S.No	Date of order	Order or other proceedings with signature of judge or Magistrate
•	proceeding	
1	s 2	3
		<u>KHYRER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u>
		APPEAL NO.698/2014
	16.06.2016	(Imtiaz Ali-vs- The Secretary, Agriculture, Livestock & Dairy Development Department, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others.
•••	r	JUDGMENT
		MUHAMMAD AAMIR NAZIR, MEMBER:
		Counsel for the appellant and Mr. Muhammad Imran, Agriculture Office alongwith Mr. Kabirullah Khan Khattak, Assistant AG for respondents present.
,		2. In the instant appeal issue of up-gradation is involved and according to th
. •		judgment of august Supreme Court of Pakistan dated 17.02.2016 delivered in
		Civil Appeal No. 101 & 102-P of 2011 the service Tribunals have no jurisdiction
	· . ·	to entertain any appeal involving the issue of up-gradation as it dees not part o
		terms and conditions of service of the Civil servants. 3. In view of the above the appeal was not found maintainable by thi
•		Tribunal for want of jurisdiction. The same is therefore dismissed. The appellan
		may seek his remedy before any other appropriate forum if so advised. File be
	j _r	consigned to the record room.
* *		(MUHAMMAD AAMIR NAZIR)
		(AHMAD HASSAN)
•		MEMBER
•		16.06.2016

5.00

27.05.2015

Counsel for the appellant and Mr. Muhammad Khan, AO alongwith Addl: A.G for respondents present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 10.11.2015.

Chairman

10.11.2015

Clerk of counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder on behalf of the appellant submitted, copy of which placed on file. To come up for arguments on 8-3-30/b.

R Member

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08.03.2016

Clerk of counsel for the appellant and Mr. Muhammad Khan, AO alongwith Asst: AG for respondents present. Due to general strike of the bar counsel for the appellant is not available. Therefore, the case is adjourned to 16.06.2016 for arguments.

ß Member

11.4.2014 is concerned that is the final order wherein the appellant was informed that his appeal was considered and rejected.

Points raised by the learned counsel for the appellant and learned AAG need consideration. The appeal is admitted for regular hearing, subject to all legal objections The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. Case to come up for written reply on 7.4.2015.

07.04.2015

Appellant in person and Asstt: AG present. No one is present on behalf of the respondents. Notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 15.04.2015.

MEMBER

Member

15.04.2015

Counsel for the appellant and Mr. Muhammad Khan, AAO alongwith Addl: A.G for respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 27.5.2015 before S.B.

Chairman

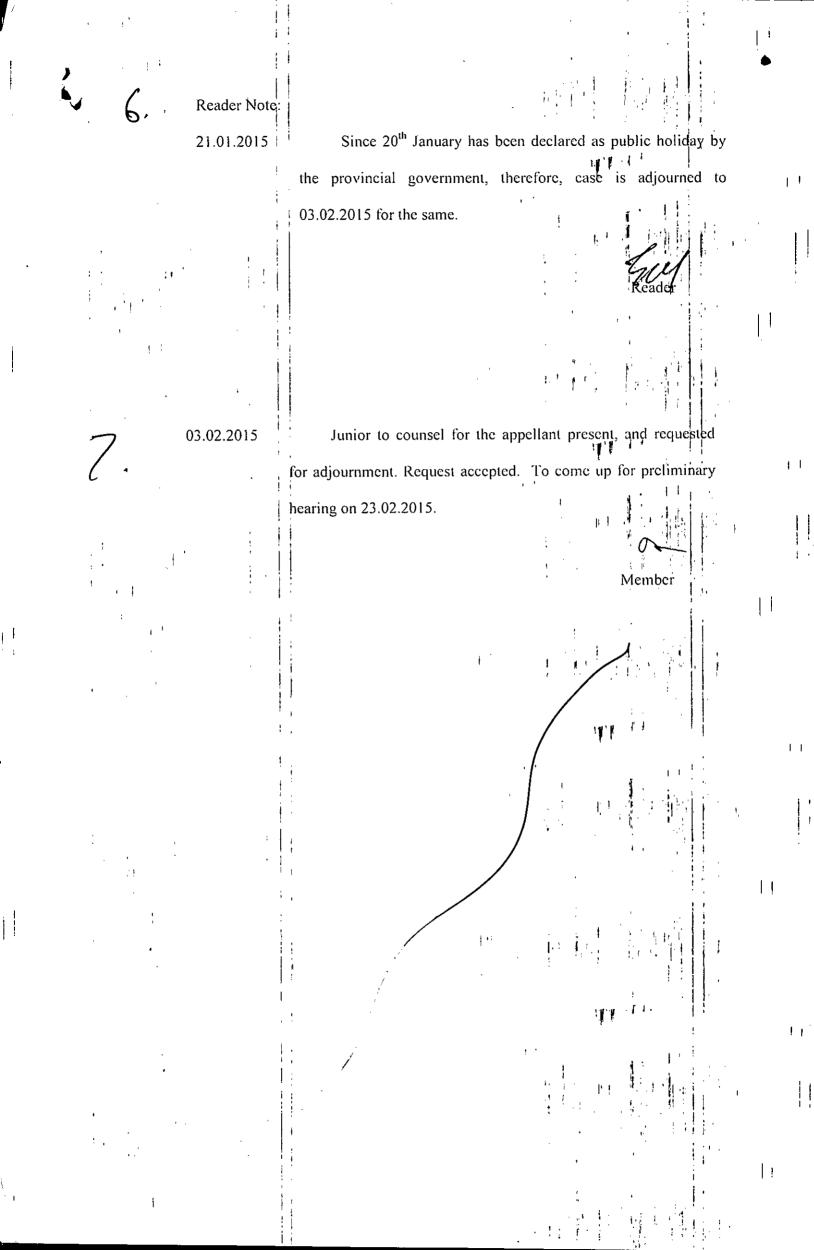
Appecel NO. 698/2014 Mr. g. triaz Ali

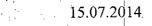
23.2.2015

Counsel for the appellant and Mr. Kabeerullah Khattak, AAG present. Counsel for the appellant submitted that the appellant has been working as Video Camera Operator in BPS-10 since the Agriculture Extension Department. The 5.5.2004 in Government of Khyber Pakhtunkhwa vide notification dated 11.10.2010 introduced upgradation policy. The appellant filed an appeal on 14.5.2012 by referring pay scale of Video Cameraman BPS-13 working in the Provincial Assembly. The department made a quarry that the Provincial Assembly is an autonomous body and the appellant was directed to provide reference of the department under the control of Administration Department. The appellant on 27.6.2012 provided the reference of the Khyber Pakhtunkhwa Information Department, wherein the post of Camera Operator has been upgraded from BPS-10 to 13. The respondent department prepared the working paper and placed before the upgradation committee for consideration. However, vide order dated 11.4.2014, the appellant was informed that his appeal for upgradation was considered and filed. The impugned order was communicated to appellant on 29.4.2014, hence the present appeal.

The learned AAG conversely contended that the Tribunal has no power to issue directions as contemplated in Section 7 of the KPK Service Tribunal Act, 1974; that the appeal is not maintainable under Section 4(b)(i) of the KPK Service Tribunal Act, 1974 and that the appellant has preferred two departmental appeals one on 14.5.2012 and the other on 27.6.2012, however, there is no provision of second departmental appeal under the law. He requested that the appeal may be dismissed in limine.

In rebuttal, the learned counsel for the appellant contended that there is one departmental appeal dated 14.5.2012 whereas the other one dated 27.6.2012 is the information given by the appellant with reference to the quarry of the department dated 21.5.2012. He further contended that Section 4 (b)(i) of the Service Tribunal Act, 1974 is not application in the instant case because yet it is to be decided by the Tribunal as to whether the appellant has a case or otherwise as per upgradation policy. So far as the order dated





Counsel for the appellant present. Preliminary arguments partly heard. Pre-admission notice be issued to the learned GP to assist the Tribunal on the point that whether order dated 11.04.2014 is the final order or original. To come up for preliminary hearing on 10.09.2014.

Member

Reader Note:

10.09.2014

Assistant to counsel for the appellant and Mr. Kabirullah Khattak, Assistant Advocate General for the respondents present. Preliminary arguments could not be heard due to Learned Member is on leave. To come up for preliminary hearing on 13.11.2014.

Reader Note:

13.11.2014

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: AG for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 20.01.2015 for the same.

Form- A

FORM OF ORDER SHEET

Court of_ Case No. 698/2014 S.No. Date of order Order or other proceedings with signature of judge or Magistrate Proceedings 2 1 3 15/05/2014 The appeal of Mr. Imtiaz Ali presented today by Mr. 1 Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing. REGIST 19-5-2014 2 This case is entrusted to Primary Bench for preliminary hearing to be put up there on ____ 0) (

*



698 Appeal No._ /2014

Mr. Imtiaz Ali

V/S Secretary Agriculture & others.

<u>INDEX</u>						
S.No.	Documents	Annexure	Page No.			
1.	Memo of Appeal		01-04			
2.	Copy of Order (5.5.2011)	- A -	. 05			
3.	Copy of B.A. DMC	- B -	06			
4.	Copy of Policy (11.10.2010)	- C -	07-11			
5.	Copy of Application	- D -	12			
6.	Copy of letter (21.5.2012)	- E -	13			
7.	Copy of Application	- F -	14			
8.	Copy of Letter (4.7.2012)	-G-	15			
9.	Copy of Working Paper	-H-	16-18			
10.	Copy of Rules of Information	-I-	19-20			
	Department.					
11.	Copy of Rules of Wildlife	-J-	21-23			
	Department.					
12.	Copy of Rules of Agriculture	-K-	24-26			
	Department.					
13.	Copy of Letter (29.4.2014)	-L-	27			
	Copy of Letter (11.4.2014)	– M –	28			
15.	Vakalat Nama		29			

APPELLANT

THROUGH:

(M. ASIF YOUSAFZAI) ADVOCATE, PESHAWAR.

AND

(TAIMUR ALI KHAN) ADVOCATE, PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. /2014

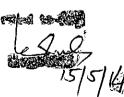
Mr. Imtiaz Ali, Video Camera Operator, Bureau of Agricultural Information, Agriculture Extension Department, Jamrud Road, Peshawar.

APPELLANT

VERSUS

- 1. The Secretary, Agriculture, Livestock & Dairy Development Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2. The Director General, Agriculture (Extension Wing), of Khyber Pakhtunkhwa, Jamrud Road, Peshawar.
- 3. The Deputy Director, Bureau of Agriculture Information, Jamrud Road, Peshawar.
- 4. The Secretary, Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 5. The Up-Gradation Committee through its Chairman, the Secretary Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

RESPONDENTS



APPEAL UNDER SECTION-4 OF THE **KHYBER** PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 11.4.2014 (COMMUNICATED) TO THE APPELLANT ON 29.4.2014 WHEREBY THE UP-GRADATION OF THE APPELLANT TO BPS-13 ON PARITY BASIS AS PER UP-GRADATION POLICY OF THE GOVERNMENT DATED 11.10.2010 HAS BEEN REFUSED FOR NO GOOD GROUNDS,

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 11.04.2014 COMMUNICATED ON 29.4.2014 MAY BE SET ASIDE BY DECLARING THE UP-SAME AS VIOLATION OF GOVERNMENT GRADATION POLICY, DISCRIMINATORY AND AGAINST THE NORMS OF JUSTICE. THE RESPONDENTS FURTHER MAY PLEASE BE DIRECTED TO UP-GRADE THE APPELLANT TO BPS-13 WITH ALL BACK AND CONSEQUENTIAL BENEFITS ON THE BASIS OF PARITY AND BY TREATING THE APPELLANT AT PAR WITH THE OTHER GOVERNMENT DEPARTMENTS CAMERAMEN. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

- 1. That the appellant joined the Bureau of Agriculture Information, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar as Video Camera Operator (BPS-10) against the vacant post.
- 2. That the appellant has also Bachelor in Arts in Mass Communication subject. Copy of Order and DMC are attached as Annexure-A and B.
- 3. That the Government of Khyber Pakhtunkhwa has promulgated Policy and Criteria of Up-gradation of Posts on 11.10.2010 wherein up-gradation has been allowed in the cases of re-organization / restructuring of the department, hardship case having no promotion, on the principle of parity etc. The said policy fully covered the case of the appellant of upgradation. Copy of Policy is attached as Annexure-C.
- 4.

That as the Cameraman in other departments are working in BPS-13 like Information Department, Wildlife Department, therefore, the appellant submitted his appeal for up-gradation through proper channel on 14.5.2012 on which the appellant was informed that he should submit Rules of the KPK Department. The appellant in pursuance to the said letter submitted his case again by quoting the references of other departments on 27.6.2012 which was forwarded to the Director General, Agricultural Extension, KPK on 4.7.2012. Copy of Application and letter are attached as Annexure-D, E, F and G respectively.

That on basis of that correspondence, the appellant case was submitted to Finance Department on 10.2.2014 along-with 8 sets of the working paper in which the appellant's up-gradation was fully justified Copies of Working Paper of Information Department, Rules of Wildlife Department and Rules of Agriculture Department are attached as Annexure-H, I, J and K respectively.

That then the matter was discussed by the Upgradation Committee but the same was refused to the appellant for no good grounds on 11.4.2014. The said refusal communicated to the appellant on 29.4.2014. Copies of Letters are attached as Annexure-L and M respectively.

That the now the appellant comes to this Honorable Tribunal on the following grounds amongst the others.

<u>GROUNDS:</u>

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- A) That the refusal order dated 11.4.2014 communicated to the appellant on 29.4.2014 is against the norms of justice, material on record, discriminatory and hence not tenable.
- B) That the rejection order is not a speaking order which is the violation of Section-24-A of the General Clauses Act as well as the Supreme Court Judgment reported as 1991 SCMR, Page-2330.
- C) That it is surprising to note that there is no chance of promotion to the appellant to the next higher scale in the Rules which means that the appellant

will work in BPS-10 till his retirement; therefore, the appellant case is also covered under hardship cases.

D) That even the treatment of the respondents in refusal the up-gradation, the appellant has also discriminated because Cameraman in other Departments are in BPS-13 while the appellant is in despite BPS-10 having graduation in Mass Communication. This proves discrimination on the part of the respondents against the appellant.

- E) That the appellant's case is also covered on the basis of parity and therefore, the parent department of the appellant completely favours the case of the appellant before the up-gradation committee.
- F) That the appellant has not been treated as per Upgradation Policy of the Government and has been discriminated which caused serious disadvantageous to the terms of conditions of the appellant.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

> APPELLANT Imtiaz Ali

THROUGH:

(M. ASIF YOUŚAFZAI) ADVOCATE, PESHAWAR.

AND

(TAIMUR ALI KHAN) ADVOCATE, PESHAWAR. DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA, PESHAWAR

OFFICE ORDER

On recommendation of Departmental Selection Committee Mr. Imtiaz Ali S/O Rahimud Din is hereby appointed as Video Camera Operator (BS- 10) (Rs.3955-250-11755) against the vacant post in the office Deputy Director of Agriculture (Information) Peshawar with immediate effect on the following terms and conditions: -

He will get pay at the minimum of BPS-10 including usual allowances as admissible 1) under the rules. He will also be entitled to annual increment.

