


16.04.2018

Junior counsel for the appellant and Addl: AG for the respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven (7) days. Appellant is also directed to submit copies of memo appeal for respondents, thereafter notices be issued to the respondents for written reply alongwith copies of memo appeal on 05.06.2018 before S.B.

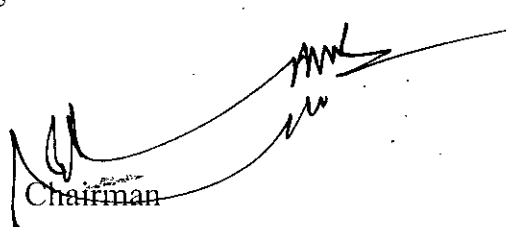
Appellant Deposited
Security & Process Fee


Member

23.04.2018

Appellant in person present and submitted an application for withdrawal of the appeal unconditionally. File has been requisitioned for today.

Application is allowed and the appeal is dismissed as withdrawn. File be consigned to the record room.


Chairman

ANNOUNCED
23.04.2018

02.03.2018

Counsel for the appellant present. Mr. Riaz Ahmed Painsda Kheil, Assistant AG for the respondents also present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant is serving in Fishery Department as Fishery Watcher. It was further contended that seniority list of Fishery Department was issued in the year 2010 but neither before 2010 any seniority list was prepared nor after 2010 the seniority list of the said department was issued by the respondent. It was further contended that the appellant filed Writ Petition in the worthy High Court for issuing of direction to the department to maintain the combine seniority list and to promote the appellant from Fishery Watcher to Head Fisher Watcher with effect from the date when the other were appointed or promoted on the post of Head Fishery Watcher alongwith back benefits but the worthy High Court has dismissed the Writ Petition with the direction to appellant to approach the proper forum for redressal of his grievances vide judgment dated 25.04.2017. It was further contended that the respondents had filed comments in the Writ Petition, wherein they had denied the claim of the appellant. Therefore, it was contended that the comments filed by the respondents are usually consider final order issued by the respondents.

On the other hand, learned Assistant AG for the respondents opposed the contention of learned counsel for the appellant and contended that since the final order in the shape of original or departmental appellate authority is not available and the appeal is also time barred therefore, this appeal is not maintainable.

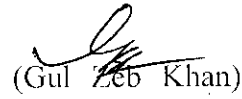
The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to limitation and all legal objections. The appellant is directed to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 16.04.2018 before S.B.



(Muhammad Amin Khan Kundi)
Member

19.01.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for office objection on arguments on 16.02.2018 before S.B.


(Gul Zeb Khan)
Member (E)

16.02.2018

Counsel for the appellant present. Arguments on office objection heard. Learned counsel for the appellant contended that the respondents No. 1 to 4 may be directed to maintain the combine seniority list and to promote the appellant from the post of Fishery Watcher to Head Fishery Watcher with effect from the date when the other were appointed or promoted on the post of Head Fishery Watcher alongwith back benefits ahead of his juniors when they were promoted and the appointments of private respondents No. 5 & 6 may kindly be declared null and void as the same was made without any lawful authority and lawful justification. When the learned counsel for the appellant was asked that if there is any original or final order against the appellant, learned counsel for the appellant has not satisfy the undersigned therefore, in this regard the Learned Additional Advocate General is directed to assist the court on the point as to whether the present appeal is maintainable without any original or final order of the department. To come up for preliminary arguments on office objection on 02.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

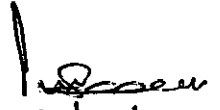
Court of _____

Case No. /2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03/11/2017	<p>As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>30/11/17.</u></p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 3/11/17</p>
30.11.2017		<p>Learned counsel for the appellant present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for the same on 29.12.2017 before S.B</p> <p style="text-align: center;"><i>[Signature]</i> (Muhammad Hamid Mughal) MEMBER</p>
29.12.2017		<p>Junior counsel for the appellant present and seeks adjournment due to non availability of his senior counsel. Adjourned. To come up for office objection ^{on Arguments} on 19.01.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Gul Zeb Khan) Member (E)</p>

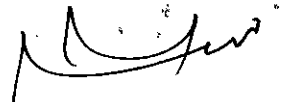
Sir

The objections of this office and reply of
counsel for the appellant is submitted for order
please.


3/11/12

The chair-man.

Put up before SB for decision


3-11-12


The appeal of Mr. Abdul Raziq son of Abdul Khaliq resident of village Malik Din Khel Section Daulat Khel Watcher Directorate of Fisheries FATA Sett. Warsak Road Peshawar received today i.e. on 25.10.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Annexure-M of the appeal is incomplete which may be completed.
- ② Copies of impugned order and departmental appeal are not attached with the appeal which may be placed on it.
- ③ Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

Two copies
less

No. 2316 /S.T.


Dt. 25 / 10 / 2017


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Barkatullah Khan Adv. Pesh.

- ① The relevant rule pertains to the present Service appeal is enough.
- ② The petitioner has not filed any departmental appeal as there is no impugned order/ Departmental representation for that reason the petitioner filed writ petition and after that review petition was filed on this point but the Divisional bench held that the petitioner invokes the remedy before the proper forum being a Civil servant therefore, the petitioner is left with no option but to come before this tribunal.
- ③ All six copies of the appeal along with annexures are complete

Re-Submitted


2/11/17

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. 322 of 2018.

Abdul Raziq

Versus

Secretary Agricultural & others.

Index.

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6.	Copy of appointment order of the appellant	B	15
7.	Copy of pay slip of the appellant.	C	16
8	Copy of appointment of respondent No.5 as head watcher fisheries	D	17
9	Copy of policy circular letter # SORI (S&GAD)45-1/75, dated 11.2.1987	E	18
10	Copy of appointment order dated 15.6.2008 of respondent No.5 as fisheries supervisor	F	19
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Abdul Raziq
Appellant

Through:

Barkat Ullah Khan
Barkat Ullah Khan
Advocate High Court,
LLM (London)

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.

Service Appeal No 322 of 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1227

Dated 25-10-2017

ABDUL RAZIQ SON OF ABDUL KHALIQ RESIDENT OF VILLAGE
MALIK DIN KHEL SECTION DAULAT KHEL SUB SECTION NUSRAT
KHEL NALA (KHJOORI) KHYBER AGENCY PRESENTLY WATCHER
(BPS-7) DIRECTORATE OF FISHERIES FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR.

Appellant

Versus

1. SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURAL, COOPERATIVE, FISHERIES, LIVESTOCK AND
DAIRY DEVELOPMENT DEPARTMENT PESHAWAR, CIVIL
SECRETARIAT PESHAWAR.
2. THE DIRECTOR FISHERIES KHYBER PAKHTUNKHWA SHAMI
ROAD PESHAWAR.
3. DIRECTOR FISHERIES, DIRECTORATE OF FISHERIES FATA
SECRETARIAT WARSAK ROAD, PESHAWAR.
4. DEPUTY DIRECTOR FISHERIES, DIRECTORATE OF
FISHERIES FATA SECRETARIAT WARSAK ROAD, PESHAWAR.
5. KAMRAN TARIQ SON OF MUHAMMAD AYAZ RESIDENT OF
CHARMANG ABAD VILLAGE & PO UTMANZAI TEHSIL &
DISTRICT CHARSADDA PRESENTLY POSTED AS SUPERVISOR
(BPS-11) DIRECTORATE OF FISHERIES FATA SECRETARIAT
WARSAK ROAD, PESHAWAR.
6. ABDUR RASHID SON OF SULTAN MAHMOOD RESIDENT OF
FOREST COLONY OPPOSITE GULBAHAR POLICE STATION
PESHAWAR CITY PRESENTLY HEAD WATCHER DIRECTORATE

Filed to-day
25/10/17
Registrar

2

OF FISHERIES FATA SECRETARIAT WARSAK ROAD,
PESHAWAR.

Respondents

**APPEAL U/S 4 OF SERVICE
TRIBUNAL ACT, 1974.**

PRAYER IN APPEAL:

THAT BY ACCEPTING THIS APPEAL DIRECTIONS MAY KINDLY BE GIVEN TO THE RESPONDENTS NO. 1 TO 4 TO MAINTAIN THE COMBINED SENIORITY LIST AND TO PROMOTE THE APPELLANT FROM FISHERIES WATCHERS TO HEAD FISHERIES WATCHERS WITH EFFECT FROM THE DATE WHERE THE OTHER WERE APPOINTED OR PROMOTED ON THE POST OF HEAD FISHERIES WATCHERS ALONGWITH BACK BENEFITS AHEAD OF HIS JUNIORS WHEN THEY WERE PROMOTED AND THE APPOINTMENTS OF RESPONDENTS NO. 5 AND 6 MAY KINDLY BE DECLARED NULL AND VOID AS THE SAME WAS MADE WITHOUT ANY LAWFUL AUTHORITY AND LAWFUL JUSTIFICATION.

Respected Sheweth:

1. That the appellant is matriculate and appointed as Fisheries watcher (BPS-1) in Directorate of Fisheries vide order dated **2.2.1987** and presently posted in Directorate of Fisheries FATA Secretariat Warsak Road, Peshawar and never promoted till date now after serving long tenure of about **30 years**.

(Copy of matric certificate and appointment letter are annexed as annexure-A and B respectively)



2. That the appellant was upgraded two times once for BPS-1 to BPS-5 and lastly from BPS-5 to BPS-7 in general up-gradation and currently working in **BPS-7** on permanent basis.

(Copy of pay slip of the appellant is annexed as annexure-C)

3. That the respondent No.5 was appointed on **9.2.2005** as head Fisheries Watcher BPS-3 without any advertisement and against the Rules due to the reason that his father was the then Deputy Director and his appointment order was signed by him and the appellant's right of promotion was stopped due to such illegal appointment.

(Copy of appointment of respondent No.5 as Head Fisheries Watcher is annexed as annexure-D where as policy circular letter # SORI (S&GAD)45-1/75, dated 11.2.1987 is annexed as annexure-E)

4. That the father of respondent No.5 when became a Director of Fisheries NWFP (now Khyber Pakhtunkhwa), once again being his loved one, respondent No.5 was appointed to the post of Fisheries Supervisor BPS-9 without advertising the post and the appellant's rights were violated as when the post of BPS-7 became vacant due to re-appointment of respondent No.5, even then the appellant was not promoted rather one Abdur Rashid, respondent No.6 was appointed on the said vacant post where in the said order it is duly mentioned that he was appointed on the vacant post of respondent No.5

(Copy of appointment order dated 15.6.2008 of respondent No.5 as fisheries supervisor is annexed as annexure-F while the appointment of order of respondent # 6 dated 23.7.2008 is annexed as annexure-G)

5. That since the appointment of the appellant, the respondents No. 1 to 4 never maintained any seniority list despite of several applications of the appellant. It merits a mention here that the FATA Secretariat (respondent No.3) had prepared a seniority list on **30.6.2010** wherein, the appellant is at the top and the same was forwarded to other respondents for combined seniority list but no combined seniority list has been issued yet.

(Copy of the seniority list prepared by respondent No.3 is annexed as annexure-H while application of the appellant is annexed as annexure-I)

6. That from the plain perusal of the seniority list as well as from the pay slip of the appellant, it is shocking that he was placed still on temporary basis and the other employees appointed later from the appellant have become permanent, which shows volume of malafide and discrimination on the part of respondents.

