

قرب اللہ DDA

53/20

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN

CIVIL APPEAL NO.195 OF 2020.

(Against the judgment dated 19.02.2019
passed by the Khyber Pakhtunkhwa
Service Tribunal, Peshawar in Appeal
No.386 of 2017).

Government of Khyber Pakhtunkhwa through Secretary,
Elementary & Secondary Education, Peshawar and others.

...Appellant(s)

Versus

...Respondent(s)

Bahadar Zaman.

For the Appellant(s):

Mr. Zahid Yousaf Qureshi, Addl.
A. G. KP.
Mian Saadullah Jandoli, AOR (absent)

For the Respondent(s):

Mian Nasir Mehmood, ASC.
Mr. M. S. Khattak, AOR with
respondent.

Date of Hearing:

29.06.2020.

ORDER

IJAZ UL AHSAN, J.- This appeal with leave of the Court arises out of the judgment of the Khyber Pakhtunkhwa Service Tribunal dated 19.02.2019. Through the impugned judgment, the Service Appeal filed by the Respondent was allowed and he was granted post retirement proforma promotion in addition to arrears and benefits since 28.02.2011.

2. Briefly stated the facts of the case are that the Respondent was appointed as SPT in Education Department,

Promised

his service he was promoted to the post of Incharge Headmaster (BPS-17) on 03.08.1997. He was thereafter regularized on 27.05.2003. Later, on the basis of various judgments as well as recommendations of the relevant committees the Respondent's services were regularized with effect from 30.08.1997 through notification dated 20.05.2011.

3. On 28.02.2011, a Departmental Promotion Committee (DPC) meeting was held to consider promotion of Headmaster from BPS-17 to BPS-18. Some of the Headmasters of the batch of 1998 to 1999 who were allegedly junior to the Respondent were included amongst the list of Headmasters which were considered by DPC. Significantly, the name of the Respondent was not in the said list. On attaining the age of superannuation the Respondent retired on 19.03.2011. In the revised seniority list circulated after his retirement on 20.05.2011, some officers junior to him were promoted from BPS-17 to BPS-18 on notional basis. Having learnt about such promotions, being given to his juniors he submitted a departmental appeal on 22.12.2016. The same was not decided. Therefore, he approached the KP Service Tribunal on 19.04.2017 seeking proforma promotion post retirement. Through the impugned judgment, his Service Appeal was allowed.

4. Leave to appeal was granted by this Court on 03.03.2020 in the following terms:

05.03.1974 the Respondent was appointed as SPT in Education Department. On 03.08.1997, he was promoted as Incharge Headmaster (BS-17) on acting charge basis. Subsequently, on 27.05.2003 his job was regularized as a Headmaster (BS-17).

2. It seems that the Respondent has challenged his regularization from 27.05.2003 and succeeded in obtaining an order and also the recommendations of the Committee that he be regularized from the date of his promotion i.e. 03.08.1997. On 28.02.2011, DPC held a meeting when the case of the Respondent for promotion to BS-18 was not considered. The Respondent ultimately retired on attaining the age of superannuation on 19.03.2011 and thereafter he filed a service appeal before the Service Tribunal for grant of proforma promotion. Such appeal by the impugned judgment of the Service Tribunal dated 19.02.2019 has been allowed as prayed for.

3. The learned Law Officer contends that in the first place, the Service Tribunal has no jurisdiction to grant the relief which has been sought by the Respondent in the appeal, more so when a retired employee cannot maintain an appeal before it for granting him proforma promotion. In this regard, the learned Law Officer has placed reliance on a judgment of this Court reported as Province of Punjab v. Saeed Ahmed Khan (PLD 1994 Supreme Court 230). He has further contended that the case of the Respondent for being promoted to a post of BS-18 was being considered by the petitioner-department but because of the impugned judgment, the said process could not be completed. He submits that allowing the appeal as prayed for has caused a serious prejudice to the petitioner-department in that the Service Tribunal has allowed the benefits to the Respondent which otherwise were not payable to him.

4. The contentions raised by the learned Additional Advocate General, Khyber Pakhtunkhwa need consideration. Leave to appeal is therefore granted to consider inter alia the same. The appeal stage paper books be prepared on the available record with permission to the parties to file additional documents, if any within a period of one month. As the matter relates to service, the office is directed to fix the same expeditiously preferably after three months.

5. In the meantime, operation of the impugned judgment shall remain suspended."

5. The learned counsel for the Appellant submits that the impugned judgment suffers from material illegalities and has been rendered in complete oblivion of the law on the subject. He maintains that admittedly the Respondent had

to notification of

20.05.2011. He maintains that it is settled law that a retired civil servant cannot seek proforma promotion after retirement. He finally submits that the claim of the Respondent was utterly time barred and the said fact was ignored by the KP Service Tribunal.

6. Learned counsel for the Respondent on the other hand submits that on receipt of the Respondent's representation a supernumerary post of Principal (BPS-18) was created and recommendation in this regard was sent by the department for sanction. The KP Service Tribunal was informed that as and when the sanction and creation of supernumerary post of BPS-18 with effect from 28.02.2011 was received the Respondent shall be promoted. He therefore submits that the department has practically conceded the claim of the Respondent. Having done so, he did not lie with the department to take a contrary position.

7. We have heard the learned counsel for the parties and have gone through the record with their assistance.

8. There is no denial of the fact that the Respondent was first appointed as an SPT in the Education Department on 05.03.1974. Later, he was promoted as Incharge Headmaster in (BPS-17) on 30.08.1997. He was first regularized on 27.05.2003 but later, on interference by Courts and the concerned committee of the Appellant he was regularized from the first date of promotion that is

28.02.2011, while the Respondent was still in service a DPC meeting regarding promotion of Headmasters from BPS-17 to PBS-18 was held. A large number of candidates were considered. It is common ground between the parties that the name of the Respondent was not considered in the meeting. The learned counsel for the Respondent has not denied the fact that the Respondent knew that his name had not been considered in the meeting held on 28.02.2011 yet he did not agitate against the same before any forum. On 19.03.2011 on attaining the age of superannuation the Respondent retired from service. On 20.05.2011, revised seniority list was issued on the basis of which some of the juniors of the Respondent were promoted from BPS-17 to BPS-18 on notional basis in response to judgment of Court dated 08.03.2013. Despite knowledge that his junior had been promoted, the Respondent still did not agitate the matter and kept quiet till 2017 when he approached the Service Tribunal and sought relief.

9. The conduct of the Respondent is such that on repeated occasions when cause of actions had accrued in his favour he kept sleeping over rights and did not agitate the matter before the relevant fora at the appropriate time. Consequence, his approach to the KP Service Tribunal became barred by time which fact was not duly considered by the Tribunal.

10. We further note that the Respondent had retired

issued two months after his retirement. It is also noteworthy that when he was not considered by the DPC on 28.02.2011 he never challenged the non-consideration of his name. Since the Respondent had retired from service on 19.03.2011 he could not have sought promotion/notional promotion in view of the fact that grant of retrospective proforma promotion in respect of retired of civil servant is not admissible under the rules, especially so where his Service Appeal before the Tribunal is barred by time. Further, he did not agitate the matter of promotion of colleagues junior to him before the competent fora within time.

11. We have also considered the contents of the letter heavily relied upon by the Tribunal to hold that recommendation had been sent for creation of a supernumerary post of Principal (BPS-18) for the Respondent. The KP Service Tribunal has lost sight of the fact that the letter was in the nature of a proposal/recommendation sent on behalf of the Respondent and was clearly subject to approval of the Establishment Division. A copy of the letter dated 14.01.2018 issued by the Establishment Division has been placed on record where the request made on behalf of the Respondent has been declined and approval has been denied. It is clear and obvious to us that this letter has escaped the notice of the KP Service Tribunal which has led to the Tribunal coming to the wrong conclusions.

jurisdiction to grant proforma promotion to the Respondent after his retirement and the recommendation of creation of supernumerary post having not been approved by the competent authority, the KP Service Tribunal acted illegally and without jurisdiction in granting relief to the Respondent. Consequently, we are in no manner of doubt that the impugned judgment of KP Service Tribunal is not sustainable.

13. For reasons recorded above, we allow this appeal and set aside the impugned judgment dated 19.02.2019 passed by the KP Service Tribunal. There shall be no order as to costs.

Sd/- H G J
Sd/- J

Certified to be True Copy

(Signature)
27/7/2020
Supreme Court of Pakistan
Islamabad

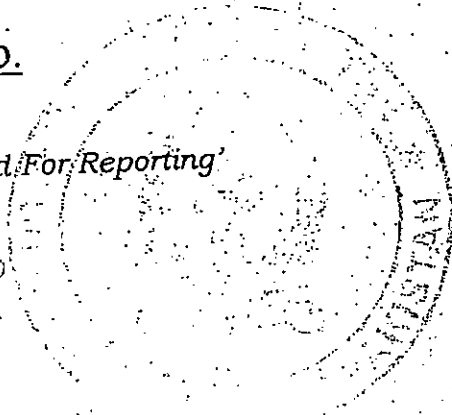
ISLAMABAD.

29.06.2020.

Zubair/*

'Not Approved For Reporting'

(Handwritten initials)
27/7/2020



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.880/2018

Date of Institution: 11.07.2018

Date of Decision: 13.11.2020

Hizbullah Khan Sr Scale Stenographer (BPS-16) Directorate of Agriculture
(Extension) Wing Khyber Road Peshawar.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and 4 others

... (Respondents)

Mr. Taimur Ali Khan
Advocate

... For Appellant

Mr. Muhammad Jan,
Deputy District Attorney

... For Official Respondents

Mr. MUHAMMAD JAMAL KHAN
Mr. ATIQ UR REHMAN WAZIR

... **MEMBER (J)**
... **MEMBER (E)**

JUDGEMENT: -.

Mr. ATIQ UR REHMAN WAZIR: - Appellant Mr. Hizbullah Khan, initially appointed as Steno typist on 25-08-1981 has assailed the impugned order dated 14-12-2017, whereby the departmental appeal of the appellant was turned down and the appellant was denied his right of promotion besides other numerous orders ancillary thereto which affected the appellants right of promotion.

2. Brief facts of the case are that the appellant Mr. Hizbullah Khan was initially appointed as steno typist on 25-07-1981 and promoted to the post of Senior Scale Stenographer (BPS-16) on 25-05-2009. That until 2018 he stood first in the seniority list of Senior Scale Stenographers (BPS-16) of Agriculture Department (Extension Wing). That his case for promotion to the post of Superintendent (BPS-17) was twice submitted by respondent No. 3 to respondent No. 2 along with working papers, but was not considered by respondent No. 2. The appellant preferred departmental appeal on 26-10-2017, which was responded to with observations that his case is kept pending till finalization of new service rules, but at the same time, promoted other officers of the Department without waiting for new service rules. The appellant went in WP No 2268-P/2018, which was disposed of on 05-06-2018 on the grounds of jurisdiction, but with liberty to the appellant to approach the proper forum, hence the instant service appeal with prayers that the impugned order dated 14-12-2017 may be set aside and the appellant be promoted to the post of Superintendent (BPS-17) with all back benefits.

3. Written reply/comments were submitted by respondents.

4. Arguments heard and record perused.

5. Learned counsel for the appellant contended that until 2018 the appellant stood at serial No. 1 of the seniority list of Senior Scale Stenographers of Agriculture Department (extension wing) and his case for promotion to the post of Superintendent (BPS-17) was twice submitted by respondent No. 3 to respondent No. 2, but respondent No. 2 intentionally ignored his case for promotion without any valid reason. That in response

to the departmental appeal of the appellant, the respondent observed that the case of appellant is kept pending till finalization of new service rules, while ignoring the existing rules of 1983. That the appellant was fit for promotion in all respect as well as vacant posts were also available, as is evident from the working papers submitted for his promotion to the competent forum. That the respondent kept the case of the appellant pending for want of new service rules, but simultaneously promoted other employees under the existing rules, who were junior to the appellant. That the promotion case of the appellant was kept pending with malafide intention by the respondent No 2, thereby committed gross illegality and irregularity by violating rules and regulations, as such the appellant was deprived of his valuable rights. That stance of the appellant has already been conceded to by the respondents in their comments, which is available on record. On the question of limitation, the learned counsel referred to ~~Section 23 of Limitation Act, 1908~~, where, in case of a continuing breach of contract and in case of continuing wrong, independent of contract, a fresh period of limitation begins to run at every moment of the time, during which the breach or the wrong, as the case may be, continues. Reliance: 2009 P L C (C.S) 178 and 2002 P L C (C.S) 1388. Further argued that the time consumed pursuing remedy before a wrong forum in appropriate cases could always be condoned. Reliance: 2017 P L C (C.S) 692. Moreover decision of cases on merit always to be encouraged instead of non-suiting the litigants for technical reasons including on limitation. Reliance: P L D 2003 SC 7244 Citation K and 1999 S C M R 880. That the appellant had no adverse entries in his PER, nor any other visible reason available to stop his further promotion except malafide of respondent No. 2, hence he was

entitled to be promoted at that particular time as well as entitled even now for ante dated promotion from the date he was first considered for promotion. Reliance: 2002 P L C (CS) 1388, SA No 625/2018, SA No 1294/2017 and 2016 S C M R 1784. That respondent No 5 was illegally promoted without any law and rule and this fact has already been admitted by respondents in their comments placed on record. That the appellant stood retired from service on 15-08-2018, but till the date of his retirement, he strived for his promotion but the respondent deliberately delayed his promotion every time with malafide intension without any reason, thus deprived him of valuable rights accrued to him before retirement. The learned counsel prayed that on acceptance of this appeal, the appellant may be promoted from the date, he was first considered for promotion, so that he may avail the rights of promotion accrued to him at that particular time.

6. The learned Deputy District Attorney appeared on behalf of official respondents opposed the contention of learned counsel for appellant and referred to Section 4 of the Service Tribunal Act, where the appellant was not aggrieved by any final order of the competent authority, to which he preferred departmental appeal and which was responded to by the respondent dated 14-12-2017 and which cannot be made a reason for filing appeal before this Tribunal. The learned Deputy District Attorney also referred to Section 3 of Appeal rules 1986, emphasizing the time limitation. The learned Deputy District Attorney further argued that the appellant spoiled much of his time in selecting wrong forum to redress his grievances and spent his time in High Court in writ petition and ultimately approached

this Tribunal, which is time barred. Reliance: Service Appeal No. 1294/2017, Service Appeal No. 189/2015. On the question of ante dated/notional promotion, the learned Deputy District Attorney argued that ante dated promotion is not allowed as per rule, especially when the civil servant retires from service. Reliance: CA No. 195/2020 and CA No. 16/2020. On the question of merit of the case, the respondent did not furnish satisfactory reply, when he was confronted with the comments furnished by respondents, where the respondents have conceded to almost all the stances of the appellant in their comments.


7. We have heard learned counsels for the parties and perused the record. This Tribunal first examined the issues, which are not disputed amongst the parties. The appellant stood first at the seniority list and was found ~~fit~~ for further promotion on the basis of seniority cum fitness and availability of vacant post, as is evident from the working papers submitted to Respondent No. 2 on 16-08-2016 and 30-12-2016 as well as affirmation in the comments of the respondents. Service rules 1983 for his promotion were already in field and other employees of the same cadre were promoted under the said rules, but his case was ignored without assigning any reason, hence he agitated the issue and preferred departmental appeal on 26-10-2017, which was responded to with observations that his case was kept pending till finalization of new service rules.

8. Knowing the facts that respondent No. 2 is deliberately delaying his promotion, the appellant approached the honorable High Court in writ petition on 28-04-2018, which was disposed of on 05-06-2018 on the ground of jurisdiction, but with liberty to the appellant to approach the

proper forum for redressal of his grievances. Ultimately, the appellant knocked the door of Service Tribunal. Keeping in view the facts mentioned above and perusal of record, we have reached to the conclusion that respondent No. 2 deliberately delayed his promotion case for reasons best known to them, because of which the appellant stood retired on 15-08-2018 and thus deprived him of valuable rights accrued to him before retirement. The case laws referred to by the learned counsel for the appellant on the question of limitation are very relevant after confirmation of the fact that the appellant has been deprived of valuable rights accrued to him at that point of time, hence limitation would not foreclose his rights accrued to him and it would be unjust to set aside genuine findings of the case on technical ground alone. It was observed that the appellant struggled unabated for his rights till his retirement seeking promotion to the next grade, but he did not succeed till his retirement, hence his prayers also changed with the change in situation now seeking ante dated promotion. To this effect, the case law referred to by counsel of the appellant in Service Appeal No. 625/2018 is very relevant as similar question of law and facts are involved therein, where proforma/notional promotion have been allowed in similar circumstances, where malafide established in depriving a government servant of his due right of promotion and that too at the last leg of his service. In the instant case too, it would have definitely benefited him in not only getting higher post but also pension and other monetary benefits. The appellant in the instant case has a strong case for the benefits of ante dated promotion.

9. In view of the situation, the instant appeal is accepted with direction to respondents to process the case of the appellant for ante dated promotion from the date; his case was first considered for promotion with all benefits accrued to him. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
13.11.2020



(MUHAMMAD JAMAL KHAN)
MEMBER (J)

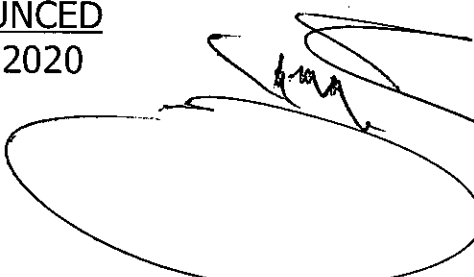


(ATIQ UR REHMAN WAZIR)
MEMBER (E)

13.11.2020 Learned counsel for appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Jalal-ud-Din, for respondents present.

Vide our detailed judgment of today of this Tribunal placed on file, the instant appeal is accepted with direction to respondents to process the case of the appellant for ante dated promotion from the date; his case was first considered for promotion with all benefits accrued to him. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
13.11.2020

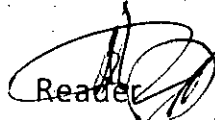

(MUHAMMAD JAMAL KHAN)
MEMBER (J)


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

_____ .2020

Due to COVID19, the case is adjourned to

12/ 8/2020 for the same as before.


Reader


12.08.2020

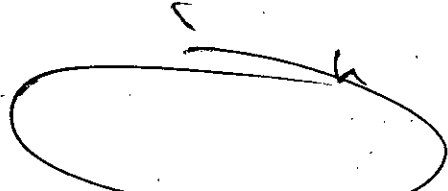
Due to summer vacations case to come up for the same on
15.10.2020 before D.B.


Reader

15.10.2020

Appellant himself alongwith Mr. Taimur Ali Khan, Advocate, are present. Mr. Muhammad Jan, Deputy District Attorney alongwith representative of the department Mr. Jalal-ud-Din, Agronomist are also present. Arguments heard. File to come up for order on 13.11.2020 before D.B.



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


(Muhammad Jamal Khan)
Member (Judicial)

12.12.2019

Appellant in person and Mr. Ziullah, Deputy District Attorney alongwith Mr. Jalal-ud-Din, Agronomist for the respondents present.