His services will be liable to termination with or without any reason on two months notice 3) from either side: In case of termination without notice by the employer or two months notice from the employee for resignation two months pay and allowances shall be paid by the Government or refunded by the employee as the case may be.

His services under the present post shall not qualify for pension / gratuity.

- 4) He will not contribute towards G.P.Fund. However, he will contribute C.P.Fund @ 5% of 5) minimum of pay scale and an equal amount of 5% contribution will be made by the Government as per rules.
- He will be allowed conveyance, Medical, House Rent Allowances, Leave and TA / DA as 6) per Government rules.
- He will be considered for appointment against higher post of availability of vacancy, if 7) found eligible and due for promotion.
- He has to join duty at his own expenses. 8)
- He shall produce a medical certificate of fitness from Medical Superintendent, Civil 9) Hospital, Peshawar before reporting himself for duty in the DDA (Information), Peshawar as required under the rules.
- He will be on probation for a period one year with effect from the date of joining his duty. 10)
- His service can be terminated at any time in case his performance is found un-10)satisfactory during one year.

If he accepts the post on the above terms and conditions, he should report for 2)duty in the office of the Dy. Director of Agriculture (Information) Peshawar within 30 days of the receipt of this offer and produce original certificates in connection with his qualification, domicile and age.

> Sd/- (MUHAMMAD TASLEEM) DIRECTOR GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA PESHAWAR

Dated Peshawar: the

30 /DG No.18/177-A/Estt/_

Copy forwarded to: -

- 1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2. The Dy. Director of Agriculture (Information) Peshawar.
- 3. Mr. Imtiaz Ali S/O Rahimud Din Mohallah Hussain Abad House No.251 P.O. Karimpura Near Jamiya Masjid Hamza Tehsil and District Peshawar.

For information and necessary action.

4. File No.18/1/Estt/ for record.

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SPR- 07 0416 ISLAMIAT (C)	100	. 65	
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ATTEST

GOVT: OF KHŸBER PAKHTUNKHWA **FINANCE DEPARTMENT**

(REGUEATION WING)

🖄 NO. SO(FR)/FD/7-2/2008 Dated Peshawar, the 11th October, 2010

Тο

All the Administrative Secretaries to Govt: of Khyber Pakhtunkhwa. 1.

The Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar. 2. 3.

The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.

The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

The Secretary Provincial Assembly, Khyber Pakhtunkhwa.

The Registrar, Peshawar High Court, Peshawar. 6.

7. The Registrar, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.

The Registrar, Service Tribunal Khyber Pakhtunkhwa. 8.

9. All the Divisional Commissioners, Khyber Pakhtunkhwa.

Subject: **EOR UPGRADATION**

Dear Sir,

4.

5.

I am directed to refer to the subject noted above and to enclose herewith a copy of revised Policy/ Criteria for Up-gradation of Posts duly approved by the Provincial Cabinet in its meeting held on 23rd August, 2010 in supersession of the policy and criteria for upgradation circulated vide Finance Department letter No. SO(ER)FD/7-2/2008 dated 19-01-2009.

I am accordingly directed to request that the enclosed policy/ criteria for up-2. gradation of posts may please be brought into the notice of all concerned and in future proposals for up-gradation may be scrutinized strictly in accordance with the approved policy before submission to the up-gradation committee for consideration.

Yours faithfully,

(SHAUKAT ULLAH) SECTION OFFICER (FR)

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END. NO & DATE EVEN

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Copy is forwarded for information to:

The Accountant General, Khyber Pakhtunkhwa, Peshawar. All Section/ Budget Officers, in Finance Department.



REVISED POLICY AND CRITERIA FOR UPGRADATION OF POSTS.

1. All proposals regarding upgradation of any post in any Provincial Department or office shall be placed before the following committee for scrutinization and recommendations: -

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- i. Secretary to Govt: of Khyber Dakhtunkhwa, Finance Department.
- ii. Secretary to Govt: of Khyber Hakhtunkhwa, Establishment Department.
- iii. Additional Finance Secretary (Regulation) Member-cum-Secretary Finance Department.

iv. Additional Secretary of the concerned Department.

Note: -

In case the post of Additional Secretary is not sanctioned in concerned department, the Deputy Secretary of the concerned department will represent as member of the up-gradation committee for scrutiny and recommendations of the upgraded posts.

2. No proposal/ request for up-gradation of post(s) to higher pay scale shall be entertained except in following cases: -

(I). <u>UPGRADATION OF POSTS PROPOSED AS PART OF RE-ORGANIZATION/</u> <u>RE-STRUCTURING OF DEPARTMENTS</u>:-

Proposals for upgradation of certain posts as a sequel to the reorganization/re-structuring of the department/organization will be considered/ scrutinized by the committee on following parameters: -

i. Objectives set forth for Re-organization.

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- ii. Reasons, factors and impediments in the existing structure which led to Re-organization process.
- iii. Why upgradation of some posts are essential for organization.
- iv. Proposed changes in method of recruitment, as part of re-organization proposed; Provided that before submitting proposals of upgradation of posts to the Finance Department in such cases, the Administrative Department will do proper consultation with Establishment Department for developing a practical and modest Re-organization proposal.

(II). <u>UPGRADATION OF POSTS</u> PROPOSED DUE TO INDIVIDUAL HARDSHIP CASES:

(a) Proposals for upgradation of certain posts due to the reasons that some civil servants do not have further promotion chances and have stayed on one position for reasonably long time, will be placed before the committee for consideration only if the proponent departments provides following information:-

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- (i) Reasons due to which concerned Government servant is unable to be promoted in normal procedure.
- (ii) All requisite details about creation of such posts and formulation of service rules with particular reference to the reasons as to why the service rules cannot give career progression to the holders of these posts.
- (iii) Whether organizational structure as well as service rules need revision to avoid recurring of the hardship to the future entrants.
- (iv) The steps taken by the department concerned to resolve such hardships on permanent basis.

(b) The committee after proper scrutiny of case in terms of above parameter and if satisfied that the upgradation of certain post(s) is the only solution, may make its recommendations to the competent authority for upgradation on personal basis provided that: -

- 11
- (i) There shall be no upgradation of post beyond BPS-19 in such cases.
- (ii) Such recommendations will only be made in case where there are absolutely no promotion prospects in the service structure for incumbent of said post(s).
- (iii) No such recommendations will be made in a case where the incumbent has less than 10 years of stay on one and the same position;
- (iv) The incumbent has not been earlier elevated in the existing pay scale by personal upgradation.
- (v) The proposed upgradation will be personal to the incumbent and the post shall stand downgraded as and when vacated by such incumbent.

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(III). <u>UPGRADATION OF POSTA PROPOSED ON GROUNDS OF</u> PRINCIPLE OF PARITY.

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While processing the cases where the proponent department seeks upgradation of certain posts to a higher pay scale on the analogy of similar posts in some other department in this province created with same nomenclature, the committee shall take into account following parameters:

(i). Ascertainment of full details about all such posts created with same nomenclature by any other department in addition to those departments whose analogy has been quoted by proponent department.

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- (ii). Nomenclature shall not be the sole criterion for determining parity/comparability of posi(s). Other details i.e. the job description and prescribed qualification would necessarily be examined.
- (iii) In case of difference of prescribed qualification or the job description (or both) as the case may be, the committee may direct change of nomenclature of post(s) in any department to avoid confusion on this ground.

(iv) The committee may associate with all such departments having same nomenclature of ceredin post(s) with same responsibilities and same qualifications to ascertain as to what were reasons for creation of same posts in different departments with different pay scales, and thus make recommendations in respect of all such posts in all concerned departments, whether they took up the case or otherwise, to bring uniformity in pay scales in all departments to avoid future references.

> Provided that the committee shall not recommend such proposals for uniformity where prescribed qualifications as well as the qualifications possessed by existing incumbents is not at par with the post(s)/ incuminents cited as precedence.

> Provided further that in such cases the committee may recommend change of nomenclature of either those post(s) having higher prescribed qualifications or those having lesser prescribed qualifications as may be deemed appropriate by the committee.

(IV). <u>UPGRADATION PROPOSED FOR RETENTION OF AN OFFICER ON SAME</u> <u>POST AFTER HIS PROMOTION TO HIGHER PAY SCALE.</u>

Retention of an officer on the same post after he has been promoted to next higher position by the competent authority, is against the spirit of the promotion policy, hence shall not be ording illy allowed. However, in case due to peculiar exigencies of services if it becomes unavoidable to retain a promoted officer on the same position than the concerned department shall move a summary for the Chief Minister, mentioning therein the detailed reasons and justifications in support of their such proposal and route it through the Establishment Department and the Finance Department for obtaining orders of the Chief Minister, Khyber Pakhtunkhwa.

> - 1445) - 1410

Provided that in such cases the post will be up-graded personally for the incumbent till his stay as such and shall automatically stand downgraded to its original position thereof.

(V). <u>UPGRADATION OF A POST PROPOSED ON THE ANALOGY OF</u> SOME OTHER PROVINCE

Any order made by any other Province regarding creation of a post with certain nomenclature in certain pay scale does not have any binding effect on any other Province to follow the same. Therefore, in such cases the committee shall examine the proposals totally on its own ment keeping in view the above mentioned guidelines, in general, and shall furnish its recommendations independently.

3. The committee may, however, take any other point into consideration while examining proposed upgradation to ensure effective running of a department/ organization in public interest.

4. The recommendations of the above committee shall be submitted for approval of the competent authority as per table given below: -

Sr. No.	Scale	Competent ⁴ authority	
1.	BPS-1 to BPS-15	Competent Authority (Finance Department)	In consultation with the above inter departmental
	<u>R</u>	(In case of Finance Department exployees the competent authority shall be Admn: & Establishment	committee.
2.	BPS-16 to BPS-17	Department) Chief Secretary, Khyber Pakhturi hwa	In consultation with the above inter departmental committee
3.	BPS-18 & above	Chief Minister, Khyber Pakhturkhwa	In consultation with the above inter departmental committee



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 $\underline{\mathcal{P}}$ بحدمت جناب ڈائر یکٹر جنزل زراعت توسیع صوبہ خیبر پختونخوا پشاور دْيْ دْائرَ يَكْثر بيوردآف المَيْرِيكْچرانفار ميشن بشاور بوساطت: المراب رائے پوسٹ اپ گریڈیشن جناب عالى۔ مود بانہ گزارش ہے کہ سائل بحثیت ویڈیو کیمرہ آپریٹرا گیری کلچرانفارمیشن میں ڈیوٹی سر انجام دےرہاہے۔سائل ویڈیوریکارڈ نگ کےعلادہ شل فوٹو گرافی ،ویڈیوڈ اکومنٹر کی اور کمرشل کی ایڈیٹنگ بھی کرتا ہے۔ محکمہ زراعت میں اس پوسٹ کاسکیل BPS-10 ہے لیکن خیبر پختونخوا کی صوبائی اسمبلی اور د اَرَ يَكُورِينَ آف پريس انفار ميشن ڈيپار ٹمنٹ ميں اسى پوسٹ كالينى ويڈيو كيمر ہ آپريٹر كاسكيل 13 ہے۔ • دُائر يكٹورين آف پريس انفار ميشن ڈيپار ٹمنٹ ميں اسى پوسٹ كالينى ويڈيو كيمر ہ آپريٹر كاسكيل 13 ہے۔ آپ صاحبان سے التماس ہے کہ سائل کی درخواست پر غور فرماتے ہوئے اس پوسٹ کو اَپ گریڈ کرنے کے احکامات جاری فرمائے جائیں۔ درخواست کے ساتھ صوبائی اسمبلی کے ویڈیو کیمرہ آپر بٹر کاپےرول اورانفار میشن ڈیپار ٹمنٹ کا سروں رول منسلک ہے۔ العارض 105/01 Pl: dixun Tu/S امتبازعلى ويذيونكج بيوروآف اليكر يكلجرا نفارميشن محكمه زراعت شعبه توسن oor ?ll. Discussed as per directive خيبر يختونخوا يشاور good helf of a added his miled ATTESTED Z.M For purent & anothing For \rightarrow 15/05/20

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То

GOVT. OF KHYBER PAKHTUNKHWA Bureau of Agriculture Information

AGRICULTURE (EXTENSION) DEPARTMENT Jamrud Road Opp: Islamia College Peshawar. Ph & Fax: 091-9216378 E-mail:bai.info378@gmail.com

588 No. /DDA (I), Dated Peshawar, the /2012

23

Mr. Imtiaz Ali, Video Camera Operator BAI, Peshawar.

Subject: UPGRADATION OF THE POST OF VIDEO CAMERA OPERATOR

Memo:

ir#7:

Reference your application No. nil dated 14.5.2012

It is submitted for information that this office is working under control of Administrative Department Khyber Pakhtunkhwa not under Provincial Assembly or Information Department to follow their rules.

You are, therefore, advised to submit the requisite rules of A&E Department KPk for proceeding in the mater.

7/5/2012

DEPUTY DIREC AGRICULTURE INFORMATION PAKHTUNKHWA PESHAWAR



5/2012

33

The deputy Director, Agriculture Information, Khyber Pakhtunkhwa,

Upgraddation of the post of video Camera Operator Subject: -BPS 10 to BPS 13 .

Memo:

To.

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With reference your letter no 588/DDAI dated 21-05-2012 on the subjected mentioned above.

It is very humbly submitted that I have requested in my application dated 14-05-2012 addressed to the concerned authorities that on analogy of the provincial Assembly KPK as well as KPK information department my past be upgraded for BPS 10 to BPS 13.

A copy of the relevant rules of KPK information department has already been attached for ready reference.

It is therefore requested that my above mentioned application alongwith its enclosures may please be forwarded to the quarter concerned for favor of information, direction on humbly grounds please.

I shall be very thankful to your goodslef for this act of kindness justice.

ours faithfully

Video Camera Operator

GOVT. OF KHYBER PAKHTUNKHWA Bureau of Agriculture Information AGRICULTURE (EXTENSION) DEPARTMENT Jamrud Road Opp: Islamia College Peshawar. Ph & Fax: 091-9216378 E-mail:bai.info378@gmail.com No. 144:1//64 /DDAI. Dated Peshawar, the /DDAI. 72012. The Director General, Agriculture (Extension), Khybe: Pakhtunkhwa. Peshawar.

Subject: - UP GRADATION OF THE POST OF VIDEO CAMERA OPERATOR.

Enclosed herewith an application alongwith its enclosure in respect of Mr. Initiaz Ali, Video Camera Operator office of the undersigned for consideration and further necessary.

Encl: As above:-

To.

Memo:

53

DY. DIRECTOR AGRICULTURE INFORMATION, KPK, PESHAWAR

Endst. No. O'

/DDA(I) Dated Peshawar the 4/7 /2012

Copy forwarded to Mr. Imtiaz Ali, Video Camera Operator HQ office for information w/r to his application dated 14-05-2012.