7. That the favoritism and nepotism on the part of respondents can also be gauged from this fact that respondent No.6 was initially appointed as a Naib Qasid BPS-1 vide order dated **28.10.2003** and he was re-designated vide order dated **1.5.2006** as Fisheries watcher and while order dated **23.7.2008** vide annexure-G, the respondent No.6 junior to the appellant was appointed as Head Fisheries Watcher (BPS-7) which is against the law of the land.

(Copy of the orders of respondents No.6 are annexed as annexure-J and K respectively)

8. That it merits to mention here that the said irregularity was highlighted by respondent No.3 in his letter dated **28.11.2012** where it was requested that the respondent No.1 may kindly take

action against the said irregularity and admitted that one Abdur Rashid, respondent No.6 was promoted out of turn violating the vested right of the present appellant but to no avail.

(Copy of the letter is annexed as annexure-L)

9. That respondents No. 5 and 6 being the loved one were appointed in violation of the policy and Rules and by violating the vested rights of the appellant and due to the said reason the appellant since his appointment is working on the post of Fisheries Watchers which is not only discrimination but also violation of Article 4 of the Constitution of the Islamic Republic of Pakistan.

(Copy of the Rules is annexed as annexure-M)

10. That felt aggrieved, the appellant filed Writ Petition **No.3378-P/2014** with the prayer that the respondents No. 1 to 4 may be directed to maintain combined seniority list and promote the appellant from Fisheries Watcher to Head Fisheries Watcher however, the said writ petition was dismissed with the direction to the appellant to approach the proper forum for the redressal of his grievance vide order of august Peshawar High Court, Peshawar dated **25.04.2017**.

(Copy of the Writ Petition No. 3378-P/2014 and order are annexed as annexure-N & O respectively)

11. That once again, appellant filed a Review Petition No. 75-P/2017 which was also dismissed with the direction to the appellant to approach the proper forum for the redressal of his grievance vide order of august Peshawar High Court, Peshawar dated **05.09.2017**.

(Copy of the Review Petition and order are annexed as annexure-P & Q respectively)

12. That during the pendency of the writ petition, the respondents No.1 to 4 filed their comments wherein, the respondents themselves have admitted their illegality by not maintaining the combined seniority list as well by appointing respondents No. 5 and 6 without advertisement as Head Fisheries Watchers.

(Copy of the Comments filed by the respondents are annexed as annexure-R)

13. That the august Peshawar High Court Peshawar in writ petition as well as in Review Petition has issued directions to the appellant to approach the proper forum for redressal of his grievances therefore, the appellant has come to this Hon'ble Tribunal for the redressal of his grievances as in case of Civil Servant, the Civil Court has got no jurisdiction to entertain the suit or appeal of a Government Servant.

That now the appellant has left with no option but to prefer the instant appeal before this Hon'ble Tribunal inter alia on the following grounds;

GROUND:

1. That the act of respondents No.1 and 4 by not maintaining combined seniority list is against the law and Rules as well as natural justice and clear example of discrimination by re-

appointing respondents 5 and 6 which were junior from the appellant.

2. That by appointing/promotion of respondents No. 5 and 6 without advertising the posts in the daily newspaper is also sheer violation of law.
3. That by appointing respondents No. 5 and 6 by initial recruitment is clear example of discrimination and violation of law by not maintaining the seniority list with the sole purpose to deprive the appellant from his vested right of promotion and for about **30 years**, the appellant is working on one and the same grade which is also against the principle of natural justice.
4. That the appellant has been discriminated and the refusal of the respondents to promote the appellant is against the natural justice.
5. That filling of the post by initial recruitment which under the law was required to be filled up by 100% promotion is nothing but a sheer violation of law and such action on the part of respondents is nullity and liable to be cancelled.
6. That despite the clear directions of august Peshawar High Court, the respondents are not even followed the order of Peshawar High Court by maintaining the combine seniority list.
7. That any other point will be agitated during the arguments.

PRAYER.

In view of the above mentioned facts and circumstances of the case, it is most humbly prayed that

- a. By accepting the instant appeal, directions may kindly be given to the respondents No. 1 to 4 to maintain the combined seniority list
- b. To promote the appellant from Fisheries Watchers to Head Fisheries Watchers with effect from the date where the other were appointed or promoted on the post of Head Fisheries Watchers alongwith back benefits ahead of his juniors when they were promoted
- c. The appointments of respondents No. 5 and 6 may kindly be declared null and void as the same was made without any lawful authority and lawful justification.
- d. Any other relief, not specifically prayed so for but deem fit in the interest of administration of justice may also be granted in favor of the appellant against the respondents.

AbdulRaziq
Appellant

Through:

Barkat Ullah Khan
Barkat Ullah Khan
Advocate High Court,
LLM (London)

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. _____ of 2017.

Abdul Raziq

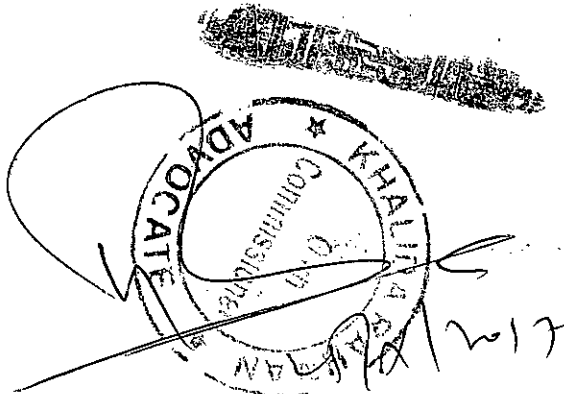
Versus

Secretary Agricultural & others.

Affidavit.

I, Abdul Raziq son of Abdul Khaliq Resident of Village Malik Din Khel Section Daulat Khel Sub Section Nusrat Khel Nala (Khjoori) Khyber Agency presently Watcher (BPS-7) Directorate of fisheries FATA Secretariat, Warsak Road, Peshawar do hereby solemnly affirm and declare on Oath that the contents of the accompanying appeal are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Abdul Raziq
Deponent.



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. _____ of 2017.

Abdul Raziq

Versus

Secretary Agricultural & others.

Appellant

ABDUL RAZIQ SON OF ABDUL KHALIQ RESIDENT OF VILLAGE MALIK DIN KHEL SECTION DAULAT KHEL SUB SECTION NUSRAT KHEL NALA (KHJOORI) KHYBER AGENCY PRESENTLY WATCHER (BPS-7) DIRECTORATE OF FISHERIES FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

Respondents

- 1. SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURAL, COOPERATIVE, FISHERIES, LIVESTOCK AND DAIRY DEVELOPMENT DEPARTMENT PESHAWAR, CIVIL SECRETARIAT PESHAWAR.**
- 2. THE DIRECTOR FISHERIES KHYBER PAKHTUNKHWA SHAMI ROAD PESHAWAR.**
- 3. DIRECTOR FISHERIES, DIRECTORATE OF FISHERIES FATA SECRETARIAT WARSAK ROAD, PESHAWAR.**
- 4. DEPUTY DIRECTOR FISHERIES, DIRECTORATE OF FISHERIES FATA SECRETARIAT WARSAK ROAD, PESHAWAR.**
- 5. KAMRAN TARIQ SON OF MUHAMMAD AYAZ RESIDENT OF CHARMANG ABAD VILLAGE & PO UTMANZAI TEHSIL &**

DISTRICT CHARSADDA PRESENTLY POSTED AS SUPERVISOR
(BPS-11) DIRECTORATE OF FISHERIES FATA SECRETARIAT
WARSAK ROAD, PESHAWAR.

6. ABDUR RASHID SON OF SULTAN MAHMOOD RESIDENT OF
FOREST COLONY OPPOSITE GULBAHAR POLICE STATION
PESHAWAR CITY PRESENTLY HEAD WATCHER DIRECTORATE
OF FISHERIES FATA SECRETARIAT WARSAK ROAD,
PESHAWAR.

Abdur Rashid

Appellant

Through:

Barkat Ullah Khan

Barkat Ullah Khan
Advocate High Court,
LLM (London)

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. _____ of 2017.

Abdul Raziq

Versus

Secretary Agricultural & others.

**APPLICATION FOR CONDONATION OF DELAY OF
FILING THE INSTANT APPEAL.**

1. That the contents of the accompanying Service Appeal may kindly be considered as the integral part of this application.
2. That the appellant/petitioner has filed **Writ Petition No.3378-P/2014** before the august Peshawar High Court Peshawar on **11.12.2014** which was dismissed with the direction to the petitioner to approach the proper forum vide order dated **25.04.2017**. Thereafter, the appellant/petitioner file **review petition No. 75-P/2017** on **24.05.2017**, which was also dismissed with the same result vide order dated **05.09.2017**.
3. That the vested right of the appellant/petitioner is involved and law favors adjudication of cases on merits rather on technicalities.

It is, therefore, most humbly prayed that on acceptance of the application in hand, the delay, if any, in filing of the instant appeal may kindly be condoned in the large interest of justice and the main appeal may kindly be decided on merits.

Abdul Raziq
Appellant

Through:

Barkat Ullah Khan

Barkat Ullah Khan
Advocate High Court,
LLM (London)

AFFIDAVIT.

I, Abdul Raziq son of Abdul Khaliq Resident of Village Malik Din Khel Section Daulat Khel Sub Section Nusrat Khel Nala (Khjoori) Khyber Agency presently Watcher (BPS-7) Directorate of fisheries FATA Secretariat, Warsak Road, Peshawar do hereby solemnly affirm and declare on Oath that the contents of the accompanying application are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Abdul Raziq
Deponent.

[Signature]
[Stamp: TALIDA RAHMAN COMMISSIONER ADVOCATE]
[Date: 20/12/12]

S. No. 360649

Annexure "A"

Roll No. 5522

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

(11)

[Signature]

Annexure "A"

(14)

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

* SESSION 1982 (ANNUAL)



THIS IS TO CERTIFY THAT Abdul Razio
 Son/Daughter of Abdul Khalig
 and a student of Peshawar District

has passed the *Secondary School Certificate Examination*
 of the Board of Intermediate and Secondary Education, Peshawar held in April 1982
 as a *Private Candidate*. He/She obtained 332 Marks out of 850
 and has been placed in Grade Representing Satisfactory

The Candidate passed in the following subjects:

- | | | | |
|-----------------------|-----------------|-----------------|---------------------|
| 1. English | 3. Islamiyat | 5. Pak: Studies | 7. Gen: Mathematics |
| 2. Urdu | 4. Gen: Science | 6. Isl: Studies | 8. Pashto |

He/She has been awarded Grade on the basis of internal
 assessment by the Institution concerned.

Date of birth according to admission form is First June
 one thousand nine hundred and Sixty Two (1-6-1962)

Asstt. Secretary

11th August, 1982

[Signature]

Secretary

This certificate is issued without alteration or erasure.

~~Asst. Commr~~

④ appointed 2.2.1987.

As Fisheries Watchers. BPS-1

Petitioner upgraded Two times

BPS 1 to BPS 5.

BPS 5 to BPS 7.

OFFICE ORDER NO. 230-31 / DATED, 2 / 2 / 1987, AT PESHAWAR, PATA, PESHAWAR.

