrar apprised the Syndicate that Mr. Hamid Mehmood Khan has been working in the University as Assistant Treasurer in BPS-17 and he fulfills the requisite criteria for promotion to the post of Deputy Treasurer (BPS-18), i.e., he has the required years of experience, his ACRs are positive, vacant budgeted post is available and no disciplinary proceedings are pending against him.

The Syndicate perused the credentials of the candidate as well as the recommendations of the Selection Board and decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on the credentials, Mr. Hamid Mehmood Khan, Assistant Treasurer (BPS-17) is hereby recommended by the Selection Board for promotion as Deputy Treasurer (BPS-18), Islamia College Peshawar against the vacant budgetary position.	Approved

Item#2(a): Consideration of the request of Mr. Syed Fakhar-e-Alam Shah, Auditor (BPS-17) for Re-designation

The Registrar stated that Mr. Syed Fakhar-e-Alam Shah has been working in the University as Auditor in BPS-17. The forenamed has requested that his post may be re-designated from Auditor to Assistant Director Audit in order to enable him to be promoted to the post of Deputy Director Audit (BPS-18); otherwise, it will not be possible for him to be promoted to the next higher grade. This is because the statutory criteria for promotion to the post of Deputy Director Audit (BPS-18) is 05 years' service as Deputy Director Audit/Assistant Accounts Officer, whereas he is serving as Auditor. Hence, even though he fulfills the criteria for promotion to the next higher grade, he cannot be promoted due to this problem.

The Syndicate carefully perused the minutes of the Selection Board and found that the recommendations of the Board to redesignate the forenamed falls within the functions of the Selection Board as enshrined under section 6(5) of the Islamia College Peshawar Constitution, Functions and Powers of Authorities of the University Statutes, 2016. It was also noted further that both the Selection Board and the Syndicate of the University have previously entertained such requests positively, as observed/discussed in the case of Mr. Tehsinullah, whose designation was changed retrospectively without any financial liability, the same benefit is extended to Syed Fakhar-e-Alam Shah. Likewise, it was

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observed that the Auditor (BPS-20) is a statutory post under Section 16 of Khyber Pakhtunkhwa Universities Act 2012 (Amended) and, therefore, it is a misnomer to have Auditor in BPS (17).

Keeping in view the recommendations of the Selection Board, perusal of the record available and extensive discussion on case, the Syndicate decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on his request/application, the Selection Board recommended to the Syndicate the change of designation of Mr. Fakhar-e-Alam Shah from Auditor (BPS-17) to Assistant Director Audit (BPS-17).	Approved

Item#2(b): Consideration of the request of Mr. Nadir Nawaz, Assistant Account Officer BOM (BPS-17), Islamia College Peshawar

The Syndicate was informed that:

1. Mr. Nadir Nawaz was initially appointed on temporary basis on 06.08.2001 and later on he was regularized as Accounts Assistant in BPS-11 vide Office Order 7679-82 BOT/ICP, dated. 03.07.2003 with effect from 17.05.2003.
2. Next, the University of Peshawar upgraded various posts vide Office Order No. 2452/Estt; dated. 28.07.2007 which also included the upgradation of the post of Assistant from BPS-11 to BPS-14. In pursuance of such upgradation, the post of Mr. Nadir Nawaz was also upgraded from BPS-11 to BPS-14 with effect from 01.07.2007, vide Office Order No. 600/BOT/ICP, dated 02.08.2007.
3. Mr. Nadir Nawaz was later on promoted from Accounts Assistant BPS-14 to Accountant BPS-16 vide Office Order No. 3/BOT/ICP, dated. 18.03.2008.
4. He next moved various applications in the years 2010-2011 for redesignation of the post of Accountant BPS-16 as Assistant Account Officer BPS-16, in pursuance of the decision of the Syndicate of the University of Peshawar notified vide No. 901/Estt; dated. 13.04.2009. It is worthy to mention that such upgradation was made by various departments including Department of the Auditor General of Pakistan, Ministry of Defense, Allama Iqbal University, Accountant General of Erstwhile NWFP, Ministry of Social Welfare and Special Education, Pakistan Bait ul Maal and etc. Accordingly, the post of Mr. Nadir Nawaz was redesignated from Accountant BPS-16 to Assistant Account Officer BPS-16 vide Office Order No. 134/Estt: dated. 05.03.2013, with effect from 23.05.2012.

