

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

In Re: Service Appeal No. 919 / 2013.


Qayyum Khan.....**APPELLANT.**

Versus

Director General,
On Farm Water Management and others.....**RESPONDENTS.**

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Appellant
through

Imtiaz Ali
Advocate Supreme Court of Pakistan

And

Sardar Shoukat Hayat
Advocate High Court

Dated: 05.2013

M. SARDAR KHAN AND ASSOCIATES
ADVOCATES & LEGAL CONSULTANTS.
Flats # 6 & 7, First Floor, Cantonment Commercial
Complex, Saddar Road, Peshawar Cantt.
Tel: 5276528, 5275946
Cell No. 0300-5020417

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

Service Appeal No. / 2013.

Qayyum Khan

Water Management Officer (B-17),

Office of Deputy Director (F),

On Farm Water Management District Peshawar.....**APPELLANT.**

Versus

1. **Director General,**
On Farm Water Management,
Khyber Pakhtunkhwa, Peshawar.
2. **Secretary to Govt of Khyber Pakhtunkhwa,**
Agriculture, Livestock and Cooperative Department,
Peshawar.
3. **Mohammad Jamil,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Mansehra.
4. **Muhammad Ishaq,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Abbottabad.
5. **Masud-ur-Rehman,**
Assistant Director (B-17),
c/o Director General,
On Farm Water Management, Peshawar.
6. **Bakhtawar Shah,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Buner.
7. **Bakht Ali,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Kohat.
8. **Zahidullah,**
Assistant Director (B-17),
Water Management Training Centre,
District D.I. Khan.

9. **Shad Muhammad,**
Assistant Director (B-17),
c/o Director General,
On Farm Water Management, Peshawar.
10. **Habib-ur-Rehman,**
District Officer (B-17),
On Farm Water Management, District Tank.
11. **Saeed-ur-Rehman,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Nowshera.
12. **Hamidullah,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Swat.
13. **Muhammad Anwar,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Charsadda.
14. **Abdul Hafeez,**
Assistant Director (B-17),
Office of Director Officer,
On Farm Water Management, District Hangu.
15. **Raja Muhammad Javed Arif,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Chitral.
16. **Muhammad Asif,**
Assistant Director (B-17),
Office of Director General,
On Farm Water Management, KPK, Peshawar.
17. **Irfan Hussain,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Kohistan.
18. **Imtiaz Khan,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Swabi.
19. **Sultan Muhammad,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Malakand.

20. **Riaz Gul,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Mardan.
21. **Muhammad Ghafoor,**
Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Lakki Marwat.
22. **Rabnawaz,**
Assistant Director (B-17),
Office of Deputy Director (F),
On Farm Water Management, District Peshawar.
23. **Mansoor Nasir**
Planning Officer (B-17),
District Government Nowshera.....**RESPONDENTS.**

APPEAL u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned seniority list No. 5324-97/DG/OFWM dated 26.12.2012 wherein the appellant has been placed at serial No. 32 below the respondents No. 3 to 23. And the appeal / representation filed by the appellant against the impugned seniority list has not been replied to so far.

PRAYER IN APPEAL: That names of respondents No. 3 to 23 being contract employees may be deleted / removed from the impugned seniority list and respondents No. 1 and 2 may kindly be ordered to place the name of the appellant being regular employee at the top of seniority list in accordance with the seniority position vis-à-vis other employees in accordance with law and rules.

Respectfully Sheweth:

1. **THAT** on the recommendation of Departmental Selection Committee, the Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department, the appellant amongst others were appointed against the newly created posts of Water

Management Officers (BPS-17) on contract basis in the Project titled "*National Program for Improvement / Lining of Watercourses in Pakistan (KPK component)*" vide notifications dated 24.11.2004, copy Annexure "A".

2. THAT respondents No. 3 to 23 had also been appointed in the same project on similar terms and conditions but during the year 1994 to 1996. Copies of appointment orders of some of the respondents are enclosed marked "B" and "B-1".
3. THAT in the year 2007, Government of KPK, Agriculture, Livestock and Cooperative Department in consultation with Finance Department accorded sanction for creation of 275 posts in the office of On Farm Water Management w.e.f. 01.07.2007 vide two notifications of even number dated 21.04.2007 and 30.04.2007. It was stated in the said notifications that, after filling of posts on current budget side even number of posts on development side shall automatically stand abolished and *that all the posts shall be filled as per government policy in vogue*. Copy of notifications dated 21.04.2007 and 30.04.2007 are enclosed marked "C" and "C-1".
4. THAT through two notifications dated 31.07.2007 and 03.09.2007, respondents No. 3 to 23 were adjusted / transferred against the aforesaid newly created posts on current budget. Copies of the notifications dated 31.07.2007 and 03.09.2007 are enclosed marked "D" and "D-1".
5. THAT appellant alongwith some of his other colleagues filed writ petitions before the Hon'ble Peshawar High Court, Peshawar seeking regularization of their services. The writ petitions were allowed by the High Court with the direction to the official respondents to regularize the petitioners therein including appellant in due course on the vacant posts or the posts whenever falling vacant in future.

6. **THAT** official respondents / Government of KPK preferred Review Petitions against the aforesaid judgments but the same were dismissed by holding that the petitioners therein came within the ambit of section 19 of the Civil Servants Act, 1973 as amended through the NWFP Civil Servants (Amendment) Act, 2005 and had, therefore, become regular civil servants by force of law vide judgment dated 01.12.2009.
7. **THAT** the judgment of the Peshawar High Court dated 01.12.2009 was, in turn questioned before august Supreme Court of Pakistan through Civil Appeals No. 834 to 837 of 2010. The said appeals were dismissed by august Supreme Court of Pakistan vide judgment dated 01.03.2011 by upholding the judgment Hon'ble Peshawar High Court, Peshawar. The judgment of Supreme Court is reported as **2011 SCMR 898**. Copy of the said judgment is enclosed marked "**F**".
8. **THAT** the judgment of august Supreme Court of Pakistan was implemented by the Government through notification No. SOE(AD)17-131/2009 dated 07.06.2011 whereby services of the appellant alongwith his fifteen other colleagues were regularized w.e.f. 24.11.2004. Copy of notification dated 07.06.2011 is enclosed marked "**F**".
9. **THAT** it was in the above background that vide seniority list dated 26.12.2012, conveyed on 06.01.2013, the appellant has been included in the said list of officers of BPS-17 (Assistant Directors / Water Management Officers) as on December, 2012. The appellant was, however, astonished to find that respondents No. 3 to 23 had been shown at serial No. 3 to 23 of the seniority list while appellant has been placed at serial No. 32. This is despite the fact that the said respondents are still contract employees whose services were never regularized by any judgment of the court or under any of the provision of service laws, as they had only been adjusted / transferred against the newly created regular / sanctioned posts. Copy of the impugned seniority list is annexed marked "**G**".

