

| Sr. No | Date of order/ proceedings. | Order or other proceedings with signature of Judge or Magistrate |
|--------|-----------------------------|---|
| 1 | 2 | 3 |
| | 26.09.2019 | <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;"><u>Appeal No.794/2018</u></p> <p>Date of Institution ... 12.06.2018 Date of Decision ... 26.09.2019</p> <p style="text-align: center;">-----</p> <p>Gulzar Mehmood S/O Sultan Mahmmod Resident of Toru Tehsil & District Mardan. -----Appellant</p> <p style="text-align: center;"><u>Versus</u></p> <p>Government of Khyber Pakhtunkhwa through Secretary Agriculture Live Stock & Cooperative Department, Civil Secretariat, Peshawar and other -----Respondents</p> <p>Mr. Muhammad Amin Khan Kundi.....Member(J) Mr. Hussain Shah.....Member (E)</p> <p><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH:-</u>Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondents present.</p> <p>2. The appellant feeling aggrieved of impugned decision/final order dated 16.05.2018 of the competent authority for rejecting his departmental appeal with the prayer that on acceptance of this appeal the impugned order may be set-aside and the notification, dated 30.01.2018, be modified to the extent to give effect from 07.12.2012 instead of "with immediate effect" and ordering the respondent to give all back benefits.</p> <p>3. According to the facts of the case as mentioned in the appeal the appellant joined the fisheries department on 23.01.1990 as Assistant (BPS-11) and being senior most on the joint seniority list, as circulated on 31.12.2012, he was appointed on acting charge basis as superintendent vide order dated 07.12.2012.He was</p> |

promoted on regular basis against the same post on 30.01.2018 with immediate effect. He preferred a departmental appeal to respondent No. 2 on 27.02.2018 for modification of the notification dated 30.01.2018 to the extent to give effect to the same order from 07.12.2012 on the grounds that the vacant post was available and the appellant was working on it as on acting charge basis. His departmental appeal was rejected on 16.05.2018 hence, the service appeal, preferred on 12.06.2018.

5. The learned counsel for the appellant argued that the appellant had rendered twenty two (22) year service prior to his appointment as superintendent on acting charge basis against the vacant post vide office order dated 07.12.2012 though a vacant post was available in the department for regular promotion as Superintendent (BPS-17). The appellant earned good and very good annual confidential reports during his service. According to the final joint seniority list of Assistants/Stenographers issued on 31.12.2012 the appellant was on the top of the seniority list. The appellant submitted representation to respondent No.2 on 27.03.2012 requesting for processing his promotion case to the competent forum, and again the appellant preferred another representation on 13.09.2012. Further contended that despite the availability of clear vacancy the competent authority appointed the appellant on acting charge basis vide order dated 07.12.2012. The appellant served for five (5) years on acting charge against the same vacant post and finally he was regularly promoted vide order dated 31.01.2018 with immediate effect. Feeling aggrieved the appellant preferred a

departmental appeal on 27.02.2018 to respondent No.2 which was regretted without self-speaking order on 16.05.2018. In support of the appeal the learned counsel for the appellant relied upon the judgment of August Supreme Court reported on 2006 SCMR 1938.

6. The learned District Attorney contested the facts, grounds of the appeal and arguments of the learned counsel for the appellant and contended that the appellant was appointed superintendent BPS-16 on acting charge basis w.e.f. 07.12.2012 and availed full financial benefits. Further argued that the post of Superintendent was upgraded to (BPS-17) under the general up-gradation policy of the government issued vide notification dated 20.05.2014 therefore the appellant is not an aggrieved person within the meaning of Khyber Pakhtunkhwa Service Tribunal Act, 1974. He further pointed out that the acting charge appointment order was conditional and subjected to the reversion at any time without assigning any reason and was also subjected to the repatriation of one Nasir Khan Superintendent (BPS-16) who was working as research officer in FATA Secretariat on transfer basis. Further argued that the appellant accepted the appointment on acting charge basis as he did not raised any objection until he was regularly promoted as Superintendent on 31.01.2018. Further argued that regular promotion with immediate effect has not affected his seniority position hence is not entitled or any back service benefit. Further contended that the due to non-availability of clear vacancy he was appointed on acting charge on 07.12.2012. Also raised the question of limitation on the service appeal, being time barred. The

learned District Attorney pleaded that the appeal may be dismissed.

7. Arguments heard. File perused.

8. After the detailed scrutiny of the documents on record, arguments and counter arguments of the learned counsel of the appellant and the learned District Attorney this Tribunal observes that the point raised by the District Attorney, regarding the availability of vacant post, does not hold grounds as the appellant worked as superintendent continuously on acting charge basis since 07.12.2012 till he was regularly promoted on 30.01.2018. As regarding his eligibility and requisite qualification of the appellant for his regular promotion it is observed that the competent forum for considering the appellant for acting charge appointment examined that aspect and found him eligible on the basis of experience and seniority. The Hon'ble Supreme Court in its judgment, referred to by the learned counsel for the appellant, held that, if a vacancy existed in higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without fault on his part and was instead put on such post on officiating basis, then on his regular promotion to such post, the civil servant would be deemed to have been promoted to the same from the date from which he was allowed to hold the post, unless justifiable reasons existed to hold otherwise. The reasons put forward by the learned District Attorney in this context was the non-availability of the clear vacancy. But when he was confronted that the appellant held the same post since his appointment on acting charge continuously at the time of his regular promotion was being considered by the

competent forum. He was also confronted that even at the time of the acting charge appointment of the appellant was under consideration by the competent forum the post became vacant due to the transfer of one Mr. Nasir Ali Khan to Planning and Development FATA was available and the FATA secretariat letter dated 13.09.2012 wherein the FATA Secretariat requested for retention of the same official in the FATA secretariat Planning and Development Department was a clear indication that the said official will not be repatriated to the department as he was performing very important nature of duties since his transfer to that entity on 05.06.2007, the respondents could not satisfy this Tribunal.

9. In view of the above discussion this Tribunal is of the consider opinion that the vacant post was available and the appellant worked against the same post continuously hence in the light of the judgment of the August Supreme Court of Pakistan, reported as 2006 SCMR 1938, the appeal is accepted and the respondents are directed to consider the antedation of the promotion of the appellant w.e.f. the date of his acting charge appointment. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Amin Khan Kundi)
Member



(Hussain Shah)
Member

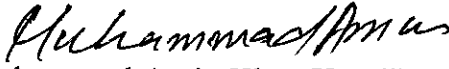
ANNOUNCED
26.09.2019

24.07.2019 Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Bashir Shah Superintendent for the respondents present. Representative of the respondents submitted a copy of working paper as well as minutes of DPC meeting pertaining to the year 2012, which is placed on record. Adjourned. To come up for arguments on 26.09.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

26.09.2019 Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, the present service appeal is accepted and the respondents are directed to consider the antedation of the promotion of the appellant w.e.f. the date of his acting charge appointment. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Khan Kundi)
Member


(Hussain Shah)
Member

ANNOUNCED
26.09.2019

07.08.2018

Neither appellant nor his counsel present. Case to come up for preliminary hearing on 27.09.2018 before S.B.


Chairman

27.09.2018

Mr. Gulzar Mehmood, appellant in person present. Due to general strike of the bar, counsel for the appellant is not in attendance. Requested for adjournment. Granted. To come up preliminary hearing on 01.11.2018 before S.B.


Chairman

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.


READER

30.05.2019

Appellant with counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. Bakhshish Khan, Supdt for respondents present. Learned District Attorney seeks adjournment to furnish working paper as well as minutes of DPC meeting pertaining to the year 2011, as a result of which the appellant was promoted as Superintendent on acting charge basis. Adjourned. Case to come up for record and arguments on 24.07.2019 before D.B.





Member


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 794/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 12/06/2018 | <p>The appeal of Mr. Gulzar Mahmood presented today by Mr. Amin-ur-Rehman 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</p> |
| 2- | 09.07.2018 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>9/7/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant Mr. Sajjad Mehsud, Advocate present and heard. Comments be sought from the respondents. Case to come up for comments of the respondents and preliminary hearing on 07.08.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p> |

19.12.2018

Appellant with counsel present. Preliminary arguments heard.

The appellant who was promoted to the post of Superintendent vide order dated 30.01.2018 has filed the present service appeal for antidation of his promotion to the post of Superintendent.

Points raised need consideration. The appeal is admitted for regular hearing subject to all just/valid legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 30.01.2019 before S.B

Appellant Deposited
Security & Process Fee


Member

30.01.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Safeer Janan, Assistant Director for the respondents present and requested for further adjournment for filing of written reply. Adjourned to 26.03.2019 for written reply/comments before S.B. Notice be also issued to appellant and his counsel for attendance for the date fixed.


(Muhammad Amin Khan Kundi)
Member

26.03.2019

Appellant in person and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Safeer Janan AD present. Representative of the respondent department submitted written reply/comments. Adjourn. To come up for rejoinder/arguments on 30.05.2019 before D.B.


Member

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 794 of 2018

Gulzar MahmoodAppellant

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary
Agricultural Live Stock & Cooperative Department & 2 others. Respondents


I N D E X

| S. #. | Description of Documents | Annex | Pages |
|-------|--|-------|-------|
| 1. | Grounds of appeal | | 1-3 |
| 2. | Affidavit | | 4 |
| 3. | Addresses of the parties | | 5 |
| 4. | Copy of detailed CV | "A" | 6-7 |
| 5. | Copies of synopsis of ACRs' | "B" | 8-10 |
| 6. | Copy of Seniority list | "C" | 11 |
| 7. | Copy of representation dated: 23.07.2012 | "D" | 12 |
| 8. | Copy of representation dated: 13.09.2012 | "E" | 13 |
| 9. | Copy of Office Order dated: 07.12.2012 | "F" | 14-15 |
| 10. | Copy of Notification dated: 30.01.2018 with working paper | "G" | 16-20 |
| 11. | Copies of impugned decision/final order dated: 16.05.2018 with departmental appeal dated; 27.02.2018 | "H" | 21-22 |
| 12. | Copy of Notification dated: 26.04.2017 | "I" | 23-25 |
| 13. | Wakalatnama | | 26 |

Appellant
Through


Amin ur Rehman Yusufzai

&


Sajjad Mehsud
Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar
Cell No.0321-9022964, 0333-9981464

Dated: 12.06.2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 794 of 2018

Gulzar Mahmood S/O Sultan Mahmood
Resident of Toru Tehsil & District Mardan.
Presently posted as Superintendent General Section,
Directorate General Fisheries, Khyber Pakhtunkhwa, Cooperative Department,
Civil Secretariat, Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1045

Date 12-6-2018
Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary Agricultural Live Stock & Cooperative Department, Civil Secretariat, Peshawar.
2. Director General, Fisheries, Khyber Pakhtunkhwa Cooperative Department, Civil Secretariat, Peshawar.
3. Director Fisheries, Khyber Pakhtunkhwa & Cooperative Department, Civil Secretariat, Peshawar. **Respondents**

SERVICE APPEAL U/S 4 OF THE KP SERVICES TRIBUNAL ACT, 1974 READ WITH ALL PROVISIONS OF LAW/RULES, GOVERNING THE SUBJECT, AGAINST OFFICE ORDER/DECISION DATED: 16.05.2018, OF THE RESPONDENT DEPARTMENT, VIDE WHICH DEPARTMENTAL APPEAL DATED: 27.02.2018 OF THE APPELLANT AGAINST THE MODIFICATION OF NOTIFICATION DATED: 30.01.2018 i.e. THE DATE OF REGULARIZATION OF APPELLANT AS SUPERINTENDENT WITH IMMEDIATE EFFECT, TO THE EXTENT OF GIVING EFFECT THERETO FROM 07.12.2012 i.e. THE DATE OF PROMOTION OF APPELLANT TO THE POST OF SUPERINTENDENT ON ACTING CHARGE BASIS, WAS TURNED DOWN.

Prayer in Appeal:

On acceptance of instant service appeal, impugned final order/decision dated: 16.05.2018 of the competent authority, may be set aside and Notification dated: 30.01.2018 may be modified and be given effect from 07.12.2012 instead of "with immediate effect", with all back benefits, so as to secure the ends of justice.

*Filed to-day
12/6/18
Registrar*

=====

Respectfully Sheweth:

1. That appellant is law abiding peaceful citizen of Pakistan, studied upto Post Graduation, joined the Respondent Department on 23.01.1990 as Assistant (BPS-11) and presently posted as Superintendent (BPS-17), having more than 27 years spotless career at his credit.
(Copies of detailed CV & synopsis of ACRs' are attached as Annexures "A" & "B" respectively).
2. That appellant, being Senior Most Assistant, evident from the seniority list as stood on 31.12.2012, was eligible to be promoted to the next higher post of Superintendent but the respondent department, inspite of the availability of vacancy, did not consider him, evident from departmental representations dated: 23.07.2012 & 13.09.2012.
(Copies of Seniority list & representations dated; 23.07.2012 & 13.09.2012 are attached as Annexure "C", "D" & "E" respectively).

3. That the respondent department, consequent upon the recommendations of the Departmental Promotion Committee, held on 20.11.2012, promoted appellant to the post of Superintendent, but on acting charge basis, against the vacant post, vide Office Order dated: 07.12.2012.
(Copy of Office Order dated: 07.12.2012 is attached as Annexure "F").
4. That the competent authority on the recommendations of the Departmental Promotion Committee promoted appellant to the post of Superintendent on regular basis with immediate effect vide Notification No.SO(LFC)AD-DF-E-3(25)/2017, dated: 30.01.2018.
(Copy of Notification dated: 30.01.2018 alongwith working paper is attached as Annexure "G").
5. That appellant approached the competent authority/respondent No.2 vide Departmental Appeal dated: 27.02.2018 for modification of the Notification dated: 30.01.2018 supra, to the extent to be given effect from 07.12.2012 i.e. the date of his promotion to the post of Superintendent on acting charge basis, but was turned down, vide impugned decision/office letter dated: 16.05.2018.
(Copies of impugned decision/final order dated: 16.05.2018 alongwith departmental appeal dated: 27.02.2018 is attached as Annexure "H").
6. That appellant, being aggrieved of impugned decision/final order dated: 16.05.2018 of the competent authority, approaches this Hon'ble Tribunal to modify Notification dated: 30.01.2018 and be given effect from 07.12.2012 instead of **"with immediate effect"**, in view of Office Order dated: 07.12.2012, inter-alia, on the following grounds:

G R O U N D S:

- A. That impugned inactions of respondent department are against the law and peculiar facts and circumstances of the case of appellant, hence untenable.
- B. That qualified service of 5 years as Assistant is the mandatory pre-requisite for onward promotion to the post of Superintendent, evident from Notification No.SO(LFC)AD-DF-E-3(37)/2015, dated: 26.04.2017, while appellant, prior to his appointment as Superintendent on acting charge basis against the vacant post vide Office Order dated: 07.12.2012, had more than 22 years spotless service career as Assistant and was qualified to be promoted on regular basis with effect from 07.12.2012, however, the respondent department, though promoted him on regular basis as Superintendent, vide Notification dated: 30.01.2018 but with immediate effect instead to be given effect from the date of his appointment on acting charge basis i.e. 07.12.2012, which has caused grave miscarriage of justice.
(Copy of Notification dated: 26.04.2017 is attached as Annexure "I").
- C. That the impugned office letter/final decision dated: 16.05.2018 of the respondent department is against the law and rules governing the subject, hence deserves to be set at naught.
- D. That valuable rights of appellant are involved into the matter and if the impugned office letter/final decision dated: 16.05.2018 has not been set aside and Notification dated: 30.01.2018 has not been modified and given effect from 07.12.2012, appellant will suffer irreparable loss.