5. The record further reveals that Mr. Nadir Nawaz moved an application dated. 18.12.2013 stating that various departments/offices have not only redesignated the post of Accountant to Assistant Account Officer but have also upgraded the same post to BPS-17. These, inter alia, included the Office of the Accountant General, Khyber Pakhtunkhwa which issued O.O. No. AC(5)/333, dated. 08.09.2011 to this effect, as well as the Government of Pakistan, Controller General of Accounts' S. R. O. 639(I)/2014, dated. 15.07.20214. Therefore, in his application, he requested that his post of Assistant Accountants Officer may be upgraded to BPS-17 in order to remove such disparity. It is worth mentioning that he filed a writ petition for this purpose as well which was decided in his favour too. Consequently, the University upgraded the post of Assistant Account Officer from BPS-16 to BPS-17 vide Office Order No. 606/Estt: dated. 09.03.2015.
6. In the meanwhile, the Islamia College Peshawar Statutes, 2016 were promulgated on 25.04.2017 in which the post of Deputy Director Audit was in BPS-18 for which the promotion criteria is five years' service as Assistant Director Audit / Assistant Account Officer in BPS-17. Therefore, he moved an application requesting for promotion to the said post and when such application was not positively entertained, he knocked the door of Peshawar High Court which gave him relief by directing the University to consider the petitioner for promotion to the post of Deputy Director Audit (BPS-18). When pressed hard by the petitioner via filing of COC, the University on the one hand placed his case before the 26th meeting of the Selection Board dated. 26.08.2018 which recommended as follows:

"The request of Mr. Nadir Nawaz Assistant Account Officer BPS-17 for promotion to the post of Deputy Director Audit (BPS-18) was considered and turned down due to non-availability of post of Deputy Director Audit (BPS-18).

It was also noted that he has hardly three years service in BPS-17. Minimum service required for promotion to the Post of BPS-18 is 5-years service as per Islamia College Statutes, 2016.

The Selection Board recommended that the post of Deputy Director Audit (BPS-18) may be created. Subsequently eligibility of applicant may be determined."

The Syndicate in its 16th meeting unanimously approved the above recommendations of the Selection Board.

On the other hand, the judgment of the Peshawar High Court was challenged by the University in the Honorable Supreme Court of Pakistan (SCP) which set aside the judgment of the Peshawar High Court on the ground that his holding the post of Assistant Account Officer (BPS-17) is by way of upgradation and not by promotion. Therefore, the same was not his substantive post but was meant to provide him better emoluments of the higher grade.

It is worth mentioning here, based on the above real and factual position, that Mr. Nadir Nawaz was neither upgraded to BPS-16, nor to BPS-17 as recorded incorrectly in the past; rather he was only one time promoted to BPS-16 and in pursuance of the decision of the Peshawar High Court Peshawar the Syndicate approved the change of his designation from Accountant to Assistant Account Officer. Later on, in the light of the Government notification, wherein the substantive position of Assistant Account Officer was changed from BPS-16 to BPS-17; accordingly, the Syndicate upgraded the post of Mr. Nadir Nawaz as Assistant Account Officer BPS-17.

The Registrar drew the attention of the Board that in the presence of such explicit directives of the Honorable Supreme Court of Pakistan (SCP), the promotion of Mr. Nadir Nawaz may result in serious complications because it may be taken as contempt of the directives of the SCP. However, rest of the members of the Selection Board, including the Nominee of the Public Service Commission (PSC) and the Vice-Chancellor, ICP clarified the matter by stating that the University has fully and perfectly complied with orders of the SCP by not giving the petitioner (Mr. Nadir Nawaz) the promotion he had sought through his application and writ petitions. Therefore, neither any instance of non-compliance has taken place nor any question of non-compliance of the orders of SCP does arise. They further elaborated that difference should be made between two things: (1) upgradation of the person and (2) upgradation of the post. In the former case, the upgradation is granted specifically to the person in question to enable him to earn some monetary benefits of the higher post. In this case, the substantive post of the employee remains unchanged. But in the latter case, the upgradation is department/sector/country wide and it is not specific to an employee. The entire post in this case is upgraded from a lower scale to a higher scale and there are numerous instances for this practice, even within the University itself. Both the Vice-Chancellor and the Nominee of the Public Service Commission were of the view that based on this distinction between the two concepts, the next important

question in this case is that whether the Honorable SCP has disallowed the promotion of Mr. Nadir Nawaz on the grounds that the existing grade of the forenamed is person specific or otherwise.

Coming to the previously posed question that whether Mr. Nadir Nawaz was holding the post of Assistant Accounts Officer by way of upgradation; whether his post was person specific or substantive and whether he was/is eligible for promotion to the next higher grade? The answer to this is clear. Both the Vice-Chancellor and the Nominee of the Public Service Commission held that as per the record available to the Board, the upgradation of Mr. Nadir Nawaz was not person specific; rather it was the post itself which was upgraded in the whole country. Therefore, the higher grade of the forenamed was definitely substantive. What is interesting, and what further validates this position, is that even the respective Office Order contains two different words: upgradation and promotion. In other words, the post was first upgraded as per the Government policy and then the forenamed was promoted against the same upgraded post pursuant to the directives of the Peshawar High Court. It appears that this position was perhaps not properly communicated to the Honorable SCP and consequently, the SCP held that the upgradation of the forenamed was person specific and, therefore, promotion against the next higher grade on the basis of such person specific grade could not be claimed.