10. THAT appellant preferred departmental appeal / representation to the competent authority through proper channel expressing his grievance against the impugned seniority list but the same has not yet been responded within the prescribed statutory period. Copy of appeal / representation is enclosed marked "H".
11. THAT on the basis of impugned seniority list, department is processing the case of private respondents for their promotion to the next higher post(s) ignoring legal status of respondent No. 3 to 23 and due seniority of the appellant.
12. THAT mortally aggrieved of aforesaid seniority list, appellant is constrained to invoke the jurisdiction of this Hon'ble Tribunal against the same, on the following amongst other: -

GROUND:

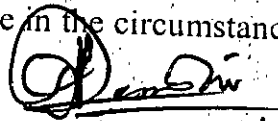
- A. THAT appellant is regular employee of the department while respondents No. 3 to 23 are still contract employees having never been regularized, therefore, their very inclusion in the seniority list and placing them senior to the appellant is illegal hence of no legal effect.
- B. THAT respondents No. 3 to 23 being contract employees under no circumstances could be considered for promotion and any exercise towards that end undertaken by official respondents is without lawful authority and in violation of the rules.
- C. THAT in view of the fact that appellant has been regularized in pursuance to the judgment of the Supreme Court of Pakistan vide notification dated 07.06.2011 w.e.f. 24.11.2004, therefore, his name is required to be placed at the top of the seniority list.

D. THAT even if for the sake of arguments, it is presumed that respondents No. 3 to 23 were deemed to have been regularized on their adjustment against the newly created sanctioned posts (which fact though is not conceded by appellant), still appellant is senior to them because they were adjusted against regular posts in the year 2007 while services of appellant have been regularized w.e.f. 24.11.2004 and therefore, appellant was required to be placed senior to the said respondents.

E. THAT appellant seeks leave of this Hon'ble Tribunal to take further additional grounds at the time of arguments in this appeal.

In view of the above, it is, therefore, respectfully prayed that on acceptance of the appeal, names of respondents No. 3 to 23 being contract employees may be deleted / removed from the impugned seniority list and respondents No. 1 and 2 may kindly be ordered to place the name of the appellant being regular employee at the top of seniority list in accordance with the seniority position vis-a-vis other employees in accordance with law and rules.

Any other relief deemed appropriate in the circumstances of the case may also be granted.



Appellant
through

Imtiaz Ali
Advocate Supreme Court of Pakistan

And

Sardar Shoukat Hayat
Advocate High Court

Dated: 05.2013

M. SARDAR KHAN AND ASSOCIATES
ADVOCATES & LEGAL CONSULTANTS.
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**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

In Re: Service Appeal No. / 2013.

Qayyum Khan.....**APPELLANT.**

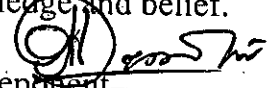
Versus

Director General,
On Farm Water Management and others.....**RESPONDENTS.**

AFFIDAVIT of Qayyum Khan, Water Management Officer (B-17), Office of Deputy Director (F), On Farm Water Management District Peshawar.

I, Qayyum Khan, Water Management Officer (B-17), Office of Deputy Director (F), On Farm Water Management District Peshawar do hereby solemnly declare and state: -

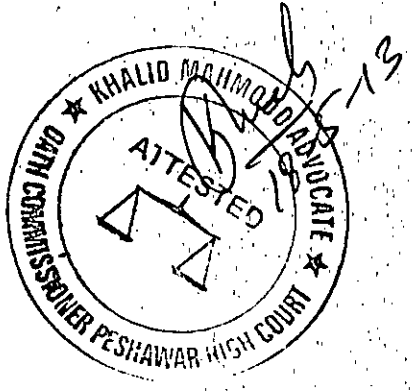
1. That the enclosed service appeal has been drafted under my instructions.
2. That I am personally conversant with the facts and circumstances of the case as contained therein.
3. That the facts and circumstances mentioned in the enclosed service appeal are true and correct to the best of my knowledge and belief.

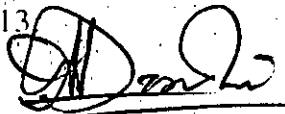

Deponent

VERIFICATION:

The contents of the above affidavit are true and correct to the best of my knowledge and belief.

Verified on Oath at Peshawar this th day of May, 2013.




Deponent

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

In Re: Service Appeal No. / 2013.

Qayyum Khan.....**APPELLANT.**

Versus

Director General,
On Farm Water Management and others.....**RESPONDENTS.**

MEMO OF ADDRESS

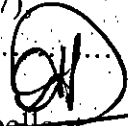
Qayyum Khan, Water Management Officer (B-17),
Office of Deputy Director (F),
On Farm Water Management District Peshawar.....**Appellant.**

Versus

1. Director General, On Farm Water Management,
Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperative Department, Peshawar.
3. Mohammad Jamil, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Mansehra.
4. Muhammad Ishaq, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Abbottabad.
5. Masud-ur-Rehman, Assistant Director (B-17), c/o Director General,
On Farm Water Management, Peshawar.
6. Bakhtawar Shah, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Buner.

7. Bakht Ali, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Kohat.
8. Zahidullah, Assistant Director (B-17), Water Management Training
Centre, District D.I. Khan.
9. Shad Muhammad, Assistant Director (B-17),
c/o Director General, On Farm Water Management, Peshawar.
10. Habib-ur-Rehman, District Officer (B-17),
On Farm Water Management, District Tank.
11. Saeed-ur-Rehman, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Nowshera.
12. Hamidullah, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Swat.
13. Muhammad Anwar, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Charsadda.
14. Abdul Hafeez, Assistant Director (B-17),
Office of Director Officer, On Farm Water Management,
District Hangu.
15. Raja Muhammad Javed Arif, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Chitral.
16. Muhammad Asif, Assistant Director (B-17),
Office of Director General, On Farm Water Management,
KPK, Peshawar.
17. Irfan Hussain, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Kohistan.
18. Imtiaz Khan, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
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- 20. Riaz Gul, Assistant Director (B-17),
Office of Deputy Director,
On Farm Water Management, District Mardan.
- 21. Muhammad Ghafoor, Assistant Director (B-17),
Office of Deputy Director, On Farm Water Management,
District Lakki Marwat.
- 22. Rabnawaz, Assistant Director (B-17),
Office of Deputy Director (F), On Farm Water Management,
District Peshawar.
- 23. Mansoor Nasir, Planning Officer (B-17)
District Government Nowshera.....

 Respondents.

Appellant
through

Imtiaz Ali
Advocate Supreme Court of Pakistan

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

In Re: C.M. No. / 2013, in
Service Appeal No. / 2013.

Qayyum Khan.....**APPELLANT.**

Versus

Director General,
On Farm Water Management and others.....**RESPONDENTS.**

APPLICATION for restraining respondents No. 1 and 2 from processing illegally the promotion cases of respondents No. 3 to 23 to the higher posts in BS-18 till the final disposal of instant appeal.

Respectfully Sheweth:

1. **THAT** the above titled service appeal is filed today, which is yet to be fixed for preliminary hearing:
2. **THAT** on the facts and grounds urged in the body of the main appeal which may kindly be read with and as integral part of this application, applicant / appellant has a prima facie case in his favour.
3. **THAT** balance of convenience also lies in favour of applicant / appellant being a regular employee of the department. In case respondents No. 1 and 2 are not restrained from promoting contract employees (respondents No. 3 to 23) to the higher posts in BS-18, the applicant shall suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of the instant application, respondents No. 1 and 2 may graciously be restrained from processing the cases of respondents No. 3 to 23 for promotion to the posts of BPS-18 till final disposal of the accompanying appeal.

Appellant
through

Imtiaz Ali
Advocate Supreme Court of Pakistan

And

Sardar Shoukat Hayat
Advocate High Court

Dated: 05.2013

AFFIDAVIT:

I, Qayyum Khan, Water Management Officer (B-17), Office of Deputy Director (F), On Farm Water Management District Peshawar do hereby solemnly declare and affirm that the contents of the application above are true and correct to the best of my knowledge and belief.