DY. DIRECTOR AGRICULI/URE INFORMATION, KPK, PESI AWAR

ATTESTED

E/January2012



GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

NO.SOE(AD)3(2)201/2012(Ext) Dated Peshawar, the February 10, 2014

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

SECTION OFFICER-ESTT:

То

日本市内市大学のため市大学の日本、シング

The Section Officer (FR), Government of Khyber Pakhtunkhwa, Finance Department

SUBJECT:- CHANGE OF DESIGNATION/UPGRADATION

Kindly refer to your letter No.FD/SO(FR)/7-13/2010/Vol-II dated 29.10.2013 on the subject noted above and to enclose herewith the requisite 08 sets of working paper, for further necessary action. Encl: <u>As above</u>

Endst. of even No. & Date.

Copy to:

1. DG Agriculture Extension, Khyber Pakhtunkhwa for information.

- 2. P.S to Secretary Agriculture department.
- 3. P.S to Special Secretary, Agriculture.
- 4. P.A to Addl: Secretary, Agriculture.
- 5. P.A to DS (Admn:) Agriculture.

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7

WORKING PAPER

Subject:

UP-GRADATION OF THE POST OF VIDEO CAMERA OPERATOR BS-10 TO BS-13 AND RE-DESIGNATION AS CAMERAMAN

Information required

No. 1.

S.

Reason due to which concerned Government Servant is unable to be promoted in normal procedure.

Reply

Mr. Imtiaz Ahmad was appointed as Video Camera Operator in the office of DDA (Information) Peshawar vide order No.8027-30/DG dated 5.5.2011 (Annexure-A). The official has applied for up-gradation / re-designation with the plea that the post of Cameraman lying in other department is in BS-13 and the official is in BS-10 with the same qualification also same job description as per detail given below:-

S.No. 18	Name of post	Department / office	Qualification / job Method of description recruitment
	Cameraman BS- 13	Information Department Khyber Pakhtunkhwa	 i. Intermediate ii. 3 years experience in out dour cinematography and full knowledge of technical processing of documentary and news reel films. By initial recruitment
Part-II S.No.4.	Cameraman BS- 13	Wildlife Department	 i. Secondary School Certificate 2nd Div. ii. Expereince in still and movie photography & iii. Experience in operation of Movie and Slide Projector. By initial recruitment
Part-I S.No.12.	Video Camera Operator BS-10	Agriculture Extension Department	At least 2 nd Div. By initial Secondary School recruitment Certificate with four years experience in outdoor photography documentary Editing and commercial.

It is pertinent to mention here that the qualification of the post of Camera man and video camera operator are different in other department; however, job description is similar copies of service rules are attached for necessary action as Annexure-B-I & B-II.

2.	All requisite details about creation of such posts and formulation of service rules with particular reference to the reasons as to why the Service Rules cannot given career progression to the holders of this post.	The position has already been explained in para-I above, however, the official has graduate in Mass Communication which is relates to his present job (Annexure-C). Therefore, this department recommends the up-gradation case of the post of Video Camera Operator BS-10 to BS-13 and re- designation as camera man on the analogy of other department and being no career prospects of further promotion in the existing service Rules (Annexure-D)
3. ECTE	Whether organization structure as well as Service Rules needs revision to avoid recurring of the hardship to the future entrant.	Explain in para-1 & 2 however, this department has proposed amendment in the existing Service Rules 2012 and job description for the post of Cameraman BS-13 upon up-gradation of the post of Video Camera Operator BPS-10 to BPS-13 as per detail given below:-

Proposed amendment in the existing Service Rules 2012 for the post Video Camera Operator BS-10.

Nomenclature of	post / BPS	Qualification for recruitment.	Method of recruitment.		
Existing	Proposed	Existing	Proposed	Existing	Proposed
Video Camera Operator BS- 10	Cameraman BS-13	At least 2 nd Div. SSC from a recognized Board with four years	 At least 2^{hd} div. intermediate certificate from recognized Board; and Having four years experience of all technical process of documentary / 	By initial recruitment	

4.		The position has explained in detail in para-1 & 2. However, this department recommends the up-gradation on the analogy of other department, therefore, the post of video camera Operator BS-10 may be up-graded to BS-13 also re-designated as Cameraman
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Direttor General Agriculture (Extension) Khyber Pakhtunkinsa

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GOVERNMENT OF KHYBER PAKHTUNKHWA, INFORMATION, PUBLIC RELATIONS AND CULTURE DEPARTMENT.

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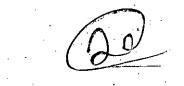
NOTIFICATION

Peshawar Dated the 18th August, 2011.

No.SO(INF)11(34)S.Rules/2011 Vol.V. In pursuance of the provision contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules issued in this behalf, the Information Public Relations and Culture Department, in consultation with the Establishment Department and Finance Department hereby lays down the method of recruitment, qualifications and other conditions, specified in Columns 3 to 5 of the Appendix to this notification which shall be applicable to various posts in the Directorate of Information, Khyber Pakhtunkhwa as specified in column 2 of the said appendix.

APPENDIX

. N	Nomenclature of Post.	Minimum qualification prescribed for appointment by initial recruitment.	Age Limit	Method of recruitment
. •	Director of Information (BS-19)		-	By Promotion on the basis of seniority-cum-fitness, from amongst the Deputy Director Information, Public Relations Officer to Governor and Station Directors with twelve years service in
	1			BPS-17 and above.
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As a second second						
17.	Non-Linear Editor (BPS-14).	(i)	At least Second Class Bachelor's Degree from a recognized University;	21 to 32 years.	By initial recruitment.	•
* ¦` ,		(ii)	one year Diploma in Information Technology from a recognized Technical Board; and			
		(iii)	three years experience in Non-Linear Editor and Video Composition.			
18.	Cameraman (BPS-13).	(i)	Intermediate Certificate from a recognized Board; and	21 to 30 years.	By initial recruitment.	
		(ii)	three years experience in out door cinematography and full knowledge of			
			technical processing of documentary and news reel films.			
19.	Stenographer (English/Urdu) (BPS-12)	(i)	Intermediate or equivalent qualification from a recognized Board;	18 to 30 years.	By initial recruitment.	· · · · · · · · · · · · · · · · · · ·
	· · · · · · · · · · · · · · · · · · ·			٤	,	

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Page 6 of 12

		ICE RULES (OF THE WILDLIFE DEPAR	RTMENT	KHYBER PAKHTUNKHWA NOTIFIED VIDE					
		VERNMENT C	F KYBER PAKHTUNKHW	VA, ENV	IRONMENT DEPARTMENT NOTIFICATION					
•					ED 26-01-1993 INCLUDING UPTO DATE					
		AMENDMENTS. T (64)								
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	.		PART-I PRO							
اد	F .	Nomenclature of	Minimum Qualification for	• Age	• Method of Recruitment.					
		the Post	Appointment by Initial Recruitment.	Limit for						
;			Recruitment.	Initial						
				Recruit						
				- ment						
· . 1	- -	2 •	3	<u>- menn</u> 4	<u> </u>					
1		Chief Conservator			By promotion, on the basis of seniority-cum-fitne					
1.	- F	Wildlife (BPS-20).		••••	from amongst Conservator of Wildlife with sevent					
					years service in BPS-17 and above.					
1	Δļ	****Conservator	I. M.Sc. Forestry degree	35 to 45	(i). By selection on merit, with due regard to senic					
		Wildlife (BPS-19)	from a recognized	years	from amongst the holders of the posts of De					
			university or a	,	Conservator of Wildlife, having atleast twelve y-					
		· `	recognized institute		service in Basic Pay Scale 17 and above who					
		•			successfully completed such trainings or par					
		· .	Note: Proference will be given		such departmental examinations as may					
			to candidates whe have		presented and presense minimum qualifica					
ł	÷		contributed significantly		prescribed for appointment by initial occusion					
	l	- 1	to the		the post of Assistant Conservator of Wildlife, or					
			profession/practice of		(") If the second second black second s					
1	· ·		Wildlife and its allied		(ii). If no suitable person is available for promotion,					
			fields by way of	1	by initial recruitment.					
1			preparing management plans, research studies,							
			survey and feasibility							
			reports for assessing							
			and husbanding							
			renewable natural	1						
			resources for economic	1						
			and social benefits, etc.	•						
	2.	*Deputy			By promotion, on the basis of seniority curr fit					
		Conservator			from amongst holders of the posts of Sub-Divis					
		Wildlife/Divisional	· · · · ·		Wildlife Officers/Assistant Conservator Wildlife (
·İ		Wildlife Officer	•		17) with five years service as such, who					
		(BPS-18).			successfully completed such training or passed					
					departmental examination as prescribed					

		•		-		•	departmental examination as prescribed
							Government for this purpose.
	Э.	*Sub-Divisional	(i).	Master deyree in	21 to 32	(a).	Twenty percent by promotion, on the ba:
i		Wildlife		Wildlife, Forestry or	years		seniority-cum-fitness, from amongst holders (
	•	Öfficer/Assistant		National Park		· .	posts of Range Officers with at least five.
		Conservator		Management from a			service as such; and
		Wildlife (BPS-17).		recognized		(b). ·	 Eighty percent by initial recruitment.
	. 2.			University/Institute; or			
			(ii).	M.Sc Zoology or Botany		Note:-	Appointment of candidates selected for the po-
				in 2 nd Division from a			the Public Service Commission shall be made s
		•		recognized University;	· .		to the following conditions -
				or	-	1)	The selected candidate tail undergo
			(iii).	B.Sc Wildlife/Forestry or			successfully complete the training at the Pa-
				Bachelor of Veterinary			Forest Institute leading to M.Sc Forestry D
			· ·	Science/B.Sc. Animal			Those already having M.Sc Forestry Degree
	1			Husbandry or Doctor of	· ·		Pakistan Forest Institute shall be exempted
•				Veterinary Medicine			such training.
				from a recognized		2)	The selected candidates shall produce cer
. •				University/Institute:			from the Standing Medical Board at Pes
			Note:	Qualifications at S.No.ii			regarding their physical and mental filne
				& iii will only be			performing the duties required of them.

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qualification

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and mental filne performing the duties required of them. 3) The selected candidates undergoing train Pakistan Forest Institute shall execute a bor the Wildlife Department to the effect th successful completion of the training; they sha the Government for at least-live years or mishall refund all the expenses incurred in conwith their training and education.

Amended vide Notification No. SO (Estt ;) Envt/I-465/2k5/3466-3510/6825-39, dated; 01-09-2006. Amended vide Notification No. SO (Estt.) Envl/II-465/2k5/3955-80, dated; 08-10-2007 Amended vide Notification No. SO (Estt.) Envt/I-465/2k3, dated; 08-02-2003.