- E. That respondent department has not lawful authority to refuse to modify Notification dated: 30.01.2018 to the extent to bring it inconformity with Office Order dated: 07.12.2012 and the law/rules governing the subject in particular, needless to add that more than 6 years' service benefits of appellant have been infringed without just cause and reason, hence indulgence of this Hon'ble Tribunal is imminent in order to ensure fair-play and justice.
- F. That any other, with the permission of this Honourable Tribunal will be taken at the time of arguments.


It is, therefore, most humbly prayed that on acceptance of instant service appeal, impugned final order/decision dated: 16.01.2018 of the competent authority, may be set aside and Notification dated: 30.01.2018 may be modified and be given effect from 07.12.2012 instead of "with immediate effect", with all back benefits, so as to secure the ends of justice.

Any other relief, not specifically prayed for, and deemed appropriate to this Hon'ble Tribunal, in circumstances of the case, may also be granted to the appellant.


Appellant
Through


Amin ur Rehman Yusufzai

&


Sajjad Mehsud
Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar
Cell No.0321-9022964, 0333-9981464

Dated: 12.06.2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

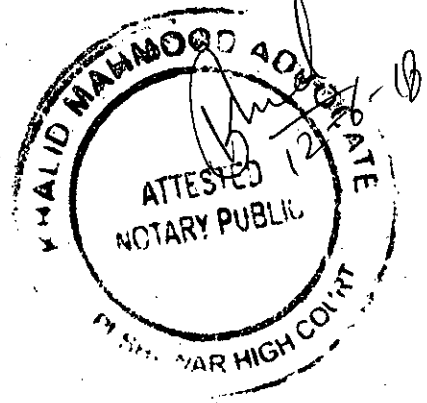
Gulzar MahmoodAppellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Agricultural Live Stock & Cooperative Department & 2 others Respondents

AFFIDAVIT

I, Gulzar Mahmood S/O Sultan Mahmood Resident of Toru Tehsil & District Mardan. Presently posted as Superintendent General Section, Directorate General Agricultural Live Stock & Cooperative Department, Civil Secretariat, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



[Signature]
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

Gulzar Mahmood **Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary
Agricultural Live Stock & Cooperative Department & 2 others **Respondents**

ADDRESSES OF PARTIES

A P P E L L A N T:

Gulzar Mahmood S/O Sultan Mahmood
Resident of Toru Tehsil & District Mardan.
Presently posted as Superintendent General Section,
Directorate General Agricultural Live Stock & Cooperative Department,
Civil Secretariat, Peshawar

R E S P O N D E N T S

1. Government of Khyber Pakhtunkhwa through Secretary Agricultural Live Stock & Cooperative Department, Civil Secretariat, Peshawar.
2. Director General, Agricultural Live Stock & Cooperative Department, Civil Secretariat, Peshawar.
3. Director Fisheries, Agricultural Live Stock & Cooperative Department, Civil Secretariat, Peshawar.


Appellant
Through

Amin ur Rehman Yusufzai

&


Sajjad Mehsud

Advocates, Peshawar,
3-A, Park Avenue, Bhattani Plaza,
University Town, Peshawar
Cell No.0321-9022964, 0333-9981464

Dated: 12.06.2018

Annex

BIO-DATA

(A) (B)

| | | |
|----|--------------------------------|---|
| 1. | Name | GULZAR MAHMOOD |
| 2. | Academic Qualifications | ✓ SSC (Science), 2nd Division from BISE Peshawar (1983). ✓ FSc (Pre-Medical), 2nd Division from BISE Peshawar (1985). ✓ Graduation, 2nd Division from BISE Peshawar (1988). ✓ Post-Graduation (Islamic Study), 2nd Division from BISE Peshawar (1992). |
| 3. | Service/Cadre to which belongs | Ministerial. |
| 4. | Date of Birth | 15-05-1968 |
| 5. | Training Received. | |
| | Description. | |
| a) | | Fortnight Training Course on "Office Procedure & Management", Got 1 st Position from amongst the participants in a written test organized by the Staff Training Institute, Government of Khyber Pakhtunkhwa Peshawar (November, 1995). |
| b) | | One Month Training Course on "Fundamental of Electronic Office", Got 1 st Position from amongst the participants, Organized by from Pakistan Computer Bureau IT & Telecom Division, Government of Pakistan (June, 2002). |
| c) | | One year Diploma in Computer "Office Automation, Designing, In-page Urdu & Operating System", From MCCA Peshawar Cantt; (Evening Time from October, 2002 to September, 2003). |
| d) | | Five Days Training Course on "Official/Technical Writing Skills", from Pakistan Academy for Rural Development Peshawar, Organized by FATA Secretariat in Collaboration with FATA Capacity Building Project (June, 2008). |
| e) | | Three Days Training Course for "Staff of FATA Secretariat" from Pakistan Academy for Rural Development Peshawar in Collaboration with FATA Capacity Building Project (June, 2008). |
| f) | | Five Days Training Course on "PC-1 Preparation" from Institute of Management Science, Peshawar in Collaboration with FATA Capacity Building Project (November, 2008). |
| g) | | Five Days Training Course for "FATA Secretariat Employees in Report Writing", from University of Peshawar, Organized by FATA Secretariat in Collaboration with FATA Capacity Building Project (March, 2009). |
| h) | | Two Days Training Course on "Public Procurement Rule & Procedures", from Institute of Procurement Public Procurement Regulatory Authority (PPRA) Islam Abad (March, 2010). |
| i) | | Four Days Training Course on "Human Resource Management", from Pakistan Academy for Rural Development Peshawar, Organized by FATA Secretariat in Collaboration with FATA Capacity Building Project (June, 2010). |
| j) | | Five Days Training Course on "Rule of Business FATA/Khyber Pakhtunkhwa Secretariat Procedures", from Pakistan Academy for Rural Development Peshawar, Organized by FATA Secretariat in Collaboration with FATA Capacity Building Project (May, 2010). |

Attested
He

7

| | |
|----|--|
| k) | One Day Training Work Shop on "Public Procurement Regulatory Authority Khyber Pakhtunkhwa" at IM Science, Hayatabad Peshawar. |
| l) | Four Days Training Course on "Internal Auditing System" at Pearl Continental Hotel Peshawar, organized by IRSP, US Aid (26 th to 29 th , January, 2015 |

| | | |
|----|--|--------------------|
| 6. | Date of 1 st joining the service & the grade in which joined. | 23-01-1990, BPS-11 |
|----|--|--------------------|

| 7. Record of Posting/appointment. | | | | | |
|-----------------------------------|----------------|-------|--|---------|-----------|
| Sr.# | Post Held | B.P.S | Whether on Regular/ officiating/ Adhoc Basis | Period | |
| | | | | From | To |
| i. | Assistant | 11/14 | Regular | 01/1990 | 07/2007 |
| ii. | Superintendent | 16 | (OPS) | 08/2007 | 05/2011 |
| iii. | Assistant | 14 | Regular | 06/2011 | 11/2012 |
| iv. | Superintendent | 16/17 | Acting Charge Basis. | 12/2012 | till date |

| | | |
|-----|--|---------------------|
| 8. | Total Service | 26 Years 9 Months |
| 9. | Total Service in BPS-17 & Above. | 03 years & 5 Months |
| 10. | Detail of Non-Qualifying Service, if any | ---Nil--- |



(GULZAR MAHMOOD)
SUPERINTENDENT

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

Attested


XI

Annex

(B)

(8)

**SYNOPSIS FROM ACRS/CHARACTER ROLL IN RESPECT OF MR.GULZAR MAHMOOD,
ASSISTANT (BPS-16) OF FISHERIES DEPARTMENT.**

| S.No | YEAR OF REPORT | NATURE OF REPORT/ GRADING | ADVERSE REMARKS. | GENERAL REMARKS/PEN PICTURE | EXPUNGED OR NOT |
|------|--------------------------------|---------------------------|---|---|--|
| 1. | 23/01/1990 to 31/12/1990 | Satisfactory | - | A new entrant. He needs time to become a good Assistant. A young smart and obedient man. He has the desire to learn the new things. | - |
| 2. | 01/01/1991 to 31/12/1991 | Good | - | Newly appointed. An obedient and good worker. | - |
| 3. | 01/01/1992 to 12/05/1992 | Nil | He is a crafty, insolent impudent, vulgar, inefficient and corrupt person. He is utterly unfit for promotion. Deserves to be demoted. | - | Expunged, vide office order endorsement No.10078-81/DF/E/C-26 dated.07-02-1995 (Copy Attached) |
| 4. | 13/05/1992 to 31/12/1992 | Good | - | A young and hardworking person. | - |
| 5. | 01/01/1993 to 31/12/1993 | Good | - | An intelligent & good worker. | - |
| 6. | 01/01/1994 to 31/12/1994 | Good. | - | Fit for promotion. An obedient and good worker. | - |
| 7. | 01/01/1995 to 10/10/1995 | Good. | - | Fit for promotion. A good worker. | - |
| 8. | 11/10/1995 to 31/12/1995 | Good. | - | Less than three months | - |
| 9. | 01/01/1996 to 31/12/1996 | Good. | - | Fit for promotion. On his own turn. Hard worker, approaches to his work appreciable. | - |
| 10. | 01/01/1997 to 31/12/1997 | Good. | - | Fit for promotion on his own turn. Also suitable for sub-offices. | - |
| 11. | 01/01/1998 to 31/07/1998 | Good. | - | During the period, his performance in General Section remained satisfactory. | - |

**Assistant Director Fisheries
Head Quarter
O/O Director of Fisheries
Khyber Pukhtoon Khwa
Province. Peshawar**

Attested


9

| | | | | | |
|-----|--------------------------------|-----------|---|--|---|
| 12. | 01/08/1998 to 31/12/1998 | Good. | - | Fit for promotion. He is a competent official qualified individual and can handle the office routine work independently; one can trust him for disposal of each & every office work. | - |
| 13. | 01/01/1999 to 30/6/1999 | Good. | - | Fit for promotion. | - |
| 14. | 01/07/1999 to 31/12/1999 | Good | - | Fit for higher responsibilities an obedient & hard worker. He knows his job well and can carry out all kind of official matter in a stream line. A trustable worker. | - |
| 15. | 01/01/2000 to 31/12/2000 | Good | - | Fit for promotion. An obedient & hard worker he knows his job well. | - |
| 16. | 01/01/2001 to 30/6/2001 | Good | - | Fit for higher responsibilities an obedient & hard worker he knows his job well. | - |
| 17. | 01/07/2001 to 31/12/2001 | Good | - | Fit for promotion a good worker. | - |
| 18. | 01/01/2002 to 31/05/2002 | Good | - | Fit for promotion a good worker. | - |
| 19. | 01/06/2002 to 31/12/2002 | Good | - | Fit for promotion. Good worker knows his job. | - |
| 20. | 01/01/2003 to 31/12/2003 | Good | - | Fit for promotion. An obedient worker. | - |
| 21. | 01/01/2004 to 31/12/2004 | Good | - | Fit for promotion. An obedient & cooperative worker. | - |
| 22. | 01/01/2005 to 31/3/2005 | Very Good | - | Fit for promotion. Cooperative and Trust worthy knows his job very well. Fit for higher responsibility. | - |
| 23. | 01/04/2005 to 31/12/2005 | Good | - | Fit for promotion. Good worker. | - |
| 24. | 01/01/2006 to 05/06/2006 | Good | - | Fit for promotion. Obedient and hard worker. | - |
| 25. | 06/06/2006 to 31/12/2006 | Very Good | - | Fit for promotion. He is very bold and hard working gentleman. His performance remained satisfactory during the period under report. Fit for promotion on his turn. | - |

Assistant Director Fisheries
Head Quarter
O/O Director of Fisheries
Khyber Pukhtoon Khwa
Province. Peshawar

Attested


10

| | | | | | |
|-----|--------------------------------|-----------|---|---|---|
| 26. | 01/01/2007 to 31/05/2007 | Very Good | - | Fit for promotion. Cooperative and Trust worthy knows his job very well. Fit for higher responsibility. | - |
| 27. | 01/06/2007 to 31/12/2007 | Very Good | - | Fit for promotion. A Youngman, cooperative, hard working and good worker. A good Assistant. | - |
| 28. | 01/01/2008 to 31/12/2008 | Very Good | - | Fit for promotion. A Young good worker, trustworthy. During the period he has run two sections successfully. | - |
| 29. | 01/01/2009 to 31/05/2009 | Very Good | - | Fit for promotion. A Young good worker, Hard working and responsible. Do not sick. He can run office efficiently. | - |
| 30. | 01/06/2009 to 31/12/2009 | Very Good | - | Fit for promotion. A Young good worker, cooperative and hard working. | - |
| 31. | 01/01/2010 to 31/03/2010 | Very Good | - | Fit for promotion. A Young good worker, He can run each office branch efficiently. | - |
| 32. | 01-04-2010 to 31-12-2010 | Good. | - | Fit for Promotion Intelligent, Cooperative, Disciplined, Honest & Hard Working. | - |
| 33. | 01-01-2011 to 31-12-2011 | Good | - | Fit for Promotion, Cooperative, Disciplined & Hard Working. | - |
| 34. | 01-01-2012 to 04-09-2012 | Good | - | Fit for Promotion, Hard Worker, Fit for Promotion | - |
| 35. | 05-09-2012 to 31-12-2012 | Good | - | Hard worker, fit for promotion, recently promoted/appointed consideration for promotion premature. | - |
| 36. | 01-01-2013 to 08-07-2013 | Good | - | Hard Worker. Fit for promotion | - |
| 37. | 09-07-2013 to 31-12-2013 | Very Good | - | An obedient, good and hard worker, fit for out of turn promotion | - |
| 38. | 01-01-2014 to 17-09-2014 | Very Good | - | A trust worthy Officer and Knows his job very well. | - |
| 39. | 18-09-2014 to 31-12-2014 | Very Good | - | Fit for promotion. Intelligent cooperative, hard worker. Playa very important role in the enhancement of auction with ADF | - |
| 40. | 01/01/2015 To 31/12/2015 | Very Good | - | Reliable, Trustworthy, competent and professionally good. Knows his job well. Fit for promotion. | - |
| 41. | 01/01/2016 To 31/12/2016 | Very Good | - | He is competent, Trustworthy & Hard working. | - |

Assistant Director Fisheries
Head Quarter
O/O Director of Fisheries
Khyber Pukhtoon Khwa
Province. Peshawar

Accepted

FINAL SENIORITY LIST OF OFFICE ASSISTANT (BPS-14)/ SENIOR STENOGRAPHER (BPS-16) AS STOOD ON 31/12/2012.