Deponent



A/14

Government of NWFP
Agriculture, Livestock and Cooperatives
Department
Peshawar dated the 24th November, 2004.

Notification.

No. No. SOE(AD)11 (2) 70 / 2004. On the recommendation of the Departmental Selection Committee, Government of NWFP, Agriculture, Livestock & Cooperatives Department is pleased to appoint the following candidates against the newly created posts of Water Management Officers(Eng.) BPS-17 purely on contract basis in the project titled National Program for improvement/lining of water courses in Pakistan (project for NWFP) for a period of one year, from the date of assuming the charge of the post, extendable to the remaining project period subject to their satisfactory performance.

1. Muqsit-un- Naseer S/o Irfan-ud-Din Village Tehsil P.O Timergara Moh: Miagulan Dist: Dir Lower.
2. Jehan Zeb S/o Aslam Khan C/o Assistant Director Water Management Near Mail Lara Stop Jehangira Road Swabi.
3. Abdul Malik S/o Ghazi Khan C/o Abdul Wahab Village Amin Khel (Chockara) P.O Ghundi Kala Tehsil Tahli Nasrali Dist: Karak.
4. Mohammad Tufail S/o Nadar Khan Village Masti Khan Banda P/O Khojaki Killa Tehsil T/Nasrali Dist: Karak.
5. Nisar Ahrnad S/o Sarfaraz Ahmad House No. C/445 near Government Primary School No. 5 street Khawrs brothers Mohallah Katrain walla D.I.Khan.
6. Abdullah Khan S/o Ghulam Muhammad Village Janga C/o Usman Cloth House Lund Khawar P.O Lund Khawar Teh: Takhl Bhai Dist: Mardan.
7. Allab Ahmad Khan S/O Abdul Rashid Khan Dist: D.I.Khan. C/O Ina mullah Khan AD FIA, Peshawar, Air Port.
8. Mohammad Farooq Khan S/O Qamar Khan Moh: Tauskhani village and P.O Lahore Dist: Swabi.
9. Waseemullah S/O Mohammad Saeed Village Kachkol Asad Khan P.O Torka Tehsil and District Bannu.
10. Shahden Iqbal S/O Mir Khatam Village and P.O Haji Zai Tehsil and Dist: Charsadda.
11. Mosen Uddin S/O Mohammad Mukhtar of Dir Lower.
12. Hidayat Ali S/O Haji Shamroz K. House No. 1070/3 new Mohalla near Jamia mosque Nowshera Cantt.
13. Tahir Khan S/O Zafarullah District: Tangla.
14. Anwar Saeed S/O Mohibullah Khan. Dist: Karak Tehsil Teht-e-Nasrali Village Nadar Kila P.O Manzeeni Banda.
15. Qiaash Ahmad S/O Faqir Saib sector, E/91 Sheikh Maltoon Town distl. Mardan
16. Shahid Mahmood S/o Muhammad Ishaq H.No.389 Sector: C Sheikh Maltoon Town Mardan.
17. Ghulam Bilal S/O Karim Dad Khan P.O Paroa, D.I.Khan.
18. Qayyum Khan S/O Awal Mir Shah. House No. 81/LG in front of Railway Signal O/S Dist: Bannu.
19. Munir Ahmad S/o Saeed Ahmad Opposite to the GHS No.2 Kulachi Teh Kulachi Dist: D.I.Khan.

20. Saeed Shah S/o Jaffar Shah Distt: Mardan Teh: Takht Bhai P.O Sallar Khan Colony Mahal Jamra Hashnagro Kali.
21. Rafiq Ahmad Ghuncha S/o Ghulam Sarwar House No. 2528 Moh: Roshan Chiragh D.I. Khan.
22. Mohammed Shoab S/o Muhammad Ramzan House No. T-145 Street Saddique Abad Near Mirch Mandi Peshawar City.
23. Mirza Muhammad S/o Muhammad Inam Moh: Naway Cham Vill: & P.O Shahmansoor Tehsil and Distt: Swabi.
24. Jehan Zeb S/o Muqaid Jani Mugh Pati House New Bazar Chitral.
25. Said Muhammad S/o Mir Muhammad Village and P.O Urmay Payan Moh: Ali Khel Distt. Peshawar.
26. Fazal Sattar S/O Nasir Ud Din Khan. Village Galkore P.O Osheri Teh: Dir Distt: Dir Upper.
27. Abdus Subhan S/O Abdur Razaq. C/O Dr. Aziz ur-Rehman Village and P.O Paniala Distt: D.I. Khan.
28. Muhammad Tahir S/O Noor Wahab r/o Malakand Agency.
29. Mr. Muhammad Nadeem S/O Muhammad Khan. Village Paniala Tehsil and District D.I. Khan.
30. Amir Rabbani S/o Rehmatullah H: No. 448 Sarafa Bazar Abbottabad
31. Muhammad Khalil Akbar S/o Abdur Rafiq Moh: Ismail Khel Village Garhi Daulat Zai P.O Garhi Kapura Tehsil and Distt: Mardan.
32. Muhammad Uzair Khan S/o Mohabat Khan Moh: Danda Village and P.O Charbagh Distt: Swat.
33. Hidayatullah S/o Muhammad Iqbal House No. 372 Armour Colony Manki Road Nowshera Cantt.
34. Zulfiqar Ali S/O Akbar Ali Khan P.O Kachi Paind Khan Midail Khel House Hanif Town Waqas Colony Diyail Road D.I Khan.
35. Zahid Khaleeq S/o Khaleeq-uz-Zaman House No. 30/D, Muhammad Jan Street Bannu.
36. Bakht Jamair S/o Shad Muhammad Khan C/o Bilal Book Store Village and P.O Jowar. Tehsil Daggar Distt: Buner.
37. Irfanullah S/o Muhammad Hanif Mohallah Saeed Khel Teh and Distt: L/Marwat.
38. Anjad Masood S/o Sheikh Ahmad Dab No. 1 Behind Ara Machine Shailia Road Manshra.
39. Muhammad Rahmatullah Khan S/o Rohullah Khan Ismatullah LS-I F-Block Flal No. 6 (C.A.E.B) Shami Road Wapda Colony Peshawar.
40. Kifayat Zaman S/o Shahi Zaman Street I. A Hakeem Village and P.O Gujral Teh and Distt: Mardan.
41. Aman Khan S/o Pekhwaray Khan Village and P.O Pir Baba Pacha Kalay Tehsil Daggar Distt: Buner.
42. Ihsan Ulfa Khan S/O Said Khumar Khan Village and P.O Kot Beli Tehsil and Distt: Bannu.

- 43. Alta Ullah S/o Manaras Khan C/O Peror H/W New Madyan Road Mingora District Swat.
- 44. Muhammad Idress S/o Abdul Kabir Bacha Village and P.O Mian Brangola Tehsil Adenzai Distt: Dir.
- 45. Irfanullah S/o Faqir Muhammad Khan(Late) Amjad Shaheed Colony Village and P.O Thana Malakand Agency.
- 46. Zailul Haq S/o Muhammad Zaman Village Burghando P.O and Tehsil Lal Qilla Distt: Dir Lower.
- 47. Amjad Ali S/o Muhammad Salim Mohi: Irfan Abad /Salim Abad P.O Balkhela Malakand Agency.
- 48. Shahdad khan S/o Abdur Rashid C/O Mian Mohammed -Iqbal H.No.172 Street -8 Sector J/3 Phase No.2 Hayatabad Peshawar.