13

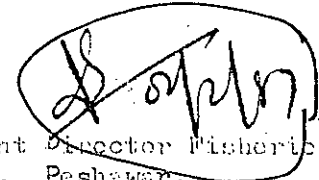
Annexure
13 Annexure B

On the recommendation of Departmental Selection Committee Mr. Hazrat Said S/O Ahmad Khan, Village Aka Khel Section Mirgat Khel Sub-Section Rahmdad Khel and Mr. Abdul Raziq, S/O Mr. Abdul Khaliq Village, Malik Din Khel Section Daulat Khel sub section Nusrat khel Wala (Khajoori) Khyber Agency, is hereby appointed as Fisheries Watchers in the Basic Scale of (440-10-640) BPS-1, with usual allowance as admissible under the rules under scheme "development of Fisheries in Kurram Agency" from the date he report for duty in the Office of Assistant Director of Fisheries, PATA, Peshawar.

His appointment is purely temporary for a period of six months in the first instance and his service can be terminated on fourteen days notice without reasons or on the payments of fourteen days salary in lieu of the notice. It is subject to the following conditions.

1. They will produce necessary Medical fitness Certificate and verification of Character and antecedents by concerned authorities.
2. They will have to produce certificates of Character from two other responsible persons not being his relative.
3. They will produce an attested copy of the qualification, certificate and domicile certificate.
4. They will join duty at their own expenses.
5. If they accept this offer. Please report for duty to under-signed by 3.2.1987.

They will be governed by such rules and order relating to service leave, travelling allowance, Medical attendances and pay etc as may be issued by Government from time to time.

2-2-87

Assistant Director Fisheries,
PATA, Peshawar.

No. _____ / ADF Dated Peshawar the 2 / 2 / 1987.

Copy forwarded to :-

1. Assistant Warden Fisheries, PATA, Peshawar for information.
2. Fisheries Supervisor PATA, Peshawar for information.
3. Official Concerned / Office order file.

Assistant Director Fisheries,
PATA, Peshawar.

S. Zammeen/*



GOVERNMENT OF PUNJAB
 PESHAWAR ADMIN (S) PESH
 PAYROLL SYSTEM

PAYMENT ADVICE

Annexure C
C-203
C
C
#16

P Sec. 002 Month: September 2011
 PROSOD DIRECTORATE OF FISHERIES
 Min: Min. OF K.A & N.A & S.F.A
 NTN: 0
 GPF #: AGRI 010974
 Old #: 09998522167
 DEPT CODE

Emp No: 00091841 Buckle: 0
 Name: ABDUL RAZIQ
 Post: FISH WATCHER
 CNIC No: 99902005082
 GPF Interest Applied

PAYS AND ALLOWANCES.		PROSOD
0001-Basic Pay		10,500.00
1000-House Rent Allowance		1,050.00
1210-Convey Allowance 2005		1,932.00
1300-Medical Allowance		1,200.00
1523-Unattractive Area Allow		1,500.00
1748-Adhoc Allowance 2010 50%		2,750.00
1770-Adhoc Relief Allow 2011		885.00
2115-Adhoc Relief Allow (2012)		2,120.00
2151-Adhoc Allowance 2010 210%		6,080.00
Gross Pay and Allowances		27,017.00
DEDUCTIONS.		
GPF Balance 125,536.00	Subst.	530.00
3701-Benevolent Fund(Exchange)		120.00
3704-Group Insurance(Exchange)		27.00
3711-Addl Group Insurance(Exch)		7.00
Total Deductions		714.00
	NET AMOUNT PAYABLE	26,303.00

QUALIFYING SERVICE	D.O.B	LFP Quota	ASHRAF ROAD BRANCH P
YRS MON	01.10.1963	BANK OF KHYBER	
27 Years 08 Months 00 Days		2934-2	

12-01-06-1962 CNIC

Now
** 29 years in Service.*

Journal
A

Respondent # 5. ^{کامران}
appointed as Head Fishery
watcher BPS 3

9.2.2005

where as under the Rules.

Page 28 Annex M.

Post of Head Fishery can be filled
up through promotion 100%

* So Kamran/Resp # 5 is illegally appointed.

* no advertisement.

Annexure "D"
17

OFFICE ORDER.

Consequent upon the recommendation of the Departmental Recruitment Committee Mr. Kamran Tariq S/O Muhammad Ayaz r/o Chamrang Abad Village & P.O. Utmanzai Tehsil & District Charsadda is hereby appointed as Head Fisheries Watcher in BPS-3 @ Rs.1980-75-4230 with usual allowance as admissible according to Govt. policy against the existing newly created post on SNE side vide Govt. of Pakistan Kashmir Affairs and State & Frontier Region Islamabad No.4 (28) DFA (K&S)2003-550, gov. of Pakistan Finance Division (FA's Organization) dated.19-08-2003 and Section Officer-II, Finance Department, Governor's Secretariat FATA letter No.13/1(176)F-II/FA/2003-04 dated.01-10-2003. The terms and conditions would be as under:

He will be on probation for a period of one year and his service can be terminated on 14 days notice.

The terms & conditions of his appointment to the post will be regulated by NWFP, Civil Servant Act, 1973 and Civil Servant (Appointment, Promotion & Transfer) rules 1989.

He shall be entitled to all facilities relating to pay, leave, TA and Medical attendance etc as per prescribed rules, as may be issued by the Govt. for the status of the Govt. servants to which he belongs.

He will have to produce a Medical Certificate of fitness from the Civil Surgeon Medical Superintendent, Peshawar.

He will join duty on his own expenses.

Sd/-
CONSERVATOR OF FOREST
(FATA) PESHAWAR.

No.3958-62/ADF/FATA/GS/PF

dated Peshawar the 09-02-2005.

Copy forwarded for information to:

1. The Accountant General (PR) Sub Office Peshawar.
2. The Deputy Secretary (Admn.) G/S FATA Peshawar.
3. The Deputy Secretary (Finance) G/S FATA Peshawar.
4. The official concerned.
5. Office Order file.

DEPUTY DIRECTOR FISHERIES
(FATA) PESHAWAR.

Page 660

Rule 19 Repeal

1975 Rules are
Repeal by

N.W.F.P C.S (Appointment, Promotion and Transfer Rules 1989)

* Rule Section (17) Relate to Seniority

U/s 8 N.W.F.P Civil Servant Act 1973, shall cause a Seniority list by the dept. which is not maintained

U/s 8(s) The Seniority list prepared under sub-section (1) shall be revised and notify in the official Gazette once in a calendar year.

Annexure
"F" 15
Annexure "E"
18

PROCEDURE FOR SELECTION FOR PROMOTION/INITIAL RECRUITMENT

Circular letter No. SQRI(S&GAD)45-1/75, dated 11.2.1987, directed to say that under rule 7 of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1975 appointment by promotion to posts in BPS- 2 to BPS-16 shall be made on the recommendations of the appropriate Departmental Promotion Committee. Similarly, under rule 11 of the rules ibid, initial appointments to posts in BPS-1 to 15 shall be made on the recommendation of the Departmental Selection Committee after the vacancies have been advertised in the newspapers. However, no criteria for selection has so far been prescribed.

2. In order to ensure a fair degree of selection, minimise the chance of discretion and favoritism, the Provincial Government have laid down the following criteria for selection for promotion vis a vis initial recruitment to the posts which are filled by the department concerned:-

- (1) Criteria for Selection for promotion:- Promotion to any post in a grade below Grade-16 shall not be subject to any test. The suitability of candidates shall be determined on the basis of service record i.e. seniority-cum-fitness.

Criteria of Selection for initial recruitment:-

- (i) For post in Grade 1 to 4-- special criteria has been laid down and the committee concerned shall adopt its own method and procedure for selection.
- (ii) For posts in Grade-5 and above in all departments--In addition to the total marks allocated for a written competitive examination, if any held, the total marks will be 100 as per distribution given below:-

(a)	Prescribed qualification	..60
(b)	Higher qualification	..10
(c)	Experience	..10
(d)	Interview	..20

3. Para 2 above indicates only the general distribution of the marks. To enable Administrative Departments to develop criteria of comparative grading of candidates within the above overall framework, S&GAD has done a model exercise (attached as Annexure) for guidance of all concerned.

4. I am accordingly directed to request you to kindly ensure that the aforesaid criteria for selection for promotion vis-a-vis initial recruitment to posts is adhered to strictly in filling the posts in future.

Attested
Y. H. Ullah

11/1/2008
A

Father was Director Fisheries NWFP.

Resp # 5.

~~Against the Rules.~~

From Head Fisheries watches
to Fisheries Superintendent.

And the post once again
became vacant but the
petitioner being on top on the
Seniority list not appointed.
Since 15.6.2008.
←

~~Annexure~~
"F"
Annexure "F"
194

P. Resp # 5

OFFICE ORDER.

On the recommendation of the Departmental Promotion Committee meeting held on 31/05/2008, Mr. Kamran Tariq; Head Fisheries Watcher (BPS-7) of Directorate of Fisheries, Civil Secretariat, FATA, Peshawar is hereby appointed to the post of Fisheries Supervisor (BPS-9) i.e. Rs:3820-230-18720 on acting charge basis against the vacant post of Fisheries Supervisor (BPS-9) in the Directorate of Fisheries Civil Secretariat, FATA, Peshawar with immediate effect.

The appointment/promotion on acting charge basis is purely on temporary basis and will not confer on him any right of seniority or continuance as Fisheries Supervisor, the incumbent would be liable to reversion at any time without assigning any reason what-so-ever retrench of the post.

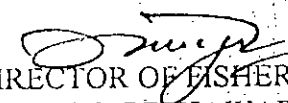
Sd/-
(MOHAMMAD AYAZ)
DIRECTOR OF FISHERIES
N.W.F.P, PESHAWAR.

No. 1356-67 /DF/E

Dated Peshawar the 15/06/2008.

Copy forwarded for information and necessary action to:-

- 1- The Accountant General (P.R) Peshawar.
- 2- The Chief Conservator of Forests, FATA, Peshawar.
- 3- The Director of Fisheries FATA Peshawar with reference to his letter No.615-19, dated 312/03/2008 and No.6792-95, dated 23/05/2008.
- 4- The Assistant Director Fisheries, Civil Secretariat FATA, Peshawar.
- 5- The Disburser, Directorate of Fisheries Civil Sectt., FATA Peshawar.
- 6- The Official Concerned.


DIRECTOR OF FISHERIES
N.W.F.P, PESHAWAR.

Mohammed Ayaz is the father

of Resp. # 5

Admitted in para no
4 of the comments of Resp # 4

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 (P)
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Resp #6.

Annexure G
G
17

Annexure "G"

20

OFFICE ORDER.

On the recommendation of the Departmental Promotion Committee meeting held on 28/06/2008, Mr. Abdul Rasheed, Fisheries Watcher (BPS-5) of the Directorate of Fisheries, Civil Secretariat, FATA Peshawar is hereby appointed to the post of Head Fisheries Watcher (BPS-7) i.e. Rs:3530-190-9230 on acting charge basis against the vacant post of Head Fisheries Watcher (BPS-7) in the Directorate of Fisheries Civil Secretariat, FATA Peshawar vacated by Mr. Kamran Tariq, Fisheries Supervisor (BPS-9) with immediate effect.

The appointment/promotion on acting charge basis is purely on temporary basis and will not confer on him any right of seniority or continuance of service as Head Fisheries Watcher (BPS-7). He will be liable to reversion at any time without assigning any reason what-so-ever/retrench of the post.


Sd/-
*(MOHAMMAD AYAZ)
DIRECTOR OF FISHERIES
N.W.F.P. PESHAWAR

Dated Peshawar the 23/07/2008.