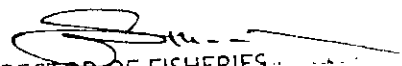
| S#. | NAME OF OFFICER | FATHER'S NAME. | QUALIFICATION | HOME DISTRICT. | DATE OF BIRTH. | DATE OF 1 ST ENTRY INTO GOVT. SERVICE. | DATE OF PPOINTMENT TO PRESENT POST. | WHETHER PROMOTEE OR DIRECT RECRUITMENT | PERMANENT OR TEMPORARY. |
|-----|---|---------------------|--------------------|----------------|----------------|---|-------------------------------------|--|---|
| 1. | Gulzar Mahmood (BPS-14) | Sultan Mahmood | MA | Mardan | 15/05/1968 | 23/01/1990 | 23/01/1990 | Direct. | Permanent as Assistant. Appointed to the post of Superintendent (BPS-16) on acting charge basis w.e.f. 07/12/2012 |
| 2. | Mohammad Asif (BPS-14) | Khuda Bakhish Ashiq | MA | D.I.Khan | 04/01/1966 | 07/02/1990 | 07/02/1990 | Direct. | Permanent |
| 3. | Zafar Iqbal (BPS-14) | Mohammad Alam | BA | Kohat | 07/03/1959 | 18/03/1979 | 01/01/1991 | Promotee. | Permanent |
| 4. | Mohammad Ayaz, Senior Scale Stenographer (BPS-16) | Mohammad Azam Khan | BA | Peshawar | 10/09/1961 | 01/10/1980 as J/C 01/04/1983 as JSSG | 02/12/1996 | Promotee. | Permanent |
| 5. | Aqal Mand (BPS-14) | Shah Dada. | Matric. | Swat. | 23/09/1963 | 28/05/1986 | 01/03/2006. | Promotee. | Permanent |
| 6. | Aziz-ur-Reham (BPS-14) | Habib-ur-Rehman. | FA. | Swabi. | 10/09/1966. | 01/09/1986. | 01/08/2007. | Promotee. | Permanent |
| 7. | Bakhshish Khan (BPS-14) | Fazal-e-Rehman. | MA. | Peshawar. | 15/06/1961 | 26/03/1985 | 01/08/2007. | Promotee. | Permanent |
| 8. | Magsood Ali (BPS-14) | Yousaf Ali | BA | Nowshera | 20/03/1959 | 02/02/1987 | 01/08/2007 | Promotee. | Permanent |
| 9. | Pervez Shah (BPS-14) | Mohammad Shah. | Matric. | Nowshera. | 09/10/1967 | 06/05/1987 | 09/02/2009 | Promotee. | Permanent |
| 10. | Mohammad Naseem (BPS-14) | Khitab-ud-Din. | FA. | Nowshera. | 30/04/1969 | 06/05/1987 | 06/08/2009 | Promotee. | Permanent |
| 11. | Ghulam Mohammad (BPS-14) | Ayub Khan. | BA. | Mardan. | 02/01/1982 | 08/08/2009 | 08/08/2009 | Direct. | Permanent |
| 12. | Afzal Noor (BPS-14) | Sakhi Jan. | Matric. | Karak. | 25/04/1969 | 02/12/1987 | 30/09/2010 | Promotee. | Permanent |
| 13. | Mohammad Saeed (BPS-14) | Sabaz Ali. | FA. | Mansehra. | 01/09/1965 | 29/08/1988 | 30/09/2010 | Promotee. | Permanent |
| 14. | Ibrar Ahmed (BPS-14) | Dil Bagh. | M.Sc Economics. | Khyber Agency. | 03/04/1985 | 01/12/2011. | 01/12/2011. | Direct. | Permanent |


No.7150-71/DF/E

Dated Peshawar the 31-12-2012.

Copy forwarded for information to:-

1. The Section Officer (L&F) Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Fisheries, Livestock & Dairy Development Department, Peshawar.
2. All Deputy Director Fisheries in Khyber Pakhtunkhwa.
3. All Assistant Director Fisheries/District Officer Fisheries in Khyber Pakhtunkhwa/FATA.
4. Officials Concerned.


 DIRECTOR OF FISHERIES
 KHYBER PAKHTUNKHWA
 PESHAWAR.

Attested


Amr... (D)

(12)

To

The Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

Subject: - **APPLICATION FOR THE PROMOTION TO THE POST OF SUPERINTENDENT.**

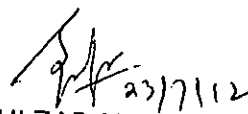
With compliments it is submitted that due to proceeding of Mr. Abdul Qayyum on Leave Preparatory to Retirement (LPR) vide office order No.5473-82/DF/E dated.25-04-2012 and on retirement of Mr. Sultan Muhammad vide office order No.5931-37/DF/E dated.29-06-2012, two posts of Superintendent become vacant on regular side in Directorates of Fisheries Khyber Pakhtunkhwa & in FATA as well. Similarly there are also two other posts of superintendent lying vacant in Directorate of Fisheries FATA in a Developmental Scheme "Promotion of Farm Fisheries in all FATA".

I am a senior most official amongst my other colleagues as per seniority list of the Office Assistants in Fisheries Department Khyber Pakhtunkhwa and eligible/deserve for promotion to the post of Superintendent BS-16.

It is therefore requested that my case for the promotion to the post of Superintendent BS-16 may kindly be sent to the Competent Authority for approval.

Yours Obediently,

Dated.23-07-2012


(GULZAR MAHMOOD)
OFFICE ASSISTANT
DIRECTORATE OF FISHERIES,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Attested


Amme

(E)

(13)

To

The Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

Subject: - **POSTING/TRANSFER AGAINST THE EXISTING
VACANCY OF SUPERINTENDENT IN OWN PAY SCALE.**

With compliments it is submitted that the existing two vacant post of Superintendent are to be filled by Promotion on the basis Seniority-Cum-Fitness from amongst the Office Assistants/ Senior Stenographers with at least Five Years experience as such as per existing service rules, Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and transfer) rules, 1993.

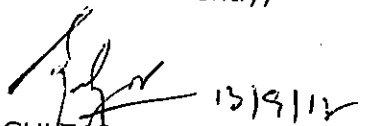
I am a senior most official amongst my other colleagues per seniority list of the Office Assistants in Fisheries Department Khyber Pakhtunkhwa, working in the same post for the last 23-years & deserving for promotion to the post of Superintendent BS-16.

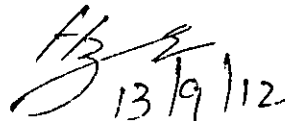
I have already submitted my application for the purpose with the request to forward my case for consideration and approval of the Competent Authority vide application dated.23-07-2012. I am assured that my said application might be served for grant of promotion to the post of Superintendent BS-16 which will be mature in the near future.

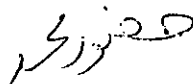
It is therefore requested that I may kindly be transferred & posted as Superintendent BS-16 in my own pay scale till finalization of my promotion in the larger interest of public.

Yours Obediently,

Dated.13-09-2012


(GULZAR MAHMOOD)
OFFICE ASSISTANT
DIRECTORATE OF FISHERIES,
KHYBER PAKHTUNKHWA,
PESHAWAR.


13/9/12





Annex

(F)

(14)

(8)

OFFICE ORDER.

Consequent upon the recommendations of the Departmental Promotion Committee meeting held on 20/11/2012, under the Chairmanship of Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Fisheries, Livestock & Dairy Development Department Peshawar vide letter No.SOG(AD)B-20/2011/KC, dated 07/12/2012, Mr. Gulzar Mehmood, Assistant (BPS-14), Directorate of Fisheries, Khyber Pakhtunkhwa Peshawar is hereby promoted to the post of Superintendent (BPS-16) on acting charge basis against the existing vacant post of Superintendent (BPS-16) in the Directorate of Fisheries Khyber Pakhtunkhwa Peshawar with immediate effect in the best interest of public service.

On promotion the above official will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

The promotion on acting charge basis is purely temporary and will not confer on him any right of seniority or continuance as Superintendent (BPS-16). He will be liable to reversion at any time without assigning any reason what so ever or in case of non availability of the post of Superintendent (BPS-16) or on repatriation of Nasir Ali Khan, Superintendent (BPS-16) who is presently working as Research Officer (General) in Planning and Development Department, FATA Secretariat Peshawar.

Sd/-
(SHARIF ULLAH KHAN)
DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.

No.6816-28/DF/E

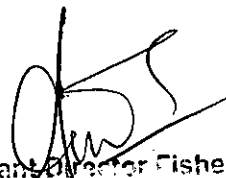
Dated Peshawar the 07/12/2012.

Copy forwarded for information and necessary action to:-

- 1- The Private Secretary to Minister for Livestock & Fisheries, Government of Khyber Pakhtunkhwa.

(Contd: P/2)

Attested

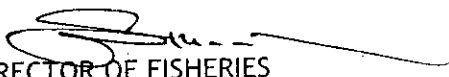

Assistant Director Fisheries
Headquarter Peshawar
O/C Director of Fisheries
Khyber Pakhtunkhwa





15

(2)

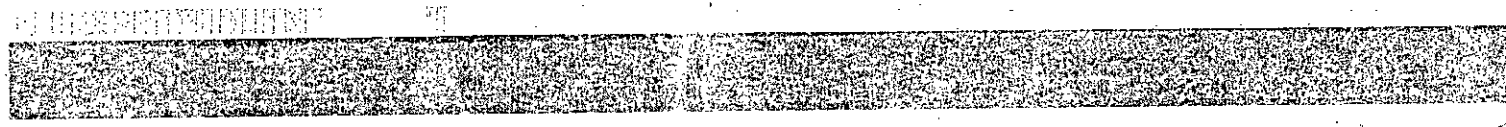
- 2- The Private Secretary to Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Fisheries, Livestock & Dairy Dev: Department Peshawar.
- 3- The Accountant General Khyber Pakhtunkhwa, Peshawar.
- 4- The Section Officer (Livestock & Fisheries) Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Fisheries, Livestock & Dairy Dev: Department Peshawar.
- 5- The Deputy Director Fisheries Head Quarter, Peshawar.
- 6- The Assistant Director Fisheries Head Quarter, Peshawar.
- 7- The Superintendent (G&A) Head Quarter, Peshawar.
- 8- PA to Director Fisheries, Khyber Pakhtunkhwa, Peshawar.
- 9- The Disburser Directorate of Fisheries, Peshawar.
- 10- ✓ Mr. Gulzar Mehmood, Superintendent Directorate of Fisheries, Peshawar.


DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR. *LS*

Attested




Director of Fisheries
Khyber Pakhtunkhwa
Peshawar





Amir Khan

(9) (16)

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar the 30th Jan, 2018

NOTIFICATION

NO. SO (LFC) AD-DE-E-3(25)/2017:- The Competent Authority on the recommendation of the Departmental Promotion Committee is pleased to promote the following Assistants (BS-16) of the Directorate of Fisheries, Khyber Pakhtunkhwa to the post of Superintendent (BS-17) on regular basis with immediate effect:-

| S.# | NAME |
|-----|--------------------|
| 1. | Mr. Gulzar Mahmood |
| 2. | Mr. Muhammad Asif |
| 3. | Mr. Muhammad Ayaz |

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989; they will be on probation for a period of one year.

3. In terms of Rule-9 of the APT Rules-1989, the Competent Authority is further pleased to appoint the following Office Assistants (BS-16) of the Directorate of Fisheries, Khyber Pakhtunkhwa to the post of Superintendents (BS-17) on Acting Charge Basis:-

| S.# | NAME |
|-----|--------------------|
| 1. | Mr. Aqal Mand |
| 2. | Mr. Aziz-ur-Rehman |

4. Consequent upon the above, the following posting / transfer is hereby ordered with immediate effect, in the best of public interest & till further orders:-

| S#. | NAME | FROM | TO |
|-----|---------------------|---|---|
| 1. | Mr. Gulzar Mehmood, | Directorate of Fisheries Khyber Pakhtunkhwa Peshawar. | Directorate of Fisheries Khyber Pakhtunkhwa Peshawar against the existing vacant post of Superintendent (BPS-17). |

M.IRFAN

Attested

17



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

| S# | NAME | FROM | TO |
|----|---------------------|---|--|
| 2. | Mr. Muhammad Asif, | Office of District Officer Fisheries, D.I Khan. | Directorate of Fisheries FATA, Secretariat Warsak road Peshawar against the existing vacant post of Superintendent (BPS-17). |
| 3. | Mr. Muhammad Ayaz, | Directorate of Fisheries Khyber Pakhtunkhwa Peshawar. | Directorate of Fisheries Khyber Pakhtunkhwa Peshawar against the existing vacant post of Superintendent (BPS-17). |
| 4. | Mr. Aqal Mand, | O/O District Officer Fisheries, Swat at Mattta. | O/O District Officer Fisheries, Swat at Mattta against the existing vacant post of Superintendent (BPS-17). |
| 5. | Mr. Aziz-ur-Rehman, | O/O District Officer Fisheries, Swabi/Mardan. | Directorate of Fisheries Khyber Pakhtunkhwa Peshawar against the existing vacant post of Superintendent (BPS-17). |

Sd/-
SECRETARY AGRICULTURE

Endst of Even No. & Date:-

Copy of the above is forwarded for information and further necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General PR, Sub Office, Peshawar.
3. Director General Fisheries, Livestock & Dairy Development, Khyber Pakhtunkhwa.
4. Director Fisheries FATA, FATA Secretariat, Warsak Road Peshawar.
5. District Officer Fisheries (D.I.Khan, Swat & Swabi at Mardan).
6. District Account Officers District (D.I.Khan, Swat, Mardan).
7. Officers Concerned.
8. Web Administrator Agriculture Department for uploading on website.
9. PS to Secretary Agriculture Department.
10. Office Order File.

(DR. MR AHMAD KHAN)
SECTION OFFICER
(LIVESTOCK, FISHERIES & COOPERATIVE)

Endst: No. 4851-60 /DGF/Estt:

Dated Peshawar the 30/01/2018.

Copy of the above is forwarded for information and necessary action to:-

- 1- The Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- The Accountant General (P.R) Peshawar.
- 3- The District Accounts Officer, D.I Khan.
- 4- The District Accounts Officer, Swat at Saidu Sharif.
- 5- The District Accounts Officer, Swabi.
- 6- The Director Fisheries FATA Secretariat Peshawar.
- 7- The Deputy Director Fisheries, Head Quarter Peshawar.
- 8- The Assistant Director Fisheries Head Quarter Peshawar.
- 9- The Assistant Director Fisheries FATA Peshawar.
- 10- The District Officer Fisheries, D.I Khan.
- 11- The District Officer Fisheries Swat/Matta.
- 12- The District Officer Fisheries Mardan/Swabi.
- 13- The Disburser Head Quarter Peshawar.
- 14- The Officers Concerned.

DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR



18

DIRECTORATE OF FISHERIES KHYBER PAKHTUNKHWA,
2, SHAMI ROAD PESHAWAR.

WORKING PAPER.