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Let Name Exclogry/Middle Biology Biology recognized University (ii) Thirty-three percent by mild inclution (iii) B.S.C. Froeskiy, born (iiii) B.S.C. Froesk	4.		(i). B.Sc. In Manageme				the sum fitness	trom amonust the house
(a) (b) Thirdy-Affree percent by hyper foculations or instruct with or in least X events or instruct with or in least X events or instruct Points (b) Thirdy-Affree percent by hyper bolumination (c) Thirdy-Affree percent of the points least X events (c) Thirdy-Affree percent of the points least X events (c) Thirdy-Affree percent of the points (c) (-	(BPS-16)	Ecology/W	ildlife			waare convice as such	and
interference Note: Note: <td></td> <td></td> <td>, recognized</td> <td>J University</td> <td>-</td> <td>(b).</td> <td>Thirty-three percent</td> <td>by initial recruitment</td>			, recognized	J University	-	(b).	Thirty-three percent	by initial recruitment
(iii) B.Sc. Poresulty num Intervention pakistan Poresting institute Person (iii) B.Sc. from a (iii) B.Sc. from a (iii) B.Sc. from a (iii) B.Sc. from a incomparisod Diversion (iii) B.Sc. from a incomparisod Diversion incomparisod Diversion <td></td> <td></td> <td>or Institu</td> <td>ite with at</td> <td></td> <td>Note -</td> <td>Appointment of canc</td> <td>lidates selected for the pos</td>			or Institu	ite with at		Note -	Appointment of canc	lidates selected for the pos
Pakisian Putason: or in buttle Pestavan in precognized University with Zoology/Diolary as one of the subjects in 22 Division. (1) The selected candidates shall be excepted to any Division. (11) The selected candidates shall be excepted from recognized University with Zoology/Diolary as one of the subjects in 22 Division. (2) The selected candidates shall produce cer- from the Standing Merica Board at Peshan the Standing Merica Board at Peshan the Board at Peshan recognized University. Note: Cualifications at serial No. if will only be outsidate candidate with subble contracted with subble contracted with subble contracted in the diffect in the effect in the suble contracted with subble contracted in the subjects in the training and education. ** PART-II SUB-PROFESSIONAL POSTS variable contracted in the subjects in the subject in the intern in the subject in the effect in the subcessful compares incurred in the subce			(iii) B.Sc. Fe	prestry from			 following conditions: 	- <u>.</u>
24 UNISUL or a recognized University with SSC forest institute, eading DSC forest institute, shall be exempted from taning as one of the subjects in 2 Dublison Institute leading DSC forest institute, shall be exempted from taning. Cancel and the subjects in 2 Dublison Note: Qualifications at serial to considered with qualification at serial to institute, subjects and mental filteres for performing the qualification at serial to a subject in the subjects and mental filteres for performing the qualification at serial to its subject in the subject in th			Pakistan			(1)	The selected ca	ndidates shall undergo te the training at Pakistan L
(iii) BSC United by the set of the subjects in 2***Devices in 2***Devices in 2***Devices in 2***Devices in 2***Devices in 2***Devices in 2****Devices in 2*****Devices in 2*****Devices in 2*****Devices in 2*****Devices in 2*****Devices in 2******Devices in 2***********************************		· · · ·	2 nd Divisi	on; or		•	the second se	WASE FORESHY DOGIDAL
with Zobugstobarn training. as one of the subjects in 2 ⁴² Division (2) Note: Qualifications at serial No iii will only be considered when no subble candidates with qualification at serial No i and ii, is available (2) The selected candidates shall execute a bo memory and the candidates with qualification at serial No i and ii, is available (3) The selected candidates shall execute a bo memory and the training and Qualification subble candidates with qualification at serial No i and ii, is available ****/********************************			(iii) B.Sc. recogniz		a IY			r FARESIIV Deulee nom ' "
in 2ª Division from the Standing Medical could on the term Note: Qualifications at serial considered when no subable candidate with qualification at serial No 1 and i, is available The selected candidates shall execute a bo the Wildle Department, to the effect 1 successful completion of the training, index set wildle Qualification at serial No 1 and i, is available 1 "Deputy Ranger Wardus BPS-391 FSs. (Pre-Medical in 180.50 180.50 PRT-14 SUB_PROFESSIONAL_POSTS. Second Division or yeas 1 "Deputy Ranger Wardus BPS-391 FSs. (Pre-Medical in 180.50 180.50 Provide the takes for years or it shall refund the second by promotion, on the basis of as its provident that heads for years service to telen years service us tool Wildle Wild			with Z	oology/Botan	NY			
Note: Qualifications at serial No. ii. will only be considered when no suitable candidate with qualification at serial No. ii. will only be available. (a) The selected candidate shall execute a bo the Widdle Department, to the effect 1 successful completion of the training, they shu the Government for at least five years or in suball refund at the expenses incurred in co with their training and education. 1 **Deputy Ranger Wardle ISPS-09 FSC, (Pre-Methical) in their a meruplication three a meruplication three at meruplic	-		in 2 nd Di	vision.		(2)	Ctanding	Medical Bualu at Losnar
No. iii will only be considered with qualification at serial No. ii and available (3) The selected candidates shall execute a bo the Wildlife Department, to the effect 1 successful completion of the training, they shu the Government for at least five years or in shall retund at the express mounced in co with their training and education. 1 **Deputy Ranger Walklik BP S 401 E.F. Sc. (Prev MedCa) in second Division on environment for at least five years are express environment for at least five years are express on mount the training and education. 1 **Deputy Ranger Walklik BP S 401 E.F. C. (Prev MedCa) in environment for at least five years service as lead Winthe Walklik Wabba. 18 to 30 1 **Deputy Ranger Walklik BP S 401 E.F. C. (Prev MedCa) in environment for at least five years service as lead Winthe Walklik Wabba. 18 to 20 2 ** Intervention environment for at least five years service as lead Winthe Walklik Wabba. 18 to 20 2 ** tread Walklife Walklik Wabba. E. (Prevent by initial recruitment or by shall under go and successful complete Fores of field as poponted by initial recruitment or by shall under go and successful complete Fores Stood Stread by initial recruitment and by when those sequence, in captive and pearcols. 2 ** tread Walklife Wather (BPS 007) 11 to 28 By initial recruitment. 2 ** tread Walklife Wather (BPS 007) Second Divas Certificate from a recognized bar and pearce service as such an theory completed Forens Usants or enument.			Noto: Ouslific	ations at ser	ial		physical and ment	al timess for performing the
2 ** fead Widtle Secondary School 11 is and is is any lable. 1 **Opeputy Ranger F Sc. (Pre-Medical) in 181a 30 181a 30 1 **Opeputy Ranger F Sc. (Pre-Medical) in 181a 30 181a 30 1 **Opeputy Ranger F Sc. (Pre-Medical) in 181a 30 181a 30 1 **Opeputy Ranger F Sc. (Pre-Medical) in 181a 30 181a 30 1 **Opeputy Ranger F Sc. (Pre-Medical) in 181a 30 181a 30 1 **Opeputy Ranger F Sc. (Pre-Medical) in 181a 30 181a 30 1 **Opeputy Ranger F Sc. (Pre-Medical) in 181a 30 181a 30 1 **Main 100*S-091 ************************************	··· · ·		No. iii	will only	be .	(3)	the selected can	didates shall execute a bo
1 **Deputy Ranger F.F.S.C. (Pre-Medical) in the second set of the contension of the basis of sci of the second set of the second se			conside	ered when e candidate w	no vith	(0)	the Wildlife Dep	partment, to the effect of the she
No. and available shall refund all the expenses incurrent and water with their training and education. 1 **Deputy Ranger (Varian BPS-09) Fisc. (Pre-Medical) in table 50.00 (a) fifty percent by promotion, on the basis of a normal time tables for personal time tables within at tables for personal time tables for personal table		-	qualific	ation at se	erial		an Onlinement	for at least live years of "
PART-II SUB_PROFESSIONAL POSTS. 1 "Deputy Ranger Wattine /BPS-09] F.Sc. (Pre-Medical) in second Division or equivalent qualification from a moogstuch from a from a moogstuch from a from a moogstuch from a				-	15		chall refund all t	he expenses incurred in do
*** Deputy Ranger Withfile (BPS-09) Field Assistant Field Assistant (i) Field Assistant (ii) Field Assistant (iii) Field Assistant Field Assistant (iii) Field Assistant Field Assistant (iii) Field Assistant Field Assistant Field Assistant Field Assistant Field Assistant Fie						FSSION	DOCTO	and the second sec
2 ** Head Wildlife Watther (BPS-07) School 2 ** Head Wildlife 2 ** Head School 2 ** Head School 2 ** Head School 3 School 4 School 6 School 7 ** Head School 8 School 9 School 18 It is to 28 9 School				(Pre-Medical	1) in [10 ic	130 1 (4)		
2 Firth a morphase 10and 10and		1. **Deputy Range	seco	nd Division	or yes	ars i		
2. ** Head Wildlife 3. Field Assistant 3. School 4. Pheasant Breeding 4. Secondary 5. School 4. Pheasant Breeding 6. Secondary 5. School 7. Head Wildlife 8. Field Assistant 9. Field Assistant 9. Field Assistant 9. Intermediate with at least Second Class from a recognized Board, and field Assistant 9. Field Assistant 9. Intermediate with at least Second Class from a recognized Board, and field Assistant Training Asrictler from Agriculter from Agriculter from Agriculter from Agriculter from Agriculture from Agriculture from Agriculture from Agriculture from Agriculture from an Agriculture from Agriculture from an Agriculture from an an of the field Assistant from an of the field Assistant fraining 1	• •		2 from	F al tecel	m¦zed .		Wildlife Watcher	our of a Dividual where liere
2 ** Head Wildlife		•	116381	, .				
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2. ** Head Wildlife Watcher (BPS-07) By promotion shall but their lower posts By promotion, on the basis of senionity-cumarism the holders of the post of Wildlife 2.4 Pheasant Breeding 2.5 Secondary 2.6 Pheasant Breeding 2.7 Secondary 2.8 Field Assistant 2.8 Field Assistant 2.8 Field Assistant 2.8 Field Assistant (ii) Intermediate with at least Second Class from a recognized Board and having ten years experience in captive breeding of pheasants and peacocks. 2.8 Field Assistant (iii) Intermediate with at least Second Class from a recognized Board and having certificate from a recognized Board and having ten years. 2.8 Field Assistant (iii) Intermediate with at least Second Class from a recognized Board and			-	- · ·		. (t	· · ·	
2. ** Head Wildlife Rangers Wildlife Training Course from a or any other insinataned by the department, failing which see official appointed by initial recruitment shall be with and those appointed by promotion shall be their tower posts. 2. ** Head Wildlife 2. ** Head Wildlife Watcher (BPS-07). By promotion on the basis of seniority-cum amongst the holders of the post of Wildlife W at least five year's service as such- and having completed Forest Guard's or equivalent-the from a Forestry/Wildlife School 2.A Pheasant Breeding Assistant (BPS-09) Secondary School Certificate from a recognized Board and having ten years experience in captive breeding of pheasants and peacocks. 18 to 28 By initial recruitment. 2.B Field Assistant (i) Intermediate with at least Second Class from a recognized Board and having completed Board and having ten years experience in captive breeding of pheasants and peacocks. By initial recruitment. 2.B Field Assistant (ii) Intermediate with at least Second Class from a recognized Board and having course. By initial recruitment. (iii) Field Assistant framing Course from a recognized Board and having course. By initial recruitment. (iv) Field Assistant Training Arrive and the recognized Board. By initial recruitment. (iv) Field Assistant Training Arrive and the recognized Board. By initial recruitment. <td></td> <td></td> <td></td> <td></td> <td>-</td> <td></td> <td>lote: Officials appoint</td> <td>ed by initial recruitment or by</td>					-		lote: Officials appoint	ed by initial recruitment or by
2. ** Head Wildlife 2. ** Head Wildlife Watcher (BPS-07). with and those appointed by promotion, on the basis of seniority-cum- amongst the holders of the post of Wildlife W 2.A Pheasant Breeding Secondary School 2.A Pheasant Breeding Secondary School 2.A Pheasant Breeding Certificate from a recognized Board and having ten years 18 to 28 2.B Field Assistant (i) Intermediate with at least Second Class from a recognized Board, and 18 to 28 2.B Field Assistant (ii) Intermediate with at least Second Class from a recognized Board, and 18 to 28 4.ATTESTED (iii) Field Assistant Training institute or any other 18 to 28	· •.			•			shall undergo ar	a Training Course Ironi our I
2. ** Head Wildlife with and those appointed by promotion shall be their lower posts. 2. ** Head Wildlife By promotion, on the basis of seniority-cum-amongst the holders of the post of Wildlife Wildlife Watcher (BPS-07). 2.A Pheasant Breeding Secondary School 18 to 28 2.A Pheasant Breeding Certificate from a recognized Board and having ten years experience in captive breeding of pheasants and peacocks. By initial recruitment. 2.B Field Assistant (i) Intermediate with at least Second Class from a recognized Board, and maing Certificate from a recognized Board, and having ten years. By initial recruitment. 4ATTESTEED (ii) Intermediate with at least Second Class from A griculture Training institute or any other 18 to 28 By initial recruitment.				1 J	-		School, Abbotta	bad at that, or any other me
2. ** Head Wildlife Watcher (BPS-07) Secondary School School 18 to 28 By promotion, on the basis of seniority-cum amongst the holders of the post of Wildlife W at least five year's service as such and having completed Forest Guard's or equivalent-the from a Forestry/Wildlife School 2A Pheasant Breeding Assistant (BPS-09) Secondary School Certificate from a recognized Board having ten years experience in captive breeding of pheasants and peacocks. 18 to 28 By initial recruitment. 2B Field Assistant (i) Intermediate with at least Second Class from a recognized Board: and 18 to 28 By initial recruitment. ATTESTED (ii) Field Assistant Training Certificate from Agriculture Training Institute or any other 18 to 28 By initial recruitment.				, •				
2. ** Head Wildlife Watcher (BPS-07). amongst the holders of the post of and having completed Forest Guard's or equivalent-tre from a Forestry/Wildlife School 2A Pheasant Breeding Assistant (BPS-09) Secondary School 18 to 28 2B Field Assistant (i) Intermediate with at least Second Class or recognized Board and having ten years experience in captive breeding of pheasants and peacocks. 18 to 28 By initial recruitment. ATTESTED (ii) Intermediate with at least Second Class from a recognized Board, and 18 to 28 By initial recruitment.								
2A Pheasant Breeding Assistant (BPS-09) Secondary School Certificate 18 to 28 By initial recruitment. 2A Pheasant Breeding Assistant (BPS-09) Secondary School Certificate 18 to 28 By initial recruitment. 2B Field Assistant (i) Intermediate with at least 18 to 28 By initial recruitment. ATT ESTED (ii) Intermediate with at least 18 to 28 By initial recruitment.	• .]		19.6				ii	alders of the trust of the
2A Pheasant Breeding Assistant (BPS-09) Secondary Certificate School 18 to 28 By initial recruitment. 2B Field Assistant (i) Intermediate with at least Second Class 18 to 28 By initial recruitment. 2B Field Assistant (ii) Intermediate with at least Second Class 18 to 28 By initial recruitment. ATTES (iii) Intermediate with at least Second Class 18 to 28 By initial recruitment. ATTES (iii) Field Assistant (iii) Intermediate with at least Second Class By initial recruitment. ATTES (iii) Field Assistant Training Certificate from a recognized Board; and Agriculture Training Institute or any other	-			•				APA CONTRA AS SULLIADIN DEPENDENCE
2A Pheasant Breeding Assistant (BPS-09) Secondary School Stroot 2B Field Assistant (i) Intermediate with at least 18 to 28 By initial recruitment. ATTIESTED (ii) Intermediate freed on a recognized 18 to 28 By initial recruitment. Image: Second Class (iii) Intermediate from a recognized 18 to 28 By initial recruitment. Image: Second Class (iii) End Assistant Certificate from a recognized 18 to 28 By initial recruitment. Image: Second Class (iii) Field Assistant Training Certificate from Agriculture Freid Assistant Training Image: Second Class (iii) Field Assistant Training Second Class Second Class Image: Second Class Second Class Second Class Second Class Second Class Image: Second Class Second Class Second Class Second Class Second Class Image: Second Class Second Class Second Class Second Class Second Class Image: Second Class Second Class Second Class Second Class Second Class							from a Forestr	y/Wildlife School
Assistant (BPS-09) Assistant (BPS-09) 2B. Field Assistant (i) Intermediate with at least Second Class from a recognized Board, and Field Assistant Training Certificate from Agriculture Training Institute or any other			Breeding		1		By initial recru	itment.
ATTESTED (ii) Field Assistant (i) Intermediate with at least Second Class from a recognized Board; and Field Assistant Training Certificate from Agriculture Training Institute or any other		Assistant (BPS-09)		1.00	years 🥆		•
2B. Field Assistant (i) Intermediate with at least Second Class years. By initial recruitment. ATTTESTED (ii) Intermediate is second Class years. gears. Board; and Field Assistant Training Certificate from Agriculture Training institute or any other Field Assistant is the provided institute or any other	•	•	· .	having ter	n years	`		· · · · ·
ATTESTED (i) Intermediate with at 18 to 28 least Second Class years. from a recognized Board; and Field Assistant Training Certificate from Agriculture Training Institute or any other				breeding of	pheasants	•		
ATTESTED (ii) least Second Class years. from a recognized Board; and Field Assistant Training Certificate from Agriculture Training Institute or any other			()	and peacock Intermediate	with at		By initial rec	ruitment."
(ii) Board; and Field Assistant Training Certificate from Agriculture Training Institute or any other		L(BRS:09)		least Seco	ond Class	years.		
Certificate from Agriculture Training Institute or any other		ALLESIEU		Board; and				
Agriculture Training Institute or any other		-			from	. .		
			•	Anriculture	Training r any other			· ·
				recognized	Indiato		0k5/3955-80, dated, (8-10-2007.

	Nomenclature of the Post	Minimum Qualification for Appointment by Initial Recruitment.	Age Limit for Initial Recruitm ont	Method of Recruitment.
1		3	4	
	*** Wildlie Watcher (BP\$/05)	Secondary School Certificate in Second Division from a recognized Board.	18 to 35 years	。 By initial recruitment
1	Cameraman (BPS-13).	I. Secondary School Cerlificate from a recognized Board;		By initial recruitment.
		II. Experience in Still and Movie Photography; and		
-		III. Experience in the operation of Movies and Slide Projectors.		
5	Buatman	Five years experience of boating in major rivers	18 to 35 • years	By initial recruitment.
6	Wildlife Chowkidar	Intimate Knowledge o Wildlife and habitats		By initial recruitment

* Amended vide Notification No. SO-II(FF&WD) 1-465/2T/731-38, dates; 03-03-2000

PART-III MINISTERIAL POSTS.