2. Their appointment shall be governed by the following terms and conditions:

- a. Their appointment shall be on contract basis initially for a period of One year. The contract shall stand automatically terminated on the expiry of the initial period. Fresh contract would be executed if the services of any of the above named candidates were further required.
- b. The appointment shall be subject to the medical fitness report by the standing Medical Board and satisfactory completion of pre-service training.
- c. They shall undergo One month pre-service training in one of the training centers at OFWM training centre D.I.Khan/Agricultural Training Institute Peshawar/Agricultural University Peshawar / NWFP Engineering University Peshawar. During training, they shall be paid stipend as per approved PC-1.
- X d. They shall be governed by such rules, regulations, orders, acts and ordinances etc relating to appointment, promotion, transfer, leave, T.A., Medical Attendance, seniority, efficiency & discipline and conduct as have been/may be prescribed by the Government for the category of Government servants of their status, from time to time and as interpreted by the Government.
- e. Their pay will be fixed in the Basic Pay Scale 17 i.e. Rs. 6210-465-15510 from the date of their taking over the charge of the post.
- f. Their services shall be liable to termination on the following conditions:
 - i. At any time without notice and without assigning any reasons during the period of their contract appointment if their work during this period was not found satisfactory.
 - ii. On One month notice by the Government on one side and by them on the other. In case the notice on either side is less than One month, a sum equivalent to the pay for the period by which the notice falls short of One month, will be paid by the Government to them or in lieu thereof One month pay shall be forfeited.
 - iii) By Government without previous notice if it is satisfied on material evidence that they are unfit and/or likely to remain unfit for a considerable period by reasons

of ill health or physical disability to discharge their duties. The decision of the Government as to what constitutes considerable period shall be final.

- g. They shall not be entitled to any Traveling Allowance/Daily Allowance on their first appointment/posting.
- h. They shall not contribute to G.P Fund and will not be entitled to pension, gratuity benefits.
- i. This does not constitute inter se seniority and the appointees shall not be entitled to seniority as against any other Government Servant.

3. If the above terms and conditions are acceptable to the above named selected candidates, they should convey their willingness individually and attend office of the Director OFWM for signing the Contract Agreement on or before 10.12.2004 positively, where after the candidates shall be assigned to one of the above mentioned training centers by the Directorate of OFWM. In case of non submission of acceptance/ signing of Contract Agreement, the offer will stand cancelled.

Sd/++++
(ZAIDULLAH KHAN)

SECRETARY AGRICULTURE

Dated Peshawar the, 24th November, 2004

Endst: No. No. SOE(AD)11(2) 70 / 2004.

Copy of the above is forwarded to the:-

- 1. Accountant General, NWFP, Peshawar.
- 2. Director General Health Services, NWFP Peshawar, He is requested to kindly arrange for an early medical examination of the above named appointees through the Standing Medical Board and supply their medical examination certificates to this Department for record.
- 3. Director General, Federal Water management cell almarkaz F-8 Islamabad.
- 4. Director, On Farm Water Management Department NWFP, Peshawar w/r to his memo No.11674 dated. 04-10-2004 with the request to furnish the posting proposal of the above appointees on successful completion of the training at the earliest.
- 5. All appointees as per list given in para-1 of the notification.
- 6. PS to Chief Secretary, NWFP.
- 7. PS to Minister for Agriculture, NWFP.
- 8. PS to Additional Chief Secretary F&D department.
- 9. PS to Secretary Agriculture.
- 10. PS to Special Secretary to Chief Minister/ Provincial Coordinator.
- 11. Master file.

(AKHTER ALI SHAH)
SECTION OFFICER (ESTT.)

Last contract period
of the petitioners
was 30-6-2009
which has already
been expired.

DATED PESHAWAR 7/11/1974

NOTIFICATION

NO. BOR (AD) 2(2) G2/KC. Consequent upon the recommendation of the NWFP Public Service Commission, the Governor NWFP is pleased to appoint the following candidates as Water Management Extension Specialists in Basic Pay Scale No. 17 (Rs. 3800-290-7300/-) on temporary basis with effect from the date of their taking over the charge:-

Sl. No.	Name/Father's Name of the candidate.	Address
1-	Mr. Bahkt Ali Khan S/O Muhammad Ali Khan.	Village & P.O. Ahmad Abad, Tehsil & District Karak C/O Khurshid Public School, Ahmad -bad.
2-	Mr. Zahidullah S/O Rahim Dad Khan.	1) C/O Haji Aqam Khan, Bahat Abad, Bahar Colony, Street No. 4, House No. 6, near Forest College Peshawar.
3-	Mr. Shah Muhammad S/O Shafiullah Khan.	1) Village Abdallah Jan Killa, Tehsil & District Bannu, P.O. Gama Killa.
4-	Mr. Sharqat Zaman S/O Badi Zaman.	Village Bandi Allah P.O. Karf Allah, Tehsil Batagram Distt; Mansobra.
5-	Mr. Habibur Rehman S/O Ghani-us-Rahman.	Mohallah Khoo Haripur Distt; Haripur.
6-	Mr. Saeedur Rehman S/O Habibur Rehman.	C/O Ghani-us-Rahman, Karyana Main Bazar Tank.
7-	Mr. Hamidullah Khan S/O Haji Malook.	1) Rehman House, Phase-III Sector-II, House. 193 Hayatabad Peshawar.
8-	Mr. Mohammad Jawar S/O Madud Khan	ii) Village and P.O. Dabian, Tehsil Lahore Distt; Swabi.
9-	Mr. Abdul Hafeez S/O Ghulam Nabi.	Haji Malook Sons, Haji Baba Road Mingora Swat.
		Distt; Charsadda Tehsil Tangi Village and P.O. Mar Chand.
		Distt; Tehsil Mardan, Village and P.O. Gora, Mohallah Pansai Gari.

- 2- Their appointment is subject to the verification of character/ antecedents and following terms and conditions:-
- i) Their appointment against the Project posts will not confer on them the rights of seniority, regularization of their services or absorption also where and on expiry/completion of Project work, their services can be terminated on 14 days notice without assigning any reason. In case they wish to resign at any time without 14 days notice, their pay shall be forfeited.
 - ii) They shall be governed by the provision of NWFP Civil Servant, Act, 1973 (NWFP Act No. XVII of 1973) and, in matters not specifically mentioned in this Notification, shall be governed by such rules and regulations relating to leave, T.A, Medical Attendance, etc, as have been or may be prescribed from time to time by Government.
 - iii) They shall be governed by the Government Servants' conduct Rules, 1987 the NWFP Government Servants (Efficiency and Discipline) Rules, 1973 and any other instructions on the subject as may be issued by the Government of NWFP from time to time.

2235
5/12

GOVERNMENT OF N.W.F.P.
AGRICULTURE, FOOD AND COOPERATIVE
DEPARTMENT

B/18

DATED PESHAWAR 07 / 11 / 1994

NOTIFICATION.