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Adjourned to 11.02.2020 for arguments before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

11.02.2020

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned District Attorney requested for adjournment. Adjourned. To come up for further proceedings/arguments on 19.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

19.03.2020

Appellant in person present. Addl: AG for respondents present. Due to general strike on the call of Peshawar Bar Council, the case is adjourned. To come up for arguments on 20.05.2020 before D.B.


(MAIN MUHAMMAD)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

02.09.2019

Counsel for the appellant, Mr. Usman Ghani District Attorney alongwith Jalalud Din, Agronomist for the official respondents present. Mrs. Uzma Syed Advocate on behalf of private respondent No. 5 present and Wakalatnama in her respect placed on file.

The representative of official respondents has submitted joint parawise comments on behalf of respondents No. 1 to 4 which are placed on record. The appellant may furnish rejoinder, within a fortnight, if so advised.

The appellant has submitted an application for deletion of name of respondent No. 5 from the panel of respondents. It is stated in the application that the issue agitated by appellant pertains to his promotion under 10% quota, therefore, he has no concern with respondent No. 5 for the purpose of prayer in the instant appeal.

The application is allowed and the office is directed to delete the name of respondent No. 5/Abdul Sattar Superintendent from the memorandum of appeal.

To come up for arguments before D.B on 04.11.2019.

Chairman



04.11.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney alongwith Jalal ud Din Economist present. Appellant submitted application for adjournment. Application allowed. Adjourn. To come up for arguments on 12.12.2019 before D.B.


Member
Member

01.07.2019

Counsel for the appellant Hizbullah Present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant is serving in Agriculture Department as Senior Scale Stenographer (BPS-16). It was further contended that as per seniority list pertaining to the year from 2016 to 2018 the appellant is shown at the top of seniority list. It was further contended that as per rule criteria for promotion of the post of Superintendent (BPS-17) 90% quota reserved for promotion on the basis of seniority-cum-fitness from amongst the holder of post of Assistant/Account Clerk with five years service and 10% by promotion on the basis of seniority-cum-fitness from the Senior Scale Stenographer with five years service. It was further contended that there are 16 posts of Superintendent vacant with the department but the respondent-department is not going to promote the appellant from the post of Senior Scale Stenographer to the post of Superintendent therefore, the appellant filed departmental appeal on 26.10.2017 which was rejected on 16.12.2017 hence, the present service appeal on 11.07.2018. It was further contended that the appellant is eligible for promotion to the post of Superintendent but the respondent-department is reluctant to promote him therefore, the department is bound to promote the appellant.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days thereafter, notices be issued to the respondents for written reply/comments for 02.09.2019 before S.B.

Appellant Deposited
Security Process Fee

11/7/19

MA
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

880/2018

09.04.2019

Appellant in person.

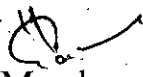
Requests for adjournment due to engagement of his learned counsel before the Honourable High Court.

Adjourned to 13.05.2019 before S.B.


Chairman

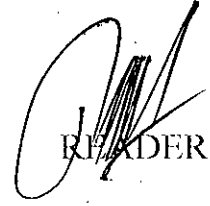
13.05.2019

Appellant in person present and seeks adjournment on the ground that his counsel is not available. Adjourn. To come up for preliminary hearing on 01.07.2019 before S.B.


Member

01.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.


MEMBER

19.12.2018

Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 24.01.2019 before S.B.


Member

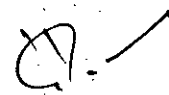
24.01.2019

None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 28.02.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

28.02.2019





Clerk to counsel for the appellant present. Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 09.04.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 880/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/07/2018 12-7-2018	<p>The appeal of Mr. Hizbullah Khan presented today by Mr. Mukhtar Ahmad Maneri Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11/7/18</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-8-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	07.08.2018	<p>Neither appellatant nor his counsel present. Case to come up for preliminary hearing on 27.09.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	27.09.2018	<p>Appellant Hizbullah in person present. Due to general strike of the bar, counsel for the appellatant is not in attendance. Requested for adjournment. Granted. To come up preliminary hearing on 01.11.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>

IN THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No 880 /2018

Hizbullah Khan.....Appellant

Versus

Govt: KPK & Others.....Respondents

I N D E X

S.NO.	DESCRIPTION OF DOCUMENTS	ANNUEXURE	PAGES
1	Memo of Appeal		1-9
2	Affidavit in support of writ petition.		10
3	Addresses of the parties		11
4	Copy of appointment letter of Appellant	A	12
5	Copy of seniority list dated 06-01-2016.	B	13
6	Copy of final seniority list dated 05-05-2017.	C	14
7	Copy of seniority list dated 10-01-2018.	D	15
8	Copies of covering letter dated 16-08-2016, working paper, covering letter dated 30-12-2016 and working paper details of vacant posts.	E, F, F/1, F/2 & G	16-21
9	Copies of covering letter and appeal of the Appellant dated 26/10/2017.	H & I	22-24
10	Copy of response to appeal of the Appellant dated December 14, 2017.	J	25
10	Copies of notification dated March	K, L, M, N & O	26-32

	11, 2016, letter dated 24-2-2016, covering letter of this honorable court dated 23-11-2015, writ petition and disposal order in WP.229-D/2015.		
11	Copies of letters dated 08/02/2016 & 23/02/2016.	P & Q	33-34
12	Copies of letter dated 15/12/2014 and minutes of the meeting dated 1 st December 2012.	R & S	35-37
13	Copy of Notification dated 06-12-2017.	T	38-39
14	Copies of covering letter dated 06/04/2018 and working paper therein.	U & V	40-42
15	Copies of office order dated 11/12/2012 and relevant rules	W & X	43-47
16	Copies of grounds and order in WP No.2268-P/18 dated 05/06/2018	Y & Z	48 61
16	Application for condonation of delay with affidavit		62-63
17	Wakalatnama.		64

Peshawar.

Dated:- 11/07/2018.

Appellant

Through:



MUKHTAR AHMAD MANERI
Advocate High Court
Office # 24-A, Nasir Mansion,
2-Railway Road, Shoba Bazaar,
Peshawar. Ph: Off: 091-2214385
Mob: 0333-215-6006
Email: mukhtaradvocate@yahoo.com

IN THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No 880 /2018

Hizbullah Khan,
Sr. Scale Stenographer (BPS-16)
Directorate of Agriculture (Extension) wing,
Khyber Road, Peshawar.....Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1146

Dated 11-7-2018

Versus.

1. Government of Khyber Pakhtunkhwa,
Through Chief Secretary, Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa,
Through Secretary Agriculture, Civil Secretariat, Peshawar.
3. The Director General (Extension),
Khyber Pakhtunkhwa, Khyber Road, Peshawar.
4. Section Officer (Estt:)
Government of Khyber Pakhtunkhwa,
Agriculture, Live Stock & Cooperative Department, Peshawar.
5. Abdul Sattar, Superintendent,
O/o Deputy District Agriculture District.Tank.

Filed to-day

Registrar

11/2/18

=====

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER BEARING DECEMBER 14, 2017 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS TURNED DOWN AND THE APPELLANT WAS DENIED HIS RIGHT OF PROMOTION BESIDES OTHER NUMEROUS ORDERS INCIDENTAL THERETO WHICH AFFECTED THE APPELLANT'S RIGHT OF PROMOTION.

PRAYER IN APPEAL;

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED DECEMBER 14, 2017 PASSED BY GOVT: KPK, AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT MAY PLEASE BE SET ASIDE AND THE APPELLANT BE PROMOTED TO THE POST OF SUPERINTENDENT (BS-17) WITH ALL BACK BENEFITS.

RESPECTFULLY SHEWETH:-

FACTS:-

1. That the Appellant is law abiding citizen of the Islamic Republic of Pakistan having all the fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973.
2. That the Appellant was appointed as Steno Typist in the Directorate of Agriculture vide his appointment order dated 25-07-1981.

Copy of appointment letter dated 25-07-1981 is attached herewith and marked as Annexure A

3. That vide seniority list dated 06-01-2016 issued by the Respondent No.3, the Appellant was placed at Serial No.1 as Senior Scale Stenographer (BS-16)

Copy of seniority list dated 06-01-2016 is attached herewith and marked as Annexure B.

4. That the Respondent No.3 issued a final seniority list of Sr. Scale Stenographer on 05/5/2017 in which too the Appellant stood at Serial No.1.

Copy of final seniority list dated 05-05-2017 is attached herewith and marked as Annexure C.

5. That another seniority list dated 10-01-2018 was issued by the Respondent No.3 whereby once again the present Appellant stood at Serial No.1.

Copy of seniority list dated 10-01-2018 is attached herewith and marked as Annexure D.

6. Since the Appellant was sanguine about his promotion to the post of Superintendent (BS-17) being the senior most amongst the candidates, hence the Respondent No.3 sent his case of promotion to the Respondent No.2 vide covering letter dated 16-08-2016 & 30-12-2016 along with Working Paper on the subject of Promotion of Senior Scale Stenographer (BS-16) to the Post of Superintendent (BS-17) and Details of Vacant Post of Superintendent wherein 8 posts were lying vacant.

Copies of covering letter dated 16-08-2016, working paper, covering letter

dated 30-12-2016 and working paper details of vacant posts are attached herewith and marked as Annexure E, F, F/1, F/2 & G respectively.

7. That the respondent No.2 did not consider and promoted the Appellant to the post of Superintendent being senior most and placed at S.No.1 of the consecutive seniority lists mentioned above, hence he preferred departmental appeal to the Respondent No.2 which was forwarded through proper channel vide letter dated 26-10-2017 and appeal of the same date.

Copies of covering letter and departmental appeal of the appellant dated 26/10/2017 are attached herewith and marked as Annexure H & I respectively.

8. That the Respondent No.2 vide his response dated December 14 2017 to the appeal of the Appellant with the observation that appeal of the Appellant was considered and kept pending till finalization of new service rules while ignoring the old rules of 1983 according to which 10% quota was supposed to be reserved for promotion amongst the Sr. Scale Stenographer (BS-16) while in the proposed rules the quota has been enhanced from 10% to 25%.

Copy of order and response to departmental appeal of the Appellant dated December 14, 2017 are attached herewith and marked as Annexure J.

9. Vide Notification dated March 11, 2016, the Respondent No.2 promoted the private respondent to the post of Superintendent (BS-17) which was against the rules as the he (private respondent) was from livestock department which is a separate directorate and later on posted in the office of District Director Agriculture Tank and further vide Notification dated 24th February 2016 whereby the respondent No.3 was directed to adjust the private respondent allegedly in light of judgment of this honorable court vide order of this honorable court dated 17-11-2015.

Copies of notification dated March 11, 2016, letter dated 24-2-2016, covering letter of the honorable PHC dated 23-11-2015, writ petition and disposal order in WP.229-D/2015 are attached herewith and marked as Annexure K, L, M, N & O respectively.

10. Vide a self-explanatory letter of the Respondent No.3 addressed to the respondent No.4 whereby the stance of the Appellant has been clarified in unequivocal terms that since the private respondent was initially appointed as Junior Clark in Livestock Department at D.I.Khan and was transferred and was posted as Junior Clark in the office of EDO Agriculture Tank. After posting as JC the official was appointed as Junior Scale Stenographer BS-12 and further promoted as Superintendent BS-16 on 01-08-2014 by the EDO Tank without provision of rules. Further stated that according to minutes of the meeting on the new administration structure of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department clearly indicates that the staff in the office of EDO Agriculture transferred from Agriculture department may report to their respective Directorates, but the private respondent was not posted in the Livestock Department as such the respondent No.3 has shown its inability to propose Abdul Sattar for posting as Superintendent being an employee of livestock department and has suggested to adjust him on a suitable post in the Livestock Department or District Government to draw his salary according to the decision of this honorable Court which was reiterated in letter dated 23-02-2016.

Copies of letters dated 08/02/2016 & 23/02/2016 are attached herewith and marked as Annexure P & Q respectively.

11. That vide another self-explanatory letter dated 15-12-2014 on the subject of Representation/Appeal Against the decision / order made in the meeting held on 22-05-2014 under the chairmanship of Special Secretary Establishment Department wherein it has been clarified in respect of private respondent that he was serving as Junior Clark in the office of Assistant Director, Livestock and Dairy Department, Tank and was appointed as Jr. Scale Stenographer / Computer Operator BS-12 in the District

Government by the District Coordination Officer in the Office of EDO Agriculture, Tank dated 01-04-2004 after which he was promoted to the post of Superintendent BS-16 in the office of EDO, Agriculture, Tank with effect from 1st August 2008 by the DCO, Tank beyond his competency as according to the service Rules of Agriculture Extension Department, promotion to the post of Superintendent BS-16 is made amongst the senior most Office Assistant and Sr. Scale Stenographer BS-12 with the ratio of 90-10 of the seniority list mentioned provisionally in the Directorate General of Agriculture Extension and is also the mandate of Administrative Department i.e. Secretary Agriculture and thus the rules have been violated.

It further submitted that the seniority of ministerial staff of Agriculture Extension is unified and maintained provincially in the Office of the respondent No.3 while the DCO was not aware and competent regarding the promotion quota of Stenographer and the private respondent has been promoted in utter violation of rules and regulations by DCO as such deprived the Appellant of his vested and valuable rights which is liable to be set aside and cancelled.

Copies of letter dated 15/12/2014 and minutes of the meeting dated 1st December 2012 are attached herewith and marked as Annexure R & S respectively.

12. That vide Notification dated December 2017, issued by the Respondent No.2, number of juniors to the Appellant were promoted to the post of Superintendent BS-17 but the Appellant was once again ignored / bypassed as such the Respondent committed gross illegality and irregularity by violating the rules and regulations as such the Appellant is deprived of his valuable right.

Copy of Notification dated 06-12-2017 is attached herewith and marked as Annexure T.

13. Astonishingly the Respondent No.3 vide his working paper dated 06-04-2018 for promotion to the post of Superintendent BS-17 (Total 7 number of posts), whereby once again the Appellant was

ignored / by passed and his name has not been included in the list of promotees the respondents once again violated law, rules and regulations.

Copies of covering letter dated 06/04/2018 and working paper are attached herewith and marked as Annexure U & V respectively.

14. That 5 Nos. of posts of Superintendent BS-17 are still lying vacant in Agriculture Extension and in fact total posts were 17 in number and only two promotees i.e. one promotee namely Yar Muhammad from office assistant while the other one is private respondent who was allegedly been promoted (whose promotion is against rules as submitted in the preceding paras) though private respondent was not in race with the Appellant and even if his name is taken out number of other posts are available. Even Appellant's name was recommended in the year 2012 for the promotions along with others vide office order dated 11-12-2012 issued by the Respondent No.3.

Copies of office order dated 11/12/2012 and relevant rules are attached herewith and marked as Annexure W & X respectively.

15. That vide Final Seniority List dated 05/05/2017 of Sr. Scale Stenographer (BS-16) of Agriculture (Extension Wing) issued by respondent No.3, the Appellant named above stood at Sr. No.1 of the list and another Seniority List dated 10/01/2018 again the Appellant stood at S.No.1 of the list but even then he is ignored as stated above.

16. That the appellant initially knocked the door of the honorable PHC in WP No.2268-P/2018, disposed of on 05-06-2018, with the observation that the appellant would be at liberty to approach the appropriate forum if so advised. hence this appeal on inter alia the following amongst other grounds;

Copies of grounds and order in WP No.2268-P/18 dated 05/06/2018 are attached herewith and marked as Annexure Y & Z respectively

G R O U N D S :-

- a. That the respondents have not acted according to law and rules and regulations as such deprived the Appellant from his right to be promoted to the post of Senior Scale Stenographer (BPS-17).
- b. That the official respondents were time and again approached and requested to Appellant being senior most, eligible and have prior right while the private respondent belongs to another department as such the appropriate writ directions are solicited in this regard.
- c. That it is very astonishing to point out here that the official respondents in utter violation of the rules and regulations as such the proposed working paper dated 06/04/2018 for promotion to the post of Superintendent (BS-17) is tainted with mala fide in order to deprive the Appellant from his vested right of promotion.
- d. That as is evident from the self-explanatory letter of the Respondent No.3 addressed to the respondent No.4 whereby the stance of the Appellant has been clarified in unequivocal terms that since the private respondent was initially appointed as Junior Clark in Livestock Department at D.I.Khan and was transferred and was posted as Junior Clark in the office of EDO Agriculture Tank. After posting as JC the official was appointed as Junior Scale Stenographer BS-12 and further promoted as Superintendent BS-16 on 01-08-2014 by the EDO Tank without provision of rules. Further stated that according to minutes of the meeting on the new administration structure of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department clearly indicates that the staff in the office of EDO Agriculture transferred from Agriculture department may report to their respective Directorates, but the private respondent was not posted in the Livestock Department as such the respondent No.3 has shown its inability to propose Abdul Sattar for posting as Superintendent being an employee of livestock department and has suggested to adjust him on a suitable post in the Livestock Department or District Government to draw his salary according to the decision of this honorable Court which was reiterated in letter dated 23-02-2016, hence the promotion

of the private respondent is based on mala fide and have violated the valuable rights of the Appellant, hence liable to be cancelled.

- e. That the proposed recommendations are dated 06/04/2018 is tainted with mala fide in order to deprive the present Appellant from promotion being the senior most amongst the competitors and who was more than once bypassed by the official respondents which acts of the respondents are liable to be cancelled and name of the present Appellant be recommended for promotion to the post of Superintendent BS-17.
- f. That even there are number of posts lying vacant and according to Rules the ration of 9-10, there still exists post of promotee from amongst the Sr. Scale Stenographer BS-16 but even then the official respondents have turned their deaf ear towards the Appellant as such deprived him of his valuable rights.
- g. That the Appellant urges other grounds at the time of hearing this appeal with the kind permission of this Honorable Court, , hence this appel with the following prayers;

RPAYER;

It is, therefore, respectfully prayed that this honorable court may be pleased;

- i. To cancel the recommendations / working paper in respect of promotion of other candidates bearing No.18/8-B/Estt:/7552/DG, Dated Peshawar the 06/04/2018.
- ii. To cancel the Notification of appointment order dated March 11, 2016 of private respondent with immediate effect and send him his parent department or surplus pool.
- iii. To direct the official respondents to include the name of the Appellant in the working paper for promotion to the post of Superintendent (BS-17)

- iv. To appoint the Appellant on the post of Superintendent BS-17, Agriculture (Extension Wing) being eligible and senior most amongst the recommendees with all back benefits.
- v. Any other relief/s which has not been specifically prayed for but is more conducive in the facts and circumstances of the case, may also be granted to the Appellant as deem fit and proper in the circumstances of the case.

Peshawar.

Dated: 11-07-2018

H2 Mullis
 APPELLANT

Through



MUKHTAR AHMAD MANERI
 Advocate High Court, Peshawar
 Office # 24-A, Nasir Mansion,
 2-Railway Road, Shoba Bazaar,
 Peshawar. Ph: Off: 091-2214385
 Mob: 0333-215-6006
 Email: mukhtaradvocate@yahoo.com

Advocate.

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No _____/2018

Hizbullah Khan.....Appellant

Versus

Govt: KPK & Others.....Respondents

AFFIDAVIT

I, Hizbullah Khan, S/o Alam Kha, R/o House No. S-11/9, ATI, Peshawar, do hereby state on solemn affirmation that the contents of affidavit are true and correct to the best of my knowledge and belief.