No. 1631-36 /DF/E

Copy forwarded for information and necessary action to:-

- 1- The Accountant General (P.R) Peshawar.
- 2- The Chief Conservator of Forests, FATA, Peshawar.
- 3- The Director of Fisheries FATA Peshawar with reference to his letter No.640-143 dated 31/03/2008 and No.6792-95, dated 23/05/2008.
- 4- The Assistant Director Fisheries, Civil Secretariat FATA, Peshawar.
- 5- The Disburser, Directorate of Fisheries Civil Sectt., FATA Peshawar.
- 5- The Official Concerned.


DIRECTOR OF FISHERIES
N.W.F.P. PESHAWAR.

1.5.2006 Re-Designated.

See page (26)
Annexure (K)

پروموت کرنا اور
Appoint کرنا
کامران طارق کو

Q. No. 1

See the appointment order of
Resp # 6 ^{11/11/05}
Appointed as a Head Fishery watcher

whereas here his Seniority
is shown as 3.2.2005. Kamran Tariq
How he was promoted

Date of First entry 3.2.2005
It means he was also appointed
Direct Recruitment

جواب 6

Annexure H ^{Annexure} # 21

FINAL SENIORITY LIST OF ASSISTANT WARDEN FISHERIES (BPS-11) AS STOOD ON 30/06/2010.

21

S/No	Name of official with BPS.	Father's Names	Qualification	Home District	Date of Birth	Date of first entry in to Govt. Service	Date of Appointment to present Post	We there Promoted or Direct Recruitment	Permanent or Temporary.	Place of Duty
1	2	3	4	5	6	7	8	9	10	11
1.	Muhammad Sajjad Khan (BPS-11)	Abdur Razzaq Khan	Graduate	Peshawar	01-08-1969	08-08-1994	01-04-2006	Promoted	Temporary	Mohmand Agency
2.	Noord Ali (BPS-11)	Aziz Ali	Post Graduate	Kurram	15-02-1966	17-12-2003	01-01-2004	Direct	Temporary	Kurram Agency.
3.	Azam Jan (BPS-11)	Khan Asghar	Post Graduate	Khyber	15-03-1981	03-04-2007	03-04-2007	Direct	Temporary	Khyber Agency.

FINAL SENIORITY LIST OF FISHERIES SUPERVISOR (BPS-09) AS STOOD ON 30/06/2010

Resp-5

1.	Muhammad Tariq Khan (BPS-09)	Mir Akbar Khan	F.Sc. Pre-Medical.	FR Banna	15-02-1985	03-03-2004	03-03-2004	Direct	Temporary	FR Bannu
2.	Fazlan Tariq (BPS-09)	Muhammad Ayaz	Graduate	Charsadda	22-09-1982	03-02-2005	01-08-2008	Direct	Temporary	FR Peshawar.

see page 14 for order

FINAL SENIORITY LIST OF OFFICE HEAD FISHERIES WATCHER (BPS-07) AS STOOD ON 30/06/2010.

Resp-6

1.	Abdur Rashid (BPS-07)	Sultan Mahmood	Matriculate	Mardan	02-01-1973	01-11-2003	01-08-2008	Promoted	Temporary.	FR Peshawar.
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9-2-2005

FINAL SENIORITY LIST OF FISHERIES WATCHER (BPS-05) AS STOOD ON 30/06/2010

1.	Pir Rehman (BPS-05)	Juma Khan	Matriculate	S.W.A	02-02-1966	01-11-2003	01-11-2003	Direct	Temporary	SWA
2.	Arshad Khan (BPS-05)	Muhammad Yausaf	Matriculate	S.W.A	10-10-1978	01-02-2004	01-02-2004	Direct	Temporary	SWA

Contradiction

see page 21 for Abdur Razvi

Director of Fisheries
Peshawar

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FINAL SENIORITY LIST OF OFFICE ASSISTANT (BPS-14) AS STOOD ON 30/06/2010

No	Name of official with BPS.	Father's Names	Qualification	Home District	Date of Birth	Date of first entry in to Govt. Service	Date of Appointment to present Post	Whether Promoted or Direct Recruitment	Permanent or Temporary.	Place of Duty
1	2	3	4	5	6	7	8	9	10	11
1.	Gulzar Mahmood (BPS-14)	Saitan Mahmood	Post Graduate	Mardan	15-05-1968	23-01-1990	23-01-1990	Direct	Permanent.	Directorate of Fisheries FATA.
2.	Parvez Shah (BPS-14)	Muhammad Shah	Matriculate	Peshawar	09-10-1967	06-05-1987	01-08-2007	Promoted	Temporary	Directorate of Fisheries FATA.

FINAL SENIORITY LIST OF SENIOR CLERK (BPS-09) AS STOOD ON 30/06/2010

1.	Aimal Khan (BPS-09)	Abdul Khaliq	Post Graduate	Peshawar	15-10-1966	03-03-1990	01-04-2006	Promoted	Permanent.	Directorate of Fisheries FATA.
2.	Muhammad Ayaz (BPS-09)	Abdul Rauf	Matriculate	Peshawar	01-09-1972	01-06-1992	22-12-2000	Promoted	Temporary	Directorate of Fisheries FATA.
3.	Abdul Qadir (BPS-09)	Abdul Hafeez Khan	Graduate	Peshawar	15-03-1967	12-10-2000	01-03-2000	Promoted on acting charge basis.	Temporary	Directorate of Fisheries FATA.

FINAL SENIORITY LIST OF JUNIOR CLERK (BPS-07) AS STOOD ON 30/06/2010

1.	Basharat Ullah (BPS-07)	Adam Khan	Intermediate	Peshawar	01-01-1982	19-12-2007	19-12-2007	Direct	Temporary	Directorate of Fisheries FATA.
2.	Bubasher Khan (BPS-07)	Muhammad Ayub Khan.	Post Graduate	Peshawar.	01-03-1985	24-12-2009	24-12-2009	Direct	Temporary	Directorate of Fisheries FATA.

[Signature]
 Director Fisheries
 F.C.S. FATA Peshawar.

#(23)

FINAL SENIORITY LIST OF FISHERIES WATCHER (BPS-05) AS STOOD ON 30/06/2010.

KURRAM AGENCY

No	Name of official with BPS.	Father's Names	Qualification	Home District	Date of Birth	Date of first entry in to Govt. Service	Date of Appointment to present Post	We there Promoted or Direct Recruitment	Permanent or Temporary.	Place of Duty
1	2	3	4	5	6	7	8	9	10	11
1.	Syed Anwar Hussain (BPS-05)	S. Muhammad Hussain	Middle	Kurram Agency	15-01-1963	01-01-1987	01-01-1987	Direct	Temporary	Kurram Agency
2.	Syed Tahir Hussain (BPS-05)	Syed Gulab Hussain	Matriculate	Kurram Agency	20-04-1962	01-11-1987	01-11-1987	Direct	Temporary	Kurram Agency
3.	Mir Muhammad (BPS-05)	Haji Mir Hazrat	Matriculate	Kurram Agency	07-01-1973	01-02-1992	01-02-1992	Direct	Temporary	Kurram Agency
4.	Mahmood Khan (BPS-05)	Haji Fazal Manan	Matriculate	Kurram Agency	06-03-1979	15-09-1999	15-09-1999	Direct	Temporary	Kurram Agency
5.	Jan Hussain (BPS-05)	Jamal Hussain	Matriculate	Kurram Agency	04-03-1967	01-06-2002	01-06-2002	Direct	Temporary	Kurram Agency
6.	Arbab Hussain (BPS-05)	Abul Hasan	Matriculate	Kurram Agency	08-03-1982	16-01-2003	16-01-2003	Direct	Temporary	Kurram Agency
7.	Hussain Hussain (BPS-05)	Kamal Hussain	Matriculate	Kurram Agency	30-03-1985	16-01-2003	16-01-2003	Direct	Temporary	Kurram Agency
8.	Abdul Jalil (BPS-05)	Haji Imam Din	Matriculate	Kurram Agency	01-04-1975	29-01-2004	29-01-2004	Direct	Temporary	Kurram Agency

FINAL SENIORITY LIST OF FISHERIES WATCHER (BPS-05) AS STOOD ON 30/06/2010

MOHMAND AGENCY

1.	Ajmal Sher (BPS-05)	Umar Zaidi Khan	Matriculate	Mohmand Agency	07-04-1962	02-03-1987	02-03-1987	Direct	Temporary	Mohmand Agency
2.	Miraj Muhammad (BPS-05)	Amir Muhammad	Matriculate	Mohmand Agency	09-04-1969	22-12-1990	22-12-1990	Direct	Temporary	Mohmand Agency
3.	Pir Mohammad (BPS-05)	Amir Muhammad	Intermediate	Mohmand Agency	15-11-1962	21-09-1999	21-09-1999	Direct	Temporary	Mohmand Agency
4.	Muhammad Jan (BPS-05)	Bostan Khan	Matriculate	Mohmand Agency	01-01-1972	01-11-2003	01-11-2003	Direct	Temporary	Mohmand Agency

#24

FINAL SENIORITY LIST OF FISHERIES WATCHER (BPS-05) AS STOOD ON 30/06/2010

KHYBER AGENCY

No	Name of official with BPS.	Father's Names	Qualification	Home District	Date of Birth	Date of first entry in to Govt. Service	Date of Appointment to present Post	We there Promoted or Direct Recruitment	Permanent or Temporary.	Place of Duty
1.	Abdul Raziq (BPS-05)	Abdul Khaliq Khan	Matriculate	Khyber Agency	01-06-1962	02-02-1987	02-02-1987	Direct	Temporary	Khyber Agency
2.	Hazrat Said (BPS-05)	Ahmad Khan	Matriculate	Khyber Agency	05-10-1966	03-02-1987	03-02-1987	Direct	Temporary	Khyber Agency

FINAL SENIORITY LIST OF FISHERIES WATCHER (BPS-05) AS STOOD ON 30/06/2010.

N.W.A

1.	Akhter Nabi (BPS-05)	Wali Gul	Matriculate	N.W.A	11-03-1984	24-01-2004	24-01-2004	Direct	Temporary	N.W.A
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FINAL SENIORITY LIST OF FISHERIES WATCHER (BPS-05) AS STOOD ON 30/06/2010

FR BANNU

1.	Salam Khan (BPS-05)	Akam Khan	Matriculate	FR Bannu	10-10-1973	01-02-2004	01-02-2004	Direct	Temporary	FR Bannu
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FINAL SENIORITY LIST OF OFFICE DRIVER (BPS-04) AS STOOD ON 30/06/2010

1.	Mastan Gul (BPS-06)	Gulistan	Illiterate	Peshawar	06-09-1956	06-07-1987	06-07-1987	Direct	Temporary	Directorate of Fisheries FATA.
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FINAL SENIORITY LIST OF OFFICE NAIB QASID (BPS-02) AS STOOD ON 30/06/2010

1.	Bakht Jamir Shah (BPS-03)	Ajmir Shah	Illiterate	Nowshera	01-07-1968	01-05-1988	16-01-2003	Direct	Temporary	Directorate of Fisheries FATA.
2.	Noor Hussain (BPS-06)	Iqbal Hussain	Matriculation	Peshawar	01-09-1976					
3.	Muhammad Kamran (BPS-02)	Muhammad Anwar	Matriculate	Peshawar	01-07-1983	16-01-2003	16-01-2003	Direct	Temporary	Directorate of Fisheries FATA.
4.	Umar Said (BPS-02)	Rahman ud Din	Matriculate	Charsadda	08-03-1978	01-11-2003	01-11-2003	Direct	Temporary	Directorate of Fisheries FATA.