Subject: - **PROMOTION/APPOINTMENT OF OFFICE ASSISTANT BPS-16/SENIOR SCALE STENOGRAPHER BPS-16 TO THE POST OF SUPERINTENDENT (BPS-17) ON REGULAR/ACTING CHARGES BASIS.**

Five regular/temporary posts of Superintendent (BPS-17) falling under hundred percent promotion quota have fallen vacant in Fisheries Department Khyber Pakhtunkhwa/FATA, due to (i) retirement of two Superintendents namely Sultan Mohammad with effect from 19-08-2012 vide office order endorsement No.5931-37/DF/E dated.29-06-2012 & Muhammad Tahir with effect from 24-05-2016 vide notification No.SO(LFC)AD-DF-3(17)PF/2016 dated. 24/05/2016 (**Annexure-I&II**), (ii) transfer of Mr. Nasir Ali Khan, Superintendent against the post of Section Officer (P&LDD), FATA Secretariat vide Secretary (P&LDD FATA) office order endorsement No.SO-1(A&E)P&LDD/FS/Admin/1-1/2012/306-310 dated.07-04-2016 (**Annexure-III**), while Muhammad Ismail, Superintendent (BPS-17) on regular basis is working in a developmental project post "**Strengthening of Fisheries in FATA**" A Copy of the Administrative Approval is placed as (**Annexure-IV**) & creation of one post on SNE side in the office of District Officer Fisheries Swat vide notification No. SOG (AD)S.N.E/Fisheries/Misc/2014-15 dated.05-10-2015 (**Annexure-V**). The present updated breakup of the said post is as under: --

| TOTAL NO OF SANCTIONED POST | | | | TOTAL NO OF POST FILLED | | | |
|------------------------------------|------|-----------------------------|------|--------------------------------|------|-----------------------------|------|
| Regular. | | Developmental Scheme | | Regular. | | Developmental Scheme | |
| Khyber Pakhtunkhwa | FATA | Khyber Pakhtunkhwa | FATA | Khyber Pakhtunkhwa | FATA | Khyber Pakhtunkhwa | FATA |
| 4 | 1 | -- | 1 | -- | -- | -- | 1 |

| TOTAL NO OF VACANT POST | | | |
|--------------------------------|-----------------------------|-----------------|------------------------------|
| Khyber Pakhtunkhwa | | FATA | |
| Regular. | Developmental Scheme | Regular. | Developmental Scheme. |
| 4 | --- | 1 | -- |

2. In terms of Serial No.21, column 5 of Appendix Part-II (Ministerial Staff) attached to the Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Department notification No.SO(LFC)AD-DF-E-3(37) 2015 dated.26th April, 2017 (**Annexure-VI**), the following method of

Continued at (2)

Attested
[Signature]

recruitment has been prescribed for the post of Superintendent BPS-17: --

- a) Seventy Five percent by Promotion on the basis of Seniority-Cum-Fitness from amongst the Office Assistants with at least Five Years experience as such" and
- b) Twenty Five percent by promotion, on the basis of seniority-cum-fitness from amongst the Senior Scale Stenographers with at least five years service as such.

3. In Sub-Rules-4 of Rule-9 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 (Annexure-VII), the following method has been prescribed on acting charge basis: -

"Acting charge appointment shall be made against posts, which are likely to fall vacant for a period of six months or more, against vacancies for less than six months, current charge appointment may be made according to the orders issued from time to time".

4. There are five sanctioned posts of Superintendents in Fisheries Department Khyber Pakhtunkhwa/ FATA, out of which four falls to the share of seventy-five percent by promotion from amongst the Assistants & one on twenty-five percent by promotion from amongst the Senior Scale Stenographer (Annexure-VIII).

5. According to the seniority list (Annexure-IX & X), the following are the most senior Office Assistants/ Senior Scale Stenographer, who are due for promotion to the post of Superintendents: --

| Sr # | Name of Assistant | Qualification | Date of 1 st entry in to Govt; Service | Date of entry in to present scale/post | Whether he has completed 5 years experience. | Whether eligible for promotion. |
|------|-------------------|---------------|--|--|--|--|
| 1. | Gulzar Mahmood, | M.A | 23-01-1990 | 23-01-1990 | Yes | Yes. Already promoted to the post of Superintendent BPS-17 on acting charge basis w.e.f 07-12-2012. |
| 2. | Muhammad Asif, | M.A | 07-02-1990 | 07-02-1990 | Yes | Yes |
| 3. | Aqal Mand, | Matric | 28-05-1986 | 01-07-2007 | Yes | Yes |
| 4. | Aziz ur Rahman | FA | 01-09-1986. | 01-07-2007 | Yes | Yes |
| 5. | Bakhshish Khan | MA | 26-02-1985 as F/Watcher. 01-02-1987 as Junior Clerk | 01-07-2007 | Yes | Yes |
| 6. | Pervaiz Shah | Matric | 06-05-1987 | 09-02-2009 | Yes | Yes |
| 7. | Muhammad Naseem | FA | 06-05-1987 | 06-08-2009 | Yes | Yes |

Continued at (3)

Attested
[Signature]



| Sr# | Name of Senior Scale Stenographer. | Qualification | Date of 1 st entry in to Govt; Service | Date of entry in to present scale/post | Whether he completed 5 years experience. | Whether eligible for promotion. |
|-----|------------------------------------|---------------|---|--|--|---------------------------------|
| 1. | Muhammad Ayaz, | B.A | 01-10-1980 as J/C 01-04-1983 as JSSG | 02-12-1996 | Yes | Yes |

6. Attested copies of Synopsis from the Annual Confidential Reports along with complete up-to-date original Dossiers and bio-datas of the concerned Office Assistants/ Senior Scale Stenographer are placed on board **(Annexure-XI)**.

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

- hold the lowest post on regular basis and none of them is holding the post on adhoc basis.
- have completed the prescribed minimum length of qualifying service/experience as required under the service recruitment rules.
- There is no disciplinary/criminal/anticorruption/NAB & Ihtisaab proceedings pending against any of the above said officials.
- No penalty has been imposed on the above officials.
- Have not been promoted on acting charge basis except at serial No.1.
- No departmental/professional examination has been prescribed.

The Departmental Promotion Committee is requested to determine the suitability of four officials from the panel of Assistant for promotion to the post of Superintendent (BPS-17) (two on regular basis & two on acting charge basis & one official from the panel of Senior Scale Stenographer for promotion to the post of Superintendent (BPS-17) on Regular charge basis..


DIRECTOR FISHERIES,
KHYBER PAKHTUNKHWA
PESHAWAR. 

Attested




GOVERNMENT OF KHYBER PAKHTUNKHWA

AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

No. _____ /DGF/Estt./PF, Dated Peshawar the _____/05/2018.

Amir
(21)
(H)

Copy of the above is forwarded to Mr. Gulzar Mehmood, Superintendent (General Section) Directorate of Fisheries Khyber Pakhtunkhwa Peshawar for information with reference to his application dated 27/02/2018.

To
The Director General Fisheries
Khyber Pakhtunkhwa, Peshawar.

No. SO(LEG)AD-DF-3(20)
Dated the Peshawar the 7th May 2018.
Dated 5296
File No. 915/17

Subject:- **CLAIM OF SENIORITY**

DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.

I am directed to refer to your letter No. 5362/DF, dated 29/03/2018 on the above captioned subject and to state that the appeal has been considered and regretted being not covered under the rules.

(AJMAL KHAN)
SECTION OFFICER
(LIVESTOCK, FISHERIS & COOPERATIVES)

Copy of the above is forwarded to the PS to Secretary Agriculture Department.

Amir Mehmood
A 915

SECTION OFFICER
(LIVESTOCK, FISHERIS & COOPERATIVES)
Ph: 091-9210973

Endst: No. *03882* /DGF/Estt./PF,

Dated Peshawar the 16/05/2018. ✓

Copy of the above is forwarded to Mr. Gulzar Mehmood, Superintendent (General Section) Directorate of Fisheries Khyber Pakhtunkhwa Peshawar for information with reference to his application dated 27/02/2018.

DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.

Attested

22

To

The Director General Fisheries,
Khyber Pakhtunkhwa, Peshawar.

Subject: - PROMOTION FROM THE RETROSPECTIVE DATE.

Kindly refer to your office letter endorsement No.4851-60/DGF/Estt; dated.30-01-2018 regarding the promotion of the undersigned to the post of Superintendent BS-17 on regular basis.

In this regard it is stated that the undersigned was promoted to the post of Superintendent on acting charge basis on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa, Civil Servants Act, 1973 read with Rule-15-(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 vide office order No.6816-28/DF/E dated 07-12-2012.

The undersigned has now been again promoted against a post of Superintendent BS-17 on regular basis with immediate effect vide notification No.SO (LFC) AD-DF-3(25)/2017 dated.30-01-2018 beside the fact that one post was vacant due to retirement of Sultan Mahmood with effect from 19-08-2012 vide office order endorsement No.5931-37/DF/E dated.29-06-2016.

In this connection I would like to brought in to your kind attention to Rule-15(3) of the Khyber Pakhtunkhwa, (Appointment, Promotion & Transfer) Rules, 1989 reproduced as "***(3) on the successful completion of probation period, the appointing authority shall, by specific order terminate the probation of the officer or official concerned within two months after the expiry of the probation period prescribed in sub-rule (1) ; Provided that if no specific order regarding termination of the probation period of the official or officer concerned is issued within two months, the period of probation shall be deemed to have been extended under sub rule (2), Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been completed***", therefore the undersigned have already been completed the condition of provision under Rule-15 of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989.

It is therefore requested that the instant appeal of the undersigned for promotion to the post Superintendent BS-17 may kindly be considered with effect from retrospective date i.e. 07-12-2012, in order to comply the provision under Article-4 & 10-A of the Constitution of Pakistan, 1973 in letter & spirit.

Dated.27-02-2018

Attested

27/2

ESB

Gulzar Mahmood
(GULZAR MAHMOOD)
SUPERINTENDENT
GENERAL SECTION HQR
PESHAWAR

Dated Peshawar the 26th April, 2017

(I)

(23)

NOTIFICATION

NO.SO(LFC)AD-DF-E-3(37)2015:- 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 previous notifications issued in this behalf, the Agriculture, Livestock and Cooperation Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column No.3 to 5 of the Appendix to this Notification, which shall be applicable to the posts specified in column No. 2 of the said Appendix born in the Khyber Pakhtunkhwa Directorate of Fisheries and its subordinate offices.

APPENDIX

PART-I

(TECHNICAL STAFF)

| S.# | Nomenclature of the post. | Minimum qualification prescribed for appointment by initial recruitment. | Age limit for initial recruitment | Method of recruitment |
|-----|---|--|-----------------------------------|--|
| 1. | 2. | 3. | 4. | 5. |
| 1. | Director Fisheries (BPS-19). | ----- | ----- | By selection on merit, on the basis of seniority-cum-fitness, from amongst the Additional Directors Fisheries, having two years service as such. |
| 2. | Additional Director Fisheries (BPS-19). | ----- | ----- | By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors Fisheries having seven years service in BPS-18 or 12 years service in BPS-17 and above. |
| 3. | Deputy Director Fisheries (BPS-18). | ----- | ----- | By promotion, on the basis of Seniority-cum-Fitness, from amongst the Assistant Directors Fisheries, with five years Service as such. |

(M.IRFAN 26/04/2017)

Affected

Atty. Gen.
Asstt. Director Fisheries
 (Headquarter) Peshawar

PART-II

MINISTERIAL STAFF

2/2

24

| S.# | Nomenclature of the post. | Minimum qualification prescribed for appointment by initial recruitment. | Age limit for initial recruitment | Method of recruitment |
|-----|-------------------------------------|---|-----------------------------------|---|
| 1. | 2. | 3. | 4. | 5. |
| 21. | Superintendent (BPS-17). | | | (a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with at least five years service as such; and (b) twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with at least five years service as such. |
| 22. | Assistant (BPS-16). | At least second class Bachelor's Degree or equivalent qualification from a recognized University. | 20-32 years. | (i) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as Junior and Senior Clerk. (ii) twenty five percent by initial recruitment. |
| 23. | Senior Scale Stenographer (BPS-16). | | | By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least five years service as such. |
| 24. | Computer Operator (BPS-16). | (a) At least second class Bachelor's Degree with Computer Science as one of the subject or Information Technology (BCS / BIT four years) or equivalent qualification from a recognized University; or (b) at least second class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education. | 20-32 years. | By initial recruitment |
| 25. | Senior Clerk (BPS-14). | | | By promotion, on the basis of seniority cum fitness, from amongst the Junior Clerks with at least five years service as such. |

Section Officer (L & DD)
Dept. Livestock & Fish Dept
Offr. of P.K. Peshawar

(M.IRFAN 26/04/2017)

Accepted

[Signature]
Asst. Director (Livestock)
(Headquarter) Peshawar



25

10

| 1. Nature of the post. | 2. Minimum qualification for appointment by initial recruitment. | 3. Age limit | 4. Method of recruitment. | 5. Notification No. & dated. |
|---|---|--------------|--|---|
| 2 | 3 | 4 | 5 | 6 |
| Assistant Research Officer/Extension Field Officer/Assistant Research (Limnology) (BPS-16). | M.Sc Zoology/Fisheries preferably with specialization in Fisheries/Fresh Water Biology. | 20-30 years. | a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Asstt.Warden Fisheries/Fisheries Development Asstt./Trout Culturist who have passed the prescribed technical Departmental Examination and have three years service as such; and b) Fifty percent by initial recruitment. | Notification No.30(PT.11)AD/70/Fish/95/90/4-80, dated 31/10/93. |
| 4. Superintendent (BPS-16). | - | - | Note:- The condition of Departmental Examination will not be applicable to those who possess a B.Sc Degree with Zoology or Fisheries as one of the subject. By promotion on the basis of seniority-cum-fitness from amongst the Assistant/Senior Scale Stenographers with at least five years service as such. | -do- |
| 4 (A) Senior Scale Stenographer (BPS-15). | i) Bachelor's degree or equivalent qualification from a recognized University and ii) a speed of 100 words per minute in shorthand in English and 40 words per minute in typing. | 18-25 years. | Note:-A common seniority list of Assistant and Senior Scale Stenographers for the purpose of promotion to the post of Superintendent shall be maintained: provided that where the date of continuance appointment of an Assistant and Senior Scale Stenographer is the same, the Assistant shall be deemed to be Senior to the Senior Scale Stenographer. By promotion on the basis of seniority-cum-fitness from amongst the Stenographers (BPS-12) with at least 5-years service as such provided that if no suitable candidate is available for promotion then by initial recruitment. | Vide S&GAD letter No.SOR-III (S&GAD)7-3/90-Vol-II, dated 10/9/1997. |

Accepted

26

| | | | |
|-----------------------------|---|--|-------|
| قیمت 50 روپے |  |  | 41086 |
| ایڈوکیٹ: | پشاور بار ایسوسی ایشن، خیبر پختونخواہ | | |
| بار کونسل ایسوسی ایشن نمبر: | | | |
| رابطہ نمبر: 0321-9022964 | | | |

بعدالت جناب: سرورس ٹریڈنگ کمپنی خصوصی لمیٹڈ

| | |
|-----------------------------------|---------------------|
| مخاطب: ایڈوارٹ | دعویٰ: سرورس ٹریڈنگ |
| گولڈن انٹرنیٹ بینام گولڈن انٹرنیٹ | علت نمبر: |
| ۱۴۹۸ء | مورخہ: |
| | جرم: |
| | تھانہ: |

بابت تحریر آتھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ ایڈوارٹ کے لیے آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 12/6/2018

المقام: واہ شد العبد

مقام: سجاد کے لیے منظور ہے۔

Attested

Sajjad
Sajjad Ahmed Mehsud
Advocate
High Court Peshawar

Yousafzai
Advocate

Amin ur Rehman
High Court Peshawar

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

BEFORE THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR

Service Appeal No.794/2018

Gulzar Mahmood.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Agriculture Peshawar
2. Director General Fisheries Department, Peshawar
3. Director Fisheries Department

INDEX

| S.No | Particulars of the Documents | Annexure | Page |
|------|--|--------------|-------|
| 1. | Reply | --- | 1-3 |
| 2. | Affidavit | --- | 04 |
| 3. | Office order No.6816-28/DF/E dated 07/12/2012 | Annexure I | 05 |
| 4. | Notification No.FD/SO(FR)10-22/2014 dated 20-05-2012 | Annexure II | 06 |
| 5. | Amended Service Rules | Annexure III | 07-08 |
| 6. | Regret letter dated 16-05-2018 | Annexure IV | 09 |
| 7. | Authority letter | --- | 10 |

Dated: ___/03/2019

BEFORE THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR

Service Appeal No.794/2018

Gulzar Mahmood.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Agriculture Peshawar
2. Director General Fisheries Department, Peshawar
3. Director Fisheries Department

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 1 to 3

Respectfully Sheweth:

Preliminary Objections

1. The Petitioner is deliberately concealing important facts from Honorable Court.
2. That the Petitioner has got no locus standi for filing this writ petition.
3. That Petition is wrong and based on illegal and unlawful presumptions.
4. The Petitioner has got no cause of action to file the present petition.
5. The petition is not maintainable in this present form because it is badly time barred on two counts as explained below in para-2 & para-5 of the facts.

