14.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Noman Khalil, Assistant for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments on 15.09.2022 before S.B.

(MIAN MUHAMMAD)
MEMBER (E)

25.04.2022 Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant has been deprived of his due rights of promotion to BS-20 on the ground of an existing vacancy occurred due to the retirement of one Fazal Mabood on 24.04.2020. The appellant was at serial No. 1 of the seniority list of officers in BS-19, as it stood on 01.01.2020 and notified on 02.11.2020. However, despite the fact, an officer appearing at serial Nor. 4 of the said seniority list was promoted to BS-20 vide notification dated 18.06.2021 and the appellant was given additional charge in BS-20 on 11.02.2021. The appellant requested for promotion to BS-20 through departmental appeal dated 25.02.2021 which was regretted on the ground that the appellant had retired on 31.03.2021, vide correspondence dated 12.04.2021. Moreover, learned counsel relied on judgement of the Service Tribunal in service appeal No. 731/2015 dated 25.10.2017 and Supreme Court judgement dated 08.06.2021 in civil appeal No. 40/2021 and requested for proforma promotion in BS-20 w.e.f 24.04.2020 in respect of the appellant being his accrued right.

Rs-700/-
Appellant Deposited
Security & Process Fee
25/4/22

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 14.07.2022 before S.B.

(Mian Muhammad)
Member(E)

28.01.2022 Clerk of learned counsel for the appellant present.

Former requests for adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing on 30.03.2022 before S.B.

(Mian Muhammad)
Member(E)

30.03.2022 Learned counsel for the appellant present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 25.04.2022 before S.B.

(MIAN MUHAMMAD)
MEMBER(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7802/**2021**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/11/2021	The appeal of Mr. Hassan Taj presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on 17/01/22. CHAIRMAN
	17.01.2022	Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing on 28.01.2022 before S.B. (Mian Muhammad) Member (E)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 7802 /2021

Hassan Taj V/S Govt Of KP

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-07
2.	Condonation of delay	-----	08
3.	Copy of Final Seniority List	---A---	09-12
4.	Copy of Retirement Notification	---B---	13
5.	Copy of Affidavit	---C---	14-15
6.	Copy of seniority list BS-20	---D---	16
7.	Copy of Rules	---E---	17-18
8.	Copy of working paper	---F---	19-24
9.	Copy of addl: charge order	---G---	25
10.	Copy of departmental appeal	---H---	26-27
11.	Copy of letter	---I---	28-29
12.	Copy of tribunal Judgment	---J---	30-32
13.	Copy of Supreme Court judgment	---K---	33-38
14.	Copy of order	---L---	39
15.	Vakalat nama	-------	40

APPELLANT
Hassan Taj

THROUGH

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

&

(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

1

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2021

Hassan Taj, Ex-District Director (BPS-19),
District Director Agriculture (Extension) Nowshera,
Khyber Pakhtunkhwa.

(APPELLANT)

VERSUS

1. The Govt Of KP, through Chief Secretary, Civil Secretariat Peshawar, Government of Khyber Pakhtunkhwa.
2. The Chief Secretary, Civil Secretariat Peshawar, Government of Khyber Pakhtunkhwa.
3. The Secretary Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
4. The Director General, Agriculture, Department, Extension Wing, Khyber Pakhtunkhwa, Peshawar
5. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 FOR DIRECTING THE RESPONDENT DEPARTMENT TO CONSIDER THE APPELLANT FOR PROFORMA/NOTIONAL PROMOTION FROM BPS-19 TO BPS-20 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL TILL DATE.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROFORMA

PROMOTION FROM BPS-19 TO BPS-20 FROM HIS DUE DATE i.e 24.04.2020 WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed in Agriculture Deptt, in BS -17 in the year 1983. That the appellant had throughout good service record and had performed his duties up to the entire satisfaction of his superiors.

2. That the appellant had his promotions in accordance to his seniority in the department and lastly, he was promoted to the post District Director Agriculture (Extension) Nowshera (BPS-19) on 24/06/2013 which is evident from the seniority list annexed as annexure-A.

3. That on 02.11.2020 a Final Seniority List of BS-19 officers was notified in which the appellant was at serial no. 1. **(Copy of Final Seniority is attached as Annexure - "A").**

4. That one (01) post of Principal Agriculture Services Academy (BPS-20) got vacant due to the retirement of Mr. Fazal Mabood on 24.04.2020 and he also submitted affidavits on Judicial Stamp Papers that they opt for full retirement/pensionary benefits on attaining the age of superannuation (60 yrs) and that they will not claim any right to continue their services in case of any benefit accruing from the decision of the Supreme Court of Pakistan if decided in favour of the provincial government in CPLA against the decision of the Peshawar High Court in Writ no. 5673-P/2019 and other similar petitions clubbed together by the Peshawar High Court, Peshawar and One of the post of DG, Agriculture Extension Wing KP Peshawar (BS-20) became vacant on 28.01.2021 on retirement of Muhammad Nasim which is evident from the seniority list of BS-20. **(Copy of Retirement Notification & Affidavits of Mr. Fazal Mabood and seniority list of BS-20 are attached as Annexure - "B", "C" & "D").**

5. That the appellant was eligible according to the rule and the post of BS-20 was also lying vacant, therefore, requested for promotion to the

Post of BS-20. On which working paper was prepare By the DG and send to Agriculture Secretary for conducting PSB, on 04.11.2020. on which correspondence was made but at last the same was returned with some observations on 09/02/2021. **(Copy of rules and working papers are attached as Annexure - "E" & "F").**

6. That thereafter, additional charge of the post of BS-20 Agriculture Services Academy, handed over to the appellant vide order dated 11.02.2021. **(Copy of order is attached as annexure-'G").**

7. That the appellant before his retirement on 25.02.2021 filed departmental appeal which is forwarded on 01.03.2021 requesting the department to convene the departmental promotion meeting so that the appellant could be promoted from BPS-19 to BPS-20 before his retirement on humanitarian ground. But the same was not responded till date. But now the appellant got knowledge about letter dated 12.04.2021 regards working paper wherein section officers stated that the name of Hassan Taj may be deleted from the Panel of Promotion due to retired from service on 31.03.2021 which is against the law and rules. **(Copy of Departmental Appeal and letter are attached as Annexure - "H" & "I ").**

8. That now the appellant comes to this august tribunal for the redressal of his grievances on the following grounds amongst others.

GROUNDS:

A) That the appellant was entitled to promotion w.e.f. 24.04.2020 but he was deprived from his due promotion due to the inaction of the department.

B) That the appellant was deprived from his right of promotion in an arbitrary manner which is the violation of Article 2, 4 and 25 of the Constitution of Pakistan.