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S	# 2	Nomenclature of the	Minimum Qualification for	Agę		Method of Recruitment.
		Post	Appointment by Initial	Limit	-	
1		•	Recruitment.	for		· -
•		· .		Initial		· ·
				Recruit	-	. •
ļ.,				ment.		
	1	2	3	4		, 5
 		Superintendent			 F	By promotion, on the basis of seniority-cum-filne
1	· '	oupenniendeni	. · · · ·			amongst holders of the posts of Assistant/Stehr
. 1		· · ·	· ·			BPS-15) with at least five years service as such.
12	· · · ·	Assistant	Degree from a recognized	18 to 30	(a).	Twenty-five percent by initial recruitment; and
		, betotant	University	years		Seventy five percent by promotion, on the
		· .			;	seniority-cum-fitness, from amongst the holder
	.				ļ	posts of Senior Clerks with at least five years' s
·	* .	,	· · · · · · · · · · · · · · · · · · ·			such.
	3	Senior Clerk				By promotion, on the basis of semorily-cum-filme
	·	•				amongst holders of the posts of
		· · ·			1	Clerks/Storekeepers with at least three years' s
1		·				such.
4	1.	Junior Clerk/Storekeeper	(i). Secondary School	18 to 30	(a).	Eighty percent by initial recruitment, and-
ŀ	-	. ·	Cortificate or equivalent		-	Twenty percent by promotion, on the basis of
	, 1		(ii), qualification from a			cum litness, from amongst holders of the post- and Naib Casid, who possess "Sociotday
			tosognizo Board, and			Centileate and have at least two yours, service to
			A speed of 10 work per			
			(i). Secondary School	18 to 30	(a).	Fifty percent by promotion, on the basis of seni
	5.	Stenographer (BPS-15)	(i). Secondary School Certificate or equivalen		(a).	fitness, from amongst holders of the
ļ				ycars		Stenographers (BPS-12) with at least five years
			recognized Board; and	1 ·		such who have passed such test as may be pre-
			A speed of 120 words pe	r .	(b).	Government for the purpose: and
			minute in shorthand in			
			English and 40 words pe	r		Fifty percent by initial recruitment.
			minute in typing			
	6	Stenographer (BPS-12)	(i). Intermediate or equivaler	nt 18 to 30	1	By initial recruitment
·			qualification from th	e years		:
	, .		(ii). recognized Board, and	, , ,	•	
	it and	الا معدما	A speed of 50 words pe			· · · ·
			minute in shorthand i			
•	0		(iii). English and 35 words po	pr		
	•		minute in typing, and			. `
	-	· · ·	Knowledge of Computer			
•			using MS Word and M	5 .		•
	GĀ -	Computer Operator/Data	Excel	0 10 10 00		By joitial requilmost
	6A -	- Computer Operator/Data	(i) Intermediate from	a 18 to 28		By initial recruitment,
		Entry Operator (BPS-12)	recognized Board; and	years.		· /. *
			(ii) -Diploma in Computer Science or equivalent			· · · · · · · · · · · · · · · · · · ·
		•	qualification from			
		· · · · · · · · · · · · · · · · · · ·	quanication from			

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GOVERNMENT OF Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department

Dated Peshawar, the April 20, 2012

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NOTIFICATION

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No.SOE(AD)2(2)429/2011.- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all notifications issued in this behalf to the extent of Agriculture Extension Wing, the Agriculture, Livestock and Cooperation Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to this Notification, which shall be applicable to the posts mentioned in column 2 of the said Appendix in the Directorate of Extention Wing of the Agriculture Department.

APPENDIX

<u>PART-I</u>

PROFESSIONAL STAFF

	5. 10	Nomenclature of post.	Qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	.		3	4	5
	1	Director General, Agriculture (Extension) Khyber Pakhtunkhwa / Director General Agriculture (Extension) FATA / Principal, Agricultural Training Institute, Peshawar			By promotion, on the basis of seniority-cum-fitness, from amongst the Officers (BPS-19) of the Agriculture Extension Wing having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University.
	2	(BPS-20). Directors Field Operation / Plant Protection / Horticulture / Agriculture Marketing / Coordination, Planning and Monitoring / Model Farm Services Centre / Seed / Training			By promotion, on the basis of seniority-cum-fitness, from amongst the Officers (BPS-18) of the Agriculture Extension Wing with seven years service in BS-18 or 12 years service in BS-17 and above having M.Sc Agriculture or
		and Training Coordinator Agriculture Training Institute / Director Agriculture / District Directors Agriculture / Vice Principal, Agriculture Training Institute and Executive District Officer Agriculture (BPS-19).			B.Sc Degree in Agriculture from a recognized Agriculture University.
	3	Deputy. Directors (Planning, Monitoring and Evaluation) / Plant Protection / Horticulture / Agriculture Marketing /Agriculture(Information) / Coordination and Publication /Senior Instructors, Agriculture Training Institute /subject Matter Specialists Plant Protection/Agronomy and Extension / Horticulture /			By promotion, on the basis of seniority cum fitness, from amongst the BS-17 Agricultural officers / Instructor/Agriculture Officer Public Relation and Publication of Agriculture Extension Wing with five years' service as such, having M.Sc Agriculture or B Sc Degree in Agriculture from a recognized Agriculture University.
E		Plant Protection Officers Deputy. Director Farms / Agency Officers Agriculture and Horticulture Specialists (BPS-18).	/		

			· .		-
		,		•	653
	1		with three years	- · · · · ·	
			experience in portrait /		(2D >
			landscape photography		
		х. х	with appropriate		-
		No	knowledge and practice of commercial		
			photography.	-	
ĺ	12	Video Camera	At least 2 nd Division	18 to 28	By initial recruitment.
		Operators (BPS-10)	Secondary School	years.	
		(DF 3- 10).	Certificate from a recognized Board with four		· · · · ·
			years experience in	-	
		· ·	Outdoor Photography,		
			Documentary, Editing and Commercial		
	13	Artist-cum-	Diploma in Arts from a	18 to 28	By initial recruitment.
		Photographers ·	recognized Institute of Arts	years.	·
		(BSPS-9).	with sufficient experience in-		· · ·
	14	Agriculture Inspectors	photography.		By promotion, on the basis of
		(BPS-9).			seniority-cum-fitness, from
					amongst Field Assistants with at
	15				least five years service as such.
	15	Field Assistants (BPS-6).	(a) At least 2 nd Division in Secondary School	18 to 28 years	By initial recruitment.
	1		Certificate with science	years.	
			from a recognized		
· ·			Board; and (b) Certificate of passing		· · · · ·
		· • · · · · · · · · · · · · · · · · · ·	two years training		
		· · · ·	course from Agricultural		÷ .
,	10	Stock Assistants	Training Institute.		
:	16	(BPS-6).	(a) At least 2 nd Division in Secondary School	18 to 28 years.	By initial recruitment.
•			Certificate with science	ycars.	
			from a recognized	•	
			Board; and (b) Cartificate of pacing		
			(b) Certificate of passing two years training		
			course from Agricultural		• 、
' :	47		Training Institute		
	17	Laboratory Assistants (BPS-6).	At least 2 nd Division in Secondary School	18 to 28 . years.	 (a) Fifty percent by promotion, on the basis of seniority-
			Certificate with science	, youro	cum-fitness, from amongst
			from a recognized Board.		Laboratory Attendants with
					three years service as such, having Secondary School
			· · · .		Certificate with science from
					a recognized Board; and
					(b) Fifty percent by initial recruitment.
	18	- Pharmacy -	Secondary School		By initial recruitment.
•		Technicians	Certificate from a		
•		(BPS-9).	recognized Board with		
· .	1		Dispenser Certificate from Health Department.		
	19	Heavy Duty Driver	Experience in driving	18 to 40	By initial recruitment.
		(BPS-6).	having heavy vehicle	years.	
	20	Driver-Cum-Operator	driving lincence. Middle pass having heavy	18 to 40	By promotion, on the basis of
	20	(BPS-6).	Motor driving lincence and	years.	seniority-cum-fitness, from
		•	experience in handling		amongst the vehicle drivers with
· · .	21	Drojectionist	projector.	10 1- 02	three years experience.
-	· [2]	Projectionist-cum- Drivers	Literate possessing a valid driving lincence and having	18 to 32 years:	By initial recruitment.
		(BS-6).	three years experience in a		
			relevant field.		
720			Note:- preference will be given to the holders of		
TED			certificate in film projection.		
$\mathcal{P}_{}$	2.2				By transfer from amongst Fitter
,		(BPS-5)	NAidala nana natificata fa	10 10 00	with three years service as such.
	23	Fitters (BPS-5).	Middle pass certificate from a recognized Institute.	18.to 28 years.	By initial recruitment.
	24		Meddle pass with	18 to 40	By promotion from amongst Field
		(BPS-5).	experience in budding.	years.	Worker/ Malies and Attendants.
	25		Secondary School	18 to 40	By initial recruitment.
	j.	- (BPS-5),	Certificate from a	years.	

ATT

	1		Documentary Editing		
			and Commercial.		
	42	Senior Clerks	. –	-	By promotion, on the basis of
	1	(BPS-9).			seniority-cum-fitness, from amongst
 					Junior Člerks / Time Keepers / Store
	·				Keepers and Depot Keepers with two years service as such.
					By promotion, on the basis of
	43	Senior Auditors	-	-	seniority-cum-fitness, from amongst
	•	(BPS-8).			Junior Auditors with two years service
					as such.
	44	Junior Clerks	(a). Secondary School	18 to 28	(a) Thirty-three percent by
	44	(BSPS-7).	Certificate or an	years.	promotion, on the basis of
	•		equivalent qualification.	, i	seniority-cum-fitness, from
			from a recognized		amongst the holders of all Class-
			Board; and		IV posts provided that they
			(b), a speed of thirty		possess secondary school
			words per minute in		certificate with two years service as such; and
			typing.		
					(b) Sixty-seven percent by Initial recruitment.
			Secondary School	18 to 28	By initial recruitment.
	45	Junior Auditors (BPS-6).	Certificate or an ³	years.	
		(ur 3-0).	equivalent qualification	,	
			from a recognized		
			Board;		
	46	Store Keepers/Time	Secondary School	. 18 to 28	By initial recruitment.
		Keepers and Deport	Certificate or an	years.	
		keepers (BPS-5).	equivalent qualification		
			from a recognized		
		Callianonhara	Board. Three years experience	18 to 32	By initial recruitment.
	4.7	Calligraphers	in the art of calligraphy	years.	
	48	(BPS-5). Daftaries (BPS-2).	Middle Pass.	18 to 45	By promotion, from amongst Naib
	40	Daitanes (DF 0-2).		years.	Qasids who are middle passed.
	49	Naib Qasids	Preferably literate.	18 to 45	By initial recruitment.
		(BPS-1)		years.	
	50		Having experienced in	18 to 45	By initial recruitment.
		Security Guards	watch and ward duty.	years.	
	· ·	(BPS-1).		<u> </u>	
					$ $ $ $ $ $ $ $ $ $ $ $ $ $
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					A DUNING AND AND AND
		-	C 6 7 1	RETARY T	A GOVERNMENT OF

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AGRIL: LIVESTOCK AND COOP: DEPARTMENT.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to: --

- The Secretary to Govt, of Khyber Pakhtunkhwa Establishment Department. 1.
- The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department. 2
- The Secretary to Govt. of Khyber Pakhtunkhwa Law Department w/r to his letter 3. No.LD/REG/1(6)76/Vol-II dated 06.01.2012.
- The Accountant General, Khyber Pakhtunkhwa. 4
- The All District Coordination Officers, Khyber Pakhtunkhwa. 5.
- The All Executive District Officers (Agriculture), Khyber Pakhtunkhwa. 6.
- The Secretary to Governor, Khyber Pakhtunkhwa. 7
- The PSO to Chief Minister, Khyber Pakhtunkhwa. 8.
- The PSO to Chief Secretary, Khyber Pakhtunkhwa. 9.
- The PS to Additional Chief Secretary, FATA, Warsak Road, Peshawar. 10.
- The PS to Minister for Agriculture, Khyber Pakhtunkhwa. 11.
- The Director General, Agricultural (Extension), Khyber Pakhtunkhwa, Peshawar 12.

The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested that 13. printed (preferable gazette) copies of the notification as and when published may be furnished to this Department, E&A and Law Department along with details of gazette in which is published.

14 PS to Secretary Agriculture.

(MUHAMMAD ZAHID) SECTION OFFICER-ESTT:

ATTESTED

The District Director Agriculture, (Information) Peshawar.

CHANGE OF DESIGNATION

Subject:

To:

Memo:

Enclosed herewith a copy of Government of Khyber Pakhtunkhwa, Agriculture Department letter No.SOE(AD)3/(2)/201/2012/EW dated 11.4.2014.

No.18/177-A/Estt/

Dated Peshawar: the

It is to inform that the up-gradation case of Mr. Imtiaz Ahmad, Video Camera Operator of your office was considered by the Government and filed at this stage.

10/1 2014 DIRECTOR GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA PESHAWAR

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TESTED

COVERNMENT OF Khyber Pakhtunkhwa AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

NO.SOE(AD)/3(2)201/2012/EW Dated Peshawar, the April 11, 2014

The Director General, Agriculture (Extension), Khyber Pakhtunkhwa Peshawar

CHANGE OF DESIGNATION

CUBJECT:-

-63

SECTION OFFICER-ESTT:

SECTION OFFICER

I -am directed to refer to your letter No.1486 dated 28/1/2014 on the subject noted above and to state that the appeal for upgradation was considered and filed at this stage. (DAULAT KHAN)

Endst. of even No. & Date.

Copy for information to:

- 1. P.S to Secretary Agriculture department.
- 2. P.A to Deputy Secretary-Admn: Agriculture.

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TESTED

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IN THE COURT	OF Securic	e Kibin	al, Pisha	wal
	ntiaz Al			(Appellant) (Petitioner) (Plaintiff)
	. Agr	VERSUS	Dept	(Respondent)
				(Defendant)
I/We	Intiaz	di	· · · · · · · · · · · · · · · · · · ·	
Do hereby appe to appear, plea	oint and constitu id, act, comprom nsel/Advocate in and with the au	te M.Asif Yo lise, withdraw the above n	or refer to an oted matter, N	<i>Graining Algorithms of Formul Algorithms</i> bitration for me/us without any liability ny other Advocate/
behalf all sums	s and amounts p natter. The Advo	ayable or der cate/Counsel	osited on my is also at libe	l receive on my/our /our account in the rty to leave my/our left unpaid or is

outstanding against me/us.

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Dated

CLIENT)

So

ACCEPTED

M. ASIF YOUSAFZAI Advocate

Tainue Ali Man Advocate

M. ASIF YOUSAFZAI

Advocate High Court, Peshawar.

OFFICE:

Room No.1, Upper Floor, Islamia Club Building, Khyber Bazar Peshawar. Ph.091-2211391-0333-9103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.698/2014

Mr. Imtiaz Ali, Video Camera Operator o/o Bureau of Agriculture (Information) Agriculture (Extension) Peshawar.

VERSUS

- The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department, Peshawar.
- Director General, Agriculture (Extension) Khyber Pakhtunkhwa, Peshawar.
- 3. The Deputy Director of Agriculture (Information) Peshawar.
- 4. The Secretary to Government of Khyber Pakhtunkhwa Finance Department, Peshawar.
- The Up-gradation Committee,
 Through it, Chairman the Secretary
 Finance Department, Government of Khyber Pakhtunkhwa Peshawar.