Hizbullah

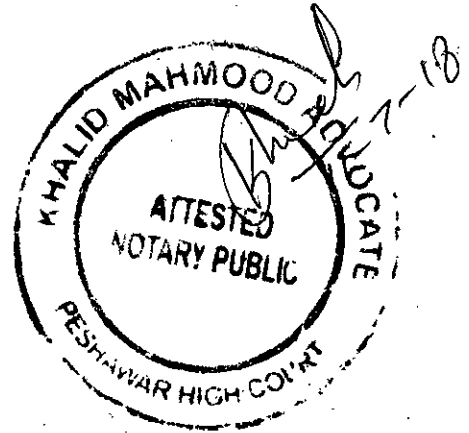
Deponent

17301-3842195-3

Identified by me.

[Signature]

Mukhtar Ahmad Maneri
Advocate High Court,
Peshawar.



12

11

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No _____/2018

Hizbullah Khan.....Petitioner

Versus

Govt: KPK &
Others.....Respondents

ADDRESSEES OF THE PARTIES

ADDRESS OF THE PETITIONER

Hizbullah Khan,
Sr. Scale Stenographer (BPS-16)
Directorate of Agriculture (Extension) wing,
Khyber Road, Peshawar

ADDRESSES OF THE RESPONDENTS

1. Government of Khyber Pakhtunkhwa,
Through Chief Secretary, Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa ,
Through Secretary Agriculture, Civil Secretariat, Peshawar.
3. The Director General (Extension),
Khyber Pakhtunkhwa, Khyber Road, Peshawar.
4. Section Officer (Estt)
Government of Khyber Pakhtunkhwa,
Agriculture, Live Stock & Cooperative Department, Peshawar.
5. Abdul Sattar, Superintendent,
O/o Deputy District Agriculture, District Tank

Peshawar

Dated: 28-04-2018.

Petitioner

Through:

MUKHTAR AHMAD MANERI
Advocate High Court
Office # 24-A, Nasir Mansion,
2-Railway Road, Shoba Bazaar,
Peshawar.Ph: Off: 091-2214385
Mob: 0333-215-6006
Email: mukhtaradvocate@yahoo.com

OFFICE ORDER

Mr. Hizbullah Khan, Urdu Typist, Office of the Principal, Agricultural Training Institute, Peshawar is hereby appointed as Steno-typist in this Directorate against an existing vacancy of Steno-typist in the National Pay Scale No.8 of Rs.370-16-514/10-640/22-750, on the following conditions:-

1. His appointment is temporary and his service can be terminated without notice and any reason being assigned irrespective of the fact that he is holding a post other than the one to which he was originally recruited.
2. He has to join duty at his own expense.
3. He is domiciled in N.W.F. Province.
4. If he wishes to resign, he will give 14 days notice to Employer or in lieu thereof 14 days pay will be forfeited.
5. He will ^{be} governed by such rules and orders relating to leave, travelling allowance, pay etc. as may be issued by Government for the category of Government Servants to which he will belong.
6. The offer will be cancelled if no reply is received on or before 5.8.1981.
7. He will be liable for transfer any where in NwFP.
8. His pay etc. shall be drawn under the relevant head of accounts.

Sd/- (INAYATULLAH KHAN)
DIRECTOR OF AGRICULTURE,
N.W.F. PROVINCE, PESHAWAR.

No. 15/158/Estt: 13698-89 DA,
Dated Peshawar, the 25/7/1981.

Copy forwarded to:-

1. Mr. Hizbullah Khan, Urdu Typist Office of the Principal, Agril: Training Institute, Peshawar for information and n/action.
2. The Principal, Agricultural Training Institute, Peshawar for information with reference to the Endst: No. 2164/ATIP, dt: 18.7.81. He is requested to relieve the official immediately.
3. The Assistant Accounts Officer, Headquarter.
4. Personal File for record.

Sd/-
(SARDAR ABDUL LATIF)
ASSISTANT ACCOUNTS OFFICER,
DIRECTORATE OF AGRICULTURE,
N.W.F. PROVINCE, PESHAWAR.

Malik/-
25.7.1981.

13 "B" (13A)

B

ORDER

No.15/54-~~A~~/Estt/ 670-13 /DG Dated Peshawar: the 06/01/2016

In pursuance of Section-8 (1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Final Seniority list of Sr. Scale Stenographer (BS-16) of Agriculture Department (Extension Wing) as stood on 01.01.2016

S.No	Name of official with Academic qualification.	Designation.	Date of birth and Domicile	Date of 1st appointment	Regular appointment / promotion to the present post			present posting	Remarks
					Date	BFS	Method of recruitment		
1.	Hizbullah Khan (Matric)	Sr. Scale Stenographer	<u>15.08.1958</u> DIKhan	28.07.1981	25.05.2009	16	By promotion	DG's Office	
2.	Minhajud Din (M.A)	Sr. Scale Stenographer	<u>28.11.1962</u> Lakki Marwat	24.03.1982	31.05.2013	16	By promotion	Director Field Operation HQ.	

Sd/
**DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR**

Endst. Even No and Date

Copy forwarded to: -

1. The Section Officer (Estt) Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department Peshawar.
2. The Director Field Operation HQ Office.
3. Mr. Hizbullah, Senior Scale Stenographer HQ Office.
4. Mr. Minhajud Din, Senior Scale Stenographer office of the Director Field Operation HQ Office.

A
DIRECTOR GENERAL
Ju
4/1/16

G
T.C

C 14 (14)
ORDER.

No.15/54-A/Estt/ 7971-78 /DG Dated Peshawar: the 05/05 2017.

In pursuance of Section-8 (1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Final Seniority list of Sr. Scale Stenographer (BS-16) of Agriculture Department (Extension Wing) as stood on 01.04.2017

S.No	Name of official with Academic qualification.	Designation	Date of birth and Domicile	Date of 1st appointment	Regular appointment / promotion to the present post			present posting	Remarks
					Date	BPS	Method of recruitment		
1.	Hizbullah Khan (Matric)	Sr. Scale Stenographer	15.08.1958 DIKhan	28.07.1981	25.05.2009	16	By promotion	DG's Office	
2.	Minhajud Din (M.A)	Sr. Scale Stenographer	28.11.1962 Lakki Marwat	24.03.1982	31.05.2013	16	By promotion	DDA, Peshawar	
3.	Bahre Bostan F.A.	Sr. Scale Stenographer	1.3.1960 Swat	1.11.1982	08.04.2016	16	By promotion	Director CRS, Peshawar	
4.	Farhat Abbas, D.Com/ B.A.	Sr. Scale Stenographer	20.5.1963 DIKhan	27.6.1983	08.04.2016	16	By promotion	Director Field Operation HQ	

Sd/- DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWA

Endst. No 15/54-D/Estt/ 7971-78 /DGA (E) Dated 05/05 /2017

Copy forwarded to: -

1. The Section Officer (Estt) Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department Peshawar.
2. The Director Field Operation HQ Office.
3. The Director, Crop Reporting Services, Peshawar.
4. The District Director Agriculture, Peshawar.
5. Mr. Hizbullah, Senior Scale Stenographer HQ Office.
6. Mr. Minhajud Din, Senior Scale Stenographer,
7. Mr. Bahre Bostan, Senior Scale Stenographer o/o Director CRS, Peshawar.
8. Mr. Farhat Abbas, Senior Scale Stenographer HQ Office.

For information and necessary action.

T.C
7
DIRECTOR GENERAL

ORDER.

No.15/54-A/Estt/ 964-50 /DG Dated Peshawar: the 10/01 2018.

In pursuance of Section-8 (1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Final Seniority list of Sr. Scale Stenographer (BS-16) of Agriculture Department (Extension Wing) as stood on 01.01.2018.

S.No	Name of official with Academic qualification.	Designation	Date of birth and Domicile	Date of 1st appointment	Regular appointment / promotion to the present post			present posting	Remarks
					Date	BPS	Method of recruitment		
1	Hizbullah Khan (Matric)	Sr. Scale Stenographer	15.08.1958 DIKhan	28.07.1981	25.05.2009	16	By promotion	DG's Office	
2.	Minhajud Din (M.A)	Sr. Scale Stenographer	28.11.1962 Lakki Marwat	24.03.1982	31.05.2013	16	By promotion	DG's Office	
3.	Bahre Bostan F.A.	Sr. Scale Stenographer	1.3.1960 Swat	1.11.1982	04.04.2016	16	By promotion	Director CRS, Peshawar	
4.	Farhat Abbas, D.Com/ B.A.	Sr. Scale Stenographer	20.5.1963 DIKhan	27.6.1983	04.04.2016	16	By promotion	Director Field Operation HQ	

DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWA

Endst. Even No and Date

Copy forwarded to: -

1. The Section Officer (Estt), Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department Peshawar.
2. The Director Field Operation HQ Office.
3. The Director, Crop Reporting Services, Peshawar.
4. Mr. Hizbullah, Senior Scale Stenographer HQ Office.
5. Mr. Minhaud Din, Senior Scale Stenographer office of the DDA, Peshawar.
6. Mr. Bahre Bostan, Senior Scale Stenographer o/o Director CRS, Peshawar.
7. Mr. Farhat Abbas, Senior Scale Stenographer HQ Office.

DIRECTOR GENERAL

19/1/18 10/01/18

16

"E"

39

**DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER
PAKHTUNKHWA, PESHAWAR**

No. 18/8-B/ESTT/ 15522 /DG DATED PESHAWAR: THE 16/8/2016

To:

The Secretary to Government of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperation Department,
Peshawar.

Subject: PROMOTION OF SENIOR SCALE STENOGRAPHER (BS-16)
TO THE POST OF SUPERINTENDENT (BS-17)

Memo:

Enclosed please find herewith seven (7) sets of working papers
alongwith relevant documents for promotion of Senior Scale Stenographer
(BPS-16) to the post of Superintendent (BS-17) for information and further
necessary action.

Enc: as above.

2
3-158
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

5
T.L

(17) "F" F 31
WORKING PAPER

Subject: PROMOTION OF SENIOR SCALE STENOGRAPHER (BS-16)
TO THE POST OF SUPERINTENDENT (BS-17)

Seven (07) posts of Superintendent (BS-17) are lying vacant in Agriculture Extension Department Khyber Pakhtunkhwa. (Annexure-A).

In terms of S.No.36 part-II of the Appendix to Khyber Pakhtunkhwa Agriculture, Livestock and Cooperation Department Notification No.SOE (AD)2 (2) 429 / 2011 dated 20.4.2012 (Annexure-B), the method of recruitment and minimum qualification for promotion to the post of Superintendent (BS-17) has been prescribed as under: -

- Ninety percent by promotion on the basis of seniority-cum-fitness from amongst the holders of the post of Assistant / Accountant with 5 years' service as such; and
- Ten percent by promotion on the basis of seniority-cum-fitness from Senior Scale Stenographers with 5 years' service as such.

There are fifteen (15) sanctioned posts of Superintendent (BS-17) in Agriculture Extension Department out of which Seven (07) posts are lying vacant and required to be filled in by promotion.

Since from 21.11.1983 total Sixty Four (64) posts of Superintendents have been filled-in by promotion from time to time out of which Fifty Eight (58) Office Assistants were promoted in the share of 90% and six (6) Scale Stenographers were also promoted according to the 10 % share.

Detail breakup of total strength alongwith 90% share for Assistants and 10% for Senior Scale Stenographer for promotion to the post of Superintendent and promotion already made thereof are given below: -

1.	Total sanctioned strength of Superintendent	15 Nos
2.	90% share for Assistants.	13.5 %
3.	10% Share for Sr. Scale Stenographers	1.5 %
4.	No. of Assistant already promoted against 90% share to the post of Superintendent (BS-17).	58 Nos
5.	No. of Senior Scale Stenographer already promoted against 10% share to the post Superintendent (BS-17)	6 Nos
6.	To be promoted against 90% share of Assistant.	6 Nos
7.	To be promoted against 10% share of Senior Scale Stenographer.	1 No

Presently Seven (07) posts of Superintendent are vacant in which one (1) fall within the share of 10% of senior scale Stenographer and Six (06) posts fall within the share of 90%. Previously Four (04) Office Assistant have already been promoted to the post of Superintendent and the remaining five (05) Office Assistant share will be completed in the next promotion to the post of Superintendent (BS-17) as at present the seniority of Office Assistant is under trial in Khyber Pakhtunkhwa, Service Tribunal DIKhan Bench in the case of Mr. Noor Alam, Office Assistant.

T.C

18 (10) 25
According to the seniority list of Senior Scale Stenographer (Annexure-C), the following officials are due for promotion to the post of Superintendent (BS-17).

B. Senior Scale Stenographer

S.No.	Name of Official	Qualification	Date of promotion to the post of Senior Scale Stenographer.	Whether completed 5 years service or not	Remarks
1.	Hizbullah Khan,	Matric	25.9.2009	Completed	--
2.	Minhaj-ud Din	M.A.	31..5.2013	Not completed	--

Gist's of ACR's, synopsis of ACR's & Bio-Data are attached. (Annex-D, E, & F).

It is certified that: -

- That the officials hold the lower post on regular basis and none of them is holding the post on adhoc basis.
- No departmental examination has been prescribed for promotion to the post of Superintendent.
- No disciplinary / departmental proceeding / anti-corruption case / judicial enquiry are pending nor any penalty has been imposed during the last (5) years against any of the official in the penal.
- The official at S.No.2 is not eligible as he has not completed (5) five years service as such.
- The seniority list of Senior Scale Stenographer is final and undisputed.

The Departmental Promotion Committee is requested to determine the suitability of one (1) Senior Scale Stenographer (BS-16) for promotion to the post of Superintendent (BS-17) on regular basis.

30/158
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA,
PESHAWAR

T.C

(19) F/1 ✓
DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER
PAKHTUNKHWA, PESHAWAR

No. 18/8-B/ESTT/ 23615 /DG DATED PESHAWAR: THE 30/12/2016 F/1

To:

The Secretary to Government of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperation Department,
Peshawar.

Subject: PROMOTION OF SENIOR SCALE STENOGRAPHER (BS-16)
TO THE POST OF SUPERINTENDENT (BS-17)

Memo:

Enclosed please find herewith seven (7) sets of working papers
alongwith relevant documents for promotion of Senior Scale Stenographer
(BPS-16) to the post of Superintendent (BS-17) for information and further
necessary action.

Enc: as above.

07/9 ✓
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR
Or

S
T.C

20

F/2

F/2

MODEL WORKING PAPER

Subject: PROMOTION OF SENIOR SCALE STENOGRAPHER (BS-16) TO THE POST OF SUPERINTENDENT (BS-17).

Eight (08) posts of Superintendent (BS-17) falling under the promotion quota have fallen vacant in the Agriculture Extension Department Khyber Pakhtunkhwa. (Annexure-I).

In terms of Serial No.36 part-II of the Khyber Pakhtunkhwa Agriculture, Livestock and Cooperation Department Notification No.SOE (AD)2 (2) 429 / 2011 dated 20.4.2012 (Annexure-II), the following method of recruitment and minimum qualification for promotion to the post of Superintendent (BS-17) has been prescribed as under: -

- a. 90% by promotion on the basis of seniority-cum-fitness from amongst the holders of the post of Assistant / Accountant with five years' service as such; and
- b. 10% by promotion on the basis of seniority-cum-fitness from Senior Scale Stenographers with five years' service as such.

There are fifteen sanctioned posts of Superintendent (BS-17) in Agriculture Extension Department out of which 13.50% posts fall to the share of 90% for Assistant/Accountant and 1.50% under 10% share of Senior Scale Stenographer. The detail of the promotes Superintendents presently holding the post are given in Annexure-III.

According to the Seniority List (Annexure-IV), the following are the senior most Senior Scale Stenographer (BS-16) who are due for promotion to the post of Superintendent (BS-17).

S.No	Name of Official	Qualification	Date of promotion to the post of Senior Scale Stenographer	Whether completed 5 years service / experience	Whether eligible for promotion
1	Mr. Hizbullah	Matric	25.09.2009	Yes	Yes
2	Mr. Minhaj-ud Din	M.A	31.05.2013	No	No

Copies of the synopsis from the ACRs alongwith complete and up-to-date original CR Dossiers and Bio-data's of the officials concerned are attached at (Annexure-V & VI).

It is certified that all the officials included in the panel for promotion:-

- i. hold the lower post on regular basis and none of them is holding the post on adhoc basis.
- ii. No departmental examination has been prescribed for promotion to the post of Superintendent.
- iii. Have the prescribed minimum length of qualifying service / experience as required under the Service Recruitment Rules except at S.No.2.
- iv. No disciplinary / departmental proceeding / anti-corruption case / judicial enquiry are pending nor any penalty has been imposed during the last (5) years against any of the official in the panel.

The Departmental Promotion Committee is requested to determine the suitability of one (1) Senior Scale Stenographer (BS-16) for promotion to the post of Superintendent (BS-17) on regular basis.


G
T.C

DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA,
PESHAWAR

(21) "G"

DETAIL OF VACANT POST OF SUPERINTENDENT

S No	Name	No of vacancy	Date of vacancy	Cause of vacancy
1	Sarjullah	1	30.01.2013	Promoted to the Asstt. Accounts Officer (BS-17) vide order No.SOE(AD) V-8/2008-dt. 30.01.2013.
2	Khair Muhammad	1	30.01.2013	Promoted to the Asstt. Accounts Officer (BS-17) vide order No.SOE(AD) V-8/2008 dt. 30.01.2013.
3	Tahneed Gul	1	29.4.2013	Retired from service vide order No.Estt/4083-88 dated 8.3.2013.
4	Nazir Hussain	1	11.12.2014	Due to death vide Notification No.SOE(AD)/VI- 106/FATA dated 29.06.2015.
5	Mian Naeem Shah	1	12.5.2015	Retired from service vide Notification No.SOE(AD)VI-106/ 2012 dated 2.2.2015.
6	Fazal Rabi	1	27.6.2015	Retired from service vide Notification No.SOE(AD) IV-106/2013/Peshawar dated 10.3.2015.
7	Mehmood Ali	1	27.7.2016	Retired from vice vide Notification No.SOE(AD) VI-106 /DIKhan dated 22.03.2016.
Total		7		


DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA,
PESHAWAR

T.C

28/8-0

22

H

H

S63

To

The Director General,
Agriculture Extension,
Khyber Pakhtunkhwa Peshawar

Subject

APPEAL FOR PROMOTION TO THE POST OF SUPERINTENDENT BS-17
AGAINST 10% QUOTA

Sir

Enclosed please find herewith my appeal addressed to the Honorable Secretary Agriculture Government of Khyber Pakhtunkhwa may kindly be process and onward submission to the Government for consideration.

Hizbullah Khan

HIZBULLAH KHAN
SENIOR SCALE STENOGRAPHER

26/10/17

S.E.
P.

↓
26/10/2017

Q
T.C

(23)

I-3

565

To

Secretary, Agriculture,
Government of Khyber Pakhtunkhwa,
Agriculture Livestock & Cooperative Department
Peshawar

Through Proper Channel

Subject: APPEAL FOR PROMOTION TO THE POST OF SUPERINTENDENT (BS-17)
Sir,

It is submitted that my promotion case against the vacant post of Superintendent (BS-17) on regular basis was forwarded by the Director General Agriculture Extension Khyber Pakhtunkhwa, to the Secretary Agriculture Government of Khyber Pakhtunkhwa Agriculture livestock & Cooperative Department alongwith working paper and relevant Documents (Annex-A). The Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department returned the case with the observation that according to the share 10% reserved for promotion of Senior Scale Stenographer BS-16 to the post of Superintendent BS-17 have already been completed on the promotion of M/S Yar Muhammad and Abdul Sattar Superintendent.