Facts

1. Pertains to the record.
2. Incorrect. The appellant was appointed as Superintendent (BPS-16) on acting charge basis with effect from 07/12/2012 along with full financial benefits vide office order No.6816-28/DF/E dated 07/12/2012 (**Annexure I**). The post of Superintendent was upgraded to BPS-17 under general up-gradation policy of the Government of Khyber Pakhtunkhwa vide notification No.FD/SO(FR)10-22/2014 dated 20-05-2014 (**Annexure II**), therefore, the appellant is not an aggrieved person within the meaning of Khyber Pakhtunkhwa, Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No I of 1974) and couldn't be benefited further. To fulfill the requirements of the up gradation order, the Service Rules of the Fisheries Department were sent to the competent authority for required amendments under the rules/policy. The amended Service Rules were notified on 26/04/2017 (**Annexure III**). It is further submitted that in office order No.6816-28/DF/E dated 07/12/2012 (**Annexure I**) it is clearly stated in the third para that the promotion will not confer on the appellant any right of seniority or continuance as Superintendent (BPS-16) and that he will be liable to reversion at any time without assigning any reason what so ever or in case of non availability of the post of Superintendent (BPS-16) or on repatriation of Nasir Ali Khan Superintendent (BPS-16) who is presently working as Research Officer (General) in FATA Secretariat on transfer basis. The Appellant accepted the office order No.6816-28/DF/E dated 07/12/2012 (**Annexure I**) without protest and did not file any appeal at any forum at that

time. As the appellant knew the facts/true picture at that time so he did not record any protest and did not file appeal at any forum and is thus badly time barred.


3. Incorrect. The facts explained in para-2 above.
4. Incorrect, the appellant was promoted on regular basis with effect from 31-01-2018 on his turn as per existing Service Rules already notified on 26/04/2017. The appellant has already received the financial benefits w.e.f. 07/12/2012 and no officer junior to the appellant has been promoted on regular basis during the period, therefore the appellant is not entitled for further back benefit. In addition the appeal is time barred on two counts, first when the appellant was promoted vide office order No.6816-28/DF/E dated 07/12/2012 (**Annexure I**) and secondly when his appeal for claim of seniority was regretted vide letter dated 16-05-2018 (**Annexure IV**). The appellant did not record any appeal/protest at any forum.
5. The appeal of the appellant was considered and regretted on 16-05-2018 on merit basis being not covered under the rules because there was no clear vacant post at the time of promotion of appellant on acting charge basis as explained in para 2 of the facts otherwise the appellant shall have made appeal at that time but the appellant was aware that there was no clear vacant post at the time when he was promoted on acting charge basis.
Furthermore, the appellant has failed to challenge the said regret letter dated 16-05-2018 (**Annexure IV**) within specified time period as per provisions already been mentioned under Khyber Pakhtunkhwa, Civil Servants (Appeal) Rules, 1968. The appeal is badly time barred.
6. As explained above the appellant is not an aggrieved person within the meaning of Khyber Pakhtunkhwa, Services Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No I of 1974) and couldn't be benefited. The appellant has already received full financial benefits for the period and also no other officer of the post of Superintendent BPS-17 has been promoted during the period when was holding the post of Superintendent (BPS-17) on acting charge basis so the appellant's seniority has not suffered. There was no clear vacant post at the time when the appellant was promoted on acting charge basis as stated in office order at annexure-I. In addition the appeal is time barred on two counts, first when the appellant was promoted vide office order No.6816-28/DF/E dated 07/12/2012 (**Annexure I**) and secondly when his appeal for claim of seniority was regretted vide letter dated 16-05-2018 (**Annexure IV**). The appellant is now raising time barred issues.

Grounds:

- A. Incorrect. The factual position has already been explained above in paras-2, 4, 5 & 6 of the facts.
- B. Incorrect. The factual position has already been explained paras-2, 4, 5 & 6 of the facts.
- C. Incorrect. Well explained in para-5 of the facts.

- D. Incorrect. The appellant has already been given all financial benefits with effect from 07-12-2012 while no other officer of the said cadre has suffered his seniority; therefore no direct or indirect irreparable loss is occurred to the appellant and neither the appellant will suffer in future.
- E. Incorrect. The factual position has already been explained in para 2,4,5,6 of the fact and in para- "d" of the grounds.
- F. The respondents seek leave to raise additional grounds at the time of arguments.

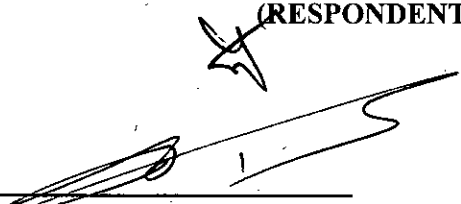
As explained above there was no clear vacant post at the time when the appellant was promoted on acting charge basis. In addition the appeal is time barred on two counts, first when the appellant was promoted vide office order No.6816-28/DF/E dated 07/12/2012 (**Annexure I**) and secondly when his appeal for claim of seniority was regretted vide letter dated 16-05-2018 (**Annexure IV**) because the appellant knew the facts/true picture at that time so he did not record any protest and did not file appeal at any forum and is thus badly time barred. Furthermore the appellant has received full financial benefit and no officer was promoted during the period so his seniority is intact. Thus the appellant has neither suffered in the past and present and nor will suffer in the future. Keeping in view the facts explained above, it is humbly prayed that the service appeal No.794/2018 may kindly be dismissed.



**DIRECTOR FISHERIES
KHYBER PAKHTUNKHWA
(RESPONDENT NO.3)**



**DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
(RESPONDENT NO.2)**



**SECRETARY
TO GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT
(RESPONDENT NO.1)**

BEFORE THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR

Service Appeal No.794/2018

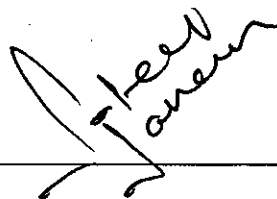
Gulzar Mahmood.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Agriculture Peshawar
2. Director General Fisheries Department, Peshawar
3. Director Fisheries Department

AFFIDAVIT

I Mr. Safeer Janan Assistant Director Fisheries Litigation and Statistics Directorate General of Fisheries Khyber Pakhtunkhwa do hereby solemnly affirm and declare that the contents of the accompanying para wise comments submitted by the Respondent No. 1 Secretary Agriculture, Livestock and Cooperative Department Government of Khyber Pakhtunkhwa, Respondent No. 2 Director General Fisheries Khyber Pakhtunkhwa Peshawar and Respondent No. 3 Director Fisheries Peshawar are true to the best of my knowledge and belief and that nothing has been concealed from the Honourable Court.



Deponent

Safeer Janan

Assistant Director Fisheries

CNIC No. 14101-0773744-7

Identified by: _____

Provincial Service Tribunal Peshawar

Annexure I

OFFICE ORDER.

Consequent upon the recommendations of the Departmental Promotion Committee meeting held on 20/11/2012, under the Chairmanship of Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Fisheries, Livestock & Dairy Development Department Peshawar vide letter No.SOG(AD)B-20/2011/KC, dated 07/12/2012, Mr. Gulzar Mehmood, Assistant (BPS-14), Directorate of Fisheries, Khyber Pakhtunkhwa Peshawar is hereby promoted to the post of Superintendent (BPS-16) on acting charge basis against the existing vacant post of Superintendent (BPS-16) in the Directorate of Fisheries Khyber Pakhtunkhwa Peshawar with immediate effect in the best interest of public service.

On promotion the above official will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

The promotion on acting charge basis is purely temporary and will not confer on him any right of seniority or continuance as Superintendent (BPS-16). He will be liable to reversion at any time without assigning any reason what so ever or in case of non availability of the post of Superintendent (BPS-16) or on repatriation of Nasir Ali Khan, Superintendent (BPS-16) who is presently working as Research Officer (General) in Planning and Development Department, FATA Secretariat Peshawar.

Sd/-
(SHARIF ULLAH KHAN)
DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.

No.6816-28/DF/E

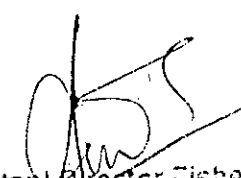
Dated Peshawar the 07/12/2012.

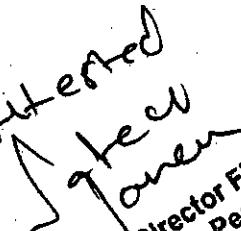
Copy forwarded for information and necessary action to:-

- 1- The Private Secretary to Minister for Livestock & Fisheries, Government of Khyber Pakhtunkhwa.

(Contd: P/2)

Attested


Assistant Director Fisheries
Headquarter Peshawar
C/O Director of Fisheries
Khyber Pakhtunkhwa

Attested

Assistant Director Fisheries
Headquarter Peshawar
C/O Director of Fisheries
Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 20-05-2014

Annexure II

NOTIFICATION

NO.FD/SO(FR)10-22/2014 The competent authority has been pleased to accord sanction to the upgradation of pay scales of the following posts, wherever exist, in all the Departments / Offices (except Civil Secretariat) of the Government of Khyber Pakhtunkhwa with immediate effect:

| S. No. | Nomenclature of the post | Existing Scale | Upgraded Scale |
|--------|--------------------------|----------------|----------------|
| 1 | Superintendent | BS-16 | BS-17 |
| 2 | Assistant | BS-14 | BS-16 |
| 3 | Senior Clerk | BS-09 | BS-14 |
| 4 | Junior Clerk | BS-07 | BS-11 |

- i. The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
- All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the: -

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
15. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
16. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
17. The Treasury Officer, Peshawar.
18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
19. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
20. PSO to Chief Secretary, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
22. PS to Finance Secretary.
23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
24. All Section Officers/Budget Officers in Finance Department.
25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretariat Superintendent, Assistant, Clerks Association with reference to his application No. PR/KPS/SACA/2-1/2013 dated 8-01-2014

(SHAUKAT ULLAH)
SECTION OFFICER (FR)

Attested
Javed
Assistant Director Fisheries
Headquarter Peshawar
OIO Director of Fisheries
Khyber Pakhtunkhwa

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 19th JANUARY, 2018.

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

NOTIFICATION

Dated: 26th April, 2017.

No.SO(LFC)AD-DF-E-3(37)2015:- 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 previous notifications issued in this behalf, the Agriculture, Livestock & Cooperation Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts specified in column No.2 of the said Appendix born in the Khyber Pakhtunkhwa Directorate of Fisheries and its subordinate offices.

**APPENDIX-III
PART-I
(TECHNICAL STAFF)**

| Sr | Nomenclature of the post. | Minimum qualification prescribed for appointment by initial recruitment. | Age limit for initial recruitment | Method of recruitment. |
|----|--|--|-----------------------------------|--|
| 1. | 2. | 3. | 4. | 5. |
| 1. | Director Fisheries (BPS-19) | ----- | ----- | By selection on merit on the basis of seniority-cum-fitness, from amongst the Additional Director Fisheries, having two years service as such. |
| 2. | Additional Director Fisheries (BPS-19) | ----- | ----- | By promotion on the basis of seniority cum fitness from amongst the Deputy Directors Fisheries having seven years service in BPS-18 or 12 years service in BPS-17 and above. |
| 3. | Deputy Director Fisheries (BPS-18) | ----- | ----- | By promotion on the basis of Seniority-cum-Fitness, from amongst the Assistant Directors Fisheries with five years Service as such. |
| 4. | Assistant Director Fisheries (BPS-17) | At least Second Class Master's Degree in Zoology with specialization in Fisheries / Fresh Water Biology, Or Master's Degree in Aquaculture: Fisheries or BS Hons (four years) in Zoology Fisheries/Aquaculture or equivalent qualification from a recognized University. | 21-32 Years | (a) Fifty percent by promotion on the basis of seniority-cum- fitness, from amongst the Assistant Research Officers and Extension Field Officers having Bachelor's Degree with Zoology or BS in Zoology / Fisheries / Aquaculture or equivalent from a recognized University with Five year service as such and (b) Fifty percent by initial recruitment. |
| 5. | Assistant Research Officer (BPS-16) | At least Second Class Bachelor's Degree in Zoology with Fisheries / Fresh Water Biology / Aquaculture as one of the subject or Equivalent qualification from a recognized University. | 20-32 years | (a) Thirty percent by promotion on the basis of seniority-cum-fitness, from amongst the Assistant Wardens Fisheries / Fisheries Development Assistant & Trout Culturist, having Intermediate Certificate (Pre-Medical) from a recognized Board with Seven years service as such; and (b) Seventy percent by initial recruitment. |