No. SOE(AD)2(2)62/KC. Consequent upon the recommendation of the NWFP Public Service Commission, the Governor NWFP is pleased to appoint the following candidates as Water Management Extension specialists in Basic Pay Scale No. 17 (Rs. 3880-290-7360) on temporary basis with effect from the date of their taking over the charge: -

Sl. No.	Name / Father's Name of the candidate	Address
1.	Mr. Bakht Ali Khan S/o Muhammad Ali Khan	Village & P.O. Ahmad Abad, Tehsil & District Karak C/O Khurshid Public School, Ahmad Abad.
2.	Mr. Zahidullah S/o Rahim Dad Khan	i) C/O Haji Aslam Khan, Rahat Abad, Haider Colony, Street No. 4, House No. 6 Near Forest College Peshawar. ii) Village Abdullah Jan Killa, Tehsil & Distt: Bannu, P.O. Azam Killa.
3.	Mr. Shah Muhammad S/o Shafiullah Khan	Village Bandi Allai, P.O. Karg Allai, Teshil Batagram, Distt, Mansehra.
4.	Mr. Shafqat Zaman S/o Badiu Zaman	Mohallah Khoo Haripur Distt: Haripur.
5.	Mr. Habibur Rehman S/o Ghani-ur-Rehman	C/o Ghani-ur-Rehman, Kiryana Main Bazar Tank.
6.	Mr. Saeeedur Rehman S/o Habibur Rehman	i) Rehman House, Phase-III, Sector-II, House 193, Hayatabad Peshawar. ii) Village and P.O. Dabian, Tehsil Lahore Distt: Swabi.
7.	Mr. Hamidullah Khan S/o Haji Malook.	Haji Malook Sons, Haji Baba Road Mingora Swat.
8.	Mr. Mohammad Anwar S/o Madad Khan	Distt: Charsadda Tehsil Tangi Village and P.O. Hari Chang.
9.	Mr. Abdul Hafeez S/o Ghulam Nabi.	Distt: & Tehsil Mardan, Village and P.O. Toru, Mohallah Parani Gari.

2- Their appointment is subject to the verification of character / antecedents and following terms and conditions: -

- i) Their appointment against the Project posts will not confer on them the rights of seniority, regularization of their services or absorption else where and on expiry / completion of Project / work, their services can be terminated on 14 days notice without assigning any reason. In case they wish to resign at any time without 14 days notice, their pay shall be forfeited.
- ii) They shall be governed by the provision of NWFP Civil Savant Act, 1973 (NWFP Act No. XVII of 1973) and, in matters not specifically mentioned in this Notification, shall be governed by such rules and regulations relating to leave, T.A, Medical Attendance, etc, as have been or may be prescribed from time to time by Government.
- iii) They shall be governed by the Government Servants Conduct Rules, 1987 the NWFP Government Servants (Efficiency & Discipline) Rules, 1973 and any other instructions on the subject as may be issued by the Government of NWFP from time to time.

....2....

- iv) They have not been previously dismissed or debarred from the service of Government, Board, Local Body or Autonomous or Semi-Autonomous Organization etc.,
- v) They shall not be entitled to any Travelling Allowance/Daily Allowance on their first appointment except in case of permanent Government servants.
- vi) They shall be liable to serve any where within or outside NWFP in any post under the Federal Government or any Provincial Government or Local Authority or a Corporation or Body set up or established by any such Government.

If the above terms and conditions of appointment are acceptable to them they should immediately communicate their acceptance in writing to this Department on or before 23.12.1994 at the latest, failing which this appointment order may be treated as cancelled in respect of the candidate concerned.

DEPARTMENT OF AGRICULTURE

Order No. SOE(AD)2(2)62/KC. Dated Peshawar the 27/11/1994.

Copy forwarded to their-

- 1-Secretary, NWFP Public Service Commission, Peshawar w/r to his No. 30038-Agril/92/18626 dated 13/7/1994.
- 2-Accountant General, NWFP, Peshawar.
- 3-All Distt. Accounts Officers/Agency Accounts Officers in NWFP.
- 4-Director Water Management NWFP, Peshawar. He is requested to furnish the proposal of posting of these officers.
- 5-Manager Government Printing Press, Peshawar.
- 6-Office order file.
- 7-File No. SOE(AD)2(3)5.
- 8-Personal files of the Officers concerned.

Enclosure

(Signature)
27/11/94

(NISAR ALI SIKH)
SECTION OFFICER (ESTABLISHMENT)

W/Sab
24/11/94

- 19
- 2-2
- iv) They have not been previously dismissed or debarred from the service of Government, Board, Local Body or Autonomous or Semi-Autonomous Organization etc.
 - v) They shall not be entitled to any Traveling Allowance / Daily Allowance on their first appointment except in case of permanent Government servants.
 - vi) They shall be liable to serve any where within or outside NWFP in any post under the Federal Government or any Provincial Government or Local Authority or a Corporation or Body set up or established by any such Government.

If the above terms and conditions of appointment are acceptable to them they should immediately communicate their acceptance in writing to this Department on or before 22.12.1994 at the latest, failing which their appointment order may be treated as cancelled in respect of the candidates concerned.

SECRETARY TO GOVT: OF NWFP
FOOD & AGRICULTURE DEPTT:

ENDST NO. SOE(AD)2(2)62/KC/

Dated Peshawar the 27/11/1996.

Copy forwarded to the: -

- 1- Secretary, NWFP Public Service Commission, Peshawar w/r to his No. 30038- Agri-94/18626 dated 13/7/1994.
- 2- Accountant General, NWFP, Peshawar.
- 3- All Distt: Accounts Officers / Agency Accounts Officers in NWFP.
- 4- Director Water Management, NWFP, Peshawar. He is requested to furnish the proposal of posting of these officers.
- 5- Manager Government Printing Press, NWFP, Peshawar.
- 6- Office order file.
- 7- File No. SOE(AD)/3(3)5.
- 8- Personal files of the officers concerned.

Sd/- 27/11-94
(NISAR ALI SHAH)
SECTION OFFICER (ESTABLISHMENT)

DATED PESHAWAR THE _____/1996.

NOTIFICATION.

B-1/20

NO. SOE(AD)2(2)62/KC. Consequent upon the recommendation of the NWFP Public Service Commission, the Governor NWFP is pleased to appoint the following candidates as Water Management Officers in Basic Pay Scale No.17 (Rs.3880-290-7360) with effect from the date of their taking over the charge:-

Sl. No.	Name/Father's Name of the candidate	Address:
1.	Mr. Muhammad Asif S/o Fazi Subhan.	House No.111 Sector J 4 Street 4 Phase-2 Hayatabad, Peshawar.
2.	Mr. Irfan Hussain S/o Iltaf Hussain.	House No.2300 Mohallah Qazi Khelan, Peshawar City.
3.	Mr. Muhammad Nawaz S/O Nisar Muhammad.	Vill: & P.O. Yar Hussain Teh: Lahore Distt: Swabi Moh: Baba Khel.
4.	Mr. Irfanullah Khan S/o Ayub Khan.	Vill: Daraz Kela Khawajamad Manadan Bannu.
5.	Mr. Imtiaz Khan S/o Ali Khan.	House No.148, Moh: Muqam Khan Bari Cham Hoti, Mardan.
6.	Mr. Sultan Muhammad S/o Saïd Muhammad.	Vill Agra P.O. Agra, Malakand Agency.
7.	Mr. Ahmad Shah S/o Sharif Khan.	Vill: & P.O. Kuza Bandai C/O Bakhtawar Medicose, Teh: Kabal District Swat.
8.	Mr. Riaz Gul S/O Wazir Zada.	Asif Jamal House Moh: Doctor Latif Bicket Gung, Mardan.
9.	Mr. Rehmanullah S/O Niaz Mir Khan.	C/O Majeedur Rehman Class-7th Al-Hadi High Public School Vill: Haider Khef Tehsil & P.O. Mirali North Waziristan Agency.
10.	Mr. Mohammad Ghafoor Khan S/O Hakim Khan.	Vill: & P.O. Idak, Teh: Mirali North Waziristan Agency.
11.	Mr. Munir Wali Shah S/o Mir Wali Shah.	House No.412/B-A Mohallah Lady Park Bannu City.
12.	Mr. Bab Nawaz S/O Aurangzeb Khan.	Vill: & P.O. Bhogar Mang Teh: & Distt: Manshra.