22
#25

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FINAL SENIORITY LIST OF OFFICE CHOWKIDAR (BPS-02) AS STOOD ON 30/06/2010

S/No	Name of official with BPS.	Father's Names	Qualification	Home District	Date of Birth	Date of first entry in to Govt. Service	Date of Appointment to present Post	We there Promoted or Direct Recruitment	Permanent or Temporary.	Place of Duty
1.	Zafar Ali (BPS-02)	Gul Hanat	Illiterate	Peshawar	10-01-1983	01-06-2002	01-06-2002	Direct	Temporary	Directorate of Fisheries FATA.
2.	Habib Hasan (BPS-02)	Sultan Hasan	Literate	Kurram Agency	00-00-1968	01-11-2003	01-11-2003	Direct	Temporary	Kurram Agency.
3.	Rahat Hussain (BPS-02)	Akbar Hussain	Literate	Kurram Agency	00-00-1980	08-01-2005	08-01-2005	Direct	Temporary	Kurram Agency.

[Signature]
30/6/10

93 # 26

23

1	2	3	4	5	6
No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment.	Age limit	Method of recruitment.	Notification No. & Dated.
20. ✓	Head Fisheries Watcher (BPS-3).				
21. ✓	Fisheries Watcher (BPS-1)	Secondary School Certificate from a recognized Board.	18-25 years.	By promotion on the basis of seniority cum-fitness from amongst the Fisheries Watchers in the Division where the vacancy occurs.	Notification No. SO (FT. II) AD/ 1-2/76/Fish/93/9964-80, dated 31/10/1993.
22.	Naib Qasid (BPS-1).	Literate.	18-45 years.	By initial recruitment.	Notification No. SO (FT. II) AD/ FISH/12/21/1718-28, dated 2/3/2000.
23.	Chowkidar (BPS-1)	-do-	-do-	By initial recruitment.	Notification No. SO (FT. II) AD/ 1-2/76/Fish/93/9964-80, dated 31/10/1993.
24.	Laboratory Attendant (BPS-1).	Middle standard examination or equivalent.	18-25 years.	-do-	-do-
25.	Kali. (BPS-1).	Experience in Gardening.	18-45 years.	-do-	-do-
26.	Sweeper/Bashti-cum-Khakroob. (BPS-1).	Skill in the trade.	18-45 years.	-do-	-do-

100% by promotion

X X X X X

ATTESTED

Assistant Director Fisheries
Head Quarter
O/O Director of Fisheries
Khyber Pakhtoon Khwa
Province, Peshawar



(3)

Petitioner

P - (21) Top on
The Seniority list.

P-23 - Rules >

Head Fisheries Com
be filled through
Promotion

Annexure "I"

بخدمت جناب ڈائریکٹر صاحب محکمہ فشریز خیبر پختونخواہ پشاور

(I)

جناب عالی!

Annexure "I"

27

مودبانہ گزارش ہے کہ فدوی محکمہ فشریز میں گزشتہ 25-26 سالوں سے بحیثیت فشریز و اجرا اپنی خدمات سرانجام دے رہا ہے۔ لیکن فدوی کو ابھی تک یہ معلومات نہ ہو سکی کہ فدوی سناریائی لیٹ میں کون سے نمبر پر ہے کیونکہ فدوی سے جو نمبر فشریز و اجرا پر موٹ ہو چکے ہیں۔

لہذا آپ سے استدعا ہے کہ فدوی کو سناریائی لیٹ کی کاپی عطا کی جائے کیونکہ ڈائریکٹر فشریز فائٹا کے دفتر میں سناریائی لیٹ موجود نہیں ہے۔

عین نوازش ہوگی۔

العارض

آپ کا دعا گو

عبدالرازق فشریز و اجرا فائٹا پشاور

Abdul Raziq

20-5-2014

Director Fisheries
R.P.

Kindly request
for legal and
sympathetic consideration.
for admin. H.

40

Hakam Ali Khan
20/5/2014

20-10-2003
Najib Dast
Reports
6

20-10-2003
Najib Dast

OFFICE ORDER.

On the recommendation of the Departmental Selection Committee, Mr. Abdur Rashid S/O Sultan Mahmood r/o Forests Colony Opposite Gulbahar Police Station Peshawar city is hereby appointed as Naib Qasid in BPS-1 @ Rs.1870-55-3520 with immediate effect in the newly created post (S.N.E) vide Government of Pakistan, Kashmir Affairs and State & Frontier Region Division Islamabad No.4 (28)-DFA (K&S)/ 2003-550 Govt; of Pakistan Finance Division (FA'S Organization) dated.19/08/2003 and Section Officer -II Finance Department, Governor's Secretariat FATA letter No.13/1(176)F.II/FA/2003-04 dated.01.10.2003.the terms & conditions of services are as under: -

His service is purely on probation for a period of one year and his service can be terminated on fourteen days notice.

The terms & condition of his appointment to the post will be regulated by NWFP, Civil Servants Act, 1973 and Civil Servant (appointment, Promotion & transfer) rules, 1989.

He will have to produce an attested copy of qualification certificate and other documents.

He will join duty at his own expenses.

He will be governed by such rules and orders relating to service, Leave, TA, Medical attendance and pay etc may be issued by Government from time to time.

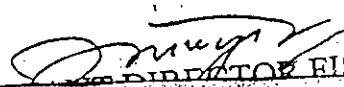
Sd/-
(MUHAMMAD AYAZ)
ASSISTANT DIRECTOR FISHERIES
(FATA) PESHAWAR.

No. 934-38/ADF/FATA/GS/PF.

dated. 28 /10/2003.

Copy forwarded for information to:-

1. The Accountant General (PR) Sub Office Peshawar.
2. The Section Officer-II Finance Department G/S FATA Peshawar.
3. The Admn; Officer P&D Department G/S FATA Peshawar.
4. The official concerned.
5. Office Order file.


DIRECTOR FISHERIES

(25)
Annexure J

(28)

Ammonite



#

Re-designated As Fisheries BPS 1
1-05-2006.

K
Annexure "K"

26

Annexure K

29

OFFICE ORDER.

Mr. Abdur Rashid Naib Qasid BPS-1, holding Matriculation Certificate in Science is hereby re-designated as Fisheries Watcher BPS-1 against the existing temporary sanctioned vacant post vide Government of Pakistan KANA & SAFRON Division Islamabad No. 4(28)-DFA (K&S)/2003-550 Govt. of Pakistan Finance Division (FA'S Organization) dated.19-08-2003 and Section Officer -II Finance Department, Governor's Secretariat FATA letter No.13/1(176) F.II/FA/2003-04 dated.01-10-2003.

The Terms and Conditions would be as already been endorsed to the official vide Assistant Director Fisheries FATA office order No.934-38 dated.28-10-2003.

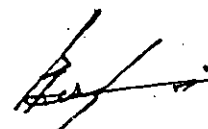
He will perform his duties in Kahando Dam, FR Peshawar.

Sd/-
DIRECTOR OF FISHERIES
C.S FATA PESHAWAR.

No. 1726-291DF/FATA/CS/PF dated Peshawar the 01-05-2006.

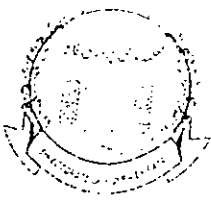
Copy forwarded for information to:-

1. The Accountant General (PR) Sub Office Peshawar.
2. The Assistant Director Fisheries C/S FATA Peshawar.
3. Official concerned.
4. Office Order file.


DIRECTOR OF FISHERIES
C.S FATA PESHAWAR.

13 Senior Fishery Watcher
was overlooked and responded 6
was promoted

13 Senior Fishery Watcher
was overlooked and responded 6
was promoted



DIRECTORATE OF FISHERIES
FATA SECRETARIAT PESHAWAR.
Phone: (091) 9211799 | Fax: (091) 9211799

No/346-48/DF

Dated Peshawar the 28/11/2012.

865
Annexure
"L"
Annexure "L"
#30

To: The Secretary Production & Livelihood Development Department FATA.

Subject: APPLICATION FOR THE PROMOTION TO THE POST OF HEAD FISHERIES WATCHER (BPS-09)

Kindly refer to the applications received from the following fisheries watchers of this office for want of promotion to the higher post.

- Mr. Abdul Razzaq Fisheries Watcher
- Mr. Hazrat Said Fisheries Watcher
- Mr. Ajim Sher Fisheries Watcher
- Mr. Miraj Mohammad Fisheries Watcher
- Mr. Pir Mohammad Fisheries Watcher

After checking of the seniority list of this office (Copy attached) thirteen number of fisheries watchers due senior on record but Mr. Abdur Rashid has been promoted to the post of Head Fisheries Watcher (BPS-09). After checking the personal files of the said officials the promotion order has been issued by the Director Fisheries Khyber Pakhtunkhwa (copy attached).

Resp # 2

So in light of the above it is requested to approach the Secretary Agriculture, Cooperative, Fisheries, Livestock and Dairy Development Department Civil Secretariat Peshawar for consideration and further necessary action under the rules / law in the interest of public service.

Enclosed (applications) of the officials.

Copy forwarded for information to:-

1. The Director Fisheries Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Livestock and Fisheries) Government of Khyber Pakhtunkhwa Agriculture Department Peshawar.

Mohammad Diyar
Director Fisheries FATA
27/11

Resp # 3

Mohammad Diyar
Director Fisheries FATA
27/11

31-10-1993 Rules.

Head Fishery watcher post-
can only be filled up by
100% promotion not by
initial recruitment.

* Moreover there is no
advertisement in the newspaper.

Annexure M (28)

M (288) H

Name & Signature of the post.	Minimum qualification for appointment by initial recruitment.	Age	Method of recruitment.	Notification No. & Date.
2	3	4	5	6
Fisheries Watcher (BPS-3)	-	#-31	-	Notification No. SO (FT. II) / 1-2/76/Fish/93, 9964-80, dated 31/10/1993.
Fisheries Watcher (BPS-1)	Secondary School Certificate from a recognized Board.	18-25 years.	By initial recruitment.	Notification No. SO (FT. II) / FISH/1-2/76/1718-20, dated 2/3/2000.
Naib Qasid (BPS-1)	Literate.	18-45 years.	By initial recruitment.	Notification No. SO (FT. II) / 1-2/76/Fish/92, 9964-80, dated 31/10/1993.
Chowkidar (BPS-1)	-do-	-do-	-do-	-do-
Laboratory Attendant (BPS-1)	Middle standard examination or equivalent.	18-25 years.	-do-	-do-
Mali (BPS-1)	Experience in Gardening.	18-45 years.	-do-	-do-
Sweepar/Seshti-cum-Khakhrooh (BPS-1)	Skill in the trade.	18-45 years.	-do-	-do-

X X X X X

Copy of Rules

* JAN *
* * * * *

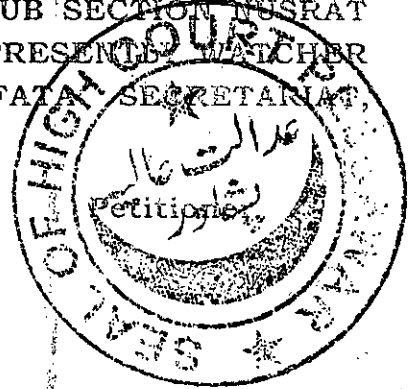
1

~~Annexure "B"~~
BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ petition No. 3776 of 2014.