Respondents

PRELIMINARY OBJECTIONS

- . That the appeal is not maintainable in its present form and liable to be dismissed.
- 2. That the appellant has no cause of action to file the instant appeal.
- 3. That the appellant has no locus standi to file the instant appeal.
- 4. That the appellant has deliberately concealed the material fact from this. Hon'ble
- 5. That the appellant has not come to this Hon'ble Service Tribunal with clean hand and come to the court with malafide intension just to pressure the respondents.
- 6. That the Hon'ble Tribunal has no jurisdiction to entertained the appeal.
- 7. That the appeal is time barred.

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1,2,3 & 4

Para-1. Correct to the extent that the appellant was appointed as Video Camera Operator (BS-10) in the office of respondent No.3 vide office order No.18/177-A/Estt/8027-30/dg dated 5.5.2011 (Annexure-A).

Para-2. No comments hence denied.

Appellant

Para-3.

Correct to the extent that revised policy and criteria for up-gradation of posts issued by the Government of Khyber Pakhtunkhwa, Finance Department (Regulation Wing) vide No.SO (FR) FD/7-2/2008 dated 11.10.20⁽²⁾ (Annexure-B). According to para-II (b) (iii) that no such recommendations will be made in case where the incumbent has less than 10 years of stay on one and the same position, wherein the appellant was appointed as Video Camera Operator (BS-10) on 5.5.2011 and not completed 10 years service / stay on the same position.

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- Para-4. Correct to the extent that the appellant papplied for up-gradation / change of designation with the plea that the post of Cameraman working in other department is in BS-13 while the appellant is in BS-10. It is pertinent to mention here that qualification of the post of Video Camera Operator and Cameraman are different in other department as per their rules.
- Para-5. Correct to the extent that the case was submitted to the respondent No.4 for upgradation of the post. The committee thoroughly discussed the case and observed that nomenclature of the post in Agriculture Department is different from that of information and environment Departments and the required qualification in Information Department is Intermediate as however Matric in Agriculture Department. The committee concluded that up-gradation of the post of Video Camera Operator cannot be justified on the basis of parity. Minutes of the meeting of the up-gradation committee held on 4.4.2014 (Annexure-C). Further rules of parity applicable to similar placed person in the same department.
- Para-6. In-correct. Detail comments given in para-5 above.
- Para-7. No comments.

GROUNDS.

- Para-A. In-correct the impinged order is in accordance with law and rules
- Para-B. In-correct. Detail comments already given in para-5 above.
- Para-C. In-correct. Detail comments already given in para-3. However, the impugned order is/accordance with rules.
- Para-D. In-correct. Detail comments already given in para-4 & 5.

Para-E. In-correct. Detail comments already given in para-5.

Para-F.

in-correct that the appellant was treated as per up-gradation policy issued by the Government of Khyber Pakhtunkhwa. The up-gradation committee thoroughly discussed the case and observed that up-gradation of the post cannot be justified on the basis of parity.

Para-G. No comments, hence denied.

It is therefore, humbly prayed that on acceptance of the above para-wise comments / reply the appeal of the appellant may kindly be dismissed.

RESPONDENTS

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA AGRICULTURE, LIVESTOCK & COOPERATION DEPARTMENT PESHAWAR

DIRECTOR GÉNERAL AGRICULTURE (EXTENSION)' KHYBER PAKHTUNKHWA PESHAWAR

DEPUTY DIRECTOR OF AGRICULTURE

(INFORMATION) PESHAWAR

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT PESHAWAR Kespdt No: 445

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.698/2014

Mr. Imtiaz Ali, Video Camera Operator o/o Bureau of Agriculture (Information) Agriculture (Extension) Peshawar.

<u>VERSUS</u>

- 1. The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department, Peshawar.
- Director General, Agriculture (Extension) Khyber Pakhtunkhwa, Peshawar.
- 3. The Deputy Director of Agriculture (Information) Peshawar.
- 4. The Secretary to Government of Khyber Pakhtunkhwa Finance Department, Peshawar.

Respondents

COUNTER AFFIDAVIT

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

RESPONDENTS

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATION DEPARTMENT PESHAWAR

> DIRECTOR GEVERAL AGRICULTURE (EXTENSION)' KHYBER PAKHTUNKHWA PESHAWAR

DEPUTY DIRECTOR OF AGRICULTURE (INFORMATION) PESHAWAR

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT PESHAWAR

Appellant

DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA, PESHAWAR

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OFFICE ORDER

4)

5)

On recommendation of Departmental Selection Committee Mr. Imtiaz Ali S/O Rahimud Din is hereby appointed as Video Camera Operator (BS- 10) (Rs.3955-250-11755) against the vacant post in the office of the Deputy Director of Agriculture (Information) Peshawar with immediate effect on the following terms and conditions: -

- 1) He will get pay at the minimum of BPS-10 including usual allowances as admissible under the rules. He will also be entitled to annual increment.
- 3) His services will be liable to termination with or without any reason on two months notice from either side. In case of termination without notice by the employer or two months notice from the employee for resignation two months pay and allowances shall be paid by the Government or refunded by the employee as the case may be.

His services under the present post shall not qualify for pension / gratuity.

- He will not contribute towards G.P.Fund. However, he will contribute C.P.Fund @ 5% of minimum of pay scale and an equal amount of 5% contribution will be made by the Government as per rules.
- He will be allowed conveyance, Medical, House Rent Allowances. Leave and TA / DA as per Government rules.
- 7) He will be considered for appointment against higher post of availability of vacancy, if found eligible and due for promotion.
- 8) He has to join duty at his own expenses.
- 9) He shall produce a medical certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar before reporting himself for duty in the DDA (Information), Peshawar as required under the rules.
- 10) He will be on probation for a period one year with effect from the date of joining his duty.
- 10) His service can be terminated at any time in case his performance is found unsatisfactory during one year.

2) If he accepts the post on the above terms and conditions, he should report for duty in the office of the Dy. Director of Agriculture (Information) Peshawar within 30 days of the receipt of this offer and produce original certificates in connection with his qualification, domicile and age.

Sd/- (MUHAMMAD TASLEEM) DIRECTOR GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA PESHAWAR

No.18/177-A/Estt/ 8027 - 30 /DG

Dated Peshawar: the 5/5//2011

Copy forwarded to: -

- 1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2. The Dy. Director of Agriculture (Information) Peshawar.
- 3. Mr. Imtiaz Ali S/O Rahimud Din Mohallah Hussain Abad House No.251 P.O. Karimpura Near Jamiya Masjid Hamza Tehsil and District Peshawar.

For information and necessary action.

File No.18//1/Estt/ for record.

Ammer-B. 161

GOVT: OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

(REGULATION WING)

NO. SO(FR)/FD/7-2/2008 Dated Peshawar, the 11th October, 2010

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All the Administrative Secretaries to Govt: of Khyber Pakhtunkhwa. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar,

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The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar, The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

The Secretary Provincial Assembly, Khyber Pakhtunkhwa.

The Registrar, Peshawar High Court, Peshawar.

The Registrar, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.

7. The Registrar, Service Tribunal Khyber Pakhtunkhwa.

8. All the Divisional Commissioners, Khyber Pakhtunkhwa.

9.

POLICY AND CRITERIA FOR UPGRADATION OF POSTS. Subject:

Dear Sir.

I am directed to refer to the subject noted above and to enclose herewith a copy of revised Policy/ Criteria for Up-gradation of Posts duly approved by the Provincial Cabinet in its meeting held on 23rd August, 2010 in supercession of the policy and criteria for up-gradation circulated vide Finance Department letter No. SO(FR)FD/7-2/2008 dated 19-01-2009.

I am accordingly directed to request that the enclosed policy/ criteria for 2. up-gradation of posts may please be brought into the notice of all concerned and in future proposals for up-gradation may be scrutinized strictly in accordance with the approved policy before submission to the up-gradation committee for consideration.

Yours faithfully.

(SHAUKAT ULLAH) SECTION OFFICER (FR)

END. NO & DATE EVEN

<u>?</u>

Copy is forwarded for information to: -

The Accountant General, Khyber Pakhtunkhwa, Peshawar, 1. All Section/ Budget Officers, in Finance Department.

SECTION OFFICER (FR)

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REVISED POLICY AND CRITERIA FOR UPGRADATION OF POSTS.

All proposals regarding upgradation of any post in any Provincial Department or office shall be placed before the following committee for scruitinization and recommendations: -

- Secretary to Govt: of Knyber Pakhtunkhwa, Chairman Finance Department.
- Secretary to Govt: of Khyper Pakhrunkhwa, Establishment Department.

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iii. Additional Finance Secretary (Regulation) Member-cum-Secretary Finance Department.

Member

- Department. Member
- Nite In case the post of Additional Secretary is not sanctioned in concerned department, the Deputy Secretary of the concerned department will represent as member of the up-gradation committee for scrutiny and recommendations of the upgraded posts.
- No proposal request for up-gradation of post(s) to higher pay scale shall be entertained except in following cases: -

I. UPGRADATION OF POSTS PROPOSED AS PART OF RE-ORGANIZATION/ RE-STRUCTURING OF DEPARTMENTS: OF /td

Proposals for upgradation of certain posts as a sequel to the re-organization/ re-structuring of the department' organization will be considered/ scrutinized by the committee on following parameters: -

- (i). Objectives set forth for Re-organization.
- (ii). Reasons, factors and impediments in the existing structure which led to Re-organization process.
- (iii). Why upgradation of some posts are essential for re-organization.

(iv). Proposed changes in method of recruitment as part of re-organization proposed; Provided that before submitting proposals of upgradation of posts to the Finance Department in such cases, the Administrative Department will do proper consultation with Establishment Department for developing a practical and modest Re-organization proposal. II. <u>UPGRADATION OF POSTS PROPOSED DUE TO</u> INDIVIDÜAL HARDSHIP CASES:

(a) Proposals for upgradation of certain posts due to the reasons that some civil servants do not have further promotion chances and have stayed on one position for reasonably long time, will be placed before the committee for consideration only if the proponent departments provides following information:-

(i) Reasons due to which concerned Government servant is unable to be promoted in normal procedure.

- (ii). All requisite details about creation of such posts and formulation of service rules with particular reference to the reasons as to why the service rules can not give career progression to the holders of these posts.
- (iii). Whether organizational structure as well as service rules need revision to avoid recurring of the hardship to the future entrants.
- (iv). The steps taken by the department concerned to resolve such hardships on permanent basis.

(b) The committee after proper scrutiny of case in terms of above paramete and if satisfied that the upgradation of certain post(s) is the only solution, ma make its recommendations to the competent authority for upgradation on persona basis provided that: -

- (i). There shall be no upgradation of post beyond BPS-19 in such cases.
- (ii). Such recommendations will only be made in case where there are absolutely no promotion prospects in the service structure for incumbent of said post(s).
- (iii). No such recommendations will be made in a case where the incumbent has less than 10 years of stay on one and the same position;
- (iv). The incumbent has not been earlier elevated in the existing pay scale by personal upgradation.
- (v). The proposed upgradation will be personal to the incumbent and the post shall stand downgraded as and when vacated by such incumbent.

III. <u>UPGRADATION OF POSTS PROPOSED ON GROUNDS (</u> <u>PRINCIPLE OF PARITY.</u>

While processing the cases where the proponent department se upgradation of certain posts to a higher pay scale on the analogy of similar posts in so other department in this province created with same nomenclature, the committee s take into account following parameters: Ascertainment of full details about all such posts created with same nomenclature by any other department in addition to those departments whose analogyhas been quoted by proponent departmenn

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Nomenclature shall not be the sole criterion for *(ii)*. determining parity comparability of post(s). Other details i.e. the job description an qualification would necessarily be examined. and prescribed

In case of difference of prescribed qualification or the job *(iii)*. description (or both) as the case may be, the committee may direct change of nomenclature of post(s) in any department to avoid confusion on this ground.

(iv).

(i).

The committee may associate with all such departments having same nomenclature of certain post(s) with same responsibilities and same qualifications to ascertain as to what were reasons for creation of same posts in different departments with different pay scales, and thus make recommendations in respect of all such posts in all concerned departments, whether they took up the case or otherwise, to bring uniformity in pay scales in all departments to avoid future references.

Provided that the committee shall not recommend such proposals for uniformity where prescribed qualifications as well as the qualifications possessed by existing incumbents is not at par with the post(s)/ incumbents cited as precedence.

Provided further that in such cases the committee may recommend change of nomenclature of either those post(s) having higher prescribed qualifications or those having lesser prescribed qualifications as may be deemed appropriate by the committee.

UPGRADATION PROPOSED FOR IV. RETENTION OFFICER ON SAME POST AFTER HIS PROMOTION HIGHER PAY SCALE.

Retention of an officer on the same post after he has been promoted to next higher position by the competent authority, is against the spirit of the promotion policy, hence shall not be ordinarily allowed. However, in case due to peculiar exigencies of services if it becomes unavoidable to retain a promoted officer on the same position than the concerned department shall move a summary for the Chief Minister, mentioning therein the detailed reasons and justifications in support of their such proposal and route it through the Establishment Department and the Finance Department for obtaining orders of the Chief Minister, Khyber Pakhtunkhwa.

Provided that in such cases the post will be up-graded personally for the incumbent till his stay as such and shall automatically stand downgraded to its original position thereof.

UPGRADATION OF A POST PROPOSED ON THE ANALOGY OF SOME OTHER PROVINCE.

V.

Any order made by any other Province regarding creation of a post with certain nomenclature in certain pay scale does not have any binding effect on any other Province to follow the same. Therefore, in such cases the committee shall examine the proposals totally on its own merit keeping in view the above mentioned guidelines, in general, and shall furnish its recommendations independently.

3. The committee may, however, take any other point into consideration while examining proposed upgradation to ensure effective running of a department/ organization in public interest.

4. The recommendations of the above committee shall be submitted for approval of the competent authority as per table given below: -

Sr. No). Scale	Competent authority	
1.	BPS-1 to BPS-15 BPS-16 to		
3.	BPS-18 & (Khyber Pakhtunkhwa Chief Minister, Khyber Pakhtunkhwa	In consultation with the above inter departmental committee In consultation with the above inter departmental committee

MINUTES OF THE MEETING OF THE UPGRADATION COMMITTEE HELD ON 04-04-2014 REGARDING UPGRADATION OF THE POST OF VIDEO CAMERA OPERATOR BS-10 TO BS-13 AND RE-DESIGNATION AS <u>CAMERAMAN.</u>

A meeting of the Upgradation Committee was held on 04-04-2014 at 11:00 AM, under the chairmanship of Additional Finance Secretary (Budget), Finance Department to discuss the upgradation of the post of Video Camera Operator(BS-10) to BS-13 and us re-designation as Cameraman. The following attended the meeting.