2- Their appointment is subject to the verification of character/antecedents & following terms and conditions:-

- 1) Their appointment against the Project post will not confer on them the right of seniority, regularization of their services or absorption and when and on expiry/ completion of Project/work, their services can be terminated on 14 days notice without assigning any reason. In case they wish to resign at any time without 14 days notice, their pay shall be forfeited.

23
B-1/20

GOVERNMENT OF NWFP
FOOD, AGRICULTURE, LIVESTOCK & COOP:
DEPARTMENT

DATED PESHAWAR THE _____ / 1996

NOTIFICATION.

No. SOE(AD)2(2)62/KC. Consequent upon the recommendation of the NWFP Public Service Commission, the Governor NWFP is pleased to appoint the following candidates as Water Management Officers in Basic Pay Scale No. 17 (Rs. 3880-290-7360) with effect from the date of their taking over the charge: -

Sl: No.	Name / Father's Name of the candidate	Address
1.	Mr. Muhammad Asif S/o Fazli Subhan	House No. 111 Sector J 4 Street 4 Phase-2 Hayatabad, Peshawar.
2.	Mr. Irfan Hussain S/o Iltaf Hussain.	House No. 2300 Mohallah Qazi Khelan, Peshawar City.
3.	Mr. Muhammad Nawaz S/o Nisar Muhammad	Vill: & P.O. Yar Hussain Teh: Lahore District Swabi Moh: Baba Khel.
4.	Mr. Irfanullah Khan S/o Ayub Khan	Vill: Daraz Khela Khawajamad Manadan Bannu.
5.	Mr. Imtiaz Khan S/o Ali Khan.	House No. 148, Moh: Muqam Khan Bari Cham Hoti, Mardan.
6.	Mr. Sultan Muhammad S/o Said Muhammad.	Vill Agra P.O. Agra, Malakand Agency.
7.	Mr. Ahmad Shah S/o Sharif Khan.	Vill: & P.O. Kuza Bandai C/O Bakhtawar Medicose, The: Kabal District Swat.
8.	Mr. Riaz Gul S/o Wazir Zada.	Asif Jamal House Moh: Doctor Latif Bicket Gung Mardan.
9.	Mr. Rehmanullah S/o Niaz Mir Khan.	C/O Majeedur Rehman Class-7 th Al-Hadi High Public School. Vill: Haider Khel Tehsil & P.O. Mirali North Waziristan Agency.
10.	Mr. Mohammad Ghafoor Khan S/O Hakim Khan	Vill: & P.O. Idak, Teh: Mirali North Waziristan Agency.
11.	Mr. Munir Wali Shah S/o Mir Wali Shah	House No. 412/B-A Mohallah Lady Park Bannu City.
12.	Mr. Rab Nawaz S/o Aurangzeb Khan.	Vill: & P.O. Bhogar Mang Teh: & Distt: Mansehra.

2- Their appointment is subject to the verification of character / antecedents & following terms and conditions: -

- i) Their appointment against the Project posts will not confer on them the right of seniority, regularization of their services or absorption else where and on expiry / completion of Project / work, their services can be terminated on 14 days notice without assigning any reason. In case they wish to resign at any time without 14 days notice, their pay shall be forfeited.

0	133400.00
5	317500.00
5	17300.00
	292600.00

21

- ii) They shall be governed by the provision of NWFP Civil Servants Act, 1973 (NWFP Act, No. 1 of 1973) and, in matters not specifically mentioned in this Notification, shall be governed by such rules and regulations relating to leave, P.A, Medical Attendance, etc, as have been or may be prescribed from time to time by Government.
- iii) They shall be governed by the Government Servants conduct Rules, 1987, the NWFP Government Servants (Efficiency & Discipline) Rules, 1975 and any other instructions on the subject as may be issued by the Government of NWFP from time to time.
- iv) They have not been previously dismissed or debarred from the service of Government, Board, Local Body or Autonomous or Semi-Autonomous Organization etc.,
- v) They shall not be entitled to any Travelling Allowance/Daily Allowance on their first appointment except in case of permanent Government Servants.
- vi) They shall be liable to serve any where within or outside NWFP in any post under the Federal Government or any Provincial Government or Local Authority or a Corporation or Body set up or established by any such Government.

3- If the above terms and conditions of appointment are acceptable to them they should immediately communicate their acceptance in writing to this Department on or before 24.9.1996 at the latest, failing which their appointments order may be treated as cancelled.

SECRETARY TO GOVT: OF NWFP
FOOD & AGRICULTURE DEPTT:

ENDS: NO. GOE(AD)2(2)62/KC/

Dated Peshawar the 29/8/1996.

Copy forwarded to the:-

- 1- Secretary, NWFP Public Service Commission, Peshawar w/r to his No. PSC-300/6-Agri-94/8769, Dated 06/6/1996.
- 2- Accountant General, N.W.F.P., Peshawar.
- 3- Director Water Management, NWFP, Peshawar.
- 4- Manager Government Printing Press, NWFP, Peshawar.
- 5- Candidates concerned.
- 6- Personal files of the officers.
- 7- Office order file.

(Signature) 29/8/96

(NISAR ALI SHAH)
SECTION OFFICER (ESTABLISHMENT)

- ii) They shall be governed by the provision of NWFP Civil Servant Act, 1973 (NWFP Act No. XVIII of 1973) and, the matters not specifically mentioned in this Notification, shall be governed by such rules and regulations relating to leave, T.A, Medical Attendance, etc, as have been or may be prescribed from time to time by Government.
- iii) They shall be governed by the Government Servants Conduct Rules, 1987, the NWFP Government Servants (Efficiency & Discipline) Rules, 1973 and any other instructions on the subject as may be issued by the Government of NWFP from time to time.
- iv) They have not been previously dismissed or debarred from the service of Government, Board, Local body or Autonomous or Sem-Autonomous Organization etc.
- v) They shall not be entitled to any Traveling Allowance / Daily Allowance on their first appointment except in case of permanent Government Servants.
- vi) They shall be liable to serve any where within or outside NWFP in any post under the Federal Government or any Provincial Government or Local Authority or a Corporation or Body set up or established by any such Government.

3. If the above terms and conditions of appointment are acceptable to them they should immediately communicate their acceptance in writing to this Department on or before 24.9.1996 at the latest, failing which their appointments order may be treated as cancelled.

SECRETARY TO GOVT: OF NWFP
FOOD & AGRICULTURE DEPTT:

ENDST NO. SOE(AD)2(2)62/KC/

Dated Peshawar the 29 / 8 / 1996.

Copy forwarded to the: -

- 1- Secretary, NWFP Public Service Commission, Peshawar w/r to his No. PSC-30046-Agri-94/8769, Dated 06/6/1996.
- 2- Accountant General, N.W.F.P, Peshawar.
- 3- Director Water Management, NWFP, Peshawar.
- 4- Manager Government Printing Press, NWFP, Peshawar.
- 5- Candidates concerned.
- 6- Personal Files of the officers.
- 7- Office order file.