C) That the Honourable Supreme Court of Pakistan has held in many cases that in absence of any stoppage of promotion order by the government/competent authority, the civil servant is entitled from the date of availability of post. Thus, the appellant is entitled to proforma promotion with effect from his due date.

D) That as there is no any order regarding the stoppage of promotion of appellant, therefore, the appellant has legal vested rights to be

considered for promotion from the date when post is available for him in his quota. **(97-SCMR-1997-515).**

E) That according to Superior Court Judgment reported as ***1997 SCMR 515*** in which it is held that delay in making promotion had entirely due to reason that officer of that department not carry out fairly simple exercise with reasonable period so the appellant is entitled to the promotion from due date.

F) That the Honorable Apex Court is also given the verdict that every civil servants is the legal right to be dealt with in-accordance with the law and rules under the which is legal service rights are protected. Thus the appellant has legal and genuine claim.

G) That it is, well settled principle of justice that no one should be suffered from the arbitrary acts of public functionaries and the public functionaries are required to act in accordance with rules and law with fair means. But in case of appellant such principle has been violated.

H) That the respondents did not promote the appellant and caused financially as well as service career loss , willfully to appellant which is against the law in vogue.

I) That inaction and omission of respondent department, not to consider the appellant for promotion is against the spirit of section-9 of Civil Servants Act,1973 and service rights duly protected under the Civil Servants laws.

J) That the apex Court has already clearly held in case of Anita Turab ***(PLD-2013 Supreme Court Page No. 195)*** that matter of tenure, appointment, posting, transfer and promotion, of service could not be dealt with in an arbitrary manner but could only be sustained if it was in-accordance with law. Whenever there was statutory provision or rules or regulation of government the matter of appointment of Civil Servants that must be followed honestly and scrupulously and discretionary must be exercised and structured, transparent and reasonable manner, thus the verdict of the Honorable Supreme Court fully favours the appellant's case.

K) That the same nature case the Hon'ble Tribunal accepted the appeal no 731/2015 and grant notional promotion, so the case of the appellant is also same nature and may be treated the same and may be grant

notional promotion to the appellant from his due date. **Copy of judgment is attached as annexure –J.**

L) That the Supreme Court of Pakistan Upheld the judgment of KP Service tribunal Peshawar in service appeal no: 625/2018 titled Anees Ahmad Vs Agriculture Deptt: vide judgment dated 08.06.2021, wherein similar point has been involved I.e. not consider due to retirement but the working paper sent before retirement, so the delay on the part of the department for which appellant cannot held responsible, and also declared that not considering for the promotion on the reason he has retired from service is no reason in law and the appellant held entitled for the proforma /notional promotion, so, the appellant was on same footing and may be treated to be same being similar placed person and may be grant promotion on the principal of consistency. **Copy of the judgment is attached as annexure-K.**

M) That the appellant was not treated according to law, rules and norms of justice and thus, deprived from his due right of promotion.

N) That the appellant was discriminated because in similar nature case the promotion was granted to the junior of appellant from BPS-19 to BPS-20 after retirement but the same was refused to the appellant which is violation of fundamental right of the appellant and amount to discrimination. **Copy of the order is attached as annexure-L.**

O) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT
Hassan Taj

THROUGH

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

&

(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

(6)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO._____/2021

Hassan Taj V/S Govt Of KP

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

(7)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO._____/2021

Hassan Taj V/S Govt Of KP

AFFIDAVIT

I, Hassan Taj , (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

DEPONENT

Hassan Taj

(8)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO._____/2021

Hassan Taj V/S Govt Of KP

APPLICATION FOR CONDONATION OF DELAY IN THE INSTANT APPEAL

RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honorable Tribunal in which no date has been fixed.

2. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (2003, PLD (SC) 724.

3. That according to superior court judgment cited as 2002 plc cs 1388 and 2007 plc 1267 no limitation run in case of promotion and tribunal had power to condone the delay according to superior court judgment cited as 2006 SCMR 1240.

4. That due to spread of the pandemic disease the appellant was unable to submit appeal in time therefore it is requested to treat the limitation under S-30 of KP Epidemic Control And Emergency Relief Act 2020, otherwise, the appeal of the appellant on merit is good enough to be decided on merits.

It is therefore most humbly prayed that the instant appeal may be decided on merit by condoning the delay under S-30 of KP Epidemic Control And Emergency Relief Act 2020,, to meet the ends of justice.

Hassan

APPELLANT
Hassan Taj

THROUGH:

(SYED NOMAN ALI BUKHARI)
ADVOCATES, HIGH COURT
PESHAWAR

S. Khan &

(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

Annexure A (69)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK, FISHERIES & COOPERATIVE DEPARTMENT
Dated Peshawar the November 2nd, 2020

Notification

No. SOE(AD)3(2)291/EW/2020: /698 In pursuance of Section,8(I) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with rule, 17 of Khybe Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Final Seniority List of Officers in BS-19 of Agriculture Departmen (Extension Wing) as stood on 01.01.2020 is notified / circulated.

S. No.	Name of officer with academic qualifications	Date of birth and domicile	Date of 1st entry into Govt. service.	Regular appointment / promotion to present post.			Present appointment
				Date	BPS	Method of recruitment	
1.	Hassan Taj, M.Sc. (Hons) Agri:	1.4.1961 Swabi	23.8.1983 Agril: Officer	24.06.2013	19	By Promotion	District Director Agri:, Nowshera
2.	Muhammad Israr, M.Sc.(Hons) Agri.	6.2.1960 Nowshera	23.8.1983 Agril: Officer	24.06.2013	19	By Promotion	Director Horticulture, HQ Office.
3.	Obaidullah, M.Sc (Hons) Agri.	20.4.1961 Swat	26.12.1984 BS-16	24.05.2016	19	By Promotion	District Director Agri:, Upper Dir.
4.	Kamal Din, M.Sc (Hons) Agri.	14.5.1961 Mardan	26.12.1984 BS-16	24.05.2016	19	By Promotion	Vice Principal, ASA, Peshawar
5.	Muhammad Khan, M.Sc (Hons) Agri.	16.4.1963 Mardan	26.12.1984 BS-16	24.05.2016	19	By Promotion	Director, Coordination, Planning Monitoring HQ
6.	Rehmat-ud-Din, M.Sc (Hons) Agri.	10.11.1959 BajourAgy	26.12.1984 BS-16	24.05.2016	19	By Promotion	Director Agri. Extn. Merged Areas, Peshawar
7.	Nisar Ahmad, M.Sc (Hons) Agri.	1.4.1961 Haripur	27.09.1984 BS-17	24.05.2016	19	By Promotion	District Director Agri:,Haripur.