Annexure # (32)
(32)

ABDUL RAZIQ SON OF ABDUL KHALIQ RESIDENT OF VILLAGE
MALIK DIN KHEL SECTION DAULAT KHEL SUB SECTION MUSRAT
KHEL NALA (KHJOORI) KHYBER AGENCY PRESENTLY WATCHER
(BPS-7) DIRECTORATE OF FISHERIES FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR.



Versus

1. SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURAL, COOPERATIVE, FISHERIES, LIVESTOCK AND
DAIRY DEVELOPMENT DEPARTMENT PESHAWAR, CIVIL
SECRETARIAT PESHAWAR.
2. THE DIRECTOR FISHERIES KHYBER PAKHTUNKHWA SHAMI
ROAD PESHAWAR.
3. DIRECTOR FISHERIES, DIRECTORATE OF FISHERIES FATA
SECRETARIAT WARSAK ROAD, PESHAWAR.
4. DEPUTY DIRECTOR FISHERIES, DIRECTORATE OF
FISHERIES FATA SECRETARIAT WARSAK ROAD, PESHAWAR.
5. KAMRAN TARIQ SON OF MUHAMMAD AYAZ RESIDENT OF
CHARMANG ABAD VILLAGE & PO UTMANZAI TEHSIL &
DISTRICT CHARSADDA PRESENTLY POSTED AS SUPERVISOR
(BPS-11) DIRECTORATE OF FISHERIES FATA SECRETARIAT
WARSAK ROAD, PESHAWAR.
6. ABDUR RASHID SON OF SULTAN MAHMOOD RESIDENT OF
FOREST COLONY OPPOSITE GULBAHAR POLICE STATION
PESHAWAR CITY PRESENTLY HEAD WATCHER DIRECTORATE
OF FISHERIES FATA SECRETARIAT WARSAK ROAD,
PESHAWAR.

ABDUL RAZIQ
Deputy Director
Fisheries

ATTESTED

EXAMINER
Peshawar High Court

Respondents

10 MAY 2017

WRIT PETITION UNDER ARTICLE 199 R/W
ARTICLE 25 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN.

PRAYER IN WRIT PETITION

THAT BY ACCEPTING THIS WRIT PETITION THE DIRECTION MAY KINDLY BE GIVEN TO THE RESPONDENTS NO. 1 TO 4 TO MAINTAIN THE COMBINED SENIORITY LIST AND TO PROMOTE THE PETITIONER FROM FISHERIES WATCHERS TO HEAD FISHERIES WATCHERS WITH EFFECT FROM THE DATE WHERE THE OTHER WERE APPOINTED OR PROMOTED ON THE POST OF HEAD FISHERIES WATCHERS ALONG WITH BACK BENEFITS AHEAD OF HIS JUNIORS WHEN THEY WERE PROMOTED AND THE RESPONDENTS No. 5 AND 6 APPOINTMENTS MAY KINDLY BE DECLARED NULL AND VOID AS THE SAME WAS MADE WITHOUT ANY LAWFUL AUTHORITY AND LAWFUL JUSTIFICATION.

Respected Shewith:

1. That the petitioner is matriculate and appointed as Fisheries watcher (BPS-1) in Directorate of Fisheries vide order dated 2.2.1987 and presently posted in Directorate of Fisheries FATA Secretariat Warsak Road, Peshawar and never promoted till date now after serving long tenure of 27 years and 8 months.

(Copy of matric certificate and appointment letter are annexed as annexure-A and B respectively)

ATTESTED
EXAMINER
Peshawar High Court

10 MAY 2017

2. That the petitioner was upgraded two times once for BPS 1 to BPS 5 and lastly from BPS-5 to BPS-7 in general up-gradation and currently working in **BPS-7** on permanent basis.

(Copy of pay slip of the petitioner is annexed as annexure-C)

3. That the respondent No.5 was appointed on 9.2.2005 as head Fisheries Watcher BPS-3 without any advertisement and against the rules due to the reason that his father was the then Deputy Director and his appointment order was signed by him and the petitioner right of promotion was stopped due to such illegal appointment.

(Copy of appointment of respondent No.5 as head watcher fisheries is annexed as annexure-D where as policy circular letter # SORI (S&GAD)45-1/75, dated 11.2.1987 is annexed as annexure-E)

4. That the father of respondent No.5 when became a Director of Fisheries NWFP, once again being his loved one, respondent No.5 was appointed to post of Fisheries Supervisor BPS-9 without advertising the post and the petitioner rights were violated as when the post of BPS-7 vacant due to re-appointment of respondent No.5, even then the petitioner was not promoted rather one Abdur Rashid , respondent No.6 was appointed on the said vacant post where in the said order it is duly mentioned that he was appointed on the vacant post of respondent No.5

(Copy of appointment order dated 15.6.2008 of respondent No.5 as fisheries supervisor is annexed as annexure-F while the appointment of order of respondent # 6 dated 23.7.2008 is annexed as annexure-G)

10/5/17
10/5/17
10/5/17

5. That since the appointment of the petitioner the respondents No. 1 to 4 never maintained any seniority list despite of several

ATTESTED
EXAMINER
30 MAY 2017

15 #35

applications of the petitioner. It merits a mention here that the FATA Secretariat (respondent No.3) had prepared a seniority list on 30.6.2010 wherein the petitioner is at the top and the same was forwarded to other respondents for combined seniority list but no combine seniority list has been issued yet.

(Copy of the seniority list prepared by respondent No.3 is annexed as annexure-H while application of the petitioner is annexed as annexure-I)

6. That from the plain perusal of the seniority list as well as from the pay slip of the petitioner it is shocking that he was placed still on temporary basis and the other employees appointed later from the petitioner have become permanent which shows volume of malafide and discrimination on the part of respondents.

7. That the favoritism and nepotism on the part of respondents can also be gauged from this fact that respondent No.6 was initially appointed as a naib Qasid BPS-1 vide order dated 28.10.2003 and he was re-designated vide order dated 1.5.2006 as Fisheries watcher and while order dated 23.7.2008 vide annexure-G, the respondent No.6 junior to the petitioner was appointed as Head Fisheries Watcher (BPS-7) which is against the law of the land.

(Copy of the orders of respondents No.6 are annexed as annexure-J and K respectively)

8. That it merits a mention here that the said irregularity was highlighted by respondent No.3 in his letter dated 23.11.2012 where it was requested that the respondent No.1 may kindly take action against the said irregularity and admitted that one Abdur

ATTESTED
EXAMINER
Peshawar High Court
10 MAY 2017

~~#16~~ # 36^o

Rashid, respondent No.6 was promoted out of turn violating the vested right of the present petitioner but to no avail.

(Copy of the letter is annexed as annexure-L)

9. That respondents No. 5 and 6 being the loved one were appointed in violation of the policy and Rules and by violating the vested rights of the petitioner and due to the said reason the petitioner since his appointment is working on the post of Fisheries Watchers which is not only discrimination but also violation of Article 4 of the Constitution of the Islamic Republic of Pakistan.

(Copy of the Rules is annexed as annexure-M)

Felt aggrieved from the acts on the parts of respondents No.1 to 4 , by not promoting the petitioner time and again, the petitioner having no other adequate and efficacious remedy has left with no option but to invoke the jurisdiction of this Hon'ble Court inter alia on the following grounds;

GROUND:

1. That the act of respondents No.1 and 4 by not maintaining combined seniority list is against the law and Rules as well as natural justice and clear example of discrimination by re-appointing respondents 5 and 6 which were junior from the petitioners.

11/05/2017

11/05/2017

11/05/2017

ATTESTED
EXAMINER
Peshawar High Court
170 MAY 2017

~~#17~~ #37

2. That by appointing/promotion of respondents No. 5 and 6 without advertising the posts in the daily newspaper is also sheer violation of law.
3. That by appointing respondents No. 5 and 6 by initial recruitment is clear example of discrimination and violation of law by not maintaining the seniority list with the sole purpose to deprive the petitioner from his vested right of promotion and for the **last more than 26 years**, the petitioner is working on one and the same grade which is also against the principle of natural justice.
4. That by asking the combined seniority list and moving an application for promotion is the vested rights of the petitioners but by issuing the **warning note** to the petitioner by respondents shows malafide attitude on the part of the respondents.
5. That the petitioner has been discriminated and the refusal of the respondents to promote the petitioner is against the natural justice.
6. That any other point will be agitated during the arguments.

PRAYER.

In view of the above facts it is most humbly prayed that **BY ACCEPTING THIS WRIT PETITION THE DIRECTION MAY KINDLY BE GIVEN TO THE RESPONDENTS NO. 1 TO 4 TO MAINTAIN THE COMBINED SENIORITY LIST AND TO PROMOTE THE PETITIONER FROM FISHERIES WATCHERS TO HEAD FISHERIES WATCHERS WITH EFFECT FROM THE DATE WHERE THE**

ATTESTED
EXAMINER
Peshawar High Court

10 MAY 2017

~~#18~~ # 38

OTHER WERE APPOINTED OR PROMOTED ON THE POST OF HEAD FISHERIES WATCHERS ALONG WITH BACK BENEFITS AHEAD OF HIS JUNIORS WHEN THEY WERE PROMOTED AND THE RESPONDENTS No. 5 AND 6 APPOINTMENTS MAY KINDLY BE DECLARED NULL AND VOID AS THE SAME WAS MADE WITHOUT ANY LAWFUL AUTHORITY AND LAWFUL JUSTIFICATION.

ANY OTHER RELIEF, NOT SPECIFICALLY PRAYED SO FOR BUT DEEM FIT IN THE INTEREST OF ADMINISTRATION OF JUSTICE MAY ALSO BE GRANTED IN FAVOUR OF THE PETITIONER AGAINST THE RESPONDENTS.

Muhammad Raza

Petitioner

Through:

Barkat Ullah Khan

Barkat Ullah Khan
Advocate High Court,
LLM (London)

Note: As per direction of my client, not such like writ petition has been filed prior to this one.

List of books.

1. The Constitution of Pakistan.
2. Any other law book or case law as per need.
3. Fisheries Rules.

FILED TODAY

Deputy Registrar

11 DEC 2014

ATTESTED
[Signature]
EXAMINER
Peshawar High Court

10 MAY 2017

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

~~#147~~ # 39

Writ petition No. 2772/P of 2014.

Abdul Raziq

Versus

Secretary Agricultural & others.

Affidavit.

I, Barkat Ullah Khan Advocate do hereby solemnly affirm and declare that the contents of the accompanying writ petition, as per information furnished by my client, are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

6738-
 I, Barkat Ullah Khan Advocate do hereby solemnly affirm and declare that the contents of the accompanying writ petition, as per information furnished by my client, are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Day of Dec. 11th 2014
 at Peshawar
 who was identified to me as Barkat Ullah Khan
 who is personally known to me as Barkat Ullah Khan

Barkat Ullah Khan
 Deponent.

[Signature]
 Commissioner
 Peshawar

ATTESTED
 EXAMINER,
 Peshawar High Court
 10 MAY 2014

#20 #40⁹
BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ petition No. ~~2777~~ of 2014.

Abdul Raziq

Versus

Secretary Agricultural & others.

ADDRESSES OF THE PARTIES.