In this connection it is submitted that Mr. Abdul Sattar was initially appointed as Junior Clerk in Livestock Department and then appointed as Junior Scale Stenographer BS-12 in the office of EDO Agriculture Tank on 31-07-2004 and was illegally promoted to the post of Superintendent ES-16 on 01-08-2008 by the District Coordination Officer Tank, without provision of Service Rules in the District setup. The administrative Department i.e worthy Secretary to Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department was/is the competent authority for promotion of Senior Scale Stenographer BPS-15 to the post of Superintendent BPS-16/BPS-17 from provincial level Seniority against the 10% quota reserved for Senior Scale Stenographer whereas Mr. Abdul Sattar was illegally promoted from Junior Scale Stenographer BPS-12 to the post of Superintendent BPS-16 violating the rules. Therefore the officer was not promoted against 10% quota reserved for Senior Scale Stenographer and therefore one post still exists for promotion against 10% quota for Senior Scale Stenographer.

It is further submitted that list of promotion made on the basis of 90% share of Assistant and 10% share of Senior Scale Stenographer to the post of Superintendent with effect from 28-12-1983 is also enclosed herewith as (Annex-B), the Government of Khyber Pakhtunkhwa Agriculture Livestock & cooperative Department adopted formula from 1983 promoted Nine (9) office Assistant to the post of Superintendent against 90% quota and one Senior Scale Stenographer promoted to the post of Superintendent against 10% quota according to their Seniority.

S
T.C

(24)

S67

According to the Seniority List of Senior Scale Stenographer Circulated by the Director General Agriculture Extension Khyber Pakhtunkhwa vide No 15/54-A/Estt/7971-78/DG dated 05.05.2017 as stood on 01-04-2017 (Annex-C). I am the senior most Senior Scale Stenographer and due for promotion to the post of Superintendent.

It is therefore requested that my promotion case according to the Service Rules against 10% quota reserved for Senior Scale Stenographer to the post of Superintendent may kindly be process to avoid further financial losses.

Dated : 26.10.2017

Yours obediently

H. Z. Khan

HIZBULLAH KHAN
Senior Scale Stenographer
o/o Director General
Agriculture Extension
Khyber Pakhtunkhwa Peshawar

*S
T.C*

MI

(25)

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT



J

NO.SOE(AD)VI-106 2017/Ext/Hizbullah
Dated Peshawar, the December 14, 2017

To

The DG Agriculture Extension,
Khyber Pakhtunkhwa Peshawar

SUBJECT: APPEAL FOR PROMOTION TO THE POST OF SUPERINTENDENT BS-17
AGAINST 10% QUOTA

P-579 v.l-12

I am directed to refer to your letter NO.18197 dated 30.10.2017 on the subject noted above and to inform that the appeal of Mr.Hizbullah Senior Scale Stenographer HQ was considered and kept pending till finalization of the new service rules.

I am further directed to ask for quick processing the service rules case, so that the appeal of the above named official may be considered for further promotion.

SECTION OFFICER-ESTT

Endst. of given No. & Date.

- Copy to the:
- 1. P.S to Secretary Agriculture Department.
- 2. PA to DS (Admin). Agriculture Department.

SECTION OFFICER-ESTT

DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA, PESHAWAR

Endst. No. 8/8-B/Estt/ 5523-A /DGA(E) Dated Peshawar: the 12/3/2018

Copy forwarded to Mr. Hizbullah Khan, Senior Scale Stenographer HQ Office for information.

Superintendent Estt.
HQ Office

SA
T.C

26 15



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the March 11, 2016

NOTIFICATION.

NO. SOE (AD)/VT-106/2013/EW/Tank.-

The Competent Authority is pleased to order

the posting/transfer of the following officers in the interest of public service with immediate effect:-

Sr.No.	Name of officer	From	To
1.	Mr. Mir Alam	Superintendent (BS-17) O/o DDA, Tank	Superintendent (BS-17) O/o DDA, Bannu against vacant post
	Mr. Abdul Sattar	Superintendent (BS-17) waiting for posting	Superintendent (BS-17) O/o DDA, Tank vice No.1

The Competent Authority is further pleased to adjust Mr. Abdul Sattar Superintendent (BS-17) against the vacant post of Agriculture Officer O/o the District Director Agriculture, Tank for the purpose of drawl of pay and allowances w.e.f 01.10.2013 till date.

Sd/x
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy to the:-

1. The Additional Registrar, Peshawar High Court Bench, Dera Ismail Khan, w/r to his letter No.2826-28/Judl/AR dated 23.11.2015 for information.
2. The DG, Agriculture Extension, Khyber Pakhtunkhwa Peshawar w/r to his letter No.426 dated 03.03.2016 for information.
3. District Accounts Officer District Tank and District Bannu.
4. PS to Minister Agriculture.
5. PS to Secretary Agriculture.
6. Officers concerned.

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

P-33

Handwritten initials and marks

E-1
15/3/16

487
15/3/16

E-1
15/3/16

For information

File may file
19/3/16

19/3/16

684
15/3/16

(27)

M 2 50

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

No. SOE (AD) VII-106/2009-10/Tank
Dated Peshawar, the 24th February, 2016

✓ The Director General,
Agriculture Extension,
Khyber Pakhtunkhwa, Peshawar.

Subject: NOTIFICATION.

I am directed to refer to this department letters of even No. dated 10/02/2016 & 22/02/2016 and to stated that in pursuance of the recommendations of the inquiry officer in the matter and previous meetings, the services of the officer were placed at your disposal for further posting. You were asked to submit proper adjustment proposal of the officer in pursuance of the court judgment but till date no response from your end has been received.

You are once again directed to submit the proposal in light of the court judgment within two days positively being court matter, failing which will be tantamount to misconduct and liable to be proceeded against under the E&D Rules, 2011.

(Dr. MIR AHMAD KHAN)
SECTION OFFICER (Estt)

Copy to:

1. Section Officer (Litigation), Agriculture Livestock & Cooperatives department.
2. PS to Secretary Agriculture, Livestock & Cooperatives Department Khyber Pakhtunkhwa.

SECTION OFFICER (Estt)

Important

S.S.

Pl. update DG

T.C

L

26

/2

E-11

27/2/16

1403
26/2/16

345
29/2/16

Admin letter



The
PESHAWAR HIGH COURT BENCH,
DERA ISMAIL KHAN

28

"M"

M

475

Ph No.0966-9280225
Fax No.0966-9280230
Email:phcdilhanbench@yahoo.com

From: The Additional Registrar,
Peshawar High Court Bench,
Dera Ismail Khan.

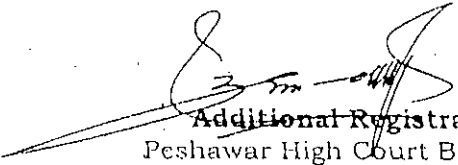
No 228-28 / Judl: / AR

Dt: 23-11-2015

- To:
1. The Government of Khyber Pakhtunkhwa,
Through Chief Secretary K.P.K,
Peshawar
 2. The Special Secretary Establishment,
Government of Khyber Pakhtunkhwa
Peshawar.
 3. The Secretary Agriculture,
Government of Khyber Pakhtunkhwa,
Peshawar.
 4. The Director General Agriculture,
Khyber Pakhtunkhwa, Peshawar

Subject: W.P No. 229-D OF 2015 with C.M 258-D/15
Abdul Sattar VS Govt of K.P.K etc

I am directed to forward herewith a copy of Order dated
17.11.2015, passed by this Hon'ble Court in the above noted case for
compliance.


Additional Registrar
Peshawar High Court Bench,
Dera Ismail Khan

o/c
21/11/15

T.C

1.1

EXAMINOR
Peshawar High Court
19-11-15

ATTESTED

Best facts of the case are that
that the addresses of parties, as given above, are correct
and sufficient for the purpose of service.

RESPECTFULLY SUBMITTED

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
TO DIRECT THE RESPONDENTS TO RELEASE THE
SALARIES OF THE PETITIONER AND TO MADE THE
POSTING OF THE PETITIONER TO HIS OWN
DEPARTMENT.

Filed today 10/11/15
Adm. Registrar

(Respondents)

1. Government of Khyber Pakhtunkhwa through Chief Secretary
2. Special Secretary Establishment Government of Khyber Pakhtunkhwa Peshawar.
3. Secretary Agriculture Government of KPK Peshawar.
4. Director General Agriculture KPK Peshawar.

VERSUS

(Petitioner)

Abdul Sattar S/o Khair Khan Caste Mahsood,
R/o New Madni Tower, Near Wenson College Tehsil and
District Dera Ismail Khan,
(Superintendent BPS-17) Agriculture Department
(Extension wing).



BEFORE THE HONOURABLE PESHAWAR HIGH COURT BENCH D.I. KHAN.

W. Petition No. 229-2 of 2015

20

439

- 1- That the respondents have no legal authority to stop the salary of the petitioner.
- 2- That the act of respondents to stop the salary of the petitioner is against the law, justice and equity and so for it is great injustice with the petitioner as well as his family members specially his children.
- 3- That the petitioner have no other source of income except his salary which to have been stop from the last 18th

EXAMINERS
PESHAWAR HIGH COURT
DILKONJ
ATTESTED

T.C. 27

4- That since October 2013, the petitioner is waiting for further posting without any salary. Previously a writ petition was filed which was for stopping departmental inquiry in which direction was given to the petitioner for proper forum.

5- That the petitioner remained with no other option just to invoked the writ jurisdiction of these Court on following grounds:

1013
Admin. Receipt
2-14/18
GROUNDS

3- That the petitioner arrival in his post parent Department assumed the charge. Copy of arrival report is enclosed as Annexure "C".

2- That the petitioner is the employee of Agriculture Department Government of Khyber Pakhtunkhwa but was working in Finance Department Government of KPK, subsequently vide order No. SO(E-1)/D/11-13/2013 dated Peshawar 02nd September 2013 was send back to his parent Department. On the written request of Agriculture Department. Copies of letter and Written request are enclosed as Annexure "A & B".

44

30

31
no

h42

months. The petitioner have money to feed his children as well as to pay his children school fee.

- 4- That the act of respondents are against the article 8 of constitution of Islamic Republic of Pakistan 1973 and also against the articles No. 13 are against the principles of policy article 29.
- 5- it is the against the judgment of august Supreme Court of Pakistan judgment dated _____ in which clear direction was given to the Government to not stop the salary of the employec.
- 6- That the counsel for petitioner may be allowed to argue additional grounds at the time of hearing before this Honourable Court.

It is, therefore, most humbly requested that the respondents may be directed to release the salary of the petitioner and the respondent further be directed to post him in his own parent department with such other relief as my be deemed appropriate.

Yours Humble Petitioner

Abdul Sattar

Through Counsel

AKHTAR SAEED
Advocate High Court,
Dera Ismail Khan.

Filed today 10/1/15
Adm Registrar
2/6/15

Dated 02/04/2015

BOOKS REFERRED:-

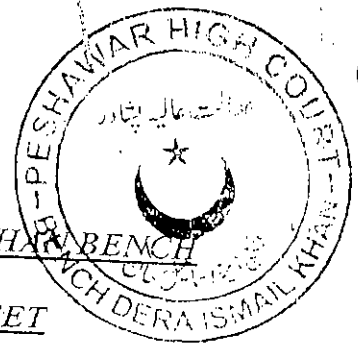
- 1- The Constitution of Islamic Republic of Pakistan, 1973.

T.C

ATTESTED
EXAMINOR
Peshawar High Court
D.I.Khan Bench
19-11-15

32

1 "0"



04

PESHAWAR HIGH COURT D.I. KHAN BENCH

FORM OF ORDER SHEET

Date of order or other proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
17/11/2015	<p>WP No.229 with CM No.258-d/2015.</p> <p>Present: Mr.Akhtar Saeed Khan advocate for petitioner and Addl:AG for official respondents.</p> <p>---</p> <p><u>IKRAMULLAH KHAN J.-</u> The latter states that the petitioner is a civil servant, however, for the reasons best known to the respondents, he has not been adjusted on a suitable post after his repatriation. So in this view of the matter, the respondents are directed to release salary of the petitioner as long as he is serving the department. The writ petition alongwith its CM are disposed of accordingly.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: center;">T.C</p> <p style="text-align: center;">ATTESTED</p> <p style="text-align: center;"><u>S. S.</u></p> <p style="text-align: center;">EXAMINOR Peshawar High Court D.I.Khan Bench 19-11-15</p>

Handwritten initials and date 17/11

(33)

"P"

No. (EM) / 2518 / DGA
Dated Pesh, the 8/2 / 2016

To,

The Section Officer (Estt)
Government of Khyber Pakhtunkhwa,
Agriculture, Live Stock & Cooperative Department
Peshawar

Subject SUBMISSION OF THE ADJUSTMENT PROPOSAL IN RESPECT OF MR. ABDUL SATTAR, SUPERINTENDENT BS-17 AND LIGHT OF COURT JUDGMENT

Memo

Reference your letter No SOE (AD) VI-106 / 2009 - 10 / Tank dated 20-01-2016.

In this regard it is submitted that, before formation of District Government Mr. Abdul Sattar was initially appointed as Junior Clerk in Livestock Department, D. Khan and was transferred and posted as Junior Clerk in the office of EDO Agriculture Tank. After posting as Junior Clerk the official was appointed as Junior Scale Stenographer BS-12 and further promoted as superintendent BS-16 on 01-08-2014 by the DCO Tank, without provision of rules.

It is further submitted that according to the minutes of the meeting on the new administration structure of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department letter No SOG (AD) V-114 / 2012 dated 01-12-2012, (Annexure-A) clearly indicated in Para-5 that the staff in the office of EDO Agriculture transferred from Agriculture Department may report to their respective Directorates, but the official concerned was not posted in the Livestock Department.

In view of above, this Department is unable to propose Mr. Abdul Sattar for posting as Superintendent, being an employee of Livestock Department and would be appropriate better to post/adjust him on a suitable post in the Livestock Department or District Government to draw his salary according to the Court decision.

Encl as Above:

[Signature]
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA PESHAWAR

T.C

34

Q

No. (Estt) 15/530/2768
Dated Pesh, the 23/1/2016

To,

The Secretary to
Government of Khyber Pakhtunkhwa
Agriculture, Live Stock & Cooperative Department
Peshawar.

Subject
Memo

NOTIFICATION

Reference your office Notification No SOE (AD) VI-106 / 09 - 2010 /
Tank dated 10-02-2016.

In this regard it is submitted that, detail report regarding posting of Mr. Abdul Sattar Superintendent has already been furnished to your office vide this office letter No Estt/2818/DGA, dated 08-02-2016, (copy enclosed). Beside the above, the promotion case of the eligible Office Assistant to the post of Superintendent is also submitted to your office vide this office letter No 18/8/Estt/5810 dated 24-04-2014, but due to stay order issued by the Service Tribunal Khyber Pakhtunkhwa Camp Court D.I.Khan, the promotion case is pending till the vacation of stay order. The next date has been fixed for arguments on-stay application on 23-02-2016, In case of posting of Mr. Abdul Sattar, against the post of Superintendent it will disturb the seniority of Superintendents of this Department as well as Office Assistant whose promotion case against the said post is already under process in your office, which might be start another litigation case.

In view of above facts this department suggests to propose the above named officer for posting as Superintendent being an employee of Livestock Department, or in the District Administration to draw his salary according to the court decision.

Encl as Above:

19/01/2016
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA
PESHAWAR

19/2

Q
T.C

35 R

No.15/530/Estt/
Dated Peshawar: the

10856

/DG

76/12

To:

The Secretary to Government of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperation
Department, Peshawar.

Subject:

REPRESENTATION / APPEAL AGAINST THE DECISION / ORDER MADE IN
THE MEETING HELD ON 22.5.2014 UNDER THE CHAIRMANSHIP OF
SPECIAL SECRETARY ESTABLISHMENT DEPARTMENT

Memo:

kindly refer to your office letter No.SO(LFC)AD-E(341)2014 dated
10.11.2014.

In this connection it is submitted for your kind information that Mr. Abdul
Sattar was serving as Junior Clerk in the office of Assistant Director, Livestock and Dairy
Development, Tank and was appointed as Jr. Scale Stenographer / Computer Operator
BS-12 in the District Government by the District Coordination Officer in the office
Executive District Officer Agriculture, Tank 1.4.2004, after that he was promoted to the
post of Superintendent BS-16 in the office of the EDO' Agriculture, Tank with effect
from 1.8.2008 by the District Coordination Officer, Tank beyond his competency as
according to the service rules of Agriculture Extension Department photo copy attached
promotion to the post of Superintendent Bs-16 is made amongst the senior most Office
Assistant and senior Scale Stenographer (not amongst the Junior Scale Stenographer
BS-12) with the ratio 90 - 10 of the seniority list mentioned provincially in the
Directorate General of Agriculture Extension and is also the mandate of Administrative
Department i.e. Secretary Agriculture and thus the rules have been violated twice time.

The seniority of the ministerial staff of Agriculture Extension is unified and
maintained provincially in the office of the undersigned. The District Coordination
Officer was not aware about the promotion quota of Stenographer and they did it at
their own well.

The officer is the liability of the district Government on winding up of the
district Government, he was required to report for duty to the Dy. Commissioner, Tank.

It is therefore, requested that the officer may be adjusted either in the
Deputy Commissioner office or sent to the Surplus Pool maintained in the Establishment
Department.

S
T.C

15/12/2014
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA
PESHAWAR 15/12/14

36

"S"

46



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVES
DEPARTMENT

No. SOG (AD) V-114/2012
Dated Peshawar the 1st December, 2012

The Director General,
Agriculture Extension,
Khyber Pakhtunkhwa, Peshawar.

The Director General,
Agriculture Research,
Khyber Pakhtunkhwa, Peshawar.

The DG (Extension),
Livestock & Dairy Development,
Khyber Pakhtunkhwa, Peshawar.

The DG (Research),
Livestock & Dairy Development,
Khyber Pakhtunkhwa, Peshawar.

The Director General,
On Farm Water Management,
Khyber Pakhtunkhwa, Peshawar.

The Director,
Agriculture Engineering,
Khyber Pakhtunkhwa, Peshawar.

The Director,
Soil Conservation,
Khyber Pakhtunkhwa, Peshawar.

The Director,
Fisheries department,
Khyber Pakhtunkhwa, Peshawar.

The Registrar,
Cooperative Societies,
Khyber Pakhtunkhwa, Peshawar.

The Director,
Crop Reporting Services,
Khyber Pakhtunkhwa, Peshawar.

Subject: MINUTES OF THE MEETING ON THE NEW ADMINISTRATIVE STRUCTURE.

I am directed to refer to the above noted subject and to state that a meeting was held on the subject issue in the committee of Agriculture department under the chairmanship of Secretary Agriculture, wherein decisions were taken regarding the future course of action.

I am further directed to communicate approved minutes of the meeting for information and further action at your end please.