6122 6/11/20 12/11/2020 E-I/N 11/2020 (645)

8.	JavedMaqbool Butt, M.Sc (Hons) Agri.	4.1.1962 Peshawar	22.1.1986 BS-17	24.05.2016	19	By Promotion	Director Marketing HQ
9.	S.GhulamMurtaza Shah M.Sc (Hons) Agri.	9.3.1961 Abbottabad	25.01.1986 BS-17	24.05.2016	19	By Promotion	CPO Civil Sectt. Peshawar
10.	Wazir Ahmad, M.Sc (Hons) Agri.	2.2.1961 Mansehra	1.2.1986 BS-17	11.07.2016	19	By Promotion	District Director Agri: Battagram.
11.	Dr. Fayaz-ud-Din, Ph. D.(Agronomy)	8.4.1960 Charsadda	5.2.1986 BS-17	24.05.2016	19	By Promotion	Director MFSC HQ
12.	Ahmad Khan, M.Sc (Hons) Agri.	15.6.1960 Peshawar	6.2.1986 BS-17	24.05.2016	19	By Promotion	Director Seed HQ.
13.	Naveed Iqbal, M.Sc (Hons) Agri.	24.3.1961 Mansehra	6.2.1986 BS-17	24.05.2016	19	By Promotion	District Director Agri:, Abbottabad.
14.	Zia Mohiyud Din, M.Sc (Hons) Agri.	15.11.1962 Peshawar	19.10.1986 BS-17	24.05.2016	19	By Promotion	Director Plant Protection HQ.
15.	Fazal Rahman, M.Sc (Hons) Agri.	10.2.1962 Mardan	20.10.1986 BS-17	24.05.2016	19	By Promotion	Director Training, ASA, Peshawar
16.	Zahirullah Khan, M.Sc (Hons) Agri.	1.4.1962 Karak	20.10.1986 BS-17	24.05.2016	19	By Promotion	District Director Agri:,Kohat.
17.	Hizbullah, M.Sc (Hons) Agri.	1.10.62 DIKhan	22.10.1986 BS-17	11.07.2016	19	By Promotion	District Director Agri:, DIKhan
18.	Muhammad Naeem, M.Sc (Hons) Agri.	25.12.62 Mardan	26.10.1986	23.05.2018	19	By promotion	DDA, Chitral.
19.	Aurangzeb, M.Sc. (Hons) Agri:	01.10.1960 Mansehra	14.05.1987	14.04.2017	19	By promotion	District Director Agri:, Mansehra.
20.	Muhammad Tahir, M.Sc (Hons) Agri.	15.5.64 Abbottabad	14.05.1987 BS-17	11.07.2016	19	By Promotion	District Director Agri:, Kohistan
21.	Murad Ali M.Sc. (Hons) Agri:	15.02.1962 Buner	23.07.1987	20.11.2017	19	By promotion	District Director Agri:, Buner.
22.	Abdul Qayum M.Sc. (Hons) Agri:	01.09.1965 Moh. Agy	16.05.1989	20.11.2017	19	By promotion	District Director Agri., Mardan.

23.	Muhammad Ismail, M.Sc (Hons) Agri.	18.3.63 BajourAgy	21.04.1987	23.05.2018	19	By promotion	DDA, Hangu.
24.	Masoodur Rehman, M.Sc (Hons) Agri.	1.4.65 Mansehra	16.05.1989	23.05.2018	19	By promotion	DDA, Tor Ghar.
25.	Muhammad Ghani M.Sc (Hons) Agri.	2.1.62 Karak	16.05.1989	23.05.2018	19.	By promotion	DDA, Bannu
26.	Abdul Nasir M.Sc (Hons) Agri.	4.6.64 Charsadda	16.05.1989	23.05.2018	19	By promotion	DDA, Charsadda
27.	Abdul Qayum-II M.Sc (Hons) Agri.	12.9.63 Lakki	16.05.1989	23.05.2018	19	By promotion	DDA, Lakki Marwat.
28.	SaeedAkhtar M.Sc (Hons) Agri.	11.5.61 Karak	16.05.1989	23.05.2018	19	By promotion	DDA, Karak.
29.	Abid Kamal, M.Sc (Hons) Agri.	18.1.62 Swat	16.10.1989	23.05.2018	19	By promotion	Director Field Operation HQ.
30.	Dr. Haji Muhammad, Ph.D. Agronomy.	10.1.66 Mkd Agency	16.10.1989	23.05.2018	19	By promotion	DDA, Malakand
31.	Akhtar Ali Shah, M.Sc (Hons) Agri.	22.10.61 Charsadda	16.10.1989 BS-17	01.10.2018	19	By promotion	Project Director Certification Project, Civil Secretariat at Peshawar.
32.	Jan Muhammad, M.Sc (Hons) Agri.	15.2.65 Swat	16.10.1989 BS-17	01.10.2018	19	By promotion	DDA, Shangla
33.	Dr. Inamullah, Ph.D Agronomy	26.2.65 Mkd Agency	16.10.1989 BS-17	04.01.2019	19	By promotion	DDA, Swabi
34.	Muhammad Tariq, M.Sc (Hons) Agri.	11.2.63 Abbottabad	16.10.1989 BS-17	04.01.2019	19	By promotion	DDA, Tank.

Certified that that Seniority List is circulated, undisputed & Final.

Sd/-
Chief Secretary

Endst. Of Even No. & Date:

Copy forwarded to the:

i. Secretary to Governor of Khyber Pakhtunkhwa.
ii. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
iii. Director General Agriculture (Extension) Khyber Pakhtunkhwa, Peshawar.
iv. P.S to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
v. P.S to Secretary Establishment Khyber Pakhtunkhwa, Peshawar.
vi. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
vii. Officers Concerned.
viii. Manager Government Printing Press, Peshawar.

Section Officer-Estt

AGRICULTURE (EXTENSION) KHYBER

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK FISHERIES &
COOPERATIVE DEPARTMENT

Dated the June 18th, 2020

NOTIFICATION

NO. SOE(AD)21-188/84/EW: In continuation of this Department's Notification of even No. dated 24.04.2020, sanction is hereby accorded to the grant of leave encashment of 365 days pay in lieu of LPR w.e.f 26.04.2019 to 24.04.2020, in respect of Mr. Fazal Mabood, Principal Agriculture Services Academy (BPS-20) under Rule 20 of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, subject of CPLA/ Appeal of the Provincial Government against the judgement of Peshawar High Court dated 19.02.2020 in WP No. 5673-P/2019 and any order contrary as and when issued by the apex Court of Pakistan.

Sd/-
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Registrar, Peshawar High Court, Peshawar.
3. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa Peshawar.
4. P.S. to Secretary Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
5. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
6. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
7. Officer concerned.
8. Master File.