Sd/- 29/8/96
(NISAR ALI SHAH)
SECTION OFFICER (ESTABLISHMENT)

C/22.

GOVERNMENT OF NWFP
 AGRIL: LIVESTOCK AND COOP: DEPTT:
 Dated Peshawar, the 21-4-2007.

NOTIFICATION.

No. SOE(AD)23-3/2006. In consultation with the Government of NWFP, Finance Department, the competent authority is pleased to accord sanction to the creation of the following posts in the offices of One-Farm Water Management (District level) with effect from 1st July, 2007, during next financial year 2007-08 subject to the observance of all codal formalities required under the rules. After the No. of posts so filled on current budget side, equal number of posts on Development side shall automatically stand abolished and all the posts shall be filled as per Government policy in vogue:-

Sl. No	Name of Post with BPS	Peshawar	Mardan	DIKhan	Swat	Total
1	District Officer (BS-18)	0	0	1	0	1
2	Assistant Director (BS-17)	1	1	0	1	3
3	Sub-Engineer (B-11/16)	1	2	0	2	5
4	KPO (B-10)	1	1	1	1	4
5	Senior Clerk (BS-7)	1	0	0	0	1
Total:-		4	4	2	4	14

2. In addition to above, the remaining 150 posts in the following Districts as per details given below are hereby created with effect from 1st July, 2007 during next financial year, 2007-2008:-

S. No	Name of post with BS	Bannu	Kohat	Lakki Marwat	Nowshera	Chir-sadda	Swabi	Buner	Dir Lower	Chitral	Man-selira	Total
1	Distt:Officer BS-18	1	1	1	1	1	1	1	1	1	1	10
2	Asstt:Director (BS-17)	1	1	1	1	1	1	1	1	1	1	10
3	Water Management Officer(B-17)	1	1	1	1	1	1	1	1	1	1	10
4	Sub-Engineer (B-11/16)	2	2	2	2	2	2	2	2	2	2	20
5	Office Asstt/ Acctt: (B-11)	1	1	1	1	1	1	1	1	1	1	10
6	K.P.O(B-10)	1	1	1	1	1	1	1	1	1	1	10
7	Sr.Clerk(BS-7)	1	1	1	1	1	1	1	1	1	1	10
8	F/Asstt (B-6)	1	1	1	1	1	1	1	1	1	1	10
9	J/Celrk (B-5)	1	1	1	1	1	1	1	1	1	1	10
10	Driver (B-4)	1	1	1	1	1	1	1	1	1	1	10
11	Rodamn (B-1)	2	2	2	2	2	2	2	2	2	2	20
12	Chowkidar (B-1)	1	1	1	1	1	1	1	1	1	1	10
13	N/Qasid (B-1)	1	1	1	1	1	1	1	1	1	1	10
Total:-		15	15	15	15	15	15	15	15	15	15	150

3. The expenditure involved will be met out under head of account, 04-Economic affairs, 042-Agriculture Food, irrigation, Forestry & Fishing, 0421-Agriculture 042103-Agriculture Research and extension services Grant No.18 Agriculture On-Farm Water Management during the year, 2007-2008.

Sd/-XXX
 SECRETARY AGRICULTURE.

Dated Peshawar, the 21-4-2007

Endst.No. BOVII/FD/2-3/2006-07/Agri.

Copy forwarded for information and necessary action to:-

1. The Accountant General, NWFP, Peshawar.

- 2. The District Accounts Officers, Bannu, Kohat, Lakki Marwat, Nowshera, Charsadda, Swabi, Buner Dir Lower, Chitral, Mansehra, Peshawar, Mardn, DIKhan and Swat.

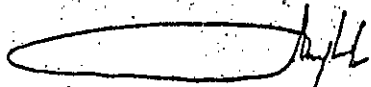
(MUHMMAD IQBAL)
BUDGET OFFICER-VII
FINANCE DEPARTMENT.

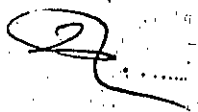
Endst. No. SOE(AD)23-3/2006.

Dated Peshawar, the 21-4-2007

Copy forwarded for information and necessary action to:-

- 1. The Director General, On-Farm Water Management, NWFP, Peshawar.
- 2. The District Coordination Officers, Bannu, Kohat, Lakki Marwat, Nowshera, Charsadda, Swabi, Buner Dir Lower, Chitral, Mansehra, Peshawar, Mardn, DIKhan and Swat.
- 3. The Executive District Officers (Finance & Planning), Bannu, Kohat, Lakki Marwat, Nowshera, Charsadda, Swabi, Buner Dir Lower, Chitral, Mansehra, Peshawar, Mardn, DIKhan and Swat.
- 4. The Executive District Officers (Agriculture), Bannu, Kohat, Lakki Marwat, Nowshera, Charsadda, Swabi, Buner Dir Lower, Chitral, Mansehra, Peshawar, Mardn, DIKhan and Swat.
- 5. The District Officers Water Management, Bannu, Kohat, Lakki Marwat, Nowshera, Charsadda, Swabi, Buner Dir Lower, Chitral, Mansehra, Peshawar, Mardn, DIKhan and Swat.
- 6. The Budget Officer-VII, Government of NWFP, Finance Department w/r to his letter No. BOVII/FD/2-3/2006-07/Agri: dated 26-3-2007.
- 7. PS to Secretary Agriculture.


(JAVAID MAQBOOL BUTT)
SECTION OFFICER-ESTT:



c-1/24

GOVERNMENT OF NWFP
AGRI.: LIVESTOCK AND COOP. DEPTT.
Dated Peshawar, the 30 /7/ 2007.

NOTIFICATION.

No. SOE(AD)23-3/2006.

In consultation with the Government of NWFP, Finance Department, the competent authority is pleased to accord sanction to the creation of the following posts in the offices of On-Farm Water Management (District level) with effect from 1st July, 2007 subject to the observance of all codal formalities required under the rules. After the No. of posts so filled on current budget side, equal number of posts on Development side shall automatically stand abolished and all the posts shall be filled as per Government policy in vogue:-

Sl. No	Name of Post with BPS	Malakand	Battagram	H/Pur	A. Abad	Tank	Karak	Hangu	U/Dir	Kohistan	Total
1	District Officer (BS-18)	1	1	1	1	1	1	1	1	1	9
2	Assistant Director (BS-17)	1	1	1	1	1	1	1	1	1	9
3	Water Management Officer (BS-17)	1	1	1	1	1	1	1	1	1	9
4	Sub-Engineer (BS-11/16)	2	2	2	1	1	1	1	1	1	12
5	Office Asstt./Acctt: (BS-11)	1	1	1	1	1	1	1	1	1	9
6	KPO (BS-10)	1	1	1	1	1	1	1	1	1	9
7	Sr. Clerk (BS-7)	1	1	1	0	0	0	0	0	0	3
8	Field Assistant (BS-6)	1	1	1	0	0	0	0	0	0	3
9	Jr. Clerk (BS-5)	1	1	1	1	1	1	1	1	1	9
10	Driver (BS-4)	1	1	1	1	1	1	1	1	1	9
11	Rodman (BS-1)	2	2	2	1	1	1	1	1	1	12
12	Chowkidar (BS-1)	1	1	1	1	1	1	1	1	1	9
13	Naib Qasid (BS-1)	1	1	1	1	1	1	1	1	1	9
Total:-		15	15	15	11	11	11	11	11	11	111

3. The expenditure involved will be met out under head of account, 04-Economic affairs, 042-Agriculture Food, irrigation, Forestry & Fishing, 0421-Agriculture 042103-Agriculture Research and extension services Grant No.18 Agriculture On-Farm Water Management during the year, 2007-2008.