Attested
Javed
Assistant Director Fisheries
Headquarter Peshawar
OIO Director of Fisheries
Khyber Pakhtunkhwa

| S# | Nomenclature of the post. | Minimum qualification prescribed for appointment by initial recruitment. | Age limit for initial recruitment | Method of recruitment. |
|-----|---|--|-----------------------------------|--|
| 1. | 2. | 3. | 4. | 5. |
| 6. | Extension Field Officer (BPS-16) | At least Second Class Bachelor's Degree with Zoology, Fisheries, Fresh Water Biology or Aquaculture as one of the subject or Equivalent qualification from a recognized University. | 20-32 years | (a) Seventy percent by promotion, on the basis of seniority-cum-fitness, amongst the Assistant Warden Fisheries, Fisheries Development Assistant & Trout Culturists having Secondary School Certificate from a recognized Board with fifteen years service as such; and (b) Thirty percent by initial recruitment. |
| 7. | Assistant Warden Fisheries/ Fisheries Development Assistant/ Trout - Culturist (BPS-12) | At least Second Class Bachelor's Degree with Zoology, Fisheries, Fresh Water Biology or Aquaculture as one of the subject or Equivalent qualification from a recognized University. | 20-32 Years | (a) Fifty percent by promotion on the basis of seniority-cum-fitness, from amongst the Fisheries Supervisors, having Secondary School Certificate from a recognized board with seven years service as such, and (b) Fifty percent by initial recruitment. |
| 8. | Fisheries Supervisor (BPS-11) | At least Second Class Bachelor's Degree with Zoology or Fisheries from a recognized University. | 20-32 years. | (a) Fifty percent by promotion on the basis of Seniority-cum-Fitness, from amongst the Head Fisheries Watchers, having Secondary School Certificate or equivalent qualification from a recognized board with five year service as such; and (b) Fifty percent by initial recruitment. |
| 9. | Head Fisheries Watcher (BPS-09) | At least Second Class Intermediate Certificate (Pre-Medical) from a recognized board. | 18-32 years | (a) Seventy Five percent by promotion on the basis of seniority-cum-Fitness, from amongst the Fisheries Watchers having Secondary School Certificate from a recognized Board with five year service as such, and (b) Twenty five percent by initial recruitment. |
| 10. | Draftsman (BPS-9) | (a) At least Second Class Secondary School Certificate from a recognized board; and (b) at least eighteen months Civil Draftsman Certificate from a recognized Technical, Vocational Institute. | 18-32 years | By initial recruitment |
| 11. | Laboratory Assistant (BPS-8) | (a) At least Second Class Secondary School Certificate with Science from a recognized board, and (b) At least one year Laboratory techniques Certificate from recognized Veterinary or Medical Institute. | 18-32 Years | (a) Seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst the Laboratory Attendants with five year service as such; and (b) Twenty five percent by Initial recruitment. |
| 12. | Fisheries Watcher (BPS-7) | At least Second Class Secondary School Certificate with Science or equivalent qualification from a recognized board. | 18-32 years | (a) Twenty percent by promotion on the basis of Seniority- cum-Fitness, from amongst the Hatchery Assistant & Aquarium Attendant, having Secondary School Certificate with Science from a recognized board with five year service as such, and (b) Eighty percent by initial recruitment. |
| | Feed Mill Operator (BPS-7) | (a) At least Second Class Secondary School Certificate with Science from a recognized Board; and (b) Trade Certificate from a recognized technical training Institute. | 18-32 Years | By Initial Recruitment. |
| 14. | Carpenter (BPS-6) | (a) At least Second Class Secondary School Certificate from a recognized Board; and (b) Trade Certificate from recognized Technical Training Institute proficiency in the Trade. | 18-32 Years | By Initial Recruitment |
| 15. | Electrician (BPS-6) | (a) At least Second Class Secondary School Certificate from a recognized Board; and (b) One year Certificate in Electrician from recognized Technical Training Institute & having proficiency in the Trade. | 18-32 Years | By Initial Recruitment |

Accepted
 Ghulam
 Assistant Director Fisheries
 Headquarter Peshawar
 O/O Director of Fisheries
 Khyber Pakhtunkhwa

| S# | Nomenclature of the post. | Minimum qualification prescribed for appointment by initial recruitment. | Age limit for initial recruitment | Method of recruitment. |
|-----|--|---|-----------------------------------|-------------------------|
| 1. | 2. | 3. | 4. | 5. |
| 16. | Motor Boat Operator/Boat Man (BPS-6) | At least Second Class Secondary School Certificate from a recognized Board with proficiency in motor boat driving | 18-32 years. | By initial recruitment. |
| 17. | Tube Well Operator / Lift Pump Mechanic / Plumber- Pipe Fitter (BPS-6) | Literate having three months certificate in the relevant trade from a recognized Technical, Vocational Institute with proficiency in the Trade. | 18-32 years. | By Initial Recruitment. |
| 18. | Driver (BPS-6). | Literate, having valid light transport vehicle driving License with experience in driving, repairing and maintenance of vehicle | 18-40 years | By Initial Recruitment. |
| 19. | Hatchery Assistant, Aquarium Attendant (BPS-1). | At least Second Class Secondary School Certificate or equivalent qualification from a recognized board. | 18-40 years. | By initial recruitment. |
| 20. | Laboratory Attendant (BPS-3) | At least Second Class Secondary School Certificate with Science from a recognized Board | 18-40 years. | By Initial Recruitment |

PART-II

MINISTERIAL STAFF

| S# | Nomenclature of the post. | Minimum qualification prescribed for appointment by initial recruitment. | Age limit for initial recruitment | Method of recruitment. |
|-----|------------------------------------|---|-----------------------------------|---|
| 1. | 2. | 3. | 4. | 5. |
| 21. | Superintendent (BPS-17) | ----- | ----- | (a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with at least five years service as such; and (b) Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Scale Stenographers with at least five years service as such; |
| 22. | Assistant (BPS-16) | At least Second Class Bachelor's Degree or equivalent qualification from a recognized University | 18-32 years | (i) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Clerks with at least five years service as Junior and senior clerk; (ii) 25% by initial Recruitment. |
| 23. | Senior Scale Stenographer (BPS-16) | ----- | ----- | By promotion on the basis of seniority cum-fitness, from amongst the Junior Scale Stenographers, with at least five years service as such; |
| 24. | Computer Operator (BPS-16) | (a) At least Second Class Bachelor's Degree with Computer Science as one of the subject or Information Technology (BCS/BIT four years) or equivalent qualification from a recognized University; or (b) At least Second Class Bachelor's Degree from a recognized University with One year Diploma in Information Technology from a recognized board of Technical Education. | 20-32 years | By initial recruitment |
| 25. | Senior Clerk (BPS-14) | ----- | ----- | By promotion, on the basis of seniority cum fitness, from amongst Junior Clerks with at least five years service as such; |

Attended
J. Farooq
 Assistant Director Fisheries
 Headquarter Peshawar
 O/O Director of Fisheries
 Khyber Pakhtunkhwa

| Sr | Nomenclature of the post. | Minimum qualification prescribed for appointment by initial recruitment. | Age limit for initial recruitment | Method of recruitment. |
|----|--|---|-----------------------------------|---|
| 1. | 2. | 3. | 4. | 5. |
| 26 | Junior Scale Stenographer (BPS-14) | (a) At least Second Class Intermediate or equivalent qualification from a recognized Board; (b) a speed of fifty words per minute in short-hand in English and thirty-five words per minute in typing; and (c) Knowledge of computer in using MS-Word and MS-Excel. | 18-32 years | By initial recruitment. |
| 27 | Statistical Investigator (BPS-12) | At least Second Class Bachelor's Degree with Statistics, Mathematics or Economics as one of the subject from a recognized university. | 20-32 years | By initial recruitment |
| 28 | Junior Clerk (BPS-11) | (a) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board, and (b) a speed of thirty words per minute in typing | 18-30 years | (a) Thirty three percent by promotion, on the basis of seniority-cum-fines, from amongst the Naib Qasids, Chowkidars, Malis, Sweepers, Behishits & Attendants, having Secondary School Certificate or equivalent qualification from a recognized board with two years service as such and (b) Sixty seven percent by initial recruitment Note: - For the purpose of promotion, there shall be a joint seniority list of the Naib Qasids, Chowkidars, Malis, Sweepers, Behishits & Attendants with reference to the date of their acquiring the Secondary School Certificate. Provided that: (i) if two or more officials have acquiring the Secondary School Certificate in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post, and (ii) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials. |
| 29 | Naib Qasid / Chowkidar / Sweeper / Behishit / Attendant and Mali (BPS-3) | Literate; Note: - Preference will be given to the candidates having practical experience in the relevant field | 18-00 years | By initial recruitment. |

Attested
Jawan
Assistant Director Fisheries
Headquarter Peshawar
O/O Director of Fisheries
Khyber Pakhtunkhwa

Sd/-xxx
SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND
COOPERATION DEPARTMENT

ANNEXURE IV

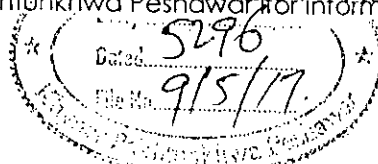
GOVERNMENT OF KHYBER PAKHTUNKHWA

AGRICULTURE LIVESTOCK & COOPERATIVE

DEPARTMENT

No. _____ /DGF/Estt./PF, Dated Peshawar the _____ /05/2018.

Copy of the above is forwarded to Mr. Gulzar Mehmood, Superintendent (General Section) Directorate of Fisheries Khyber Pakhtunkhwa Peshawar for information with reference to his application dated 27/02/2018. The Director General Fisheries Khyber Pakhtunkhwa, Peshawar.



Subject:- CLAIM OF SENIORITY

DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.

I am directed to refer to your letter No. 5362/DF, dated 29/03/2018 on the above captioned subject and to state that the appeal has been considered and regretted being not covered under the rules.

(AJMAL KHAN)
SECTION OFFICER

(LIVESTOCK, FISHERIS & COOPERATIVES)

Copy of the above is forwarded to the PS to Secretary Agri Department.

Handwritten notes:
Amp
A 915

SECTION OFFICER
(LIVESTOCK, FISHERIS & COOPERATIVES)
Ph: 091-9210973

Endst: No. 5362 /DGF/Estt./PF.

Dated Peshawar the 16/05/2018 ✓

Copy of the above is forwarded to Mr. Gulzar Mehmood, Superintendent (General Section) Directorate of Fisheries Khyber Pakhtunkhwa Peshawar for information with reference to his application dated 27/02/2018.

Handwritten signature: Atef Mehmood
Assistant Director Fisheries
Headquarter Peshawar
O/O Director of Fisheries
Khyber Pakhtunkhwa

DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.

Handwritten initials: BSH

Handwritten date: 27/2



www.fisheries.kp.gov.pk

DIRECTORATE GENERAL OF FISHERIES
2-SHAMI ROAD PESHAWAR



091-9212096



kpkfisheries@yahoo.com



www.facebook.com/dgfisherieskpk



<https://twitter.com/fisheriesk>

No. 792 /DGF/L&S/C-03

Dated 15 /03/2019



MOST IMMEDIATE/COURT MATTER

To


Mr. Safer Janan
Assistant Director Fisheries

Subject:

COURT AUTHORITY LETTER IN SERVICE APPEAL NO. 794/2018 TITLED GULZAR MAHMOOD VERSUS THE GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY AGRICULTURE AND OTHERS IN THE PROVINCIAL SERVICE TRIBUNAL PESHAWAR

You are hereby nominated/authorized to attend the court of law on behalf of Respondent No. 1 Secretary Agriculture, Livestock and Fisheries Department Khyber Pakhtunkhwa, Respondent No. 2 Director General Fisheries Khyber Pakhtunkhwa Peshawar and Respondent No. 3 Director Fisheries on each and every date of hearing till the decision of the case in service appeal No. 794-P/2018 titled "Gulzar Mahmood versus Government of Khyber Pakhtunkhwa through Secretary Agriculture and others" in the Provincial Service Tribunal Peshawar.

You are further directed to prepare joint para wise reply/comments of the case, vet it from the office of the Additional Advocate General Peshawar High Court Peshawar and send a vetted copy and a fair copy to this office for necessary action if required. You are further directed to meet the concerned Law Officer to assist him and apply for attested copy of the court order/judgment (if any) well in time and submit for further necessary action.


DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1849 /ST

Dated 24 / 10 /2019

To

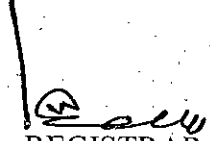
The Secretary Agriculture, Livestock & Cooperative Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -



JUDGMENT IN APPEAL NO. 794/2018, MR. GULZAR MEHMOOD.

I am directed to forward herewith a certified copy of Judgement dated 26.09.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

MOST IMMEDIATE/COURT MATTER

| | | |
|---|--|---|
|  | <p>www.fisheries.kp.gov.pk DIRECTORATE GENERAL OF FISHERIES 2-SHAMI ROAD PESHAWAR</p> <p>☎ 091-9212096 ✉ kpkfisheries@yahoo.com</p> <p>🌐 www.facebook.com/dgfisherieskpk 📺 https://twitter.com/fisheriesk</p> <p>No. 948 /DGF/L&S/C-03 Dated. 24 /05/2019</p> |  |
|---|--|---|

To

Mr. Bakhshish Khan,
Superintendent (BS-17)
Estt; Section, Hqr Peshawar

Subject:

**COURT AUTHORITY LETTER IN SERVICE APPEAL NO.794//2018 TITLED
GULZAR MAHMOOD VERSUS GOVT: OF KHYBER PAKHTUNKHWA
THROUGH SECRETARY AGRICULTURE AND OTHERS IN THE
PROVINCIAL SERVICE TRIBUNAL.**

You are hereby nominated and authorized to attend the Khyber Pakhtunkhwa, Service Tribunal Peshawar on behalf of Respondents on each and every date of hearing till the decision of the case in Service Appeal No.794-P/2018 titled "Gulzar Mahmood versus Government of Khyber Pakhtunkhwa through Secretary Agriculture and others". The next date of hearing is fixed on 30/05/2019.

You are further directed to meet the concerned Law Officer one day before each and every date of hearing, assist him & apply for attested copy of the decision/judgment (if any) well in time and submit to this office for further necessary action.

o/c

[Signature]
DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR
[Signature]
24/5/19

COURT MATTER



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT
Phone-091-9212464, Fax-091-9210033

NO. 50 (Lit) AD/3-229/2019
Dated Peshawar the July 10, 2019.

To

The Director General,
Fisheries, Khyber Pakhtunkhwa,
Peshawar.

15/5
13/7/19

SUBJECT: - SERVICE APPEAL NO.794 OF 2018 - TITLED - GULZAR MAHMOOD V/S
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
AGRICULTURE & OTHERS.

I am directed to refer to your letter No.166-68/DGF/L&S; dated 25.06.2019 on the subject noted above and to state that the desired documents consisting (photo of Working Paper and minutes of DPC meeting pertaining to the year 2012 of the petitioner) have been received from the office of the Section Officer (LFC) of this department, are sent herewith to your office for submission before the Hon'ble Service Tribunal, Peshawar on 24.07.2019.

The matter is most urgent and may be taken on top priority.

Encl. As above.

(AJMAL KHAN)
Section Officer (Litigation)

Endst. No. & Date Even.

Copy forwarded to:

1. The Section Officer (LFC), Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Coop; Department, Peshawar.
2. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
3. Master File.

ADF (15/5)

Section Officer (Litigation)

MOST IMMEDIATE/
COURT MATTER



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT
Phone-091-9212464, Fax-091-9210033

NO. SO (Lit) AD/3-229/2019
Dated Peshawar the July 10, 2019

To

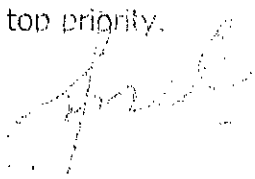
The Director General,
Fisheries, Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - SERVICE APPEAL NO.794 OF 2018 - TITLED - GULZAR MAHMOOD V/S
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
AGRICULTURE & OTHERS.