(AHMAD HUSSAIN)
SECTION OFFICER-ESTT.

D:\SOE 2020\Notifications\LPR Notifications.docx

BD408578

Rupees 50 ۵۰ روپیہ

UNDERTAKING

I, **Fazli Mabood** S/O **Ghulam Said** hereby opt for full retirement / pensionary benefits on attaching the age of superannuation (60) years. I shall NOT claim any benefit of Supreme Court decision if decided in favour of provincial government in CPLA against decision of Peshawar High Court in writ No.5673-P/2019 and other similar petitions clubbed together by Peshawar High Court Peshawar.

Name: Fazli Mabood

Signature: 09/06/2020

Father Name: Ghulam Said

Designation: Principal Agriculture Services Academy
Directorate General Agriculture
(Extension) Khyber Pakhtunkhwa Peshawar

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK FISHERIES & COOPERATIVE DEPARTMENT

No. SOE(AD)21-188/84/EW
Dated Peshawar, the July 3rd, 2020

To

The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: - **PENSION PAPERS IN RESPECT OF MR. FAZAL MABOOD, PRINCIPAL, AGRICULTURE SERVICES ACADEMY, PESHAWAR.**

I am directed to enclose herewith 2 sets of pension papers **(one in original & one in duplicate)** duly signed by the Secretary Agriculture (Competent Authority) alongwith relevant documents in respect Mr. Fazal Mabood, Principal Agriculture Services Academy (BS-20), for further necessary action at your end, please.

Encls. As Above.

(AHMAD HUSSAIN)
SECTION OFFICER-ESTT.

Endst. of Even No. & Date.

Copy forwarded to the:

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar w/r to his letter No. 12/287/Estt/9104/DG dated 05.05.2020
2. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
4. Master File.

SECTION OFFICER-ESTT.

D:\SOE Files 2020\Main Work Folder\Agriculture (Extension)\Letters.docx

Annexure D

16

18/35

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK FISHERIES & COOPERATIVE DEPARTMENT

Dated Peshawar, the June 5th, 2020

Notification: In pursuance of Section-8(I) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, final Seniority list of officers in BPS-20 of Agriculture Department (Extension wing) as stood on 01.01.2020 is notified / circulated:

S#	Name of Officer/ Official with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt: service	Regular appointment/ promotion to present post.			Present appointment with date.
				Date	BS	Method of Recruitment	
1.	2.	3.	4.	5.	6.	7.	8.
1.	Mr. Muhammad Nasim, M.SC. (Hons) Agri:	28.01.1961 Mansehra	23.08.1983 Agril: Officer	26.12.2017	20	By Promotion	Director General, Agriculture Extension Khyber Pakhtunkhwa, Peshawar
2.	Mr. Fazli Mabood, M.Sc. (Hons) Agri:	25.04.1960 Nowshera	23.08.1983 Agril: Officer	20.11.2018	20	By Promotion	Principal Agriculture Services Academy, Peshawar

Certified that the seniority list is circulated/undisputed and final.

3453 11/6/20

--Sd--
CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Of even No. & Date.

Copy forwarded for information and necessary action to: -

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

P.T.O

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Annexure - E (17)

Dated Peshawar, the April 20, 2012

NOTIFICATION

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

APPENDIX

PART-I

PROFESSIONAL STAFF

S. No	Nomenclature of post.	Qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1	2	3	4	5
1	Director General, Agriculture (Extension) Khyber Pakhtunkhwa / Director General Agriculture (Extension) FATA / Principal, Agricultural Training Institute, Peshawar (BPS-20).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Officers (BPS-19) of the Agriculture Extension Wing having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University.
2	Directors Field Operation / Plant Protection / Horticulture / Agriculture Marketing / Coordination, Planning and Monitoring / Model Farm Services Centre / Seed / Training and Training Coordinator Agriculture Training Institute / Director Agriculture / District Directors Agriculture / Vice Principal, Agriculture Training Institute and Executive District Officer Agriculture (BPS-19).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Officers (BPS-18) of the Agriculture Extension Wing with seven years service in BS-18 or 12 years service in BS-17 and above having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University.
3	Deputy. Directors (Planning, Monitoring and Evaluation) / Plant Protection / Horticulture / Agriculture Marketing /Agriculture(Information) / Coordination and Publication /Senior Instructors, Agriculture Training Institute /subject Matter Specialists Plant Protection/Agronomy and Extension / Horticulture / Plant Protection Officers / Deputy. Director Farms / Agency Officers Agriculture and Horticulture Specialists (BPS-18).	--	--	By promotion, on the basis of seniority cum fitness, from amongst the BS-17 Agricultural officers / Instructor/Agriculture Officer Public Relation and Publication of Agriculture Extension Wing with five years' service as such, having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University.

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

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

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Law Department w/r to his letter No.LD/REG/1(6)76/Vol-II dated 06.01.2012.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The All District Coordination Officers, Khyber Pakhtunkhwa.
6. The All Executive District Officers (Agriculture), Khyber Pakhtunkhwa.
7. The Secretary to Governor, Khyber Pakhtunkhwa.
8. The PSO to Chief Minister, Khyber Pakhtunkhwa.
9. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. The PS to Additional Chief Secretary, FATA, Warsak Road, Peshawar.
11. The PS to Minister for Agriculture, Khyber Pakhtunkhwa.
12. The Director General, Agricultural (Extension), Khyber Pakhtunkhwa, Peshawar
13. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested that printed (preferable gazette) copies of the notification as and when published may be furnished to this Department, E&A and Law Department along with details of gazette in which is published.
14. PS to Secretary Agriculture.

(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

Annexure - F

(19)

DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

Ph.No.091-9224226

Fax No.091-9224225

No.11/83-KC/Estt/ 22 512 /DGA(E) Dated Peshawar: the 6/11 /2020

To:

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

Subject: WORKING PAPER FOR PROMOTION OF BS-19 OFFICERS TO BS-20 POST AGRICULTURE EXTENSION DEPARTMENT

Memo:

One set of working papers alongwith relevant documents of BS-19 office for promotion to BS-20 posts is enclosed herewith for information and necessary action

Encl: As Above.

DIRECTOR GENERAL

20

DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

Ph.No.091-9224226 Fax No.091-9224225

No.11/83-KC/Estt/24871 /DGA(E) Dated Peshawar: the 1/12/2020

To:

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

Subject: WORKING PAPER FOR PROMOTION OF BS-19 OFFICERS TO BS-20 POST OF AGRICULTURE EXTENSION DEPARTMENT

Memo:

Enclosed please find herewith one (01) set (in original) of working papers alongwith relevant documents of BS-19 officers for promotion to BS-20 post for information and necessary action.