Chairman

Mr. Muhammad Imtiaz Ayub Additional Finance Secretary (Budget) ١. Finance Department,

Mr. Raza Ullah 2. Additional Finance Secretary (Reg) Finance Department,

Mr. Daulat Khan Section Officer (Estt) Agriculture, Livestock & Cooperative Department,

Mr. Shafi Ul Ahmed 4. Section Officer (R-III) Establishment Department,

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The meeting commenced with a welcome note from the chair. The representative of the Administrative Department informed the Committee that one Mr. Imtiaz was appointed as Video Camera Operator (BPS-10) in the office of Deputy Director Agriculture (Information) Peshawar on 05-05-2011. The official has applied for upgradation / re-designation on the ground that the post of Cameraman in other departments is in BPS-13 with the same qualification and job description as given below.

	Name of Post	Department / Office		lification / Job Description	recruitment By init	
S. No 18 Part-	Cameraman BS-13 Cameraman	Information Department Khyber Pakhtunkhwa Wildlife	i. ii. i	Intermediate 3 years experience in out dour cinematography and full knowledge of technical processing of documentary and news reel films. Secondary School Certificate 2 ^m Div.	Recruitmen By In recruitmer	nitia
II S. No. 4 Part-I S. No.1	Video Camera	Agriculture Extension Department	f fo	Experience in still and movi photography	of th or	

Accordingly, the Administrative Department requested 3. the Committee that the post of Video Camera Operator may be upgraded from BS-10 to BS-13 on the analogy of other departments in the public interest.

The Committee thoroughly discussed the case and observed that 4. nomenclature of the post in Agriculture Department is different from that of Information and Environment Departments. Furthermore, the required qualification in Information Department is Intermediate as against Matric in Agriculture Department.

In view of the above, the committee concluded that upgradation of 5. the post of Camera Operator in Agriculture Department cannot be justified on the basis of parity.

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

SHAFI (#/A'HMED Section Afficer (R III)

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Establishment Department

A ULLAH KHAN

Additional Finance Secretary (Reg) Finance Department

((لرم)

DAULAT KHAN Section Officer (Estt) Agriculture Live Stock & Cooperative Department,

MUHAMMAD IMTIAZ AYUB Additional Finance Secretary Finance Department

Apriculture:

Annesen - D. 107 6008 100

/2014

No.18/177-A/Estt/____ Dated Peshawar: the

The District Director Agriculture, (Information) Peshawar.

Subject: CHANGE OF DESIGNATION

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Memo:

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To:

Enclosed herewith a copy of Government of Khyber Pakhtunkhwa, Agriculture Department letter No.SOE(AD)3/(2)/201/2012/EW dated 11.4.2014.

It is to inform that the up-gradation case of Mr. Imtiaz Ahmad, Video Camera Operator of your office was considered by the Government and filed at this stage.

2011/2014 DIRECTOR GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA PÉSHAWAR

COVERNMENT OF KHYBER PAKHTUNKHWA Agriculture Livestock & Cooperative Department

NO.SOE(AD)/3(2)201/2012/EW Dated Peshawar, the April 11, 2014

The Director General, Agriculture (Extension), Khyber Pakhtunkhwa Peshawar

SUBJECT:- CHANGE OF DESIGNATION

I am directed to refer to your letter No.1486 dated 28/1/2014 on the subject noted above and to state that the appeal for upgradation was considered and illed at this stage.

(DAULAT KHAN) SECTION OFFICER-ESTIT:

Endst. of even No. & Date.

Copy for information to:

P.S to Secretary Agriculture department.
 P.A to Deputy Secretary-Admn: Agriculture.

SECTION OFFICER EST

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BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 698/2014

VS

Imtiaz Ali

Agriculture Deptt:

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REJOINDER ON BEHALF OF APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Admitted correct. Hence no comments.
- 2 No comments endorsed by the department which means that para 2 of the appeal is correct.
- First portion of para 3 of the appeal is admitted correct, hence no comments. while the rest of portion of para 3 is incorrect as the appellant has different case of hardship case having no promotion and the tenure is not applied to principle of parity.
- 4 First portion of para 4 of the appeal is admitted correct, hence no comments. While the rest of portion of para 4 is incorrect as hence denied.
- 5 First portion of para 5 of the appeal is admitted correct, hence no comments. while the rest of

portion of para 5 of the appeal is incorrect as the Cameraman in other departments are in BPS-13, while the appellant having same job description is in BPS-10 and on the basis of principle of parity, the case of the appellant for up gradation is fully justified.

- 6 Incorrect and misconceived. Detail comments given in para 5.
- 7 No comments endorsed by the department which means that para 7 of the appeal is correct.

GROUNDS:

- A) Incorrect. The order dated 11.4.2014 is not according to law and rules.
- B) Incorrect. Detail comments already given in para 5 above.
- C) Not replied according to para C of the appeal. Moreover para C of the appeal is correct.
- D) Incorrect. While para D of the appeal is correct.
- E) Incorrect. Detail comments already given in para 5.
- F) Incorrect. The appellant was not treated as per up-gradation policy of the Govt: and has been discriminated as on the principle of parity the case of the appellant for up gradation is fully justified.
- G) No comments.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT Imtiaz Ali

Through:

(M. ASIF YOUSAFZAI) &

(TAIMUR ALI KHAN) ADVOCATES, PESHAWAR.

DEPONENT

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

Attested Oath ammissione



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 698/2014

Imtiaz Ali

VS

Agriculture Deptt:

REJOINDER ON BEHALF OF APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1

3

- Admitted correct. Hence no comments.
- 2 No comments endorsed by the department which means that para 2 of the appeal is correct.
 - First portion of para 3 of the appeal is admitted correct, hence no comments. while the rest of portion of para 3 is incorrect as the appellant has different case of hardship case having no promotion and the tenure is not applied to principle of parity.
- 4

First portion of para 4 of the appeal is admitted correct, hence no comments. While the rest of portion of para 4 is incorrect as hence denied.

5

First portion of para: 5 of the appeal is admitted correct, hence no comments. while the rest of

portion of para 5 of the appeal is incorrect as the Cameraman in other departments are in BPS-13, while the appellant having same job description is in BPS-10 and on the basis of principle of parity, the case of the appellant for up gradation is fully justified.

- 6 Incorrect and misconceived. Detail comments given in para 5.
- 7 No comments endorsed by the department which means that para 7 of the appeal is correct.

GROUNDS:

- A) Incorrect. The order dated 11.4.2014 is not according to law and rules.
- B) Incorrect. Detail comments already given in para
 5 above.
- C) Not replied according to para C of the appeal. Moreover para C of the appeal is correct.
- D) Incorrect. While para D of the appeal is correct.
 - Incorrect. Detail comments already given in para 5.
 - Incorrect. The appellant was not treated as per up-gradation policy of the Govt: and has been discriminated as on the principle of parity the case of the appellant for up gradation is fully justified.

G)

E)

F)

No comments.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT Imtiaz Ali

Through:

(M. ASIF YOUSAFZAI)

(M. ASIF YOUSAFZA) &

DEPONENT

(TAIMUR ALI KHAN) ADVOCATES, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.698/2014			. 1
Mr. Imtiaz Ali, Video Camera Operator o/o Bureau of Agriculture (Information)			<u>Appellant</u>
Agriculture (Extension) Peshawar.			i i
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 The Secretary to Govt. of Khyber Agriculture, Livestock and Coope Peshawar. 	,		: "
2. Director General, Agriculture (Extension)		`. ,	:
 Khyber Pakhtunkhwa, Peshawar. 3. The Deputy Director of Agriculture (Information) Peshawar. 		. 1	
4. The Secretary to Government of	Khyber Pakhtunkhwa	a	
Finance Department, Peshawar. 5. The Up-gradation Committee,		: !	
Through it, Chairman the Secreta Finance Department, Governmer		khwa :	
Peshawar.		1	<u>Respondents</u>

PRELIMINARY OBJECTIONS

- 1. That the appeal is not maintainable in its present form and liable to be dismissed.
- 2. That the appellant has no cause of action to file the instant appeal.
- 3. That the appellant has no locus standi to file the instant appeal.
- 4. That the appellant has deliberately concealed the material fact from this Hon'ble Service Tribunal.
- 5. That the appellant has not come to this Hon'ble Service Tribunal with clean hand and come to the court with malafide intension just to pressure the respondents.
- 6. That the Hon'ble Tribunal has no jurisdiction to entertained the appeal.
- 7. That the appeal is time barred.

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1,2,3 & 4

Para-1. Correct to the extent that the appellant was appointed as Video Camera Operator (BS-10) in the office of respondent No.3 vide office order No.18/177-A/Estt/8027-30/dg dated 5.5.2011 (Annexure-A).

Para-2. No comments hence denied.

Correct to the extent that revised policy and criteria for up-gradation of posts issued by the Government of Khyber Pakhtunkhwa, Finance Department (Regulation Wing) vide No.SO (FR) FD/7-2/2008 dated 11.10.2010 (Annexure-B). According to para-II (b) (iii) that no such recommendations will be made in case where the incumbent has less than 10 years of stay on one and the same position, wherein the appellant was appointed as Video Camera Operator (BS-10) on 5.5.2011 and not completed 10 years service / stay on the same position.

Para-4.

Para-3

Correct to the extent that the appellant applied for up-gradation / change of designation with the plea that the post of Cameraman working in other department is in BS-13 while the appellant is in BS-10. It is pertinent to mention here that qualification of the post of Video Camera Operator and Cameraman are different in other department as per their rules.

Para-5. Correct to the extent that the case was submitted to the respondent No.4 for upgradation of the post. The committee thoroughly discussed the case and observed that nomenclature of the post in Agriculture Department is different from that of information and environment Departments and the required qualification in Information Department is Intermediate as however Matric in Agriculture Department. The committee concluded that up-gradation of the post of Video Camera Operator cannot be justified on the basis of parity. Minutes of the meeting of the up-gradation committee held on 4.4.2014 (Annexure-C). Further rules of parity applicable to similar placed person in the same department.

Para-6. In-correct. Detail comments given in para-5 above.

Para-7. No comments.

GROUNDS.

Para-A. In-correct the impinged order is in accordance with law and rules

Para-B. In-correct. Detail comments already given in para-5 above.

Para-C. In-correct. Detail comments already given in para-3. However, the impugned order is accordance with rules.

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Para-D. In-correct. Detail comments already given in para-4 & 5.

Para-E. In-correct. Detail comments already given in para-5.

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<u>LPGRADATION OF A POST PROPOSED ON THE ANALOGY</u> OF SOME OTHER PROVINCE.

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Any order made by any other Province regarding creation of a post with certain nomenclature in certain pay scale does not have any binding effect on any other Province to follow the same. Therefore, in such cases the committee shall examine the proposals totally on its own merit keeping in view the above mentioned guidelines, in general, and shall furnish its recommendations independently.

3. The committee may, however, take any other point into consideration while examining proposed upgradation to ensure effective running of a department/ organization in public interest.

4. The recommendations of the above committee shall be submitted for approval of the competent authority as per table given below: -

Sr. No	- Scale	Competent authority	
1.	BPS-1 to BPS-15	Competent Authority (Finance Department) (In case of Finance Department employees the competent authority shall be Admn: & Establishment	In consultation wit the above inte departmental committee.
2.	BPS-16 to BPS-17	Khyber Pakhtunkhwa	In consultation with the above inter departmental
3.	BPS-18 & above	Chief Minister, Khyber Pakhtunkhwa	committee In consultation with the above inter departmental committee

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MINUTES OF THE MEETING OF THE UPGRADATION COMMITTEE HELD ON 04-04-2014 REGARDING UPGRADATION OF THE POST OF VIDEO CAMERA OPERATOR BS-10 TO BS-13 AND RE-DESIGNATION AS CAMERAMAN.

A meeting of the Upgradation Committee was held on 04-04-2014 at 11:00 AM, under the chairmanship of Additional Finance Secretary (Budget), Finance Department to discuss the upgradation of the post of Video Camera Operator(BS-10) to BS-13 and ts re-designation as Cameraman. The following attended the meeting.

1.	Mr. Muhammad Imtiaz Ayut Additional Finance Secretary (1	b ^t Budget)		Chairi	nan
-	Finance Department,	i i			
2.	Mr. Raza Ullah Additional Finance Secretary (Finance Department,	(Reg)			
3.	Mr. Daulat Khan Section Officer (Estt) Agriculture, Livestock & Coc	operative	Depa	rtment,	•
, 4.	Mr. Shafi Ul Ahmed Section Officer (R-III) Establishment Department,		· · ·	from the	chair. T

2. The meeting commenced with a welcome note from the chair. The representative of the Administrative Department informed the Committee that one Mr. Imtiaz was appointed as Video Camera Operator (BPS-10) in the office of Deputy Director Agriculture (Information) Peshawar on 05-05-2011. The official has applied for upgradation / re-designation on the ground that the post of Cameraman in other departments is in BPS-13 with the same qualification and job description as given below.

Name of Post Department / Qualification / Job Description	recruitment By initial
S. NoCameraman BS-13Information Departmenti.Intermediate18BS-13Department Khyber 	Recruitment Recruitment By Initial recruitment of th

3. Accordingly, the Administrative Department requested the Committee that the post of Video Camera Operator may be upgraded from BS-10 to BS-13 on the analogy of other departments in the public interest.

4. The Committee thoroughly discussed the case and observed that nomenclature of the post in Agriculture Department is different from that of Information and Environment Departments. Furthermore, the required qualification in 'Information Department is Intermediate as against Matric in Agriculture Department.

5. In view of the above, the committee concluded that upgradation of the post of Camera Operator in Agriculture Department cannot be justified on the basis of parity.

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

SHAFI LA/AHNED Section Afficer (R-III) Establishment Department

A ULLAH KHAN Additional Finance Secretary (Reg) Finance Department

DAULAT KHAN Section Officer (Estt) Agriculture Live Stock & Cooperative Department,

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Apriculture.

MUHAMMAD IMTIAZ AYUB Additional Finance Secretary Finance Department No.18/177-A/Estt/____ Dated Peshawar: the

6008 /DG /2014

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The District Director Agriculture, (Information) Peshawar.

Subject: CHANGE OF DESIGNATION

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Memo:

To:

Enclosed herewith a copy of Government of Khyber Pakhtunkhwa, Agriculture Department letter No.SOE(AD)3/(2)/201/2012/EW dated 11.4.2014.

It is to inform that the up-gradation case of Mr. Imtiaz Ahmad, Video Camera Operator of your office was considered by the Government and filed at this stage.

70/1/ 2014 DIRECTOR GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA PESHAWAR

Para-F.

in-correct that the appellant was treated as per up-gradation policy issued by the Government of Khyber Pakhtunkhwa. The up-gradation committee thoroughly discussed the case and observed that up-gradation of the post cannot be justified on the basis of parity.

Para-G.

No comments, hence denied.

It is therefore, humbly prayed that on acceptance of the above para-wise comments / reply the appeal of the appellant may kindly be dismissed.