I am directed to refer to your letter No.166-68/DGF/L&S; dated 25.06.2019 on the subject noted above and to state that the desired documents consisting (photo of Working Paper and minutes of DPC meeting pertaining to the year 2012 of the petitioner) have been received from the office of the Section Officer (LFC) of this department, are sent herewith to your office for submission before the Hon'ble Service Tribunal, Peshawar on 24.07.2019.

The matter is most urgent and may be taken on top priority.

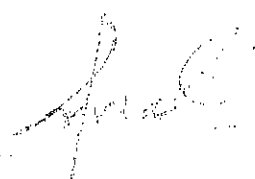
Encl. As above.


(AJMAL KHAN)
Section Officer (Litigation)

Endst. No. & Date Even.

Copy forwarded to:

1. The Section Officer (LFC), Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Coop; Department, Peshawar.
2. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
3. Master File.


Section Officer (Litigation)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SOG (AD)8-20/2012
Dated Peshawar, the 7/11/2012

1. The Deputy Secretary (R-II)
Government of Khyber Pakhtunkhwa
Establishment Department.
2. The Deputy Secretary (R-II)
Government of Khyber Pakhtunkhwa,
Finance Department.

SUBJECT:- MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE.

I am directed to refer to the subject cited above and to state that a meeting of the Departmental Promotion Committee is scheduled to be held on 20/11/2012 at 11.00 A.M. under the Chairmanship of Secretary Agriculture in his office.

2. You are requested to attend the said meeting as per schedule given above.
3. Agenda of the meeting alongwith 03 sets of working paper are sent herewith.
Each As above.

SECTION OFFICER (ADMIN)

Dist. No & Date given.

Copy forwarded to:-

The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
Director Fisheries
They are requested to attend the meeting as per scheduled alongwith relevant record.

SECTION OFFICER (ADMIN)

SECTION OFFICER (ADMIN)

3 to Secretary Agriculture, Khyber Pakhtunkhwa.
1 to Deputy Secretary (Admin).

By
Date
Adm
Dc

2-11

AGENDA FOR DEPARTMENTAL PROMOTION COMMITTEE

ITEM NO.1

Promotion of Superintendent (BS-16) and Assistant Accounts Officer (BS-17) acting charge to the post of Assistant Account Officer (BS-17) on regular basis in the Directorate General Agriculture Extension.

Two posts of Assistant Accounts Officer (BS-17) in the Directorate General of Agriculture Extension have fallen vacant due to retirement of the incumbents on superannuation. The posts are to be filled in by promotion on the basis of Seniority cum fitness from amongst the holders of the post of Administrative Officers/Superintendents in the respective wings, who have passed such departmental examination in accounts as may be by the government for the posts equivalent to the required standard.

ITEM NO.2

Promotion of Office Assistant (BS-14) to the post of Superintendents (BS-16), in the Directorate General Agriculture Extension Department.

Five posts of Superintendents (BS-16) in the Directorate General Agriculture Extension have fallen vacant and are to be filled in by promotion on the basis of Seniority cum fitness 90% from amongst the Assistants/Head Clerk/Accountants and 10% from amongst Senior Scale Stenographers with at least 05 years experience as such. Four posts fall under the share of Assistants/Accountants and one (1) post in the share of Stenographers.

ITEM NO.3

Promotion of Office Assistant (BS-14) to the post of Superintendents (BS-16), in the Directorate General, Agriculture Research.

Four posts of Superintendents (BS-16) in the Directorate General Agriculture ~~Research~~ have fallen vacant and are to be filled in by promotion on the basis of Seniority cum fitness 90% from amongst the Assistants/Head Clerk/Accountants and 10% from amongst Senior Scale Stenographers with at least 05 years experience as such. Three posts fall under the share of Assistants/Accountants and one (1) post in the share of Stenographers.

ITEM NO. 4

Promotion of Office Assistant (BS-14) to the post of Superintendents (BS-16), in the Fisheries Department Khyber Pakhtunkhwa.

Two posts of Superintendents (BS-16) in the Directorate of Fisheries Khyber Pakhtunkhwa and FATA have fallen vacant one due to retirement of the incumbent and the other by transfer of the incumbent to the F&D FATA since long. The posts are to be filled in by promotion from amongst the holders of the post of Assistants/senior scale stenographers with at least five years experience as such.

55

WORKING PAPER.

PROMOTION/APPOINTMENT OF OFFICE ASSISTANT (BPS-14) TO THE POST OF SUPERINTENDENT (BPS-16) ON REGULAR/ACTING CHARGE BASIS.

Two posts of Superintendent (BPS-16) are lying vacant on regular side in Fisheries Department Khyber Pakhtunkhwa/FATA. Due to retirement of Mr. Sultan Muhammad, Superintendent (BPS-16) Directorate of Fisheries Khyber Pakhtunkhwa, Peshawar from Government Service with effect from 20/08/2012 vide office order No.2931-37/DF/E, dated 29/06/2012 (Annexure-I). To fill the above said vacant posts, case has been prepared for promotion to the post of Superintendent (BPS-16) on regular basis.

While one post of Superintendent is lying vacant in the Directorate of Fisheries FATA Secretariat Peshawar due to transfer of Mr. Nasir Ali Khan, Superintendent (BPS-16) to the post of Research Officer (BPS-17) (General) in his own pay scale in Planning & Development Department FATA Secretariat vide order No.CS/E/100-1(Vol-18)/4901-05, dated 05/06/2007. To fill the said vacant post of Superintendent (BPS-16), Mr. Abdul Qayyum, senior most Assistant (BPS-15) was appointed/promoted to the post of Superintendent (BPS-16) on acting charge basis and posted in Directorate of Fisheries FATA. Now Mr. Abdul Qayyum, Superintendent (BPS-16) on acting charge basis has been granted Leave Preparatory to retirement w.e.f. 15/06/2012 vide office order No.5473-82/DF/E, dated 25/04/2012 (Annexure-II). The Section Officer-II FATA Secretariat, Production & Livelihood Development Department Peshawar vide his letter No.FS/SO-II/1-1/P&D/Fisheries/862-67, dated 13/09/2012 (Annexure-III), which is self explanatory.

According to the existing Service Rules Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1993 and read with Notification endorsed No.(FT/II)/1-2/76/Fish/93/9964-80, dated 31/10/1993 (Annex:-IV) the method of Appointment to the post of Superintendent (BPS-16) is as under:-

✓ "By promotion on the basis of seniority-cum-fitness from amongst the Office Assistants/Senior Scale Stenographers with at least Five years experience as such"

NOTE:-

A common Seniority list of Assistants and Senior Scale Stenographers the purpose of promotion to the post of Superintendent (BPS-16) shall be maintained provided that where the date of continuous appointment of an Assistant and Senior Scale Stenographer is the same, the Assistant shall be deemed to be senior to the Senior Scale Stenographer.

Whereas filling the post on acting charge basis as provided in Rules 9(4) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and as reproduced below (Annex:-V).

✓ "Acting charge appointment shall be made against posts, which are likely to fall vacant for a period of six months or more, against vacancies for less than six months, current charge appointments may be made according to orders issued from time to time".

According to the Seniority list (Annex:-VI) the following officials are senior mc Office Assistant (BPS-14) who are due for appointment/promotion to the post of Superintendent (BPS-16).

| S# | Name of Assistant. | Qualification. | Date of 1 st entry into Govt. Service. | Date of entry into present scale/post. | Whether he completed the required service. | Whether eligible for promotion. |
|------|----------------------|----------------|---|--|--|---------------------------------|
| ✓ 1- | Mr. Mohammad Ismail. | Matric. | 01/04/1978 | 01/11/1988 | Yes. | Yes. |
| ✓ 2- | Mr. Gulzar Mehmood. | MA. | 23/01/1990 | 23/01/1990 | Yes. | Yes. |
| 3- | Mr. Mohammad Asif. | MA. | 07/02/1990 | 07/02/1990 | Yes. | Yes. |
| 4- | Mr. Zafar Iqbal. | BA. | 18/03/1969 | 01/01/1991 | Yes. | Yes. |

Attested copies of synopsis of Annual Confidential Reports alongwith complete date CR Dossier of the officials are attached (Annex:-VII), and Certificate of No Disciplinary action (Annex:-VIII), and a Certificate regarding availability of posts (Annex:-IX).

It is certified that all the officials included in the panel for promotion/appointment to the post of Superintendent (BPS-16) on regular/acting charge basis :-

- i) Hold the lowest post on regular basis and none of them are holding the posts on adhoc basis.
- ii) Have completed the prescribed minimum length of qualifying service/experience as required under the service rules.
- iii) There are no disciplinary/criminal/anti-corruption proceedings pending against any of the above said officials.
- iv) No penalty has been imposed on these officials.
- v) Have not been promoted on acting charge basis.
- vi) No Departmental examination has been prescribed for promotion to the post of Superintendent (BPS-16).

The Departmental Promotion Committee is requested to consider the suitability of one official from the panel for promotion to the post of Superintendent (BPS-16) on regular basis & one official from the panel for appointment to the post of Superintendent (BPS-16) on acting charge basis as provided in the Rules 9(4) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.

OFFICE ORDER.

On completion of the age of superannuation of 60-years on 19/08/2012 (AN) Mr. Sultan Mohammad, Superintendent (BPS-16) of the Directorate of Fisheries Khyber Pakhtunkhwa, Peshawar is hereby retired from Government Service with effect from 20/08/2012 (FN). His total service since 01/10/1971 to 19/08/2012 (AN) is 40 years, 10-months and 18-days.

He is allowed the grant of lumpsum amount of 180-days leave on full pay in lieu of Leave Preparatory to retirement ad admissible to him vide Rules 20 of NWFP, Civil Servants Revised Leave Rules 1981 notified vide Government of NWFP, Finance Department No.FD(SR-IV)5/54/80(viol-II), dated 17/12/1981 and its amendment policy dated 20/11/1986.

Sd/-
(MOHAMMAD DIYDAR)
DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.

No. 5931-37
7DF/E

Dated Peshawar the 29/06/2012.

Copy forwarded for information and necessary action to:-

- 1- The Accountant General Khyber Pakhtunkhwa, Peshawar.
- 2- The Section Officer (Livestock & Fisheries) Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Fisheries, Livestock and Dairy Development Department, Peshawar.
- 3- The Deputy Director Fisheries Head Quarter, Peshawar.
- 4- The Assistant Director Fisheries Head Quarter, Peshawar.
- 5- PA to Director Fisheries Khyber Pakhtunkhwa, Peshawar.
- 6- Incharge Budget & Accounts Section Head Quarter, Peshawar.
- 7- Mr. Sultan Mohammad, Superintendent Budget & Accounts Section, Directorate of Fisheries Khyber Pakhtunkhwa, Peshawar w/r to his application dated 20/06/2012.

DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR. 60

Govt
ASST
OFF
PESHAWAR

OFFICE ORDER.

On completion of 36 years 05-months and 28-days qualifying service Mr. Abdul Qayyum, Superintendent (BPS-16) on acting charge basis of the office of Directorate of Fisheries FATA Secretariat FATA Peshawar on his own request dated 09/04/2012 and as recommended by the Director of Fisheries FATA Secretariat FATA Peshawar vide his letter No. 431-34/DF/Estt., dated 17/04/2012, is hereby granted Leave Preparatory to retirement for 365-days with effect from 15/06/2012 to 14/06/2013 (AN). Certified that 365-days leave is available at his credit as per leave admissibility certified already issued by the Accountant General (P.R) Peshawar office.

On the expiry of his Leave Preparatory to Retirement the above named official shall stand retired from Government Service with effect from 14/06/2013 (AN).

The order is final and there will be no change later on:

Sd/-
(MOHAMMAD DIYAR)
DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.

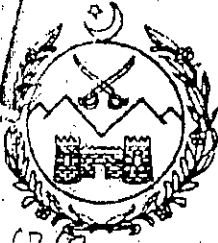
Dated Peshawar the 25/04/2012.

No. 5473-82 /DF/E

Copy forwarded for information and necessary action to:-

- 1- The Accountant General (P.R), Peshawar.
- 2- PS to Secretary Production & Livelihood Development Department FATA Secretariat FATA, Peshawar.
- 3- The Director Fisheries FATA Secretariat FATA, Peshawar w/r to his letter No. 431-34/DF/Estt., dated 17/04/2012.
- 4- The Section Officer (Livestock & Fisheries) Government of Khyber Pakhtunkhwa, Agriculture, Cooperative, Fisheries, Livestock and Dairy Development Peshawar.
- 5- The Deputy Director Fisheries FATA Secretariat FATA, Peshawar.
- 6- The Assistant Director Fisheries FATA Secretariat FATA, Peshawar.
- 7- The Superintendent Head Quarter Peshawar.
- 8- PA to Director Fisheries Khyber Pakhtunkhwa, Peshawar.
- 9- Mr. Abdul Qayyum, Superintendent on acting charge basis of the office of Directorate of Fisheries FATA Secretariat FATA, Peshawar w/r to his application dated 09/04/2012.

DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR.



59

FATA SECRETARIAT
(PRODUCTION & LIVELIHOOD DEVELOPMENT DEPARTMENT)
WARSAK ROAD PESHAWAR

No.FS/SO-II/1-1/P&ID/Fisheries/P&D-67
Dated Peshawar the Sep 13th, 2012

1319
20/9/12
To

The Secretary to Government of Khyber Pakhtunkhwa
Agriculture Livestock & Cooperative
Department Peshawar

Subject: - WITHDRAWAL OF SERVICES

Dear Sir,

I am directed to refer to Agriculture, Livestock & Cooperative Department, Government of Khyber Pakhtunkhwa notification No.SO(P&LDD)/AD-DI-3(1)/2012 dated 15-08-2012 whereby the services of Mr.Nasir Ali Khan, Superintendent (BS-16), who is presently working in Planning & Development Department FATA as Research Officer (General) has been withdrawn on the subject noted above.

In this connection the attention of Agriculture, Livestock & Cooperative Department is invited to the following instructions of posting/transfer policy of Provincial Government from FATA and vice versa.

- i. All provincial Government Departments are directed to move proposals for posting out of an employee from FATA only when a substitute to FATA would invariably give his arrival for duty before the employee being transferred out of FATA is relieved.
- ii. On consent from the FATA Secretariat and approval of the proposal by the competent authority, the substitute to FATA would invariably give his arrival for duty before the employee being transferred out of FATA is relieved.

In the light of above instructions, Mr.Nasir Ali Khan Research Officer (General), Planning & Development Department FATA can not be spared. Moreover Planning & Development Department FATA where is performing very important nature of duties, has also requested for his retention in the Planning & Development Department FATA.

Yours faithfully,

Sal
(Liaqat Haleem)
Section Officer-II

Copy forwarded for information to:-

1. The Director Fisheries Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director Fisheries, FATA, Peshawar.
3. The PS to Secretary, P&D, FATA, Peshawar.
4. The PS to Secretary, P & LDD, FATA Peshawar.
5. The Officer concerned.