165
8/1/13

(Dr. MIR AHMAD KHAN)
SECTION OFFICER (Admin)

T.C

SECTION OFFICER (Admin)

Kindly No. and date event:

1. All Commissioners, Khyber Pakhtunkhwa.
2. All District Coordination Officer, Khyber Pakhtunkhwa.
3. PS to Secretary Agriculture.

E-12
WA 2/11

(37)

WAB

MINUTES OF THE MEETING REGARDING THE NEW ADMINISTRATIVE STRUCTURE IN WAKE OF THE LOCAL GOVERNMENT ACT, 2012.

A meeting of the HADs of the 5 devolved attached departments was held under the Chairmanship of Secretary Agriculture, Livestock & Cooperatives Department on 31/12/2012.

The meeting was attended by all the HADs and Additional Secretary, Agriculture and issues after the new administrative set up were discussed in detail. The following decisions were taken for the reorganization of the departments:

1. The new organization of the attached departments will be notified in pursuance of the Establishment department notification of dated 27/12/2012, abolishing the FDO (Agriculture) posts, segregating the district set ups from the District Government and realigning the same with the administrative Agriculture, Livestock & Cooperation department.
 2. All the EDOs (Agriculture) shall relinquish their charges on 31/12/2012 After Noon and report for duties to the Head Quarters of their respective wings for further posting.
 3. The HADs shall submit adjustment proposal of the Ex-EDOs immediately.
 4. The EDOs (Agriculture) shall submit their charge relinquishments to the concerned Deputy Commissioners with detail of assets provided by the District Government and their Provincial parent departments. The assets provided by the District Government may be handed over to the representative/ nominee of the Deputy Commissioner while that of the Agriculture department to the concerned Directorates.
 5. The staff in the office of EDO (Agriculture) transferred from Agriculture department may report to their respective Directorates while that of the District Government to the Deputy Commissioner.
 6. The Director, Soil Conservation will submit case for personal up-gradation of a post for the surplus BS-19 officer i.e Ex-EDO (Agriculture).
- Meeting ended with vote of thanks from and to the chair.

S
T.CKHYBER PAKHTUNKHWA
PESHAWAR

10/13

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

38

Dated Peshawar, the December 6, 2017

NOTIFICATION.

NO. SOE (AD)/V-3/2017/Ext.- On the recommendation of Departmental Promotion Committee, the competent authority is pleased to promote the following Officials for promotion to the higher post on regular basis in their respective department as mentioned against each with immediate effect. They will be on probation for a period one year extendable for another year:

#	Name of official	Department	Promotion to
1.	Mr. Muhammad Alam	Agriculture Extension Department	Superintendent (BS-17)
2.	Mr. Abdul Razaq	-do-	-do-
3.	Mr. Jan Pervez	-do-	-do-
4.	Mr. Ikramullah	-do-	-do-
5.	Mr. Muhammad Aslam	-do-	-do-
6.	Mr. Muhammad Naseem	-do-	-do-
7.	Mr. Muhammad Yousaf	-do-	-do-
8.	Mr. Imtiaz Hussain	-do-	-do-
9.	Nawab Ali	On Farm Water Management Department (OFWM)	-do-
10.	Amir Nawaz	-do-	-do-

On their promotion, they are hereby transferred / posted as under:-

#	Name of official	From	To
1.	Mr. Muhammad Alam	Assistant (BS-16) O/o the Agriculture Agency Officer, Kurram Agency	Superintendent (BS-17) O/o the District Director Agriculture (DDA) Malakand
2.	Mr. Abdul Razaq	Assistant (BS-16) O/o the Agriculture Agency Officer, Orakzai Agency	Superintendent (BS-17) O/o Deputy Director Agriculture (FATA), Peshawar
3.	Mr. Jan Pervez	Assistant (BS-16) O/o DDA, Peshawar	Superintendent (BS-17) O/o the DDA, Mardan
4.	Mr. Ikramullah	Assistant (BS-16) O/o Director Agriculture, FATA Peshawar	Superintendent (BS-17) O/o the DDA, Kohat
5.	Mr. Muhammad Aslam	Superintendent (BS-17 OPS) O/o the DDA, Kohat	Superintendent (BS-17) O/o the DDA, Bannu
6.	Mr. Muhammad Naseem	Superintendent (BS-17 OPS) O/o the DDA, Mansehra	Superintendent (BS-17) O/o the DDA, Mansehra
7.	Mr. Muhammad Yousaf	Assistant (BS-16) O/o DDA, DIKhan	Superintendent (BS-17) O/o DDA, Peshawar
8.	Mr. Imtiaz Hussain	Asstt (BS-16) O/o DDA, Tank	Superintendent (BS-17) O/o DDA, Tank
9.	Mr. Amir Sattar (BS-17)	Superintendent (BS-17) O/o DDA, Tank	Superintendent (BS-17) O/o Director Agriculture, FATA Peshawar
10.	Mr. Nawab Ali Assistant (BS-16)	Assistant (BS-17) O/o District Officer OFWM, Karak	Superintendent (BS-17) O/o the DG, OFWM Khyber Pakhtunkhwa Peshawar
11.	Mr. Amir Nawaz Assistant (BS-16)	Assistant (BS-16) O/o District Director, OFWM DIKhan	Superintendent (BS-17) O/o the Director, Human Resource Development OFWM Training Center, DIKhan

Sd/-

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP. DEPTT.

2461
11/12/17

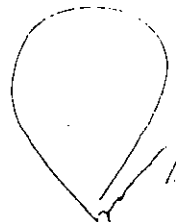
E-11
11/12/17

2269
11/12/17

Enclst. of system & Date

Copy forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The DG, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.
3. The DG OFWM, Khyber Pakhtunkhwa Peshawar.
4. The District Accounts Officers concerned.
5. Officers concerned.
6. Chief Planning Officer, Agriculture Department with the request to upload the instant notification on the official website of the department.
7. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
8. PS to Secretary Agriculture.
9. PA to DS (Admn). Agriculture Department.
10. Master file.



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

**DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER
PAKHTUNKHWA, PESHAWAR.**

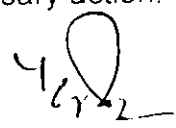
Enclst No 18/8-B/Estt/ 21301-22 DG Dated Peshawar, the 12/12 /2017

Copy forwarded to.

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General PR (Sub Offices) Peshawar.
3. The Director Agriculture, (FATA) Peshawar.
4. The Deputy Director Agriculture (FATA) Peshawar.
5. The District Directors Agriculture, Malakand, Mardan, Kohat Bannu, Mansehra, Peshawar, Tank & DIKhan.
6. The District Accounts officers Malakand Mardan, Kohat Bannu, Mansehra, Peshawar, Tank & DIKhan.
7. Office Concerned.

For information and necessary action.

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



SUPERINTENDENT (ESTT)

T.C

(40)

DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

U

No.18/8-B/Estt/ 7552 /DG Dated Peshawar: the 06/04 2018

To:

The Secretary to Govt. of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperation,
Department Peshawar.

Subject: WORKING PAPER FOR PROMOTION OF ASSISTANT (BS-16)
TO THE POST OF SUPERINTENDENT (BS-17) OF
AGRICULTURE EXTENSION DEPARTMENT

Memo:

Seven (07) sets of working paper alongwith relevant documents for
promotion of Assistant BS-16) to the post of Superintendent (BS-17) of Agriculture
Extension Department are enclosed herewith for information and necessary action.

Enc: as above.

DIRECTOR GENERAL

S
T.C

(41) "V" 21

WORKING PAPER FOR PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDENT (BS-17).

Five (05) Posts of Superintendent (BS-17) are lying vacant in Agriculture Extension Department Khyber Pakhtunkhwa (**Annexure -A**).

2. In terms of S.No 36 Part-II of the appendix of Khyber Pakhtunkhwa Agriculture Livestock, and Cooperative Department Notification No.SOE(AD)2 (2)429/2011 dated 20-04.2012 (**Annexure-B**), the method of recruitment and minimum qualification for promotion to the post of Superintendent (BS-17) has been prescribed as under:-

- (a) Ninety percent by promotion on the basis of seniority-cum fitness from amongst the holders of the posts of Assistant / Accountant with five years' service and such; and
- (b) Ten percent by promotion, on the basis of seniority-cum-fitness from Senior Scale Stenographer's with five years' service as such,

3. There are fifteen sanctioned posts of Superintendent (BS-17) in Agriculture (Extension) Department out of which thirteen posts fall to the share of ninety percent of Assistant and two posts fall to the share of ten percent of senior scale stenographers as detail given in (**Annexure-C**).

4. According to the seniority list of Assistants at (**Annexure-D**) the following officials are due for promotion to the post of Superintendent.

S. No	Name of Official	Qualification	Date of promotion to the post of Assistant	Whether completed Five years' service	Whether eligible for promotion
1.	Muhammad Rafiq	M.A	13-04-2007	--	Opted to forgo his promotion (Annexure -E)
2.	Muhammad Kurshid	M.Sc	23-04-2009	Yes	--
3.	Inam Ullah	B.A	24-10-2009	Yes	--
4.	Inayat Ullah Khan	B.A	24-10-2009	Yes	--
5.	Fazal Rehman	B.A	25-01-2010	Yes	--
6.	Asad-uddin Asif Jah	B.A	25-01-2010	Yes	--
7.	Sard Rawan	Matric	28-10-2010	Yes	--
8.	Mursaleen	Matric	28-10-2010	Yes	--
9.	Dicar Muhammad	Matric	28-10-2010	Yes	--

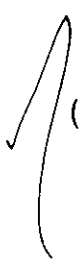
S
T.C

Copies of synopsis of ACR's, Gist's of ACR's and Bio-data of the above officials are attached at (Annexure-F, G & H).

It is certified that:-

1. The officials at S.No 01 has forgo his promotion to the post of Superintendent on 06.12.2017 as (Annexure-E)
2. All the officials hold the lower post on regular basis and none of them is holding the post on adhoc basis.
3. No departmental Examination has been prescribed for promotion to the post Superintendent.
4. No disciplinary / departmental proceeding / Anti- corruption / Judicial-or NAB inquiries are pending nor any penalty has been imposed during the last five year against any of the official of the penal.
5. The Seniority list of the Assistant is final and un-disputed.

The Departmental Promotion Committee is requested to determine the suitability of Five (05) Nos. Assistants (BS-16) for promotion to the post of Superintendents (BPS-17).


 DIRECTOR GENERAL AGRICULTURE
 (EXTENSION) KHYBER PAKHTUNKHWA,
 PESHAWAR

18/11/18

T.C

**DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR**

43

OFFICE ORDER

On the recommendation of Departmental Promotion Committee, the competent authority is pleased to promote the following Senior Scale Stenographer / Office Assistant to the post of Superintendents (BS-16) with immediate effect on regular basis vide Government of Khyber Pakhtunkhwa, Agriculture, Livestock and cooperation Department, Peshawar letter No.SOG(AD) B-20/2011/KC dated 7.12.2012, however, they will be on probation for the period of one year in Terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

1. Mr. Yar Muhammad.
2. Mr. Sher Muhammad.
3. Mian Naeem Shah.
4. Mr. Fazal Dad.
5. Mr. Muhammad Javed.

Consequent upon above the following posting / transfer are hereby ordered in the interest of public service.

S.No.	Name of Official	From	To
1.	Mr. Khan Muhammad	Superintendent o/o DDA, Peshawar	Assistant Accounts Officer (ops) o/o DA (FATA) Peshawar.
2.	Mr. Yar Muhammad	Sr. Scale Stenographer HQ.	Administrative Officer o/o DA (FATA) Peshawar against the vacant post.
3.	Mr. Sher Muhammad	Office Assistant o/o DDA, Lower Dir.	Superintendent o/o DDA, Swat vice No.4.
4.	Mr. Fazal Rabbi	Superintendent o/o DDA, Swat.	Superintendent o/o DDA, Peshawar vice No.1.
5.	Mian Naeem Shah	Office Assistant o/o DDA, Malakand.	Superintendent o/o DDA, Malakand against the vacant post.
6.	Mr. Fazal Dad	Office Assistant working against the post of Superintendent (ops) o/o DDA, Mansehra.	Superintendent o/o DDA, Mansehra.
	Mr. Muhammad Javed	Office Assistant working against the post of Superintendent (ops) o/o DA (FATA) Peshawar.	Superintendent o/o DA (FATA) Peshawar.
8.	Mr. Hizbullah Khan	Sr. Scale Stenographer o/o Director Field Operation HQ.	Senior Scale Stenographer HQ Office vice No.2.
9.	Mr. Muhammad Ikram	Jr. Scale Stenographer o/o DA (FATA) Peshawar.	Sr. Scale Stenographer (ops) o/o the Director Field Operation HQ vice No.8.

GR
T.V

Sd/-(ABDUR RASHID)
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

Estt/ 12619-37/DG

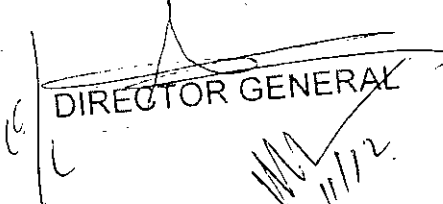
Dated Peshawar: the 11/11/12

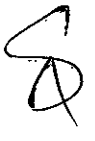
44

- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- The Director Agriculture (FATA) NWFP, Peshawar.
- The Additional Accountant General PR (Sub-Office) Peshawar.
- The Director Field Operation HQ.
- The District Directors: Agriculture, Peshawar, Swat, Dir Lower, Mansehra & Malakand.
- The District Accounts Officers, Peshawar, Swat, Dir Lower, Mansehra & Malakand.
- The Officials concerned.

For information and necessary action.

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


 DIRECTOR GENERAL
 11/12


 T.C



(45) "X"

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT**

Dated Peshawar, the April 20, 2012

NOTIFICATION

No. SOE(AD) 21429/2011.- 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 Extension Wing of the Agriculture Department.

**APPENDIX
PART-I
PROFESSIONAL STAFF**

1	2	3	4	5
Sl. No.	Title of post.	Qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
	1. General, Agriculture (Extension) Khyber Pakhtunkhwa / 2. General Agriculture (Extension) Principal, Agricultural Training Institute, Peshawar (BPS-20).	--	--	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.
	3. Area Field Operation / 4. Extension / Agriculture / 5. Planning / Coordination, Monitoring and Supervision / 6. Farm Services / 7. Extension / Training / 8. Training Coordinator / 9. Agriculture Training Institute / 10. Director Agriculture / District / 11. Director Agriculture / 12. District Principal, Agriculture Training Institute and 13. Executive District Officer Agriculture (BPS-19).	--	--	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 B.Sc Degree in Agriculture from a recognized Agriculture University.
	14. 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 / Plant Protection Officers / Deputy Director Farms / Agency Officers Agriculture and Horticulture Specialists (BPS-13).	--	--	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.

10/20/12

S
T.C

37

46

26	Tractor Drivers (BPS-3)	Recognized Board with certificate as Electrician. Having tractor driving licence with two years experience in handling Tractor.	18 to 40 years.	By initial recruitment.
27	Vehicle Drivers (BPS-4)	Experience in Driving with light vehicle driving licence.	18 to 40 years.	By initial recruitment.
28	Thresher Operators (BPS-3)	Middle pass one year experience in the Thresher Operator.	18 to 40 years.	By initial recruitment.
29	Tube Well Operators (BPS-1)	Two years' experience in the operating tube wells.	18 to 45 years.	By initial recruitment.
30	Tractor Cleaners / Helpers of Driver (BPS-1)	One year experience as Cleaner.	18 to 45 years.	By initial recruitment.
31	Malles (BPS-1)	Experience in flower culture and horticulture.	18 to 45 years.	By initial recruitment.
32	Carpenters (BPS-1)	Five years experience as carpenter.	18 to 45 years.	By initial recruitment.
33	Field Workers / Cook / Depot Coolies / Laboratory Attendants / Mess Boys & Sweeper (BPS-1)	Experience in the relevant field.	18 to 45 years.	By initial recruitment.

PART-II
MINISTERIAL STAFF

34	Assistant Accounts Officer (BPS-1)	--	--	By promotion, on the basis of seniority- cum-fitness, from amongst the holders of the posts of Administrative Officers / Superintendents.
35	Administrative Officers (BPS-16)	--	--	"By transfer from amongst the Superintendents".
36	Superintendents (BPS-16)	--	--	a). Ninety percent by promotion, on the basis of seniority- cum-fitness, from amongst the holders of the posts of Assistant / Accountants with five years service as such; and b). ten percent by promotion, on the basis of seniority- cum-fitness, from Senior Scale Stenographers with five years service as such.
37	Senior Scale Stenographers (BS-15)	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers / Computer Operators with three years service as such.
38	Assistants / Accountants (BPS-14)	At least 2 nd Division Bachelor's Degree from a recognized University.	18 to 28 years.	(a). Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from Senior Auditors / Seniors Clerks with three years service as such; and (b). twenty-five percent by initial recruitment.
39	Junior Scale Stenographers (BPS-12)	(a). Secondary School Certificate or an equivalent qualification from a recognized Board; and (b). a speed of eighty words per minute in shorthand in English and thirty-five words per minute in typing.	18 to 28 years.	By initial recruitment.
40	Computer Operators (BS-10)	At least 2 nd Division Bachelor's Degree from a recognized university with one year diploma in Information Technology	18 to 28 years.	By initial recruitment.
41	Video Camera Operator (BPS-10)	At least 2 nd Division Secondary School Certificate with two years experience in Outdoor Seismograph	18 to 28 years.	By initial recruitment.

S
T.C

47

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

SECRETARY TO GOVERNMENT OF
THE KHYBER PAKHTUNKHWA,
AGRI: LIVESTOCK AND COOP: DEPARTMENT.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to :-

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

379
(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

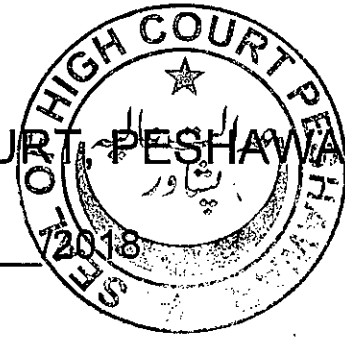
T.C

ملفوظ

48/2018

(1)

IN THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No _____

Hizbullah Khan,
Sr. Scale Stenographer (BPS-16)
Directorate of Agriculture (Extension) wing,
Khyber Road, Peshawar.....Petitioner

Versus.

1. Government of Khyber Pakhtunkhwa,
Through Chief Secretary, Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa ,
Through Secretary Agriculture, Civil Secretariat, Peshawar.
3. The Director General (Extension),
Khyber Pakhtunkhwa, Khyber Road, Peshawar.
4. Section Officer (Estt)
Government of Khyber Pakhtunkhwa,
Agriculture, Live Stock & Cooperative Department, Peshawar.
5. Abdul Sattar, Superintendent,
O/o Deputy District Agriculture District Tank.

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973.

RESPECTFULLY SHEWETH:-

Having no alternate and efficacious remedy, the petitioner named above knocks the door of this honorable court on inter alia the following amongst other facts and grounds;

FACTS LEADING TO WRIT PETITION

ATTESTED
EXAMINER
Peshawar High Court

11 JUN 2018

(2)

49

1. That the petitioner is law abiding citizen of the Islamic Republic of Pakistan having all the fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973.
2. That the petitioner was appointed as Steno Typist in the Directorate of Agriculture vide his appointment order dated 25-07-1981.