After threadbare discussion, the Selection Board acceded to the request of re-designation of Mr. Nadir Nawaz based on the legal principle "alike be treated alike." Since the requests of other employees for re-designation have been considered positively in the same pay and scale, it would be in the spirit of justice and equity to entertain the request of the forenamed in the same terms too.

The Syndicate carefully perused the minutes of the Selection Board and found that the recommendations of the Board to redesignate the forenamed falls within the functions of the Selection Board as enshrined under section 6(5) of the Islamia College Peshawar Constitution, Functions and Powers of Authorities of the University Statutes, 2016. It was also noted further that both the Selection Board and the Syndicate of the University have previously entertained such requests positively, as observed/discussed in the case of Mr. Tehsinullah, whose designation was changed retrospectively without any financial liability, the same benefit is extended to Mr. Nadir Nawaz.

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Keeping in view the recommendations of the Selection Board, perusal of the record available and extensive discussion on case, the Syndicate decided as follows:

S. No	Recommendation of the Selection Board	Decision of the Syndicate
01	Based on his request/application, the Selection Board recommended to the Syndicate the change of designation of Mr. Nadir Nawaz from Assistant Accounts Officer (BPS-17) to Assistant Treasurer (BPS-17).	Approved

Table Agenda Item: Report of the Committee

The Syndicate decided to discuss the report of the Committee in ensuing/ordinary meeting.

After considerable discussion on each item separately and making recommendations thereon, the Nominee of the HEC suggested that if the house agrees, the recommendations sheet shall be signed now so that the administration is facilitated to take necessary action on the same. He stated that it is an unfortunate state of affairs in the universities that after decisions regarding appointments are made by the Syndicate, some candidates not appointed by the Syndicate approach the court of law and come up with restraining orders therefrom. This results in further delaying of the appointments which, in the instant case, has already been delayed for half a decade. This suggestion was supported by other members of the Syndicate too. Hence, the Syndicate decided as follows:

The recommendations of the Syndicate will be signed after the instant meeting whereas detailed minutes of the meeting encompassing all necessary discussions may be circulated in the due course of time.

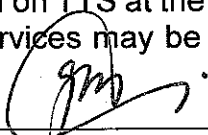
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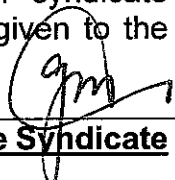


Registrar,
Islamia College Peshawar

Approved by:


Vice-Chancellor,
Islamia College Peshawar

**Observations on the draft Minutes of 38th meeting (Emergency) of the Syndicate held on
27.08.2023**


Minutes recorded in agenda item	Observations	Remarks
S.No. 1	<p><u>Observations made by Mr. Azhar Zahoor, Deputy Secretary (U-II), HED / members of the Syndicate</u></p> <p>I am directed to refer to our letter No. 9900/Meetings, dated 06.09.2023 on the subject noted above, please find the following observations on draft minutes of the said syndicate meeting for necessary rectification:</p> <p><u>Item No. 08 and 09:</u></p> <p>a. The Syndicate in its decision in Agenda Items # 08 and 19 decided to close the cases for appointments. Although there was diversity of opinions regarding the matter at 43rd Selection Board, the majority of the members of the SB recommended the candidates. Nonetheless, opining that the recommendations of selection board are not unanimous and clear, the syndicate of ICP by a majority decision decided to close the matter in both the Agenda Items.</p> <p>b. It will be in fitness of things to express my divergent/dissenting opinion as noted in the minutes of the meeting (Agenda Item # 08 and 09). There is a famous maxim of law: 'not all legal acts are legitimate and not all legitimate acts are legal". One would hope for close coincidence between the two but it's conceptually necessary to keep two separate. In many cases, such as the matter in hand, new scenarios might emerge, which may render the legal dictums/provisions obsolete, deficient or impractical.</p> <p>c. Therefore, the decision of the Syndicate to refer the matter to the 43rd Selection Board after certain appointees didn't join their duties after selection was a legitimate one based on the principals of fairness and good-governance. Moreover, as majority of members of selection board recommended the candidate in both agenda items, therefore, it would have been just/appropriate for the syndicate to appoint the candidates bases on the recommendations of Selection Board on Agenda Items # 08 and 09.</p>	Mentioned the dissenting note in the minutes
S. No. 2	<p><u>Observations made by Mr. Ali Shah, member of the Syndicate</u></p> <p>With due respect, it is bring into your kind notice, that a news is in circulation that Dr. Javed Iqbal has worked on TTS at the University of Baluchistan. It is requested that his services may be verified to avoid any legal complication in future.</p> 	Minutes recorded correctly
S. No. 3	<p><u>Observations made by Dr. Murad Ullah, member of the Syndicate</u></p> <p>The following correction / addition may please be made. Decision on the recommendation of the additional agenda item of 42nd S.B. I inquire that the candidate was serving on BPS/TTS in last institution. He may be serve in ICP as per rule.</p>	Minutes recorded correctly