Liaqat
Section Officer-II

Amesbury, N.Y.

By promotion on the basis of seniority-cum-fitness from amongst the Assistant/Senior Scale Stenographers with at least five years service as such.

4. Superintendent (BFS-16).

By promotion on the basis of seniority-cum-fitness from amongst the Assistant/Senior Scale Stenographers with at least five years service as such.

Assistant Director of Fisheries
O.O. Hearn
Provincetown, Mass.

4 (A) Senior Scale Stenographer (BFS-15).

- i) Bachelor's degree or equivalent qualification from a recognized university and a speed of 100 words per minute in shorthand in English and 10 words per minute in cyrillic.
- 18-25 years.

By promotion on the basis of seniority-cum-fitness from amongst the Stenographers (BFS-12) with at least 5 years service as such provided that if no suitable candidate is available for promotion then by initial recruitment.

Vid: SAC letter No. SGA-I (SGAD) 7/10/11, 10/9/11/19

(Contd. P/13)

Ammeccore

- (iii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iv) the person concerned holds appointment to the post in his parent Department on regular basis;
- (v) the person concerned is a *bonafide* resident of the North-West Frontier Province;
- (vi) a vacancy exists to accommodate the request of such a transfer; and
- (vii) provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the *above* conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purposes of determining his seniority vis-a-vis other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request of transfer under this rule and any decision made in this behalf shall be final and shall not be quashed as precedences in any other case.

Appointment on Acting Charge or Current Charge Basis.— (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis.

Provided that no such appointment shall be made, if the prescribed length of service is short by more than "three years."

(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic pay scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organisation, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

These rules shall be subject to the (a) replaced by rules and proviso added by Notification No. SOR(S&GAD)4-1/80 dated 14.3.1996

G. J. Khan
 Assistant Director Fisheries
 Head-Quarter
 OIC Director of Fisheries
 Khyber Pukhtoon Khwa
 Province, Peshawar

G. J. Khan

FINAL SENIORITY LIST OF OFFICE ASSISTANT (BPS-14)/SENIOR SCALE STENOGRAPHER (BPS-16) AS STOOD ON 31/17/2012

| S# | NAME OF OFFICIAL | FATHER'S NAME | EDUCATIONAL QUALIFICATION | HOME DISTRICT | DATE OF BIRTH | DATE OF 1 ST ENTRY INTO GOVT. SERVICE | DATE OF APPOINTMENT TO PRESENT POST | WHETHER PROMOTEE OR DIRECT RECRUITMENT | PERMANENT OR TEMPORARY |
|----|---|----------------------|---------------------------|---------------|---------------|--|-------------------------------------|--|------------------------|
| 1 | Mr. Mohammad Ismail. (BPS-14) | Said Mohammad | Matric. | Charsadda | 01/06/1958 | 01/04/1978 | 01/11/1983 | Promotee. | Permanent. |
| 2 | Mr. Gulzar Mehmood. (BPS-14) | Sultan Mehmood | MA | Mardan | 15/05/1968 | 23/01/1990 | 23/01/1990 | Direct. | Permanent. |
| 3 | Mr. Mohammad Asif. (BPS-14) | Khuda Bakhsh Ashiq. | MA. | D.I. Khan. | 04/01/1966. | 07/02/1990. | 07/02/1990. | Direct. | Permanent. |
| 4 | Mr. Zafar Iqbal. (BPS-14) | Mohammad Alam. | BA. | Kohat. | 07/03/1959. | 18/03/1979. | 01/01/1991. | Promotee. | Permanent. |
| 5 | Mr. Mohammad Ayaz, Senior Scale Stenographer (BPS-16) | Mohammad Azam Khan. | BA. | Peshawar. | 10/09/1961. | 01/10/1980 as J/C 01/04/1983 as JSSG | 02/12/1996. | Promotee. | Permanent. |
| 6 | Mr. Aqal Mand. (BPS-14) | Mr. Shah Dada. | Matric. | Swat. | 23/09/1963. | 28/05/1986 as J/Clerk. | 01/03/2006. | Promotee. | Permanent. |
| 7 | Mr. Aziz-ur-Reham. (BPS-14) | Mr. Habib-ur-Rehman. | FA. | Swabi. | 10/09/1966. | 01/09/1986. | 01/08/2007. | Promotee. | Permanent. |
| 8 | Mr. Bakhshish Khan (BPS-14) | Fazal-e-Rehman. | MA. | Peshawar. | 15/06/1961. | 26/03/1985 as F/W. 01/02/1987 as J/C. | 01/08/2007. | Promotee. | Permanent. |
| 9 | Mr. Maqsood Ali (BPS-14) | Yousaf Ali. | BA. | Nowshehra | 20/03/1959. | 02/02/1987. | 01/08/2007. | Promotee. | Permanent. |

Contd. on P/2---

[Handwritten Signature]

CERTIFICATE

Certified that there is no Disciplinary/Criminal/Anti-corruption proceedings pending against the officials included in the panel and recommended for promotion/appointment to posts of Superintendent (BPS-16) on regular/acting charge basis.

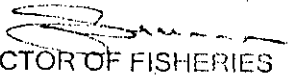
- i) Hold the lowest post on regular basis and none of them are holding the posts on adhoc basis.
- ii) Have completed the prescribed minimum length of qualifying service/experience as required under the service rules.
- iii) There are no disciplinary/criminal/anti-corruption proceedings pending against any of the above said officials.
- iv) No penalty has been imposed on these officials.
- v) Have not been promoted on acting charge basis.
- vi) No Departmental examination has been prescribed for promotion to the post of Superintendent (BPS-16).

✓ 1) Mr. Muhammad Ismail, Office Assistant (BPS-14) of the office of Directorate of Fisheries, FATA Secretariat Peshawar.

✓ 2) Mr. Gulzar Mehmood, Office Assistant (BPS-14) of the office of Directorate of Fisheries, Khyber Pakhtunkhwa, Peshawar.

3) Mr. Mohammad Asif, Office Assistant (BPS-14) of the office of District Officer Fisheries, D.I Khan.

4) Mr. Zafar Iqbal, Office Assistant (BPS-14) of the office of District Officer Fisheries, Kohat.

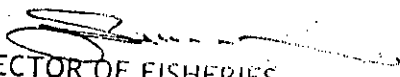

DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA,
PESHAWAR. *RJ*

ANNEXURE-IX.

CERTIFICATE REGARDING AVAILABILITY OF
THE POST OF SUPERINTENDENT (BPS-16).

Two posts of Superintendent (BPS-16) are lying vacant on regular side in Fisheries Department Khyber Pakhtunkhwa/FATA. Due to retirement of Mr. Sultan Muhammad, Superintendent (BPS-16) Directorate of Fisheries Khyber Pakhtunkhwa, Peshawar from Government Service with effect from 20/08/2012 vide office order No.2931-37/DF/E, dated 29/06/2012. To fill the above said vacant posts, case has been prepared for promotion to the post of Superintendent (BPS-16) on regular basis.

While one post of Superintendent is lying vacant in the Directorate of Fisheries FATA Secretariat Peshawar due to transfer of Mr. Nasir Ali Khan, Superintendent (BPS-16) to the post of Research Officer (BPS-17) (General) in his own pay scale in Planning & Development Department FATA Secretariat vide order No.CS/E/100-1(Vol-18)/4901-05, dated 05/06/2007. To fill the said vacant post of Superintendent (BPS-16), Mr. Abdul Qayyum, senior most Assistant (BPS-15) was appointed/promoted to the post of Superintendent (BPS-16) on acting charge basis and posted in Directorate of Fisheries FATA. Now Mr. Abdul Qayyum, Superintendent (BPS-16) on acting charge basis has been granted Leave Preparatory to retirement w.e.f, 15/06/2012 vide office order No.5473-B2/DF/E, dated 25/04/2012. The Section Officer-II, FATA Secretariat, Production & Livelihood Development Department Peshawar has requested that Mr. Nasir Ali Khan, Research Officer (BPS-17) (General) in his own pay scale, Planning & Development Department FATA Secretariat Peshawar cannot be spared. Moreover, Planning & Development Department FATA is performing very important nature of duties, has also requested for his retention in the Planning & Development Department FATA vide No.FS/SO-II/1-1/P&D/Fisheries/862-67, dated 13/09/2012.


DIRECTOR OF FISHERIES
KHYBER PAKHTUNKHWA,
PESHAWAR. *K2*



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATION
DEPARTMENT

No. SOG (AD) B-20/2011/KC
Dated Peshawar the 7th December, 2012

To

Director General,
Agriculture Extension,
Khyber Pakhtunkhwa.

Director Fisheries,
Khyber Pakhtunkhwa.

Section Officer (Estt),
Agriculture Livestock & Cooperation Department,
Khyber Pakhtunkhwa.

Subject: MINUTES OF THE DPC MEETING.

I am directed to refer to the above noted subject and to enclose herewith copy of the approved minutes of the DPC meeting held on 20/11/2012 for further necessary action in your end please.

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

Encl No. and date event:-

Copy to:

PS to Secretary Agriculture Khyber Pakhtunkhwa.

SECTION OFFICER (Admin)

Estt

7/12



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT

Subject: MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING
HELD ON 20-11-2012 AT 11:00 AM UNDER THE CHAIRMANSHIP OF
SECRETARY AGRICULTURE, LIVESTOCK AND COOPERATIVE DEPARTMENT
KHYBER PAKHTUNKHWA.

A meeting of the Departmental promotion Committee was held on 20-11-2012 at 11:00 AM under the Chairmanship of Secretary Agriculture, Livestock, and Cooperative Department Khyber Pakhtunkhwa to consider the Promotion cases of the subordinate offices of this department.

The following attended the meeting:

- | | |
|--|----------|
| 1. Mr. Muhammad Afsar Khan, Secretary Agriculture. | Chairman |
| 2. Mr. Ayub Shah Deputy Secretary (Admn) Agriculture Deptt. | Member |
| 3. Mr. Abdur Rashid, Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar. | Member |
| 4. Dr. Nazeer Hussain Shah, Director General Agriculture Research Khyber Pakhtunkhwa, Peshawar | Member |
| 5. Mr. Sharif Ullah Khan Director of Fisheries, Khyber Pakhtunkhwa, Peshawar | Member |
| 6. Mr. Shafi Ul Ahmad Section Officer (Reg-III) Government of Khyber Pakhtunkhwa, Establishment Department. | Member |
| 7. Mr. Shaukat Ullah Section Officer (SR-I) Government of Khyber Pakhtunkhwa, Finance Department | Member |

Item No. 1.

PROMOTION OF ASSISTANT ACCOUNTS OFFICER (BS-17)
ACTING CHARGE BASIS AND ONE SUPERINTENDENT (BS-16)
TO THE POST OF ASSISTANT ACCOUNTS OFFICER (BS-17) ON
REGULAR BASIS OFFICE OF THE DIRECTOR GENERAL,
AGRICULTURE (EXTENSION), KHYBER PAKHTUNKHWA.

The Department Promotion Committee after detailed discussion unanimously recommendation the following Assistant Accounts Officer (BS-17) on "Acting charge basis" for promotion to the post of Assistant Accounts Officers (Bs-17) on "regular basis" with immediate effect:-

- i. Mr. Saifullah Khan.
- ii. Mr. Khair Muhammad.

On promotion the above officers will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Item No. 2.

PROMOTION OF ONE NO. SENIOR SCALE STENOGRAPHER AND FOUR NOS.
OFFICE ASSISTANT (BS-14) TO THE POST OF SUPERINTENDENT (BPS-16)
OFFICE OF THE DIRECTOR GENERAL, AGRICULTURE (EXTENSION) KHYBER
PAKHTUNKHWA, PESHAWAR.

After detailed discussion, the Department Promotion Committee unanimously recommended one No. Senior Scale Stenographer and four Nos. Office Assistant (BS-14) for promotion to the post of Superintendent (BS-16) on regular basis with immediate effect:-

- i. Mr. Yar Muhammad.
- ii. Mr. Sher Muhammad.
- iii. Main Naeem Shah.
- iv. Mr. Fazal Dad.
- v. Mr. Muhammad Javed.

On Promotion they will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Item No. 3

PROMOTION OF THREE (03) NOS. OFFICE ASSISTANT / ONE NO. SENIOR SCALE STENOGRAPHER TO THE POST OF SUPERINTENDENT (BS-16) OFFICE OF THE DIRECTOR GENERAL AGRICULTURAL RESEARCH, KHYBER PAKHTUNKHWA.

The Department Promotion Committee recommendation the following Assistant / Senior Scale Stenographer for promotion to the post of Superintendent (BS-16) with immediate effect:-

- i. Mr. Hafzeeullah.
- ii. Mr. Barkat Ali.
- iii. Mr. Jehangir Khan.
- iv. Mr. Muhammad Iqbal.

On Promotion the above officials will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Item No. 4

PROMOTION / APPOINTMENT OF OFFICE ASSISTANT (BS-14) TO THE POST OF SUPERINTENDENT (BS-16) ON REGULAR BASIS OFFICE OF THE DIRECTOR OF FISHERIES, KHYBER PAKHTUNKHWA.

The Departmental Promotion Committee after detailed discussion recommended the following Office Assistant (BS-14) for promotion to the post of Superintendent (BS-16) with immediate effect:-

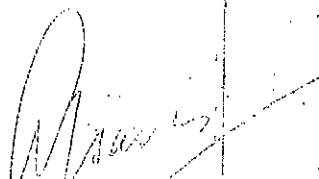
| S.No. | Name of official | Remarks |
|-------|---------------------|----------------------------------|
| 1. | Mr. Muhammad Ismail | Promoted on regular basis. |
| 2. | Mr. Gulzar Mehmood | Promoted on acting charge basis. |

On Promotion the above officials will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

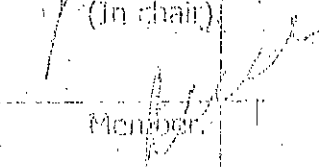
Meeting ended with vote of thanks from and to the Chair.

Members of Panel -

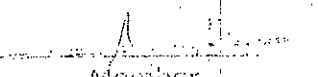
Mr. Muhammad Afsar Khan,
Secretary Agriculture.


(In chair)

Mr. Ayub Khan
Deputy Secretary (Admn)
Agriculture, Peshawar.


Member.

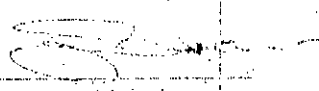
Mr. Abdur Rashid,
Director General,
Agriculture (Extension),
Khyber Pakhtunkhwa, Peshawar.


Member.


Mr. Nazeer Hussain Shah,
Director General,
Agricultural Research,
Khyber Pakhtunkhwa, Peshawar.


Member.

Mr. Shafiq Ullah Khan
Director Fisheries
Khyber Pakhtunkhwa,
Peshawar.


Member.

Mr. Shafiq Ullah
Section Officer (Reg-III)
Government of Khyber Pakhtunkhwa,
Establishments Department.


Member.

Mr. Shaukat Ullah
Section Officer (SR-I)
Government of Khyber Pakhtunkhwa,
Finance Department.


Member.