Encl: As Above.

1/12/2020

DIRECTOR GENERAL

(21)

DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

Ph.No.091-9224226 Fax No.091-9224225

No.11/83-KC/Estt/ 965 /DGA(E) Dated Peshawar: the 12/1 /2020

To:

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

Subject: WORKING PAPER FOR PROMOTION OF BS-19 OFFICERS TO BS-20 POST OF AGRICULTURE EXTENSION DEPARTMENT

Memo:

Enclosed please find herewith Seven (07) sets of working papers alongwith relevant documents of BS-19 officers for promotion to BS-20 post for information and necessary action.

Encl: As Above.

DIRECTOR GENERAL

E:\data establishment\Daily Correspondance\Important\2020\06.07.2020.docx

11/03/53 KC

22

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

NO.SOE(AD)V-7/2020/Ext/PSB Case 19-20
Dated Peshawar, the January 20th, 2021

To,

The Section Officer (PSB),
Establishment Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: **WORKING PAPER FOR PROMOTION OF BS-19 OFFICERS TO BS-20 POST OF AGRICULTURE EXTENSION DEPARTMENT**

I am directed to refer to the subject noted above and to enclose herewith Seven (07) sets of working papers for promotion of BS-19 officers to the post of BS-20 complete in all respect alongwith presentation (in soft form) for placing before Provincial Selection Board for consideration, please.

Encls. As Above.

SECTION OFFICER-ESTT:

Endst. Or even No. & Date.

Copy forwarded to:

1. The Director General, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
4. Master File

SECTION OFFICER-ESTT:

23

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT
: Soeagric@gmail.com

No. SOE(AD) V-7/2020/Ext/PSB Case 19-20/170
Dated Peshawar, the February 10th, 2021

To,

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

SUBJECT: **WORKING PAPER FOR PROMOTION OF BS-19 OFFICERS TO BS-20 OF AGRICULTURE EXTENSION DEPARTMENT.**

I am directed to refer to your letter No.11/83-KC/Estt:/24841/DGA(E) dated 01.12.2020 on the subject noted above and to enclose herewith a copy of letter No.SO(PSB)ED/1-6/2021/P-299 dated 09.02.2021 which is self-explanatory for information and further necessary action.

Working Papers are enclose herewith, please.

Encls. As Above.

SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT

Endst. of Even No. & Date.
Copy forwarded to: -

1. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
2. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. Master File.

SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT

24

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-6/2021/P-299
Dated Peshawar, the February 09, 2021

To

The Secretary to the Govt. of Khyber Pakhtunkhwa,
Agriculture Livestock & Cooperative Department.

SUBJECT: **WORKING PAPER FOR PROMOTION OF BS-19 OFFICERS TO BS-20 OF AGRICULTURE EXTENSION DEPARTMENT.**

Dear Sir,

I am directed to refer to Agriculture Department letter No. SOE(AD)V-7/2020/Ext/PSB Case 19-20, dated 26.01.2021 on the subject and to say that the case has been examined in Regulation Wing and observed that: -

i. Budget copies for confirmation of sanctioned strength of the current financial year may be annexed alongwith the working paper.

ii. The post vacated due to conditional retirement against which the Board did not consider promotion.

iii. The name of officer presently working in BS-20 has not been annexed to the working paper.

2. The working paper and other documents received with the letter quoted above are returned herewith in original for doing the needful.

Yours faithfully,

SECTION OFFICER (PSB)

Encl: As above.

ENDST. OF EVEN NO. & DATE.

A copy is forwarded to the Section Officer (R-III), Establishment Department.

SECTION OFFICER (PSB)

Annexure – G

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Dated Peshawar the February, 11th 2021

NOTIFICATION

NO. SOE (AD)3/(3)2/EW/2021/175 Consequent upon proceeding on retirement of Mr. Muhammad Nasim, Principal Agriculture Services Academy Peshawar with effect from 28/01/2021 (A.N) on attaining the age of superannuation, the Competent Authority is pleased to authorize Mr. Hassan Taj (BS-19), District Director Agriculture (Extension) Nowshera to hold look after charge of the post of Principal (BS-20) Agriculture Services Academy Peshawar in addition to his own duties with immediate effect, till further orders.

2. He will also exercise all the financial as well as administrative powers vested in the post of Principal Agriculture Services Academy Peshawar, Khyber Pakhtunkhwa.

Sd/-
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to: -

1. The Accountant General, Khyber Pakhtunkhwa
2. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
3. Principal Agriculture Services Academy Peshawar
4. The District Accounts Officer Nowshera.
5. P.S to Minister for Agriculture, Livestock, Fisheries & Cooperatives Department, Khyber Pakhtunkhwa, Peshawar
6. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperatives Department, Khyber Pakhtunkhwa, Peshawar.
7. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperatives Department, Khyber Pakhtunkhwa, Peshawar.
8. Officer concerned.
9. Master file.

SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT

District Director Agriculture (Extension) Nowshera
No. 7179
Date 12-02-21

Annexure — H

(26)

DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA, PESHAWAR

Ph.No.091-9224226 Fax No.091-9224225

No.11/83-KC/Estt/ 5911 /DGA(E) Dated Peshawar: the 01/3/2021

To:

The Section Officer (Estt)
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperative
Department, Peshawar.

SOE
01/03/2021

Subject: **REQUEST FOR PROMOTION (BS-20) POST**

Memo:

Enclosed please find herewith request for promotion to BS-20 post in respect of Mr. Hassan Taj, District Director Agriculture, Nowshera for information and further necessary please.

Enc: as above.

DIRECTOR GENERAL

27

To

The Chief Secretary

Khyber Pakhtunkhwa, Peshawar

Through **Proper Channel**

Subject: **REQUEST FOR PROMOTION TO BPS-20**

R/Sir

With due reverence it is requested that the undersigned is serving in the department of Agriculture Extension as District Director Agriculture Nowshera in BPS-19. Subsequent upon the retirement of Mr.Fazal Maboob ex-principal, Agriculture Services Academy (BPS-20) with effect from 24-04-2020 on superannuation (60 years of age), I am entitled for promotion to BPS-20 being the senior most officer in BPS-19 (copy of Seniority list attached as annexure A).

It is to inform your goodself that the promotion case of the undersigned was sent to the Administrative department for placing before the Provincial Selection Board by the Director General Agriculture Extension Khyber Pakhtunkhwa vide letter No: 11/83-KC/Estt:/24841/DGA(E) dated 01-12-2020, however the same was returned with the remarks to wait till the decision of CPLA pending before the August Supreme Court of Pakistan.