<p>S. No. 4</p>	<p><u>Observations made by Prof. Dr. Izhar Ahmad, Dr. Fazal-e-Wahid and Dr. Muhammad Wasim, members of the Syndicate</u></p> <p>Item No. 08 <u>Appointment on Vacant Post of Professor of Physics, Advertised dated 20.12.2018</u></p> <p>Page No:9, Para 4: the Para may be read as, "Prof. Dr. Izhar Ahmad also pointed that the syndicate can only appoint a person on the basis of the recommendations of the selection board. In the absence of such recommendation in the instant case, the case may be referred back to the Selection Board for clear recommendations.</p> <p>Recommendations of the 43rd Meeting of the Selection Board held on 02/08/2023</p> <p>At the opening of this item, Mr. Mohammad Wasim asked about the procedure of the promotion of Class-III employees as officers in the university. He further asked whether the recommended incumbents are working or worked as Class-III employees and what procedure according to which statutes has been followed for their promotion as officers? He was replied that the questions will be responded at the relevant agenda point but was not responded till the end of the meeting.</p> <p>Prof. Izhar Ahmad asked whether the existing recommended officers are according to the ICP Administrative Officers Appointment and Promotion statutes 2016?</p> <p>Para 2: Prof. Izhar Ahmad Also raised the same questions as by the Nominee of the Establishment department while adding that <i>"are the ACRs are written by the relevant sectional head (under the statutes) of the department". To that the Vice Chancellor and the Registrar responded that the all the files were thoroughly checked and the codal formalities are completed.</i></p> <p><u>Observation on re-designation of administrative officers with retrospective effect</u></p> <p>Para- Para-3 Page 28 (Item No.2(b))</p> <p>At various places in the Syndicate minutes, reference has been made to the re-designation Mr. Tehsinullah that he was re-designated with retrospective effect and the benefit has been extended to the other employees on this analogy, however, the previous syndicate minutes have been wrongly presented. True fact is that the re-designation of Mr. Tehsinullah was changed from Cataloguer to Assistant Librarian in the same pay scale approved by the Syndicate in its 19th meeting on the recommendations of the selection board. (Copy of syndicate minutes attached). No retrospective effect has been given to the resignation as evident from the syndicate minutes.</p> 	<p>Minutes corrected accordingly</p> <p>Minutes recorded correctly</p> <p>Minutes recorded correctly</p>
<p>S. No. 5</p>	<p><u>Observations made by the Treasurer, member of the Syndicate</u></p> <p>It is submitted that the discussion related to the applicability of the GP fund and CP fund under item 01 is mentioned as under may be rephrased for more clarity;</p>	

Minutes recorded	Corrections	Minutes recorded correctly
<p>Query was also raised as to whether these appointments are to be made on the basis of GP fund or contributory provident fund. It was clarified in response that since the Islamia College Peshawar has adopted the CP fund policy therefore all new inductions will be made on CP fund basis. However, candidates who have already inducted in the university prior to the adoption of this policy, or those candidates from the outside who applied were inducted on GP fund elsewhere and applied through proper channel will be inducted on GP fund basis.</p>	<p>Query was also raised as to whether these appointments are to be made on the basis of GP fund or contributory provident fund. It was clarified in response that since the Islamia College Peshawar has adopted the CP fund policy therefore all new inductions will be made on CP fund basis. However, candidates who have already inducted in the Islamia College Peshawar university prior to the adoption of this policy, or those candidates from the outside who were currently serving on the BPS and GP fund basis elsewhere and applied through proper channel will be inducted on GP fund basis.</p>	
<p>Furthermore, in order to avoid any legal issues in future, the same point of the CP fund and GP fund must be mentioned under all appointments only with a short sentence as the current discussion is mentioned under item 1 may be treated as applicable to item 01 only.</p>		

Approved by:

Vice-Chancellor,
Islamia College Peshawar



19/9/23

Registrar,
Islamia College Peshawar