Copy of appointment letter dated 25-07-1981 is attached herewith and marked as Annexure A

3. That vide seniority list dated 06-01-2016 issued by the Respondent No.3, the petitioner was placed at Serial No.1 as Senior Scale Stenographer (BS-16)

Copy of seniority list dated 06-01-2016 is attached herewith and marked as Annexure B.

4. That the Respondent No.3 issued a final seniority list of Sr. Scale Stenographer on 05/5/2017 in which too the petitioner stood at Serial No.1.

Copy of final seniority list dated 05-05-2017 is attached herewith and marked as Annexure C.

5. That another seniority list dated 10-01-2018 was issued by the Respondent No.3 whereby once again the present petitioner stood at Serial No.1.

Copy of seniority list dated 10-01-2018 is attached herewith and marked as Annexure D.

6. Since the petitioner was sanguine about his promotion to the post of Superintendent (BS-17) being the senior most amongst the candidates, hence the Respondent No.3 sent his case of promotion to the Respondent No.2 vide covering letter dated 16-08-2016 & 30-12-2016 along with Working Paper on the subject of Promotion of Senior Scale Stenographer (BS-16) to

ATTESTED
EXAMINER
Peshawar High Court
11 JUN 2018

the Post of Superintendent (BS-17) and Details of Vacant Post of Superintendent wherein 8 posts were lying vacant.

Copies of covering letter dated 16-08-2016, working paper, covering letter dated 30-12-2016 and working paper details of vacant posts are attached herewith and marked as Annexure E, F, F/1, F/2 & G respectively.

7. That the respondent No.2 did not consider and promoted the petitioner to the post of Superintendent being senior most and placed at S.No.1 of the consecutive seniority lists mentioned above, hence he preferred an appeal to the Respondent No.2 which was forwarded through proper channel vide letter dated 26-10-2017 and appeal of the same date.

Copies of covering letter and appeal of the petitioner dated 26/10/2017 are attached herewith and marked as Annexure H & I respectively.

8. That the Respondent No.2 vide his response dated December 14 2017 to the appeal of the petitioner with the observation that appeal of the petitioner was considered and kept pending till finalization of new service rules while ignoring the old rules of 1983 according to which 10% quota was supposed to be reserved for promotion amongst the Sr. Scale Stenographer (BS-16) while in the proposed rules the quota has been enhanced from 10% to 25%.

Copy of response to appeal of the petitioner dated December 14, 2017 are attached herewith and marked as Annexure J.

9. Vide Notification dated March 11, 2016, the Respondent No.2 promoted the private respondent to the post of Superintendent (BS-17) which was against the rules as the he (private respondent) was from livestock department which is a separate

ATTESTED
EXAMINER
Peshawar High Court
11 JUN 2018

director and later on posted in the office of District Director Agriculture Tank and further vide Notification dated 24th February 2016 whereby the respondent No.3 was directed to adjust the private respondent allegedly in light of judgment of this honorable court vide order of this honorable court dated 17-11-2015.

Copies of notification dated March 11, 2016, letter dated 24-2-2016, covering letter of this honorable court dated 23-11-2015, writ petition and disposal order in WP.229-D/2015 are attached herewith and marked as Annexure K, L, M, N & O respectively.

10. Vide a self-explanatory letter of the Respondent No.3 addressed to the respondent No.4 whereby the stance of the petitioner has been clarified in unequivocal terms that since the private respondent was initially appointed as Junior Clark in Livestock Department at D.I.Khan and was transferred and was posted as Junior Clark in the office of EDO Agriculture Tank. After posting as JC the official was appointed as Junior Scale Stenographer BS-12 and further promoted as Superintendent BS-16 on 01-08-2014 by the EDO Tank without provision of rules. Further stated that according to minutes of the meeting on the new administration structure of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department clearly indicates that the staff in the office of EDO Agriculture transferred from Agriculture department may report to their respective Directorates, but the private respondent was not posted in the Livestock Department as such the respondent No.3 has shown its inability to propose Abdul Sattar for posting as Superintendent being an employee of livestock department and has suggested to adjust him on a suitable post in the Livestock Department or District Government to draw his salary according

ATTESTED

EXAMINER
Peshawar High Court

11 JUN 2018

to the decision of this honorable Court which was reiterated in letter dated 23-02-2016.

Copies of letters dated 08/02/2016 & 23/02/2016 are attached herewith and marked as Annexure P & Q respectively.

11. That vide another self-explanatory letter dated 15-12-2014 on the subject of Representation/Appeal Against the decision / order made in the meeting held on 22-05-2014 under the chairmanship of Special Secretary Establishment Department wherein it has been clarified in respect of private respondent that he was serving as Junior Clerk in the office of Assistant Director, Livestock and Dairy Department, Tank and was appointed as Jr. Scale Stenographer / Computer Operator BS-12 in the District Government by the District Coordination Officer in the Office of EDO Agriculture, Tank dated 01-04-2004 after which he was promoted to the post of Superintendent BS-16 in the office of EDO, Agriculture, Tank with effect from 1st August 2008 by the DCO, Tank beyond his competency as according to the service Rules of Agriculture Extension Department, promotion to the post of Superintendent BS-16 is made amongst the senior most Office Assistant and Sr. Scale Stenographer BS-12 with the ratio of 90-10 of the seniority list mentioned provisionally in the Directorate General of Agriculture Extension and is also the mandate of Administrative Department i.e. Secretary Agriculture and thus the rules have been violated.

It further submitted that the seniority of ministerial staff of Agriculture Extension is unified and maintained provincially in the Office of the respondent No.3 while the DCO was not aware and competent regarding the promotion quota of Stenographer and the private respondent has been promoted in utter violation of rules and regulations by DCO as such deprived the petitioner

ATTESTED
 CLERK
 District High Court

11 JUN 2018

(6)

of his vested and valuable rights which is liable to be set aside and cancelled.

Copies of letter dated 15/12/2014 and minutes of the meeting dated 1st December 2012 are attached herewith and marked as Annexure R & S respectively.

12. That vide Notification dated December 2017, issued by the Respondent No.2, number of juniors to the petitioner were promoted to the post of Superintendent BS-17 but the petitioner was once again ignored / bypassed as such the Respondent committed gross illegality and irregularity by violating the rules and regulations as such the petitioner is deprived of his valuable right.

Copy of Notification dated 06-12-2017 is attached herewith and marked as Annexure T.

13. Astonishingly the Respondent No.3 vide his working paper dated 06-04-2018 for promotion to the post of Superintendent BS-17 (Total 7 number of posts), whereby once again the petitioner was ignored / by passed and his name has not been included in the list of promotees the respondents once again violated law, rules and regulations.

Copies of covering letter dated 06/04/2018 and working paper are attached herewith and marked as Annexure U & V respectively.

14. That 5 Nos. of posts of Superintendent BS-17 are still lying vacant in Agriculture Extension and in fact total posts were 17 in number and only two promotees i.e. one promotee namely Yar Muhammad from office assistant while the other one is private respondent who was allegedly been promoted (whose promotion is against rules as submitted in the preceding paras) though private respondent was not in race with the petitioner.

ATTESTED
EXAMINER
Nepal High Court

11 JUN 2018

(7)

54

and even if his name is taken out number of other posts are available. Even petitioner's name was recommended in the year 2012 for the promotions along with others vide office order dated 11-12-2012 issued by the Respondent No.3.

Copies of office order dated 11/12/2012 and relevant rules are attached herewith and marked as Annexure W & X respectively.

15. That vide Final Seniority List dated 05/05/2017 of Sr. Scale Stenographer (BS-16) of Agriculture (Extension Wing) issued by respondent No.3, the Petitioner named above stood at Sr. No.1 of the list and another Seniority List dated 10/01/2018 again the petitioner stood at S.No.1 of the list but even then he is ignored as stated above, hence this writ petition on inter alia the following amongst other grounds;

GROUND S :-

- a. That the respondents have not acted according to law and rules and regulations as such deprived the petitioner from his right to be promoted to the post of Senior Scale Stenographer (BPS-17).
- b. That the official respondents were time and again approached and requested to petitioner being senior most, eligible and have prior right while the private respondent belongs to another department as such the appropriate writ directions are solicited in this regard.
- c. That it is very astonishing to point out here that the official respondents in utter violation of the rules and regulations as such the proposed working paper dated 06/04/2018 for promotion to the post of Superintendent (BS-17) is tainted with mala fide in order to deprive the petitioner from his vested right of promotion.
- d. That as is evident from the self-explanatory letter of the Respondent No.3 addressed to the respondent No.4 whereby the

ATTESTED
EXAMINER
Rajasthan High Court
11 JUN 2018

8

95

stance of the petitioner has been clarified in unequivocal terms that since the private respondent was initially appointed as Junior Clark in Livestock Department at D.I.Khan and was transferred and was posted as Junior Clark in the office of EDO Agriculture Tank. After posting as JC the official was appointed as Junior Scale Stenographer BS-12 and further promoted as Superintendent BS-16 on 01-08-2014 by the EDO Tank without provision of rules. Further stated that according to minutes of the meeting on the new administration structure of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department clearly indicates that the staff in the office of EDO Agriculture transferred from Agriculture department may report to their respective Directorates, but the private respondent was not posted in the Livestock Department as such the respondent No.3 has shown its inability to propose Abdul Sattar for posting as Superintendent being an employee of livestock department and has suggested to adjust him on a suitable post in the Livestock Department or District Government to draw his salary according to the decision of this honorable Court which was reiterated in letter dated 23-02-2016, hence the promotion of the private respondent is based on mala fide and have violated the valuable rights of the petitioner, hence liable to be cancelled.

- e. That the proposed recommendations are dated 06/04/2018 is tainted with mala fide in order to deprive the present petitioner from promotion being the senior most amongst the competitors and who was more than once bypassed by the official respondents which acts of the respondents are liable to be cancelled and name of the present petitioner be recommended for promotion to the post of Superintendent BS-17.
- f. That even there are number of posts lying vacant and according to Rules the ration of 9-10, there still exists post of promotee from

ATTESTED
EXAMINER
Peshawar High Court
11 JUN 2018

amongst the Sr. Scale Stenographer BS-16 but even then the official respondents have turned their deaf ear towards the petitioner as such deprived him of his valuable rights.

- g. That the petitioner urges other grounds at the time of hearing this writ petition with the kind permission of this Honorable Court, hence this writ petition with the following prayers;

RPAYER;

It is, therefore, respectfully prayed that this honorable court may be pleased and issue appropriate writ directions to the official respondents;

- i. To cancel the recommendations / working paper in respect of promotion of other candidates bearing No.18/8-B/Estt:/7552/DG, Dated Peshawar the 06/04/2018.
- ii. To cancel the Notification of appointment order dated March 11, 2016 of private respondent with immediate effect and send him his parent department or surplus pool.
- iii. To direct the official respondents to include the name of the petitioner in the working paper for promotion to the post of Superintendent (BS-17)
- iv. To appoint the petitioner on the post of Superintendent BS-17, Agriculture (Extension Wing) being eligible and senior most amongst the recommendees with all back benefits.
- v. Any other relief/s which has not been specifically prayed for but is more conducive in the facts and circumstances of the case, may also be granted to the petitioner as deem fit and proper in the circumstances of the case.

Interim Relief:

That in the meantime and in the best interest of justice this honorable court may be pleased and suspend the operation of impugned recommendations / working paper in respect of promotion of other candidates bearing No.18/8-B/Estt:/7552/DG,

ATTESTED

EXAMINER
Peshawar High Court

11 JUN 2018

(10)

57

Dated Peshawar the 06/04/2018 till the decision of this writ petition otherwise the purpose of this writ petition would be defeated and it would become infructuous.

Peshawar.
Dated: 28-04-2018

H2
Petitioner

Through

M

MUKHTAR AHMAD MANERI
Advocate High Court, Peshawar

CERTIFICATE.

Certified that this is the first writ petition between the parties and that there is no other writ petition filed by the petitioner before this honorable court or any other bench of this honorable court on the subject matter.

H2
Petitioner

BOOKS:

1. Constitution of the Islamic Republic of Pakistan 1973.
2. ESTA CODE,
3. KP, Civil Servants (Appointment, Promotion and Transfer Rules), 1989.
4. Case law if any at the time of hearing of this writ petition.

M
Advocate

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Under Article 8.7 of
The Qanun-e-Shahadat Order 1984

11 JUN 2018

11

58

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No _____/2018

Hizbullah Khan.....Petitioner

Versus

Govt: &
Others..... Respondents

AFFIDAVIT

I, Hizbullah Khan, S/o Alam Khan R/o House # S-II/9, Agriculture Training Institute, Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this August Court.

Hizbullah Khan

Deponent

CNIC # 17301-3842195-3

Identified by me;



Mukhtar Ahmad Maneri
Advocate, Peshawar.

No:.....	<i>21528</i>
Certified by me after being verified on solemnly affirmation before me in office, this.....	
day of.....	<i>18th</i>
s/o.....	<i>Hizbullah Khan</i>
who was identified by.....	<i>Alam Khan</i>
Who is personally known to me:	
<i>Mukhtar Ahmad</i>	
Peshawar Commissioner Peshawar High Court Peshawar	

Mukhtar Ahmad
30/4/18

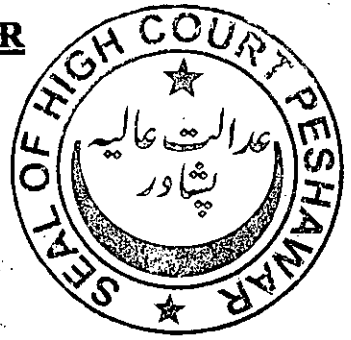
CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8.7 of
The Qanun-e-Shahadat Order 1984

11 JUN 2018

59 "Z"

PESHAWAR HIGH COURT PESHAWAR
FORM "A"
FORM OF ORDER SHEET



Court of.....

Case No.....

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	5.6.2018	<p><u>Writ Petition No. 2268-P/2018.</u></p> <p>Present:</p> <p>Mr. Mukhtar Ahmad Maneri, advocate fro petitioner.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> Through the instant constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, Hizbullah Khan, Senior Scale Stenographer (BPS-16) Directorate of Agriculture (Extension) Wing, Peshawar, petitioner herein, has asked for the issuance of an appropriate writ directing the respondents to cancel the recommendation /working paper in respect of promotion of other candidates bearing No. 18/8-B/Estt:/7552/DG dated 6.4.2018, to cancel the notification of appointment order dated 11.3.2016 and to appoint the petitioner on the post of Superintendent BS-17 being eligible</p>

Justice Saqib

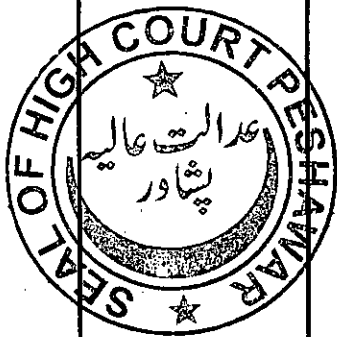
ATTESTED
EXAMINER
Peshawar High Court
11 JUN 2018

		<p>and senior most amongst the recommendees with all back benefits.</p> <p>2. Petitioner averred in the writ petition, that he was appointed as Steno Typist in Director of Agriculture vide order dated 25.7.1981. According to the three consecutive seniority lists dated 6.1.2016, 5.5.2017 and 10.1.2018 issued by the respondent No.3, the petitioner was placed at serial No.1 amongst the senior scale stenographers who was sanguine about his promotion to the post Superintendent BPS-17, but he was not considered for promotion rather respondent No.5 Abdul Sattar, who was transferred from livestock Department to EDO Agriculture Department Tank and then adjusted in Agriculture Extension was promoted, which is against the rules on the subject, hence the instant writ petition.</p> <p>3. In essence the grievance of petitioner is that being senior most amongst the Senior Scale Stenographers, i.e. at serial No.1 of the Seniority List maintained by the department having unblemished record was not recommended for promotion to the post of Superintendent (BPS-17) rather private</p>
--	--	--

Yousaf Sarwar

ATTESTED
EXAMINER
Peshawar High Court

11 JUN 2018



respondent No.6 being junior to him was promoted. Undisputedly the petitioner is civil servant, whereas the matter involved in the instant case pertain to promotion from lower scale to upper scale which squarely falls in terms and conditions enumerated in Chapter-II, wherein jurisdiction of this Court is expressly barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.

4. Resultantly, the instant petition being not maintainable stands dismissed in limine. However, petitioner would be at liberty to approach the proper forum, if so advised.

*Announced on;
05th of June, 2018*

[Signature]
JUDGE

[Signature]
JUDGE

No. 25625
 Date of Presentation of Application 11/06/18
 No of Pages 14
 Copying Fee 500
 Urgent Fee 500
 Total 1000
 Date of Preparation of Copy 11/06/18
 Date of Delivery of Copy 11/06/18
 Received By [Signature]

CERTIFIED TO BE TRUE COPY

CLERK
 Peshawar High Court, Peshawar
 Authorized Under Article 8.7 of
 The Qanun-e-Shanadat Order 1984

11 JUN 2018

62

IN THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

CMA NO. _____/18

IN

Service Appeal No _____/2018

Hizbullah Khan.....Appellant

Versus

Govt: KPK & Others.....Respondents

APPEAL UNDER SECTION 4 OF THE KP SERVICE
TRIBUNAL ACT, 1974

APPLICATION FOR CONDONATION OF DEALY

Respectfully Sheweth;

1. That the above titled appeal is being filed today.
2. That the appellant has impugned the appellate authority order initially before the honorable Peshawar High Court, Peshawar which was disposed of with the observation that the appellant would be at liberty to approach the proper forum. Copy of grounds and judgment already annexed with main appeal.
3. That the time has not been spend intentionally rather in good faith, hence this application with the following prayer;

It is, therefore, prayed that on acceptance application the delay if any in filing of the appeal may kindly be condoned in the best interest of justice, equity an law and good conscience.

Peshawar.

Dated:- 11/07/2018.


Appellant

Through:


MUKHTAR AHMAD MANERI
Advocate High Court

63

IN THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

CMA NO. _____/18
IN
Service Appeal No _____/2018

Hizbullah Khan.....Appellant

Versus

Govt: KPK & Others.....Respondents

AFFIDAVIT

I, Hizbullah Khan, S/o Alam Kha, R/o House No. S-11/9, ATI, Peshawar, do hereby state on solemn affirmation that the contents of Application are true and correct to the best of my knowledge and belief.

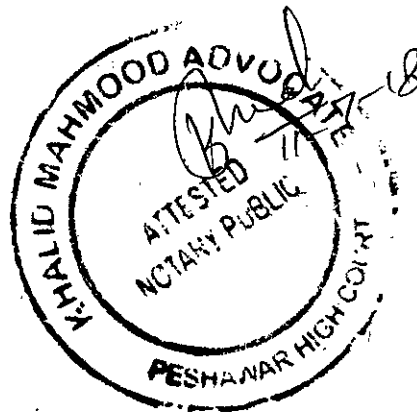
Hizbullah
Deponent

17801-3842195-3

Identified by me.