Furthermore it is requested that Mr. Fazal Mabood ex-Principal ASA (BS-20) has already submitted an undertaking at the time of retirement wherein he has agreed that he would not avail the option for 63 years service if allowed in the above said CPLA by the August Supreme court of Pakistan (Copy of the undertaking is attached as Annexure B). Moreover he has already received full emoluments regarding his pensions and encashment of leave salary etc from the Government exchequer.

The undersigned is proceeding on retirement with effect from March 31st, 2021 on superannuation (60 Years of age). Therefore it is requested that my promotion case may please be considered on humanitarian grounds through Provincial Selection Board or on circulation order before 30-03-2021 so that I may be able to get my due right in time.

Hassan 25/02/2021

Hassan Taj
District Director Agriculture
Nowshera

9 copy.

Annexe - I

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT
✉ : Soeagric@gmail.com

No. SOE(AD)PSB/BS-19 to 20/2021/519
Dated Peshawar, the April 15th, 2021

To,

Director General,
Agriculture Extension,
Khyber Pakhtunkhwa Peshawar.

SUBJECT: **WORKING PAPER FOR PROMOTION OF BS-19 TO BS-20 POST.**

I am directed to refer to your letter No.11/83-KC/Estt/5911/DGA (E) dated 01.03.2021 on the subject noted above and to enclose herewith letter No.SO (PSB) ED./1-6/2020/P-299 dated 12.04.2021 which is self-explanatory (alongwith working papers) for information & further necessary action please.

Encl. As Above:

SECTION OFFICER ESTT:
AGRICULTURE DEPARTMENT

Endst. No. & Date Even.
Copy Forwarded to the:

1. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
2. P.A to Deputy Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. Master File

SECTION OFFICER ESTT:
AGRICULTURE DEPARTMENT

DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA, PESHAWAR
No 11/83/KC Estt:/ 10052 /DGA(E) Dated Peshawar, the 21/4 /2021

Copy alongwith its enclosure is forwarded to Ex-District Director Agriculture, Nowshera Mr. Hassan Taj for information.

SUPERINTENDENT ESTT:
HQ, OFFICE

29

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-6/2020/P-299
Dated Peshawar, the April 12, 2021

To

The Secretary to the Govt. of Khyber Pakhtunkhwa,
Agriculture Livestock & Cooperative Department.

SUBJECT: WORKING PAPER FOR PROMOTION OF BS-19 TO BS-20 POST.

Dear Sir,

I am directed to refer to Agriculture Department letter No. SOE(AD)PSB/BS-19 to 20/2021/429, dated 29-03-2021 on the subject and to say that only one (01) post is lying vacant due to conditional retirement of Mr. Fazali Mabood, Principal Agriculture Training Institute Peshawar on 24.04.2020 which needs to be revised according to the pattern circulated vide this department letter No. SO(Policy)E&AD/1-13/2019 dated 30.03.2021. Moreover, the officer at Sr. No. 01 of the panel stands retired from service w.e.f. 31.03.2021, hence his name may be deleted from the panel as consideration of promotion of a retired officer is not covered under the policy.

2. The working paper and other documents received with the letter quoted above are returned herewith in original for doing the needful.

Yours faithfully,

12.4.2021

SECTION OFFICER (PSB)

Encl: As above.

ENDST. OF EVEN NO. & DATE.

A copy is forwarded to the Section Officer (R-III), Establishment Department.

SECTION OFFICER (PSB)

SO (E)

537
13/04/2021

D:\Main Work Fo...

Annex-J (30)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL,PESHAWAR
AT CAMP COURT D.I.KHAN.

Appeal No. 731/2015

Date of Institution ... 09.06.2015

Date of Decision ... 25.10.2017

Umar Khitab (Retired Office Assistant),
Office of OFWM Director HRD, D.I.Khan.

... (Appellant)

VERSUS

1. The Secretary Agriculture & Live Stock Peshawar, and 3 others. ... (Respondents)

SYED NOMAN ALI SHAH BUKHARI,
Advocate --- For appellant.

MR. FARHAJ SIKANDAR,
District Attorney ... For respondents

MR. AHMAD HASSAN, ... MEMBER(Executive)
MR. MUHAMMAD HAMID MUGHAL ... MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The brief facts are that the appellant was serving as Office Assistant and later on posted as Superintendent on 30.07.2010 in his own pay and scale. Though he was eligible for promotion against the said post but not considered in time for unknown reasons. That the appellant preferred departmental appeal on 11.02.2015, but was not responded within the stipulated period, hence, the instant service appeal.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

31

ARGUMENTS

3. Learned counsel for the appellant argued that appellant stood at sr. no. 1 of the seniority list of Office Assistant circulated in 2014. He was appointed as Superintendent in own pay and scale vide order dated 03.07.2010. Working paper for promotion of the appellant against two available vacant posts of Superintendent was sent for placement before DPC meeting scheduled for 19.01.2015. Case of his promotion was not decided in time by the respondents, hence, delayed intentionally. Subsequently post was upgraded in 2014. Thereafter on reaching the age of superannuation the appellant got retired from service on 19.03.2015. He further contended that appellant was denied promotion by deferring the case on the pretext of amending the existing service rules after upgradation of post of Superintendent by the provincial government. According to promotion policy case of a civil servant can be deferred, if inter se-seniority is disputed/ subjudice, disciplinary proceedings are pending and PER is incomplete. Similarly, vide notification dated 17.02.2016 four Superintendents were promoted on regular basis except sr. no 2 Mr. Hukam Khan, who was promoted w.e.f 02.12.2015 i.e date of retirement. It is a clear case of discrimination as enshrined in Article-25 of the constitution. Reliance was placed on case law as reported in 2007 PLC (C.S) 1267, 2009 PLC (C.S) 229, 2008 SCMR 1535, 1997 SCMR 515, 1985 SCMR 1158, 2006 SCMR 1938 and judgment of this Tribunal dated 31.08.2016 passed in service appeal no. 323/2015.

4. Learned District Attorney argued that the appellant became eligible for promotion as Superintendent in 2013. His promotion case was discussed in DPC meeting held on 17.04.2014 but deferred due to a dispute regarding two wings of the department. Again his case was placed before DPC on 19.01.2015 and deferred because as a result of general up-gradation of posts amendments were required in the services rules. On both the occasions his promotion case was deferred due valid justification highlighted above.

ATTESTED

Service Tribunal, Peshawar

32

CONCLUSION.