Petitioner

ABDUL RAZIQ SON OF ABDUL KHALIQ RESIDENT OF VILLAGE MALIK DIN KHEL SECTION DAULAT KHEL SUB SECTION NUSRAT KHEL NALA (KHJOORI) KHYBER AGENCY PRESENTLY WATCHER (BPS-7) DIRECTORATE OF FISHERIES FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

Respondents

1. SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURAL, COOPERATIVE, FISHERIES, LIVESTOCK AND DAIRY DEVELOPMENT DEPARTMENT PESHAWAR, CIVIL SECRETARIAT PESHAWAR.
2. THE DIRECTOR FISHERIES KHYBER PAKHTUNKHWA SHAMI ROAD PESHAWAR.
3. DIRECTOR FISHERIES, DIRECTORATE OF FISHERIES FATA SECRETARIAT WARSAK ROAD, PESHAWAR.
4. DEPUTY DIRECTOR FISHERIES, DIRECTORATE OF FISHERIES FATA SECRETARIAT WARSAK ROAD, PESHAWAR.
5. KAMRAN TARIQ SON OF MUHAMMAD AYAZ RESIDENT OF CHARMANG ABAD VILLAGE & PO, UTMANZAI TEHSIL & DISTRICT CHARSADDA PRESENTLY POSTED AS SUPERVISOR

ATTESTED
EXAMINER
Peshawar High Court

10 MAY 2017

~~#21~~ #4¹⁰

(BPS-11) DIRECTORATE OF FISHERIES FATA SECRETARIAT
WARSAK ROAD, PESHAWAR.

6. ABDUR RASHID SON OF SULTAN MAHMOOD RESIDENT OF
FOREST COLONY OPPOSITE GULBAHAR POLICE STATION
PESHAWAR CITY PRESENTLY HEAD WATCHER DIRECTORATE
OF FISHERIES FATA SECRETARIAT WARSAK ROAD,
PESHAWAR.

AbdulRaziq
Petitioner

Through:

Barkat Ullah Khan

Barkat Ullah Khan
Advocate High Court,
LLM (London)

NO. 100/17
City-Registration
11 DEC 2014

ATTESTED
[Signature]
EXAMINER
Peshawar High Court
11 NOV 2017

~~Annexure~~ "0"
(42)

Judgment Sheet
IN THE PESHAWAR HIGH COURT
PESHAWAR

(Judicial Department)
WP No.3778-P/2014

Abdul Raziq

Vs

Secretary Govt. of KPK Agricultural, Co-
operative, Fisheries, Livestock & Dairy
Development Department, Peshawar & others

JUDGMENT

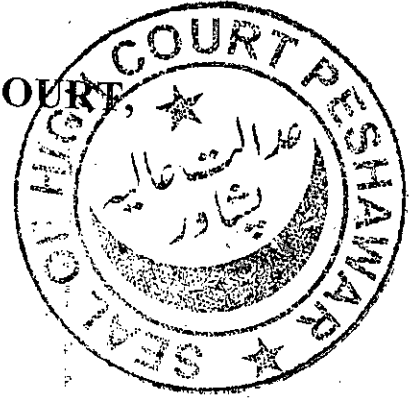
Date of decision. 25.04.2017
Petitioner (s) by: Mr. Barkat Ullah, Advocate
Govt. by: Mian Arshad Jan, AAG
Respondent (s) by: Mr. Ibad-ur-Rehman, Advocate

MUHAMMAD YOUNIS THAHEEM, J.

Petitioner through this constitutional petition under
Article 199 of the Islamic Republic of Pakistan, 1973
seeks the following relief:

*"It is most humbly prayed that by
accepting this writ petition the
direction may kindly be given to
the respondents No.1 to 4 to
maintain the combined seniority
list and to promote the petitioner
from fisheries watchers to head*

Since
5/2



ATTESTED
EXAMINER
Peshawar High Court
10 MAY 2017

~~# 23~~
43

fisheries watchers with effect from the date where the other were appointed or promoted on the post of head fisheries ahead of his juniors when they were promoted and the respondent No.5 and 6 appointments may kindly be declared null and void as the same was made without any lawful authority and lawful jurisdiction."

2. Brief facts of the case are that petitioner was initially appointed as watchers (BPS-1) in Directorate of Fisheries vide appointment order dated 02.02.1987 who presently is posted in Directorate of Fisheries FATA Secretariat Warsak Road, Peshawar claiming that he has never been promoted till date after performing so long service of 27 years and 08 months while respondent No.5 was appointed on 09.02.2005 as head Fisheries Watcher BPS-3 without advertisement and against the rule prescribed by law as his father was the then Deputy Director in the same department who signed his appointment order due to his appointment, his promotion was affected.

3/2/07

ATTACHED
EXAMINER
Peshawar High Court
10 MAY 2007

~~#24~~
#44

3. Similarly when his father became a Director of Fisheries NWFP, once again respondent No.5 was appointed to the post of Fisheries Supervisor in BPS-9 without advertisement in violation of service laws while due to his appointment in BPS-9 the post of BPS-7 became vacant even then petitioner was not promoted rather another person Abdur Rashid, respondent No.6 was appointed on the said vacant post where in his appointment letter it is also mentioned that he has been appointed on the said vacant left by post of respondent No.5. The respondents No.1 to 4, never maintained any seniority list despite the fact that several applications has been moved by the petitioner to them. The respondent No.3 prepared a seniority list on 30.06.2010 wherein the name of petitioner is appearing at the top of the same list even then seniority list has not been acted upon. Thus having legitimate expectations for promotion to the next higher grade, petitioner has been deprived from his lawful right to promotion on the basis of malafide and discrimination has been done to him.

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ATTESTED
EXAMINED
FORWARDED
BY

~~#45~~
#45

4. Comments were called from the respondents who in their comments admitted the appointment of respondent No.5 in BPS-3 and then to BPS-9 also admitted the appointment of Abdur Rashid on the vacated post of respondent No.5 by alleging his position that respondent No.6 was initially appointed as Naib Qasid in BPS-1 who was competent later on was promoted/appointed as head Fisheries Watcher in BPS-7. The respondent in his preliminary objection asserted that this Court has got no jurisdiction pertains to transfer, posting and promotion which are included in the terms and conditions of services.

5. Arguments heard. Record perused.

6. Without going deep into the merits of the case, this Court is of the view that the petitioner can invoke the proper competent forum under the law as the matter pertains to appointment, promotion and this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan. In this respect reliance is placed on the judgment of

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ATTESTED
EXAMINER
Peshawar High Court

10 MAY 2017

~~# 26~~
46

Honourable Supreme Court of Pakistan in *Ali Azhar Balooch* case cited as *2015 SCMR 456*.

7. Thus in view of above discussed position, the petition in hand is dismissed being not maintainable, however, the petitioner is directed to approach the proper forum for the redressal of his grievance.

Announced
25.04.2017

M. Ahmad Yousaf

[Signature]
JUDGE

[Signature]
JUDGE

Ihsan

CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Courts-Strand Order 1984

10 MAY 2017

26254
Date of Presentation of Application *26/4/17*
No. of Pages
Filing fee
Court Fee
Preparation of copy
Charges for delivery
Delivery of copy
W/ks

[Signature]
8/5/17

Annexure "P"

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Rev. Pet 75-P/2017

47

Review petition in Writ Petition No. 3778-P/2014



ABDUL RAZIQ SON OF ABDUL KHALIQ RESIDENT OF
 VILLAGE MALIK DIN KHEL SECTION DAULAT KHEL SUB
 SECTION NUSRAT KHEL NALA (KHJOORI) KHYBER AGENCY
 PRESENTLY WATCHER (BPS-7) DIRECTORATE OF
 FISHERIES FATA SECRETARIAT, WARSAK ROAD,
 PESHAWAR.

..... PETITIONER

VERSUS

1. SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURAL, COOPERATIVE, FISHERIES, LIVESTOCK AND DAIRY DEVELOPMENT DEPARTMENT PESHAWAR, CIVIL SECRETARIAT PESHAWAR.
2. THE DIRECTOR FISHERIES KHYBER PAKHTUNKHWA SHAMI ROAD PESHAWAR.
3. DIRECTOR FISHERIES, DIRECTORATE OF FISHERIES FATA SECRETARIAT WARSAK ROAD, PESHAWAR.
4. DEPUTY DIRECTOR FISHERIES, DIRECTORATE OF FISHERIES FATA SECRETARIAT WARSAK ROAD, PESHAWAR.
5. KAMRAN TARIQ SON OF MUHAMMAD AYAZ RESIDENT OF CHARMANG ABAD VILLAGE & PO UTMANZAI TEHSIL & DISTRICT CHARSADDA PRESENTLY POSTED AS SUPERVISOR (BPS-11) DIRECTORATE OF FISHERIES FATA SECRETARIAT WARSAK ROAD, PESHAWAR.

ATTESTED

FILED TODAY

Deputy Registrar

EXAMINER

Peshawar High Court

Review-75-2017-in-wp-3778-2014-Abdul-raziq-vs-secty-agriculture

28 SEP 2017

24 MAY 2017

Admission

1911

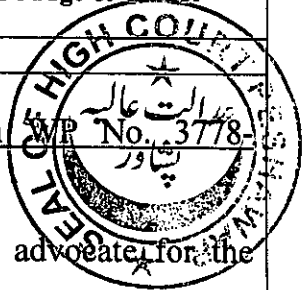
1911

EXHIBIT

Annexure "1" # 48

PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
05.09.2017	<p>Review Petition No. 75-P/2017 in WP No. 3778-P/2014.</p> <p>Present: Mr. Barkatullah Khan, advocate for the petitioner.</p> <p>*****</p> <p>WAQAR AHMAD SETH, J: - Through the instant review petition, petitioner seeks review of judgment dated 25.04.2017, rendered by this Court in writ petition bearing No. 3778-P/2014, whereby his writ petition was dismissed being not maintainable.</p> <p>2. We have heard learned counsel for the petitioner and available record gone through.</p> <p>3. On the face of record the present review petition filed on 24.5.2017 against the judgment dated 25.4.2017 seems to be barred by time, as under Article-162 of the Limitation Act, 1908, the period for filing of review of judgment by a High Court in exercise of its original jurisdiction is 20 days from the day of the decree of order.</p> <p>4. On merits, arguments of learned counsel heard in detailed and record scrutinized. The prayer in the main writ petition was twofold; firstly he being the Watcher BPS-7 of Directorate of Fisheries, prayed for</p>



ATTESTED
EXAMINER
Peshawar High Court
28 SEP 2017

Answers



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maintaining the combine seniority list and secondly his promotion as Head Fisheries / Watcher with effect from the date when the other / respondents were promoted and appointed. In nutshell the claim of petitioner, adjusting him from all angles was that he is senior to respondents No.5 & 6, who were appointed as Head Fisheries without any advertisement in the year 2005 & 2008, which orders of appointments were not ever challenged by the petitioner before any jurisdiction and as such the appointment of respondents No.5 & 6, challenge to was hit by latches in the said writ petition as well, but was not discussed on merits, as the writ petition was hit by Article-212 of the Constitution. The plea of the petitioner that the said appointment orders of respondents No.5 & 6 were void / illegal orders and there is no limitation for challenging the void / illegal orders, such plea cannot be entertained at this stage.