Mukhtar Ahmad Maneri
Advocate High Court,
Peshawar.



ss



64

VAKALATNAMA

IN THE K.P. Service Tribunal Peshawar

Suit
Application
Appeal
Case
Execution
Const. Petition

No. _____ of 2018

Hizbullah Khan

Plaintiffs
Applicants
Appellants
Decree
Holders

VERSUS

Govt. Repk & others

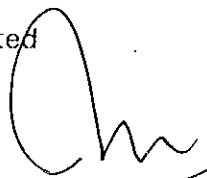
Defendants
Opponents
Respondents
Judgment
Debtors

I/W Hizbullah Khan, the Appellant in the above Service Appeal do hereby appoint MR. MUKHTAR AHMAD MANERI, ADVOCATE HIGH COURT, to appear and act for me/us in the above mentioned proceedings and to conduct, prosecute and/or defend and/or compromise the same and any other proceedings that may arise out of or be connected with the same, with full power and authority to sign all necessary pleadings, petitions, applications papers and documents, to pay all proper fees and costs, to file and withdraw all documents and to apply for and receive payment of all moneys that may be or become due and payable to me/us during the course or after the completion or conclusion of the said proceedings, and to settle, compromise or to withdraw the said proceedings.

(H) Mukhtar
Signature

Received on 11/07/18 from Hizbullah Khan

Accepted



MUKHTAR AHMAD MANERI.
ADVOCATE HIGH COURT
Office # 24-A, Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph:Off: 091-2214385,
Email: mukhtaradvocate@yahoo.com

Sub Office:
Office # 28, Lawyers Complex
at Swabi Judicial Complex
Shahmansoor, At Swabi
Reg. # bc-11-1744

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Appeal No. 880/2018


Mr. Hizbullah Kha
Ex-Senior Scale Stenographer
BS-16

VERSUS

Chief Secretary
Govt. of Khyber Pakhtunkhwa
& others

INDEX

S.No	Description of Documents	Annexure	Page
1	Para-wise comments	—	1-4
2	Office order dated 23.07.1981	A	5
3	Seniority list dated 06.01.2016	B	6
4	Letter dated 30.12.2016 / working paper	C	7-10
5	Notification dated 20.04.2012	D	11-13
6	Order Sheet dated 17.11.2015	E	14
7	Notification dated 11.03.2016	F	15
8	Notification dated 06.12.2017	G	16-17
9	Notification dated 29.05.2017	H	18


DEPONENT

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 880/2018

Mr. Hizbullah Khan,

Ex-Senior Scale Stenographer BS-16

APPELLANT

VERSUS

- 1- Government of Khyber Pakhtunkhwa through
Chief Secretary Civil Secretariat Peshawar.
- 2- Secretary to Government of Khyber Pakhtunkhwa,
Agriculture, Livestock & Cooperative Department Peshawar
- 3- Director General, Agriculture (Extension)
Khyber Pakhtunkhwa, Peshawar.
- 4- Section Officer (Estt.),
Govt. of Khyber Pakhtunkhwa
Agriculture, Department Peshawar.
- 5- Abdul Sattar, Superintendent o/o
District Director Agriculture, Tank

RESPONDENTS

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

PRELIMINARY OBJECTIONS

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

ON FACT PARA-WISE COMMENTS

Para-1 Pertains to record.

Para-2 Correct to the extent that the appellant was appointed, Urdu typist, office of the Principal, Agriculture Training Institute, Peshawar as Steno Typist BS-08 in the office Respondent No.3 vide office order No. 13696-99/DA dated 23.07.1981 (Annexure-A).

- Para-3 Correct to the extent that the appellant was promoted from Junior Scale Stenographer BS-12 to the post of Senior Scale Stenographer BS-15 and his name was placed in the seniority list of Senior Scale Stenographer at stood on 01.01.2016 vide order No. 15/54-A/Estt./ 610-13/DG dated 06.01.2016 (Annexure-B)
- Para-4 Correct.
- Para-5 Correct.
- Para-6 Correct to the extent that the promotion case of the appellant to the post of Superintendent BS-17 against (10) Ten percent quota reserved for Senior Scale Stenographer was sent to the Govt. along with working paper and relevant documents vide letter No. 18/8-B/Estt./ 23615/DG dated 30.12.2016 (Annexure-C).
- Para-7 Correct to the extent that the departmental appeal of the appellant was sent to the Govt. for further necessary action, but the competent authority considered the appeal and kept pending till finalization of new service rules vide Govt. of Khyber Pakhtunkhwa, Agriculture Livestock and Coop. Department letter No. SOE(AD)VI-106-2017/Ext./Hizbullah dated 14.12.2017.
- Para-8 Correct to the extent that according to the Rules at S.No.36 Notified vide Govt. of Khyber Pakhtunkhwa, Agriculture Livestock and Coop. Department Notification No. SOE(AD)2(2)429/2011 dated 20.04.2012, the post of Superintendent BS-17 will be filled (a) ninety percent by the promotion on the basis of seniority cum fitness from amongst the holder of the post of Assistant / Accountant with five years' service as such and (b) ten percent by promotion on the basis of seniority cum fitness from Senior Scale Stenographer with five years' service as such (Annexure-D).
- Para-9 Incorrect. The Respondent No.2 has not promoted the private respondent to the post of Superintendent. Before formation of District Govt. the private Respondent No.5 was working as Junior Clerk in the Agriculture Livestock Department DIKhan, was transferred / posted as Junior Clerk in the office of ex-Executive District Officer, Agriculture Tank. Latter on the private Respondent No.5 was appointed as Junior Scale Stenographer BS-12 on 31.07.2004 and was promoted as Superintendent BS-16 on 01.08.2008 by District Coordination Officer, Tank, without provision of Service Rules in the District Setup the Administrative Department i.e. Respondent No.2 is the competent authority for promotion of Senior Scale Stenographer BS-15 & 16 to the post of Superintendent from provincial level seniority against (10) ten percent quota reserved for Senior Scale Stenographer whereas the private Respondent No.5 was illegally promoted from Junior Scale Stenographer BS-12 to the post of Superintendent BS-16 violating the rules. Therefore the officer was not promoted against (10) ten percent quota reserved for Senior Scale Stenographer. On the

decision of the Honorable Peshawar High Court, Bench DIKhan in the Writ Petition No. 229 with CM No.258-d/2015, the responded are directed to released salary of the petitioner as long as he is serving the department vide Order Sheet dated 17.11.2015 (Annexure-E). In light of the above the competent authority issued posting transfer order of private Respondent No.5 against the post of Superintended BS-17 office of the District Director Agriculture, Tank vide Notification No. SOE(AD) /VI-106/2013/EW/Tank dated 11.03.2016 (Annexure-F). The private Respondent No.5 is the liability of the District Govt. on winding up the District Govt. he was required to report for duty to the Deputy Commissioner, Tank or sent to the Surplus Pool maintained by the Establishment Department.

Para-10 Detail comments given in Para-9 above.

Para-11 Detail comments given in Para-9 above.

Para-12 Incorrect. The competent authority issued promotion orders of eight (08) Office Assistant BS-16 to the post of Superintendent (BS-17) against 90% quota reserved for Office Assistant vide Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department Notification No.SOE(AD)/V-8/2017/Ext. dated 06.12.2017 (Annexure-G).

Para-13 Correct to the extent that Respondent No.3 forwarded working paper for promotion of Office Assistant BS-16 to the post of Superintendent BS-17 to the Govt. against 90% quota reserved for Assistant. The Govt. of Khyber Pakhtunkhwa promoted five (05) Office Assistant to the post of Superintendent BS-17 vide Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department Notification No.SOE(AD)/B/V-8/2018/Ext. dated 29.05.2018 (Annexure-H).

Para-14 Incorrect. That total sanctioned strength of Superintendent BS-17 in the Agriculture Extension Department are Seventeen Nos (17) posts out of which at present two (02) posts of Superintendent are lying vacant in the Department Wherein one post of Superintendent was filled in by promotion according to the provincial seniority list of Senior Scale Stenographer (Mr. Yar Muhammad) and the other one Mr. Abdul Sattar illegally promoted from Junior Scale Stenographer BS-12 to the post of Superintendent BS-17 by the District Coordination Officer, Tank. The seniority of ministerial staff of Agriculture Extension Department is unified and maintained provincially in the office of Respondent No.3. The District Coordination officer was not a competent authority to promote the Junior Scale Stenographer to the post of Superintendent and he was not aware about promotion quota of Stenographer and they did it at their own well.

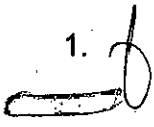
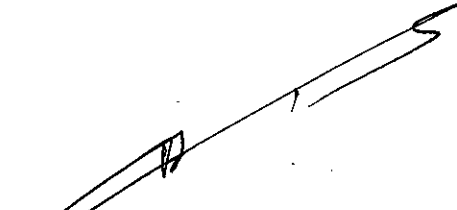
Para-15 As replied above.

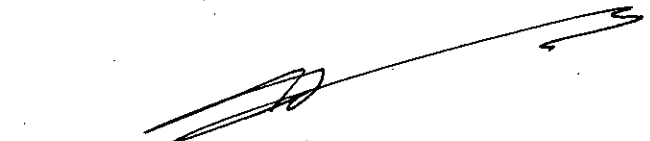
Para-16 No comments, hence denied.

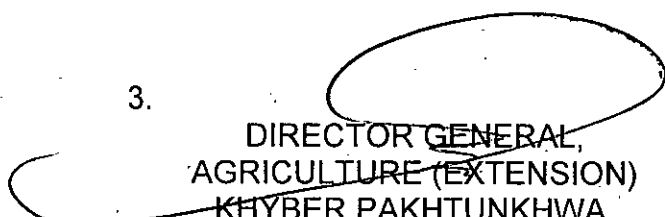
GROUND

- Para-a In correct. That the respondents have acted according to the law and rules and regulation. The appellant has already been promoted to the post of Senior Scale Stenographer BS-16.
- Para-b Detail comments given in Para-9 above.
- Para-c Detail comments given in Para-13 above
- Para-d Detail comments given in Para-9 above
- Para-e Detail comments given in Para-14 above
- Para-f Detail comments given in Para-14 above
- Para-g The respondents seek leave to raise additional grounds at the time of argument.

It is hereby humbly prayed that on acceptance on the instant comments, the appeal of the appellant may kindly be dismissed.

1.  
 CHIEF SECRETARY,
 GOVT. OF KHYBER
 PAKHTUNKHWA

2. 
 SECRETARY TO
 GOVERNMENT OF
 KHYBER PAKHTUNKHWA
 AGRICULTURE, LIVESTOCK
 & COOPERATIVE
 DEPARTMENT PESHAWAR

3. 
 DIRECTOR GENERAL,
 AGRICULTURE (EXTENSION)
 KHYBER PAKHTUNKHWA,
 PESHAWAR

4. 
 SECTION OFFICER (ESTT.),
 GOVERNMENT OF
 KHYBER PAKHTUNKHWA
 AGRICULTURE
 DEPARTMENT PESHAWAR

Account-A
(B) 12. A. 1
(5)

DIRECTORATE OF AGRICULTURE, N.W.F.P. PESHAWAR.

OFFICE ORDER

Mr. Hizbullah Khan, Urdu Typist, Office of the Principal, Agricultural Training Institute, Peshawar is hereby appointed as Steno-typist in this Directorate against an existing vacancy of Steno-typist in the National Pay Scale No.8 of Rs.370-16-574/10-640/22-150, on the following conditions:-

1. His appointment is temporary and his service can be terminated without notice and any reason being assigned irrespective of the fact that he is holding a post other than the one to which he was originally recruited.
2. He has to join duty at his own expense.
3. He is domiciled in N.W.F. Province.
4. If he wishes to resign, he will give 14 days notice to Employer or in lieu thereof 14 days pay will be forfeited.
5. He will be governed by such rules and orders relating to leave, travelling allowance, pay etc. as may be issued by Government for the category of Government Servants to which he will belong.
6. The offer will be cancelled if no reply is received on or before 5.8.1981.
7. He will be liable for transfer any where in NWFP.
8. His pay etc. shall be drawn under the relevant head of accounts.

Sd/-

(INAYATULLAH KHAN)
DIRECTOR OF AGRICULTURE,
N.W.F. PROVINCE, PESHAWAR.

No. 15/150/Estt: 13698-99 DA.
Dated Peshawar, the 27/7/1981.

Copy forwarded to:-

1. Mr. Hizbullah Khan, Urdu Typist Office of the Principal, Agricultural Training Institute, Peshawar for information and n/action.
2. The Principal, Agricultural Training Institute, Peshawar for information with reference to the Endst: No. 2164/ATIP, dt: 18.7.81. He is requested to relieve the official immediately.
3. The Assistant Accounts Officer, Headquarter.
4. Personal File for record.

Sd/-
(SARDAR ABDU LATIF)
ASSISTANT ACCOUNTS OFFICER,
DIRECTORATE OF AGRICULTURE,
N.W.F. PROVINCE, PESHAWAR.

T.C

Malik/

13 "B" (ISA)

Ammer B (6)

ORDER.

No. 15/547/Estt/6/13 IDG Dated Peshawar: the 06/11/2016.

In pursuance of Section-8 (1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Final Seniority list of Sr. Scale Stenographer (BS-16) of Agriculture Department (Extension Wing) as stood on 01.01.2016

S.No	Name of official with Academic qualification.	Designation.	Date of birth and Domicile	Date of 1st appointment	Regular appointment / promotion to the present post			present posting	Remarks
					Date	BFS	Method of recruitment		
1.	Hizbullah Khan (Matric)	Sr. Scale Stenographer	15.08.1958 DIKhan	28.07.1981	25.05.2009	16	By promotion	DG's Office	
2.	Minhajud-Din (M.A.)	Sr. Scale Stenographer	23.11.1962 Larki Marwat	24.03.1982	31.05.2013	16	By promotion	Director Field Operation HQ.	

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

Endst. Even No and Date

Copy forwarded to: -

1. The Section Officer (Estt) Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department Peshawar.
2. The Director Field Operation HQ Office.
3. Mr. Hizbullah, Senior Scale Stenographer HQ Office.
4. Mr. Minhajud Din, Senior Scale Stenographer office of the Director Field Operation HQ Office.

DIRECTOR GENERAL

(6)

James B.

-19
7
410

Annex-C

**DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER
PAKHTUNKHWA, PESHAWAR**

No.18/8-B/ESTT/ 23615 /DG DATED PESHAWAR: THE 30/12/2016

To:

The Secretary to Government of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperation Department,
Peshawar.

Subject: PROMOTION OF SENIOR SCALE STENOGRAPHER (BS-16)
TO THE POST OF SUPERINTENDENT (BS-17)

Memo:

Enclosed please find herewith seven (7) sets of working papers
alongwith relevant documents for promotion of Senior Scale Stenographer
(BPS-16) to the post of Superintendent (BS-17) for information and further
necessary action.

Enc: as above.

for
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR
Or

MODEL WORKING PAPER

Subject: PROMOTION OF SENIOR SCALE STENOGRAPHER (BS-16)
TO THE POST OF SUPERINTENDENT (BS-17).

Eight (08) posts of Superintendent (BS-17) falling under the promotion quota have fallen vacant in the Agriculture Extension Department Khyber Pakhtunkhwa. (Annexure-I).

In terms of Serial No.36 part-II of the Khyber Pakhtunkhwa Agriculture, Livestock and Cooperation Department Notification No.SOE (AD)2 (2) 429 / 2011 dated 20.4.2012 (Annexure-II), the following method of recruitment and minimum qualification for promotion to the post of Superintendent (BS-17) has been prescribed as under: -

- 90% by promotion on the basis of seniority-cum-fitness from amongst the holders of the post of Assistant / Accountant with five years' service as such; and
- 10% by promotion on the basis of seniority-cum-fitness from Senior Scale Stenographers with five years' service as such.

There are fifteen sanctioned posts of Superintendent (BS-17) in Agriculture Extension Department out of which 13.50% posts fall to the share of 90% for Assistant/Accountant and 1.50% under 10% share of Senior Scale Stenographer. The detail of the promotes Superintendents presently holding the post are given in Annexure-III.

According to the Seniority List (Annexure-IV), the following are the senior most Senior Scale Stenographer (BS-16) who are due for promotion to the post of Superintendent (BS-17).

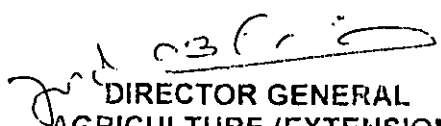
S.No	Name of Official	Qualifi- -cation	Date of promotion to the post of Senior Scale Stenographer	Whether completed 5 years service / experience	Whether eligible for promotion
1	Mr. Hizbullah	Matric	25.09.2009	Yes	Yes
2	Mr. Minhaj-ud Din	M.A	31.05.2013	No	No

Copies of the synopsis from the ACRs alongwith complete and up-to-date original CR Dossiers and Bio-data's of the officials concerned are attached at (Annexure-V & VI).

It is certified that all the officials included in the panel for promotion:-

- hold the lower post on regular basis and none of them is holding the post on adhoc basis.
- No departmental examination has been prescribed for promotion to the post of Superintendent.
- Have the prescribed minimum length of qualifying service / experience as required under the Service Recruitment Rules except at S.No.2.
- No disciplinary / departmental proceeding / anti-corruption case / judicial enquiry are pending nor any penalty has been imposed during the last (5) years against any of the official in the penal.

The Departmental Promotion Committee is requested to determine the suitability of one (1) Senior Scale Stenographer (BS-16) for promotion to the post of Superintendent (BS-17) on regular basis.


DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA,
PESHAWAR.

(9)

497

DETAIL OF VACANT POST OF SUPERINTENDENT

S.No.	Name	No of vacancy	Date of vacancy	Cause of vacancy
1.	Saifullah	1	30.01.2013	Promoted to the Asstt. Accounts Officer (BS-17) vide order No.SOE(AD) V-8/2008 dt. 30.01.2013.
2.	Khair Muhammad	1	30.01.2013	Promoted to the Asstt. Accounts Officer (BS-17) vide order No.SOE(AD) V-8/2008 dt. 30.01.2013.
3.	Tahmeed Gul	1	29.04.2013	Retired from service vide order No.Estt/4083-88 dated 8.3.2013.
4.	Nazir Hussain	1	11.12.2014	Due to death vide Notification No.SOE(AD)/VI- 106/FATA dated 29.06.2015.
5.	Mian Naeem Shah	1	12.05.2015	Retired from service vide Notification No.SOE(AD)VI-106/ 2012 dated 2.2.2015.
6.	Fazli Rabi	1	27.06.2015	Retired from service vide Notification No.SOE(AD) IV-106/2013/Peshawar dated 10.3.2015.
7.	Muhammad Javed	1	03.02.2016	Retired from service vide Notification No.SOE(AD) VI-106/FATA dated 22.3.2016.
8.	Mehboob Ali	1	27.07.2016	Retired from vice vide Notification No.SOE(AD) VI-106 /DIKhan dated 22.03.2016.
	Total	8		

**DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA,
PESHAWAR**


(10)

**STATEMENT SHOWING NUMBER OF POSTS OF SUPERINTENDENTS (BS-17)
PRESENTLY HELD BY PROMOTES IN AGRICULTURE EXTENSION
DEPARTMENT KHYBER PAKHTUNKHWA.**

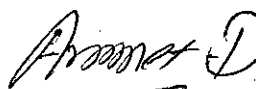
Total Number of Sanctioned Posts	=	15
Share of Promotes (90%)	=	13.50
Share of promotes (10%)	=	01.50

	90% ASSISTANT PROMOTES		10% SENIOR SCALE STENOGRAPHER PROMOTES
1	Mr. Muhammad Khan	1	Mr. Yar Muhammad
2	Mr. Mir Alam	2	Vacant
3	Mr. Abdur Rashid		
4	Mr. Sher Muhammad		
5	Mr. Fazal Dad		
6	Vacant		
7	Vacant		
8	Vacant		
9	Vacant		
10	Vacant		
11	Vacant		
12	Vacant		

Mr. Abdul Sattar was initially appointed as Junior Clerk in Livestock Department and then appointed as Junior Scale Stenographer BS-12 in the office of the EDO Agriculture, Tank on 31.07.2004 and was illegally promoted to the post of Superintendent BS-16 on 1.8.2008 by the District Coordination Officer, Tank without provision of service rules in the district set up. The Administrative Department i.e worthy Secretary to Govt. of Khyber Pakhtunkhwa Agriculture, Livestock & Coop. Department was/is the competent authority for promotion of senior scale stenographer BS-15/BS-16 to the post of Superintendent BS-16 from provincial level seniority against the 10% quota reserved for Senior Scale Stenographer whereas Mr. Abdul Sattar was illegally promoted from Junior Scale Stenographer BS-12 to the post of Superintendent BS-16 violating the rules. Therefore the officer was not promoted against 10% quota reserved for Senior Scale Stenographer and therefore one vacant post still exist for promotion against 10% quota for Senior Scale Stenographer.


**DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA,
PESHAWAR**





GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

ANNEXURE
11

Dated Peshawar, the April 20, 2012

NOTIFICATION

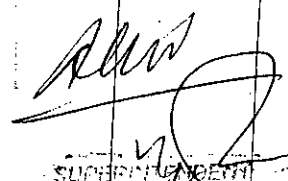
No. SOE(AD)2(2)429/2011.- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all notifications issued in this behalf to the extent of Agriculture and in Extension Wing, the 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 Extension Wing of the Agriculture Department.

APPENDIX

PART-I

PROFESSIONAL STAFF

S. No	Nomenclature of post.	Qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1	2	3	4	5
1	Director General, Agriculture (Extension) Khyber Pakhtunkhwa / Director General Agriculture (Extension) FATA / Principal, Agricultural Training Institute, Peshawar (BPS-20).		--	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	Directors Field Operation / Plant Protection / Horticulture / Agriculture Marketing / Coordination, Planning and Monitoring / Model Farm Services Centre / Seed / Training and Training Coordinator Agriculture Training Institute / Director Agriculture / District Directors Agriculture / Vice Principal, Agriculture Training Institute and Executive District Officer Agriculture (BPS-19).		--	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 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 / Plant Protection Officers / Deputy. Director Farms / Agency Officers Agriculture and Horticulture Specialists (BPS-18).		--	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.


 SUPERINTENDENT
 AGRICULTURE (EXTENSION)
 KHYBER PAKHTUNKHWA PESHAWAR

375

(12)

26	Tractor Drivers (BPS-5).	recognized Board with certificate as Electrician. Having tractor driving licence with two years experience in handling Tractor.	18 to 40 years.	By initial recruitment.
27	Vehicle Drivers (BPS-4)	Experience in Driving with light vehicle driving licence.	18 to 40 years.	By initial recruitment.
28	Thresher Operators (BPS-3).	Middle pass one year experience in the Thresher Operator.	18 to 40 years.	By initial recruitment.
29	Tube Well Operators (BPS-1).	Two years experience in the operating tube wells.	18 to 45 years.	By initial recruitment.
30	Tractor Cleaners / Helpers of Driver (BPS-1).	One year experience as Cleaner.	18 to 45 years.	By initial recruitment.
31	Malies (BPS-1).	Experience in flower culture and horticulture.	18 to 45 years.	By initial recruitment.
32	Carpenters (BPS-1).	Five years experience as carpenter.	18 to 45 years.	By initial recruitment.
33	Field Workers / Cook / Depot Colies / Laboratory Attendants / Mess Boys & Sweeper (BPS-1).	Experience in the relevant field.	18 to 45 years.	By initial recruitment.

PART-II
MINISTERIAL STAFF

34	Assistant Accounts Officers (BPS-17).			By promotion, on the basis of seniority- cum-fitness, from amongst the holders of the posts of Administrative Officers / Superintendents.
35	Administrative Officers (BPS-16).			"By transfer from amongst the Superintendents".
36	Superintendents (BPS-16).			a). Ninety percent by promotion, on the basis of seniority- cum-fitness, from amongst the holders of the posts of Assistant / Accountants with five years service as such; and b). ten percent by promotion, on the basis of seniority- cum-fitness, from Senior Scale Stenographers with five years service as such.
37	Senior Scale Stenographers (BS-15).			By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers / Computer Operators with three years service as such.
38	Assistants / Accountants (BPS-14).	At least 2 nd Division Bachelor's Degree from a recognized University.	18 to 28 years.	(a). Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from Senior Auditors / Seniors Clerks with three years service as such; and (b). twenty-five percent by initial recruitment.
39	Junior Scale Stenographers (BPS-12).	(a). Secondary School Certificate or an equivalent qualification from a recognized Board; and (b). a speed of eighty words per minute in shorthand in English and thirty-five words per minute in typing.	18 to 28 years.	By initial recruitment.
40	Computer Operators (BS-12).	At least 2 nd Division Bachelor's Degree from a recognized university with one year diploma in Information Technology	18 to 28 years.	By initial recruitment.
41	Video Camera Operator (BPS-10).	At least 2 nd Division Secondary School Certificate with two years experience in Outdoor Seismograph	18 to 28 years.	By initial recruitment.

375
SUPERINTENDENT
AGRICULTURE
KHYBER PAKHTUNKHWA PESHAWAR

(13) 23
571
573

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

SECRETARY TO GOVERNMENT OF
THE KHYBER PAKHTUNKHWA,
AGRI: LIVESTOCK AND COOP. DEPARTMENT.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

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

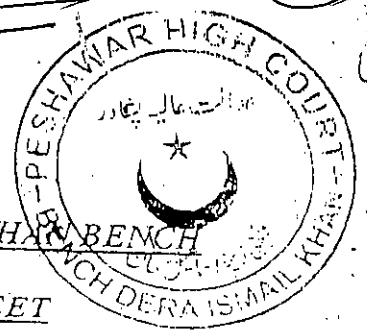
SECRETARY TO GOVERNMENT OF
THE KHYBER PAKHTUNKHWA,
AGRI: LIVESTOCK AND COOP. DEPARTMENT.

(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT.

32

Ammer E

14



PESHAWAR HIGH COURT D.I. KHAN BENCH

FORM OF ORDER SHEET

Date of order or other proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
17/11/2015	<p>WP No.229 with CM No.258-d/2015.</p> <p>Present: Mr.Akhtar Saeed Khan advocate for petitioner and Addl:AG for official respondents.</p> <p>-----</p> <p><u>IKRAMULLAH KHAN J.</u> The latter states that the petitioner is a civil servant, however, for the reasons best known to the respondents, he has not been adjusted on a suitable post after his repatriation. So in this view of the matter, the respondents are directed to release salary of the petitioner as long as he is serving the department. The writ petition alongwith its CM are disposed of accordingly.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: center;">ATTESTED</p> <p style="text-align: center;">EXAMINOR</p> <p style="text-align: center;">Peshawar High Court D.I.Khan Bench</p> <p style="text-align: center;">19-11-15</p>

T.C

17/11



26

15

Asst. Secy - F

15

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the March 11, 2016

NOTIFICATION.

NO. SOE (AD)/V-106/2013/EW/Tank.-

The Competent Authority is pleased to order

the posting/transfer of the following officers in the interest of public service with immediate effect:-

Sr.No.	Name of officer	From	To
1.	Mr.Mir Alam	Superintendent (BS-17) O/o DDA, Tank	Superintendent (BS-17) O/o DDA, Bannu against vacant post
	Mr.Abdul Sattar	Superintendent (BS-17) waiting for posting	Superintendent (BS-17) O/o DDA, Tank vice No.1

2. The Competent Authority is further pleased to adjust Mr.Abdul Sattar Superintendent (BS-17) against the vacant post of Agriculture Officer O/o the District Director Agriculture, Tank for the purpose of drawl of pay and allowances w.e.f 01.10.2013 till date.

Sd/x
SECRETARY AGRICULTURE

Endst. of every No. & Date.

Copy to the:-

1. The Additional Registrar, Peshawar High Court Bench, Dera Ismail Khan, w/r to his letter No.2826-28/Judl/AR dated 23.11.2015 for information.
2. The DG, Agriculture Extension, Khyber Pakhtunkhwa-Peshawar w/r to his letter No.4426 dated 03.03.2016 for information.
3. District Accounts Officer District Tank and District Bannu.
4. PS to Minister Agriculture.
5. PS to Secretary Agriculture.
6. Officers concerned.

(Dr.Mir Ahmad Khan)
SECTION OFFICER-ESTT

15/3

E-1
15/3/16

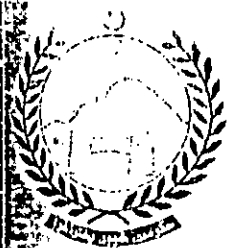
487
15/3/16

E-1
15/3/16

For information

may file

15/3/16



Assmt - G

(16)

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the December 6, 2017

NOTIFICATION.

NO. SOE (AD)/V-8/2017/Ext.-

On the recommendation of Departmental Promotion Committee, the competent authority is pleased to promote the following Officials for promotion to the higher post on regular basis in their respective department as mentioned against each with immediate effect. They will be on probation for a period one year extendable for another year:

#	Name of official	Department	Promotion to
1.	Mr. Muhammad Alam	Agriculture Extension Department	Superintendent (BS-17)
2.	Mr. Abdul Razaq	-do-	-do-
3.	Mr. Jan Pervez	-do-	-do-
4.	Mr. Ikramullah	-do-	-do-
5.	Mr. Muhammad Aslam	-do-	-do-
6.	Mr. Muhammad Naseem	-do-	-do-
7.	Mr. Muhammad Yousaf	-do-	-do-
8.	Mr. Imtiaz Hussain	-do-	-do-
9.	Nawab Ali	On Farm Water Management Department (OFWM)	-do-
10.	Amir Nawaz	-do-	-do-

On their promotion, they are hereby transferred / posted as under:-

Name of official	From	To
1. Mr. Muhammad Alam	Assistant (BS-16) O/o the Agriculture Agency Officer, Kurram Agency	Superintendent (BS-17) O/o the District Director Agriculture (DDA) Malakand
2. Mr. Abdul Razaq	Assistant (BS-16) O/o the Agriculture Agency Officer, Orakzai Agency	Superintendent (BS-17) O/o Deputy Director Agriculture (FATA), Peshawar
3. Mr. Jan Pervez	Assistant (BS-16) O/o DDA, Peshawar	Superintendent (BS-17) O/o the DDA, Mardan
4. Mr. Ikramullah	Assistant (BS-16) O/o Director Agriculture, FATA Peshawar	Superintendent (BS-17) O/o the DDA, Kohat
5. Mr. Muhammad Aslam	Superintendent (BS-17 OPS) O/o the DDA, Kohat	Superintendent (BS-17) O/o the DDA, Bannu
6. Mr. Muhammad Naseem	Superintendent (BS-17 OPS) O/o the DDA, Mansehra	Superintendent (BS-17) O/o the DDA, Mansehra
7. Mr. Muhammad Yousaf	Assistant (BS-16) O/o DDA, DIKhan	Superintendent (BS-17) O/o DDA, Peshawar
8. Mr. Imtiaz Hussain	Asstt (BS-16) O/o DDA, Tank	Superintendent (BS-17) O/o DDA, Tank
9. Mr. Abdul Sattar (BS-17)	Superintendent (BS-17) O/o DDA, Tank	Superintendent (BS-17) O/o Director Agriculture, FATA Peshawar
10. Mr. Nawab Ali Assistant (BS-16)	Assistant (BS-17) O/o District Officer OFWM, Karak	Superintendent (BS-17) O/o the DG, OFWM Khyber Pakhtunkhwa Peshawar
11. Mr. Amir Nawaz Assistant (BS-16)	Assistant (BS-16) O/o District Director, OFWM DIKhan	Superintendent (BS-17) O/o the Director, Human Resource Development OFWM Training Center, DIKhan

Sd/-

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP. DEPTT:

S. E

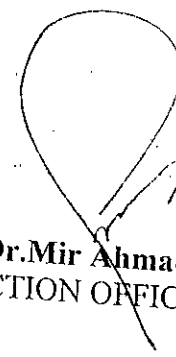
Latif

of even No. & Date.

13
17

Copy forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The DG, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.
3. The DG OFWM, Khyber Pakhtunkhwa Peshawar.
4. The District Accounts Officers concerned.
5. Officers concerned.
6. Chief Planning Officer, Agriculture Department with the request to upload the instant notification on the official website of the department.
7. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
8. PS to Secretary Agriculture.
9. PA to DS (Admn), Agriculture Department.
10. Master file.


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



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the May 29, 2018

NOTIFICATION.

NO. SOE (AD) /V-8/2018 /Ext.- On the recommendation of Departmental Promotion Committee, the competent authority is pleased to promote the following Office Assistants (BS-16) of Agriculture Extension Wing of Agriculture Department to the post of Superintendents (BS-17) on regular basis with immediate effect. They will be on probation for a period one year in terms of Rule-15 of APT Rules, 1989:-

1. Mr. Muhammad Khurshid
2. Mr. Inamullah
3. Mr. Inayatullah Khan
4. Mr. Fazal Rehman
5. Mr. Asad-ud-Din Asif Jah

2. On their promotion, they are hereby transferred / posted as under:-

#	Name	From	To
1.	Mr. Abdur Rashid	Supdt (BS-17) O/o DGA (Extension) Khyber Pakhtunkhwa, Peshawar	Assistant Accounts Officer (BS-17) O/o DGA (Extension) Khyber Pakhtunkhwa, Peshawar vice S No. 7
2.	Mr. Muhammad Khurshid	Assistant (BS-16) o/o DDA, Haripur	Superintendent (BS-17) o/o DDA, Abbottabad vice S.No. 8
3.	Mr. Inamullah	Assistant (BS-16) against the post of AHO (ops) o/o Dy. Director Agriculture, FATA, D.I.Khan	Superintendent (BS-17) as AHO o/o Dy. Director Agriculture, FATA, D.I.Khan
4.	Mr. Inayatullah Khan	Assistant (BS-16) o/o DDA, D.I.Khan	Superintendent (BS-17) o/o DDA, Malakand
5.	Mr. Fazal Rehman	Assistant (BS-16) o/o DDA, Swat	Supdt (BS-17) o/o DDA, Swat
6.	Mr. Asad-ud-Din Asif Jah	Assistant (BS-16) o/o DDA (Information) Peshawar	Superintendent (BS-17) O/O Director Agriculture FATA, Peshawar
7.	Mr. Muhammad Aslam	Assistant Accounts Officer, O/o DGA (Extension) Khyber Pakhtunkhwa, Peshawar	Assistant Accounts Officer, o/o Director Agril. FATA, Peshawar against the vacant post
8.	Mr. Muhammad Qasim	Assistant (BS-16) o/o DDA, Abbottabad	Assistant (BS-16) o/o DDA, Haripur Vice S. No. 2

Sd/-
SECRETARY AGRICULTURE

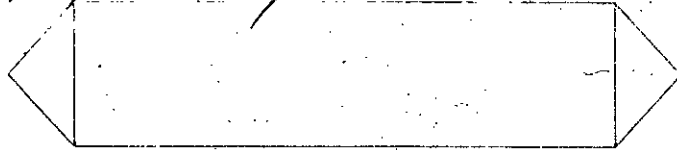
Endst. of even No. & Date.

- Copy forwarded for information and necessary action to:-
1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
 2. The Accountant General, PR Sub Office, Peshawar.
 3. The DG, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.
 4. The Director Agriculture Extension FATA, Peshawar.
 5. The Section Officer (Estab), FATA Secretariat Warsak Road Peshawar.
 6. The District Accounts Officers concerned.
 7. Officers concerned.
 8. Web Administrator, Agriculture Department for uploading the instant notification on the official website of the department.
 9. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
 10. PS to Secretary Agriculture.
 11. PA to DS (Admn), Agriculture Department.

Secretary to
(Afr)

D

بعد الت خبير محفوظا سہر و سہر ٹریبونل میا اور



مورخہ
مقدمہ
دعوی
جرم

2019 پنجاب

صرب اللہ خان بنام گورنمنٹ

عبد المتاد (تخلو ضلع)
عظمیٰ سید بظہیر

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آین مقام بتا اور
کیلئے عظمیٰ سید بظہیر

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائس پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایچ کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ مانے جائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پرداخت منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2019

ماہ ستمبر

02

المرقوم

الع د گ د گ الو الع

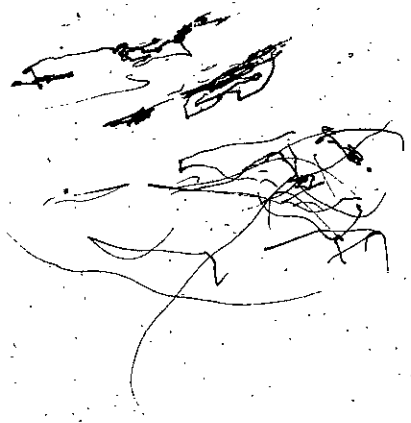
مقام خبير محفوظا سہر و سہر ٹریبونل میا اور کے لئے منظور ہے۔

Accepted by



57

10



لعمدہ کے خیاب عالیٰ جی صاحب سہروردی میں ٹریڈیو میں لکھی ہوئی
شرب اللہ پیام سہروردی

دو ہفتے پہلے اور تبدیل تاریخ پیش

خیاب عالی : گزشتہ وقت اسباب ذیل سے

1۔ یہ قدم بالا عمدتاً ہفتوں میں زیرِ قیام ہے
جس میں تاریخ پیش آج عتد ہے

2۔ یہ قدم مسائل کا وکیل دوسرے کسی سے
مسلک میں نا اہل اور کس میں معروف ہے اور
پہلے وہ آج تاریخ پیش پر حال عمدتاً نہیں
موسسنا

گزشتہ سہ ماہی کے آج کی تاریخ پیش تبدیل
کرتے حاکم جہاد فرمایا جائے

کثیر ، ۱۵/۰۱۹

شرب اللہ پیام
۹۱۱۱۱۱۹۰
شرب اللہ و لد عالم مسکن

Handwritten text, likely bleed-through from the reverse side of the page. The text is extremely faint and illegible due to the high contrast of the scan. It appears to be organized into several paragraphs or sections, but the specific words and sentences cannot be discerned.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 3886 /ST

Dated 20 / 11 / 2020


To

The Director General Agriculture (Extension),
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - JUDGMENT IN APPEAL NO. 880/2018, MR. HIZBULLAH KHAN.

I am directed to forward herewith a certified copy of Judgement dated 13.11.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR.
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.