5. Careful perusal of record would reveal that the appellant was eligible for promotion to the post of Superintendent against the available vacant posts. Promotion case of the appellant was not finalized in time and on reaching the age of superannuation he retired from service on 19.03.2015. Thereafter, the post of Superintendent was up-graded to BPS-17. Meeting of DPC was held on 09.01.2015 but case of promotion of Superintendents was deferred for making amendments in service rules due to general up-gradation of posts in 2014. Amendments were required to be made in time but due to red tapism case was dragged/ delayed unnecessarily. It merits to mention there that promotion can only be deferred in case inter-se-seniority is disputed/subjudice, disciplinary proceedings are pending and PER is incomplete. Hence, promotion case of the appellant was not deferred on a valid ground and is also a serious departure from laid down procedure. Moreover, vide notification dated 17.02.2015 Mr. Hukum Khan was promoted to the post of Superintendent w.e.f 02.12.2015 i.e from the date of his retirement. It is established beyond doubt that the appellant eligible for promotion but his case was intentionally and deliberately delayed by the respondents on one pretext or the other. He became a victim of apathy, indifferent and casual attitude of respondents thus failed to get his due right in time.

6. As a sequel to above, we are constrained to accept the present appeal and direct the respondents to consider the case of the appellant for notional promotion to the post of Superintendent BPS-17 from the due date. Parties are left to bear their own cots. File be consigned to the record room.

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(AHMAD HASSAN)
MEMBER
CAMP COURT D.I.KHAN

(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED
25.10.2017

Annexe - K (33)

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi

AFR
Civil Appeal No.40 of 2021

[Against the judgments dated 12.09.2019, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Appeal No.625/2018]

Secretary Agriculture, Livestock & Cooperation Department, Peshawar & others. ... *Appellant(s)*

Versus

Anees Ahmad. ...*Respondent(s)*

For the Appellant(s) : Mr. Zahid Yousaf Qureshi, Additional Advocate General, KP
Asad ud Din, Asif Jan, Superintendents
Javaid Maqbool Butt, Incharge Litigation, Agriculture Department, KP

For the Respondent(s) : Mr. Fazal Shah Mohmand, ASC

Date of Hearing : 08.06.2021

ORDER

Gulzar Ahmed, CJ.— Facts of the matter are that the respondent was promoted to the post of Office Assistant (BPS-14) in the year 2004 and his post was up-graded to BPS-16 in the year 2014. The service rules were notified on 20.04.2012, providing 90% quota for promotion on seniority-cum-fitness basis among the holders of the posts of Assistant/Accountant, who have completed five years' service. In the year 2013, post of Superintendent became vacant. The working-paper for promotion of the respondent was prepared where his name appeared at Serial No.2. The

ATTESTED

Departmental Promotion Committee (**the DPC**) was scheduled on 19.06.2017 but it was delayed to 19.10.2017. On 19.10.2017 the case of the respondent for promotion was not considered by the DPC for the reason that he had already retired on attaining the age of superannuation on 21.06.2017. The respondent filed service appeal in the Khyber Pakhtunkhwa Service Tribunal, Peshawar (**the Tribunal**), by the impugned judgment dated 12.09.2019, the service appeal of the respondent was allowed and the appellants were directed to consider the case of the respondent for *pro forma* promotion from the date of his retirement.

2. We have heard the learned Additional Advocate General, KP (**AAG**) and have also gone through the record of the case

3. Learned counsel appearing for the respondent has supported the impugned judgment.

4. The Government of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperation Department, Peshawar (**AL&C Department, KP**) issued Notification dated 20.04.2012 containing the rules of recruitment. Item No.36 of the rules is as follows: -

S.No.	Nomenclature of post	Qualification for appointment by initial recruitment.	Age limit	Method of recruitment.
1	2	3	4	5
		PART-II MINISTERIAL STAFF		
36.	Superintendents (BPS-16).			a). Ninety percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant/Accountants with five years service as such; and b). ten percent by promotion, on the basis of seniority-cum-fitness, from Senior Scale Stenographers with five years service as such.

ATTESTED

Senior Clerk / Legislate

5. Working-paper was prepared and the same was sent to the Secretary, AL&C Department, KP vide letter dated 26.05.2017. Model Working Paper, which is at Page-29 of the record shows that there were 08 posts of Superintendent (BPS-17) lying vacant in AE Department. Ninety percent of these posts were to be filled by promotion on the basis of seniority-cum-fitness from the post of Assistant/Accountant having five years' service. In para-5 of this Model Working Paper appears a chart containing names of 14 Office Assistants. At Serial No.1 is the name of Muhammad Alam, it is mentioned that he has opted to forgo his promotion. At Serial No.2 appears the name of respondent. In the last but one para of this very Model Working Paper, following has been certified by the Director General, AE Department: -

> "It is certified that all the officials included in the panel for promotion:-
>
> i. Hold the lower post on regular basis and none of them is holding the post on adhoc basis.
>
> ii. No departmental examination has been prescribed for promotion to the post of Superintendent.
>
> iii. No disciplinary /Departmental proceeding/anti-corruption case /judicial inquiry are pending nor has any penalty been imposed during the last five years against any of the official of the penal.
>
> iv. The seniority list of the Office Assistant is final and un-disputed.

6. The very perusal of the Model Working Paper shows that the respondent has completed requisite five years' service provided by the rules and the Director General, AE Department, has also certified that there is no impediment in grant of promotion to the persons named in the Model Working Paper.

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

36

7. The DPC for considering the promotion was held on 19.06.2017 but was adjourned on the pretext that fresh option of officials forgoing their promotion be obtained. This is mentioned in the letter of the Director General, AE Department dated 28.11.2018 at page-31 of the record. After adjourning of this meeting by DPC, the next DPC meeting took place on 19.10.2017 and in the meantime, the respondent retired from service on 21.06.2017.

8. Learned Additional Advocate General has contended that promotion to the post of Superintendent (BPS-17) was to be made on seniority-cum-fitness basis and this very aspect was to be determined by the DPC and as the DPC having not determined the matter of seniority-cum-fitness, respondent, could not be granted *pro forma* promotion after his retirement. He has further contended that the case of promotion of Superintendent (BPS-17) was placed before the DPC on 19.10.2017, but it was not considered as respondent has retired on 21.06.2017 and no illegality was committed. He was of the view that only the DPC is competent to consider the grant of promotion and in case, it does not consider or grant promotion, no other forum is competent to decide the question of granting of promotion or *pro forma* promotion. As to the last submission with due respect, we tend to disagree with the learned AAG for the reason that no doubt it is a function of the DPC to consider the case of promotion of the government servant but where the DPC in violation of law and rules omits to consider or omits to grant promotion, the remedies before statutory Courts/Tribunals are provided by law and such remedies could be

ATTESTED

Court Associate
Peshawar Court of Appeal

availed by the aggrieved government servant and it is for the Courts/Tribunals to consider and decide whether the DPC has validly omitted to consider or omitted to grant promotion in accordance with law and rules.