5. The post of Watcher and Head Fisheries / Watcher cannot have a combine seniority list as the post of Head Watcher is a promotion quota post and from the Watcher / Fisheries an employee is to be promoted as Head Fisheries / Watcher. Learned counsel for petitioner is stressing upon order sheet dated 23.12.2015, whereby the bench of this Court treated the petition as writ of quo warranto against

ATTESTED

EXAMINER
Peshawar High Court

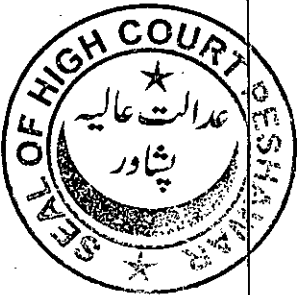
25/SEP 2017

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respondents No.5 & 6, but failed to understand the difference between writ of quo warranto and the other writ petitions including mandamus. The basic difference between them is that writ of quo warranto is without any personal claim whereas, in the writ petition, petitioner is a direct affectee, claimer and interested party and the claim of promotion is always personal in nature. The prayer portion of writ petition is very much clear and unambiguous, in view of which the writ petition was dismissed being not maintainable, with the direction to approach the proper forum for the redressal of his grievance.

6. For the reasons recorded hereinabove this review petition being bereft of legal substance is hereby dismissed in limine.

Announced.
05.09.2017.



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JUDGE

Handwritten signature of Judge

JUDGE

No. 5800
 Date of Presentation of Application 05/09/17
 No of Pages 47
 Copying fee
 Urgent fee
 Total 16
 Date of Preparation of Copy 08/09/17
 Date Given For Delivery 08/09/17
 Date of Delivery of Copy 08/09/17
 Received by WAGAS

CERTIFIED TO BE TRUE COPY
 Peshawar Examiner
 Peshawar High Court, Peshawar
 Authorized Under Article 87 of
 The Qanun-e-Shahadat Order 1984
28 SEP 2017

RECEIVED FOR DIRECTOR
BUREAU OF REVENUE
U.S. DEPARTMENT OF THE TREASURY
SEP 28 2014

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Annexure R

51

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ petition No.

3778-P/2014

Mr. Abdul Raziq..... PETITIONER

VERSUS

1. The Secretary to Government of Khyber Pakhtunkhwa Agriculture, Cooperative, Fisheries and livestock and Dairy Development Department Peshawar.
2. The Director Fisheries Khyber Pakhtunkhwa Peshawar.
3. The Director Fisheries FATA.
4. The Deputy Director Fisheries FATA and Others

..... (RESPONDENTS)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO-3 to-4

Respected shewith:

PRELIMINARY OBJECTIONS:

- (a) The Petitioner has no 'Locus **standi**' and / or **cause** to file the instant petition.
- (b) The Petitioner is not an "**aggrieved**" person within the meaning of Article 199 of the Constitution of Pakistan.
- (c) The writ petition is wholly **incompetent, misconceived and untenable**.
- (d) The Petitioner has not come to the Court with clean hands. The writ petition also suffers from mis-statement and concealment of facts.
- (e) The jurisdiction of this honorable court has been ousted by provision of Article 247(7) and no matter relating to FATA could be entertained by the august court.
- (f) The jurisdiction of this honorable court has been ousted by provision of Article 212 of the constitution. Posting transfer being terms and conditions of service.

II-FACTS

1. Correct
2. Correct to the extent that the post of the petitioner was upgraded from BPS-1 to BPS-5 and then from BPS-5 to BPS-7. The petitioner is currently working in BPS-7 on regular basis. Copy of his service book is attached as annexure-A.
3. Correct to the extent that respondent No-5 was appointed as Head Fisheries watcher (BPS-3) by the then Conservator of Forest FATA vide Deputy Director Fisheries FATA Endorsement No.3958-62/ADF/FATA/GS/PF. dated 09-02-2005 (**Annexure-B**). The minutes of the departmental recruitment committee meeting along with merit list is attached (**Annexure-C**) shows that the respondent No-5 was appointed as Head fisheries watcher (BPS-3). It is pertinent to mention here that the Directorate of Fisheries FATA is implementing the appointment and promotion rules of the Directorate of Fisheries

Khyber Pakhtunkhwa and all the regular employee working in Directorate of Fisheries Department FATA are considered as provincial employee and working on deputation basis in Directorate of Fisheries FATA. (A copy of the status of the employee of FATA is attached as Annexure- D).

V. Important

4. Correct to the extent that when the Father of Respondent No-5 was the Director of Fisheries Khyber Pakhtunkhwa. he appointed/ promoted to his son (respondent No-5) on the post of Fisheries supervisor (BPS-9) vide appointment/promotion order No 1356-67/DF/E dated 15/06/2008.(Annexure-E). On the same vacant post of Head Fisheries watcher, Mr. Abdul Rashid (Respondent No-6) was appointed/ promoted as Head Fisheries watcher (BPS-7). It is pertinent to mentioned here that according to the service rules of Directorate of Fisheries Khyber Pakhtunkhwa, the post of Fisheries Supervisor can be filled by fifty percent promotion among the Head Fisheries Watcher and remaining fifty percent by initial recruitment and the post of Head Fisheries can be filled only by hundred percent promotion among senior watchers of division. (Copy of the appointment/promotion order of respondent No-6 is attached as (Annexure-F) and appointment/ promotion service rules are attached as (Annexure-G).

V. Impot

5. Incorrect. Being the appointing authority on regular posts of Fisheries Department FATA, the Director Fisheries Khyber Pakhtunkhwa has the prime responsibility to frame and finalized the combined seniority list of all the employee of Fisheries Department working in FATA as well as in Khyber Pakhtunkhwa. The respondent No 3 has prepared the biodata/seniority list of all the staff working in the Directorate of Fisheries FATA and submitted to Director Fisheries Khyber Pakhtunkhwa from time to time for finalization of combined seniority list vide letter No.446-48 dated 2/10/2013 and letter No.440-43 dated 13/11/2013.and letter No.1608-11/DF dated 18/06/2014 (Annexure-H) but action is still awaited from Director Fisheries Khyber Pakhtunkhwa.

6. Incorrect. The petitioner is regular employee of Fisheries Department FATA and working on regular post as Fisheries watcher (BPS-7) in Directorate of Fisheries FATA.

V. Imp

7. In-correct. Respondent No-6 was initially appointed as N/Q in BPS-1 by the Assistant Director Fisheries FATA who was competent for appointment against the same post. However latter on the then Director Fisheries FATA has re-designated the same post to Fisheries watcher in same Basic Pay Scale No-1 without having any legal authority. Later on the then Director Fisheries Khyber Pakhtunkhwa appointed/promoted the same respondent No-6 to Head Fisheries Watcher BPS-7.

8. Correct to the extent that Respondent No-3 has submitted the case to Secretary Agriculture Livestock and Dairy Development and Fisheries Department Khyber Pakhtunkhwa through the Secretary Production livelihood Development Department FATA vide letter No. 1346-48/DF dated 28/11/2012(Annexure-I) and asked about the promotion of senior officials of fisheries FATA including the Petitioner but action in this regards is still awaited for the Directorate of Fisheries Khyber Pakhtunkhwa. However respondent No-6 has been promoted to Head Fisheries Watcher by the Director Fisheries Khyber Pakhtunkhwa he may be in better position to explain the promotion of respondent No-6.

9. Respondent No 5 and 6 were appointed / promoted to the posts of Fisheries Supervisor and Head Fisheries Watcher respectively by the Director Fisheries Khyber Pakhtunkhwa. He may be in better position to explain these promotion cases.

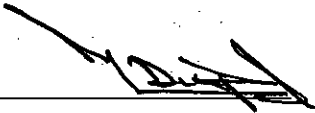
#53

GROUNDS:-

1. Correct to the extent that issuance of combined seniority list is the prime responsibility of Directorate of Fisheries Khyber Pakhtunkhwa.
2. Respondent No-5 and 6 have been promoted by the Director Fisheries Khyber Pakhtunkhwa and he may be in better position to explain these promotion cases.
3. No comments. However it is pertinent to mentioned here that ordered have been issued by the Director Fisheries Khyber Pakhtunkhwa as all the employee of Directorate of fisheries FATA are the employee of provincial government on deputation to FATA.
4. No Comments, relates to Government of Khyber Pakhtunkhwa.
5. No comments
6. No Comments.

In the light of the above facts it is most humbly prayed that the name of respondent No 3 and 4 be deleted from the list of Respondents

Respondent No. 3



Director Fisheries FATA
FATA Secretariat Warsak, Road
Peshawar

Respondent No. 4



Deputy Director Fisheries FATA
FATA Secretariat Warsak Road
Peshawar

#54

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. NO. 3778-P/2014

Mr. Abdul Raziq

.....Petitioner

VERSUS

Govt of Khyber Pakhtunkhwa & others

.....Respondents

AFFIDAVIT

I, Muhammad Tanveer, Assistant Director Fisheries, FATA Secretariat Khyber Pakhtunkhwa Peshawar do hereby solemnly affirm and declare on oath that the contents of parawise comments on behalf of respondent No. 3-4 are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Court.

M. Tanveer
DEPONENT

CNIC NO.1310-0908540-5

Identified by

[Signature]
Advocate General, Sindh
Khyber Pakhtunkhwa
Peshawar

No: <i>15736</i>
Certified that the above was verified on solemnly affirmation before me on the day of <i>18.11.14</i> at <i>AD Fisheries FATA Sec Peshawar</i> who was personally known to me:
<i>[Signature]</i> Oath Commissioner Peshawar Court, Peshawar.

1.7.2008 . upgraded RPS 1 to 5
page 6

12.12.11 upgraded from 5 to 7.
page 11



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ایڈوکیٹ/دستخط:

بار کونسل ابار ایسوسی ایشن نمبر: 10-5114-10-10

رابطہ نمبر: 0301-8840044

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر سٹریٹنل، حیدر خٹو خان، پشاور

Appellant	منجانب:	دعوی:
عبدالرازق		علت نمبر:
بنام		مورخہ:
سیکریٹری الیکٹرونک		جرم:
		تھانہ:

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پشاور کیلئے سرکت اللہ خان (ایڈووکیٹ) کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ برطنت دینے جواب دعوی اقبال دعوی اور درخواست ازہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوفی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا عد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 19.10.17

بد _____ واہ شد _____ بد _____

مقام پشاور کے لئے منظور ہے۔

عبدالرازق ولد عبدالغنی

Abdul Raziq

BEFORE THE HON'BLE SERVICE TRIBUNAL , KPK, PESHAWAR

ABDUR RAZIQ

VS

SECRETARY ETC

APPLICATION FOR EARLY HEARING

RESPECTFULLY SUBMITTED:

1. That the above titled appeal is subjudice before this Hon'ble tribunal which is fixed for **5.6.2018**.
2. That the appellant does not want to proceed his appeal any more hence, the instant petition along with the accompanied petition for withdrawal.

Keeping in view the above mentioned facts and circumstances of the case, it is therefore most humbly prayed that on acceptance of the instant application the case may kindly be fixed as early as possible.

Abdul Raziq

Petitioner/appellant

BEFORE THE HON'BLE SERVICE TRIBUNAL , KPK, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 454

Dated 23/04/2018

ABDUR RAZIQ

VS

SECRETARY ETC

*Put up to the court
along with relevant app. -*

APPLICATION FOR WITHDRAWAL OF THE ABOVE TITLED APPEAL

Reader

23/4/18.

RESPECTFULLY SUBMITTED:

1. That the above titled appeal is subjudice before this Hon'ble tribunal which is fixed for **5.6.2018**.
2. That the appellant does not want to further proceed his appeal any more hence, the appellant want to withdraw the same.

Keeping in view the above mentioned facts and circumstances of the case, it is therefore most humbly prayed that on acceptance of the instant application the above titled appeal may kindly be withdrawn.

*Believed to
withdraw.*

Abdur Raziq

Petitioner/appellant

23-4-18