RESPONDENTS

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA AGRICULTURE, LIVESTOCK & COOPERATION DEPARTMENT PESHAWAR

> DIRECTOR GENERAL AGRICULTURE (EXTENSION)' KHYBER PAKHTUNKHWA PESHAWAR

DEPUTY DIRECTOR OF AGRICULTURE (INFORMATION) PESHAWAR

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SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT PESHAWAR Kespett No: 4 45

÷	PESHAW		VICE TRIBUNAL,	
Appeal No.698/2014			1 	
Mr. Imtiaz Ali, Video Can o/o Bureau of Agriculture Agriculture (Extension) P	(Information)		<u>Appellant</u>	
· · ·			· ;'	
	VERSU	15	· · · ·	
Agriculture, Livest Peshawar. 2. Director General, Agriculture (Exten Khyber Pakhtunkh 3. The Deputy Direct (Information) Pesh	iwa, Peshawar. for of Agriculture nawar. Government of Khyber Pak	artment,	Respondents	
	COUNTER AF	FIDAVIT		
	OUCHILICAL			
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We the undersigr	ned hereby solemnly decla	are / affirm that	t the contents of the par	ra-
wise reply / comments	are true and correct to the	ne best of our	knowledge and belief a	nd
nothing has been kept se	ecret from this Honourable	Tribunal.		
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RESPONDENTS	SECRETARY TO GO AGRICULTURE L DEPAR		COOPERATION	
RESPONDENTS	AGRICULTURE L DEPAR	IVESTOCK & C	COOPERATION WAR	
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RECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA, PESHAWAR

OFFICE ORDER

4)

On recommendation of Departmental Selection Committee Mr. Imtiaz Ali S/O Rahimud Din is hereby appointed as Video Camera Operator (BS- 10) (Rs.3955-250-11755) against the vacant post in the office of the Deputy Director of Agriculture (Information) Peshawar with immediate effect on the following terms and conditions: -

- He will get pay at the minimum of BPS-10 including usual allowances as admissible 1) under the rules. He will also be entitled to annual increment.
- His services will be liable to termination with or without any reason on two months notice 3) from either side. In case of termination without notice by the employer or two months notice from the employee for resignation two months pay and allowances shall be paid by the Government or refunded by the employee as the case may be.

His services under the present post shall not qualify for pension / gratuity.

- He will not contribute towards G.P.Fund. However, he will contribute C.P.Fund @ 5% of 5) minimum of pay scale and an equal amount of 5% contribution will be made by the Government as per rules.
- He will be allowed conveyance, Medical, House Rent Allowances, Leave and TA / DA as 6) per Government rules.
- He will be considered for appointment against higher post of availability of vacancy, if 7) found eligible and due for promotion.
- He has to join duty at his own expenses. 8)
- He shall produce a medical certificate of fitness from Medical Superintendent. Civil 9) Hospital, Peshawar before reporting himself for duty in the DDA (Information), Peshawar as required under the rules.
- He will be on probation for a period one year with effect from the date of joining his duty. 10)10)His service can be terminated at any time in case his performance is found unsatisfactory during one year.

2) If he accepts the post on the above terms and conditions, he should report for duty in the office of the Dy. Director of Agriculture (Information) Peshawar within 30 days of the receipt of this offer and produce original certificates in connection with his qualification, domicile and age.

Sd/- (MUHAMMAD TASLEEM) DIRECTOR GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA

7-30 No.18/177-A/Estt/

PESHAWAR

Dated Peshawar: the

Copy forwarded to: -

The Accountant General, Khyber Pakhtunkhwa, Peshawar. 1.

- 2 The Dy. Director of Agriculture (Information) Peshawar:
- Mr. Imtiaz Ali S/O Rahimud Din Mohallah Hussain Abad House No.251 P.O. Karimpura Near Jamiya Masjid Hamza Tehsil and District Peshawar.

For information and necessary action.

File No.18/1/Estt/ for record.

Ammer-B. 107

GOVT: OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

(REGULATION WING)

NO. SO(FR)/FD/7-2/2008

Dated Peshawar, the 11th October, 2010

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> 8. 9.

All the Administrative Secretaries to Govi: of Khyber Pakhtunkhwa.

The Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar,

The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar,

The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

The Secretary Provincial Assembly, Khyber Pakhtunkhwa.

The Registrar, Peshawar High Court, Peshawar, The Registrar, Khyber Pakhtunkhwa, Public Service Commission. Peshawar.

The Registrar, Service Tribunal Khyber Pakhtunkhwa

All the Divisional Commissioners, Khyber Pakhtunkhwa.

POLICY AND CRITERIA FOR UPGRADATION OF POSTS.

Subject:

Dear Sir.

Lam directed to refer to the subject noted above and to enclose herewith a copy of revised Policy/ Criteria for Up-gradation of Posts duly approved by the Provincial Cabinet in its meeting held on 23rd August, 2010 in supercession of the policy and criteria for up-gradation circulated vide Finance Department. letter No. SO(FR)FD/7-2/2008 dated 19-01-2009.

I am accordingly directed to request that the enclosed policy/ criteria for ٦ up-gradation of posts may please be brought into the notice of all concerned and in future proposals for up-gradation may be scrutinized strictly in accordance with the approved policy before submission to the up-gradation committee for consideration.

Yours faithfully, (SHAUKAT ULLAID) SECTION OFFICER (FR)

<u>END, NO & DATE EVEN</u>

1 2.:

Copy is forwarded for information to

The Accountant General, Khyber Pakhtunkhwa, Peshawar. All Section/ Budget Officers, in Finance Department.

SECTIÓN OFFICER^I(FR)

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REVISED POLICY AND CRITERIA FOR UPGRADATION OF POSTS.

All proposals regarding upgradation of any post in any Provincial Department or office shall be placed before the following committee for sorubinization and recommendations: -

- Secretary 12 Gover of Khyber Pakhtunkhwa, Chairman Finance Department.
- ii. Secretary to Govt: of Khyber Pakhtunkhwa. Member Establishment Department.
- Additional Finance Secretary (Regulation) Member-cum-Secretary Finance Department.
 - Additional Secretary of the concerned . Member Department
 - Le case the post of Additional Secretary is not sanctioned in concerned department, the Deputy Secretary of the concerned department will represent as member of the up-gradation committee for scrutiny and recommendations of the upgraded posts.
- 2. No proposal request for up-gradation of post(s) to higher pay scale shall be entertained except in following cases: -
- I. <u>UPGRADATION OF POSTS PROPOSED AS PART OF</u> <u>RE-ORGANIZATION/ RE-STRUCTURING OF</u> <u>DEPARTMENTS</u>:-

Proposals for upgradation of certain posts as a sequel to the re-organization/ re-structuring of the department organization will be considered/ scrutinized by the committee on following parameters: -

(i). Objectives set forth for Re-organization.

- (iii). Reasons, factors and impediments in the existing structure which led to Re-organization process.
- (iii). Why upgradation of some posts are essential for re-organization.

(iv). Proposed changes in method of recruitment as part of re-organization proposed; Provided that before submitting proposals of upgradation of posts to the Finance Department in such cases, the Administrative Department will do proper consultation with Establishment Department for developing a practical and modest Re-organization proposal. II.

UPGRADATION OF POSTS PROPOSED DUE TO INDIVIDUAL HARDSHIP CASES:

(a) Proposals for upgradation of certain posts due to the reasons that some civil servants do not have further promotion chances and have stayed on one position for reasonably long time, will be placed before the committee for consideration only if the proponent departments provides following information:-

(i). Reasons due to which concerned Government servant is unable to be promoted in normal procedure.

- (ii). All requisite details about creation of such posts and formulation of service rules with particular reference to the reasons as to why the service rules can not give career progression to the holders of these posts.
- (iii). Whether organizational structure as well as service rules need revision to avoid recurring of the hardship to the future entrants.
- (iv). The steps taken by the department concerned to resolve such hardships on permanent basis.

(b) The committee after proper scrutiny of case in terms of above paramete and if satisfied that the upgradation of certain post(s) is the only solution, mamake its recommendations to the competent authority for upgradation on persona basis provided that:

- (i). There shall be no upgradation of post beyond BPS-19 in such cases.
- (ii). Such recommendations will only be made in case where there are absolutely no promotion prospects in the service structure for incumbent of said post(s).
- (iii). No such recommendations will be made in a case where the incumbent has less than 10 years of stay on one and the same position;
- (iv). The incumbent has not been earlier elevated in the existing pay scale by personal upgradation.
- (v). The proposed upgradation will be personal to the incumbent and the post shall stand downgraded as and when vacated by such incumbent.

III. UPGRADATION OF POSTS PROPOSED ON GROUNDS (PRINCIPLE OF PARITY.

While processing the cases where the proponent department se upgradation of certain posts to a higher pay scale on the analogy of similar posts in so other department in this province created with same nomenclature, the committee s take into account following parameters:

(i).

Ascertainment of full details about all such posts created with same nomenclature by any other department in addition to those departments whose analogyhas been quoted by proponent department

- (ii). Nomenclature shall not be the sole criterion for determining parity/ comparability of post(s). Other details i.e. the job description an qualification would necessarily be examined. description and prescribed
- In case of difference of prescribed qualification or the job description (or both) as the case may be, the committee may direct change of nomenclature of post(s) in any department to avoid confusion on this ground.

and the second s The committee may associate with all such departments having same nomenclature of certain post(s) with same responsibilities and same qualifications to ascertain as to what were reasons for creation of same posts in different departments with different pay scales, and thus make recommendations in respect of all such posts in all concerned departments, whether they took up the case or otherwise, to bring uniformity in pay scales in all departments to avoid future references.

Provided that the committee shall not recommend such proposals for uniformity where prescribed qualifications as [well as the qualifications possessed by existing incumbents is not at par with the post(s)/ incumbents cited as precedence.

Provided further that in such cases the committee may recommend change of nomenclature of either those post(s) having higher prescribed qualifications or those having lesser prescribed qualifications as may be deemed appropriate by the committee.

IV. UPGRADATION PROPOSED FOR RETEN OFFICER ON SAME POST AFTER HIS PROMOTION TO HIGHER PAY SCALE.

Retention of an officer on the same post after he has been promoted to next higher position by the competent authority, is against the spirit of the promotion policy, hence shall not be ordinarily allowed. However, in case due to peculiar exigencies of services if it becomes unavoidable to retain a promoted officer on the same position than the concerned department shall move a summary for the Chief Minister, mentioning therein the detailed reasons and justifications in support of their such proposal and route it through the Establishment Department and the Finance Department for obtaining orders of the Chief Minister, Khyber Pakhtunkhwa.

Provided that in such cases the post will be up-graded personally for the incumbent till his stay as such and shall automatically stand downgraded to its original position thereof.

(iii).

(iv).

<u>UPGRADATION OF A POST PROPOSED ON THE ANALOGY</u> OF SOME OTHER PROVINCE.

V.

Any order made by any other Province regarding creation of a post with certain nomenclature in certain pay scale does not have any binding effect on any other Province to follow the same. Therefore, in such cases the committee shall examine the proposals totally on its own merit keeping in view the above mentioned guidelines, in general, and shall furnish its recommendations independently.

3. The committee may, however, take any other point into consideration while examining proposed upgradation to ensure effective running of a department/ organization in public interest.

4. The recommendations of the above committee shall be submitted for approval of the competent authority as per table given below: -

Sr. No.		· · · · · · · · · · · · · · · · · · ·	
	Scale	Competent authority	
1.	BPS-1 tc BPS-15		In consultation wit the above inte
		(In case of Finance Department employees the competent authority shall be Admn: & Establishment Department)	departmental committee.
2.	BPS-16 to BPS-17	Chief Secretary, Khyber Pakhtunkhwa	In consultation with the above inter departmental
	BPS-18 & above	Chief Minister, Khyber Pakhtunkhwa	committee In consultation with the above inter departmental

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MINUTES OF THE MEETING OF THE UPGRADATION COMMITTEE HELD ON 04-04-2014 REGARDING UPGRADATION OF THE POST OF VIDEO CAMERA OPERATOR BS-10 TO BS-13 AND RE-DESIGNATION AS CAMERAMAN.

A meeting of the Upgradation Committee was held on 04-04-2014 at 11:00 AM, under the chairmanship of Additional Finance Secretary (Budget), Finance Department to discuss the upgradation of the post of Video Camera Operator(BS-10) to BS-13 and its re-designation as Cameraman. The following attended the meeting.

1.	Mr. Muhammad Imtiaz Ayub Additional Finance Secretary (Budget) Finance Department,	n : i
2.	Mr. Raza Ullah Additional Finance Secretary (Reg) Finance Department,	
3.	Mr. Daulat Khan Section Officer (Estt) Agriculture, Livestock & Cooperative Department,	
4.	Mr. Shafi Ul Ahmed Section Officer (R-III) Establishment Department,	' '

2. The meeting commenced with a welcome note from the chair. The representative of the Administrative Department informed the Committee that one Mr. Imitaz was appointed as Video Camera Operator (BPS-10) in the office of Deputy Director Agriculture (Information) Peshawar on 05-05-2011. The official has applied for upgradation / re-designation on the ground that the post of Cameraman in other departments is in BPS-13 with the same qualification and job description as given below.

	Name of Post	3 ep	Qual	ification / Job Description	Method recruitn	
S. No 18	Cameraman BS-13	Office Information Department Khyber		Intermediate 3 years experience in out dour turnspace and full	By Recruit	
Part- II S No. 4 Part S. No.	I Video Camera	Agriculture Extension	i ii iii A fc	cinematography and turn knowledge of technical processing of documentary and news reel films. Secondary School Certificate 2 ^m Div. Experience in still and movi photography	By recrui	Initial tment

3. Accordingly, the Administrative Department requested the Committee that the post of Video Camera Operator may be upgraded from BS-10 to BS-13 on the analogy of other departments in the public interest.

4. The Committee thoroughly discussed the case and observed that nomenclature of the post in Agriculture Department is different from that of Information and Environment Departments. Furthermore, the required qualification in Information Department is Intermediate as against Matric in Agriculture Department.

5. In view of the above, the committee concluded that upgradation of the post of Camera Operator in Agriculture Department cannot be justified on the basis of parity.

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

SHAFI I AHMED Section Officer (R-III) Establishinent Department

ZA ULLAH KHAN RĀ Additional Finance Secretary (Reg) Finance Department

DAULAT KHAN Section Officer (Estt) Agriculture Live Stock & Cooperative Department,

MUHAMMAD IMTIAZ AYUB Additional Finance Secretary Finance Department

Apriculture.

No.18/177-A/Estt/ Dated Peshawar: the

Amuseur

6008

/DG

/2014

The District Director Agriculture, (Information) Peshawar.

Subject: CHANGE OF DESIGNATION

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Mèmo:

To:

Enclosed herewith a copy of Government of Khyber Pakhtunkhwa, Agriculture Department letter No.SOE(AD)3/(2)/201/2012/EW dated 11.4.2014.

It is to inform that the up-gradation case of Mr. Imtiaz Ahmad, Video Camera Operator of your office was considered by the Government and filed at this stage.

70/1/ 10/4 DIRECTOR GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA PESHAWAR