9. In the present case the DPC has not considered the case for promotion of respondent and the reason assigned is that he has retired. This reason given by the DPC, apparently, is no reason in law, in that, once the Model Working Paper for promotion of respondent was placed before the DPC, it was incumbent upon it to have considered and decided the same, for that, though the law does not confer any vested right to a government servant to grant of promotion but the government servant surely has a right in law to be considered for grant of promotion. It is because of the department's own non-vigilance and the DPC being insensitive to the employees who were on the verge of retirement of which the employees could not be made responsible, cannot simply brush aside the case of an employee by merely saying that he has retired. Once the case of respondent has matured for promotion while in service and placed before the DPC before retirement, it was incumbent upon the DPC to fairly, justly and honestly consider his case and then pass an order of granting promotion and in case it does not grant promotion, to give reasons for the same. This was not done by the DPC and in our view such was a miscarriage of justice to respondent.

10. In view of the above, we find that the impugned judgment of the Tribunal, directing the appellants to consider the case of promotion of respondent, does not suffer from any illegality

38

and is maintained. The appeal is, therefore, dismissed. As the matter is quite old, we expect that the appellants will decide the question of promotion of respondent expeditiously, preferably within a period of three months from today.

Sd/-HCJ

Sd/-J

Sd/-J

Bench-I
Islamabad
08.06.2021
APPROVED FOR REPORTING
Rabbani*/

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

Serial No. 11195/21 Civil/Criminal
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L (39)

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK FISHERIES & COOPERATIVE DEPARTMENT

Dated Peshawar, the 18th June, 2021

NOTIFICATION

No. SOE(AD)V-7/PSB Promotion/EW/21/1819 The Competent Authority, on the recommendations of the Provincial Selection Board, in its meeting held on 06.05.2021 (by circulation), is pleased to promote Mr. Kamal Din Khattak Ex-Vice Principal (BS-19) Agriculture Services Academy Peshawar to the post of (Director General/Principal ASA) (BS-20) in the Agriculture Extension wing of Agriculture Department Khyber Pakhtunkhwa, on regular basis w.e.f 06-05-2021 i-e (date of PSB) as the officer proceeded on retirement w.e.f 13-05-2021 on attaining the age of superannuation.

Sd/-
Secretary Agriculture

Endst. Of Even No. & Date.

Copy forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Director General, Agriculture Extension, Khyber Pakhtunkhwa.
3. The Principal Agriculture Services Academy, Peshawar.
4. The Section Officer (PSB) w/r to his letter No.SO(PSB)/ED/1-6/2021/P-302, dated 04-06-2021
5. PS to Minister Agriculture, Khyber Pakhtunkhwa.
6. PS to Chief Secretary, Government of Khyber Pakhtunkhwa.
7. PS to Secretary Establishment, Khyber Pakhtunkhwa.
8. P.S to Secretary Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
9. P.A to Deputy Secretary (Admn), Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
10. Officer concerned.
11. Master File.

Section Officer Estt:
Agriculture Department

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 7802 *of 20* 21

Hassan Taj .....*Appellant/Petitioner*

Versus

the Govt: of KPK Chief Secy: .....*Respondent*

Respondent No......

Notice to: — the Govt: of KPK through Chief Secretary Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 19/7/22 **at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.**

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy ~~of appeal has already been sent to you~~ vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 8th **Day of** June **20** 22

for Reply

ISSUED 5/6/22
CHIEF SECRETARY
Govt: of Khyber Pakhtunkhwa
Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD
PESHAWAR

Appeal No. 782 of 20 21

Hassan Ali

Appellant/Petitioner

Versus

The Govt. of KPK Chief Sec.

Respondent

Respondent No.

The Govt. of KPK through Chief Secretary Peshawar

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 17/3/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforesaid, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to do so, any address communicated in this notice will be the address given in the appeal/petition which is to be used to be your correct address and further notice posted to this address by registered post will be deemed sufficient service of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been served on you with this office Notice No. ..... dated .....

Given under my hand and the seal of the Tribunal at Peshawar this 8th day of June 20 21

for Registrar

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar

1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted holidays.
2. Always quote Case No. While making any correspondence

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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

Appeal No. 7802 *of 20* 21

Hassan Taj ..... *Appellant/Petitioner*

Versus

the Govt: of KPK Chief Secy: ..... *Respondent*

Respondent No. 2

Notice to: — the Chief Secretary Govt: of KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 14/7/22 **at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.**

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of June **20** 22

For Reply

ISSUE BRANCH
CHIEF SECRETARY
Govt: of Khyber Pakhtunkhwa
Peshawar
27-6-22

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. _____

Appeal No. 1572 of 20 21

Hassan Ali .....Appellant/Petitioner

Versus

The Govt. of Khyber Pakhtunkhwa .....Respondent

Respondent No. 2

Notice to: — The Chief Secretary Govt. of Khyber Pakhtunkhwa

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 14/5/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address/your address contained in the notice which is the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 8th June 2022

Day of.....20

For Registrar

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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*Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted holidays.
2. Always quote Case No. While making any correspondence.

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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

S.B

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. 7802 21

Appeal No. Khansan Tai of 20

the Govt: of KPK Chief Secy. Appellant/Petitioner

Versus

the Secretary Finance Dept: KPK Peshawar. Respondent

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 14/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 8/6

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20 .

For Reply

Secy: Finance K...
Diary No. 7-6
Date 27

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No: 7802 *of 20* 21

Hassan Taj ..... *Appellant/Petitioner*

Versus

The Govt: of KPK Chief Secy: ..... *Respondent*

Respondent No. 3

Notice to: The Secretary Agriculture Live stock fisheries & cooperative Deptt: KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 14/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of June 20 22

for Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. B

Appeal No. 7802 of 20 21

Hussain Ali

.....Appellant/Petitioner

Versus

The Govt of Khyber Pakhtunkhwa

.....Respondent

Respondent No. 3

Notice to: The Secretary Agriculture Livestock & Cooperative Govt. Khyber Pakhtunkhwa

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 17/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal petition.

Copy of appeal is attached. ~~Copy of appeal~~ has already been sent to your vide this office Notice No.....dated..... .....

Given under my hand and the seal of this Court, at Peshawar this .....

Day of.....20 21

for Registrar

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays
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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

Appeal No. 7802 *of 20* 21

Hassan Jan *Appellant/Petitioner*

Versus

The Govt. of KPK Chief Secy: *Respondent*

Respondent No. 4

Notice to: — The Director General Agriculture Deptt Eatention wing KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 14/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this 8th

Day of June 20 22

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. 7202 of 20

Appellant/Petitioner

Versus

Respondent

Respondent No.

Notice to:

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on ..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. ..... dated .....

Given under my hand and the seal of this Court, at Peshawar this .....

Day of 20

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.