Sd/-XXX
SECRETARY AGRICULTURE.

Endst.No. BOVII/FD/2-3/2006-07/Agri.

Dated Peshawar, the 30 /7/2007

Copy forwarded for information and necessary action to:-

1. The Accountant General, NWFP, Peshawar.
2. The District/Agency Accounts Officers, Malakand, Battagram, Haripur, Abbottabad, Tank, Karak, Hangu, Upper Dir and Kohistan.

(MUHAMMAD IQBAL)
BUDGET OFFICER-VII
FINANCE DEPARTMENT.

Endst. No. SOE(AD)23-3/2006.

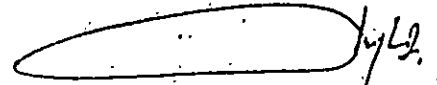
Dated Peshawar, the 30 /7/ 2007

Copy forwarded for information and necessary action to:-

1. The Director General, On-Farm Water Management, NWFP, Peshawar.
2. The District Coordination Officers, Malakand, Battagram, Haripur, Abbottabad, Tank, Karak, Hangu, Upper Dir and Kohistan.
3. The Executive District Officers (Finance & Planning), Malakand, Battagram, Haripur, Abbottabad, Tank, Karak, Hangu, Upper Dir and Kohistan.
4. The Executive District Officers (Agriculture), Malakand, Battagram, Haripur, Abbottabad, Tank, Karak, Hangu, Upper Dir and Kohistan.
5. The District Officers Water Management, Malakand, Battagram, Haripur, Abbottabad, Tank, Karak,

25

- 6. The Budget Officer-VII, Government of NWFP, Finance Department w/r to his letter No.BOVII /FD /2 3/2006-07/Agri: dated 20-7-2007.
- 7. PS to Secretary Agriculture.


(JAVAID MAQBOOL BUTT)
SECTION OFFICER-ESTT:

26

CL/11/11/11

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D/26

GOVERNMENT OF NWFP
AGRICULTURE LIVESTOCK AND COOP. DEPTT.

Dated Peshawar, the 31-3-2007.

NOTIFICATION.

NO.50F(AD)/(3)/2007.-

The competent authority is pleased to order posting/transfer of the following Officers with immediate effect in the interest of public service:-

Sl. No	Name of Officer	From	To	Remarks.
1.	Mr. Muhammad Ramzan BS-18	Project Director, Water Management, Training Centre, DIKhan.	Director (HRD) BS-19, Water Management Training Centre, DIKhan (in his own pay & scale)	Newly created post.
2.	Mr. Muhammad Azeem BS-17	Asstt: Director, Water Management, Training Centre, DIKhan.	Project Director, Water Management, Training Centre, DIKhan(ops)	Vice No.1
3.	Mr. Gulistan Khan BS-18	Distt: Officer, Water Management (NP), Bannu.	District Officer, Water Management, Bannu.	Newly created post.
4.	Mr. Muhammad Bakhsh BS-17	Distt: Officer, Water Management (NP), Kohat.	Distt: Officer, Water Management, Kohat.	--do--
5.	Mr. Muhammad Khurshid Afridi. BS-17	Distt: Officer, Water Management (NP), Charsadda.	Distt: Officer, Water Management, Charsadda (ops).	--do--
6.	Mr. Muhammad Ismail BS-17	Distt: Officer, Water Management (NP), Lakki Marwat.	Distt: Officer, Water Management, Lakki Marwat (ops).	--do--
7.	Mr. Javed Iqbal BS-17	Distt: Officer, Water Management (NP), Nowshera.	Distt: Officer, Water Management, Nowshera(ops).	--do--
8.	Mr. Shamshad Khan BS-17	Distt: Officer, Water Management (NP), Swabi.	Distt: Officer, Water Management, Swabi (ops).	--do--
9.	Mr. Zahir Ali BS-17	Distt: Officer, Water Management (NP), Buner.	Distt: Officer, Water Management, Buner (ops).	--do--
10.	Mr. Muhammad Jamil Khan. BS-17	Distt: Officer, Water Management (NP), Dir Lower.	Distt: Officer, Water Management, Dir Lower (ops).	--do--
11.	Mr. Salar Khan BS-17	Distt: Officer, Water Management (NP), Mansehra.	Distt: Officer, Water Management, Mansehra (ops).	--do--
12.	Dr. Allah Bakhsh BS-17	Distt: Officer, Water Management (NP), DIKhan.	Distt: Officer, Water Management, DIKhan (ops).	--do--
13.	Malik Muhammad Salim BS-17	Asstt: Director o/o Distt: Officer WM (NP), Mansehra.	Asstt: Director o/o Distt: Officer WM: Mansehra.	--do--
14.	Mr. Ubaidullah BS-17	Asstt: Director o/o Distt: Officer WM (NP), Mardan.	Asstt: Director o/o Distt: Officer WM Mardan.	--do--
15.	Mr. Jehangir Khan BS-17	Asstt: Director o/o Distt: Officer WM (NP), Charsadda.	Asstt: Director o/o Distt: Officer WM: Charsadda.	--do--
16.	Mr. Muhammad Anwar BS-17	Asstt: Director o/o Distt: Officer WM (NP), Charsadda.	WMO o/o Distt: Officer WM: Charsadda.	--do--
17.	Mr. Hameedullah BS-17	Water Management, Officer o/o Dy: Director, WM: Swat.	Asstt: Director o/o Dy: Director, WM: Swat.	--do--
18.	Mr. Hayat Khan BS-17	Asstt: Director o/o Distt: Officer WM (NP), Swabi.	Asstt: Director o/o Distt: Officer WM: Swabi.	--do--

9	19.	Mr. Saadullah Rehman BS-17	Asstt: Director o/o Distt: Officer WM (NP), Swabi.	Asstt: Director o/o Distt: Officer WM :Swabi.	--do--
15	20.	Mr. Irfan Hussain BS-17	Asstt: Director, WM: Project Sprinkle Irrigation, Peshawar.	Asstt: Director, WM: o/o DG-OFWM. He will also hold addl: charge of the Sprinkle Irrigation Project.	--do--
20	21.	Mr. Rabnawaz Khan BS-17	Asstt: Director (Admn: & Vegl:)o/o DG-OFWM, Peshawar.	Assistant Director o/o Dy:Director, WM(Field)Peshawar. He will also hold addl: charge of Asst: Director (Admn: & Vegl) o/o DG(NP),NWFP.	--do--
19	22.	Mr. Muhammad Ghafoor BS-17	Asstt: Director o/o Distt: Officer WM (NP), Swat.	Asstt: Director o/o Distt: Officer WM : Bannu.	--do--
17	23.	Mr. Muhammad Sultan BS-17	Asstt: Director o/o Distt: Officer WM (NP), Malakand.	Asstt: Director o/o Distt: Officer WM: Dir Lower.	--do--
18	24.	Mr. Riaz Gul BS-17	Asstt: Director o/o Dy: Director, WM (NP) Swat.	Asstt: Director o/o District Officer WM: Buner.	--do--
	25.	Mr. Zia-ud-Din	Water Management Officer (waiting for posting)	Assistant Director, Water Management (NP) Kohistan.	Against vacant post.

Sd/-

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, On-Farm Water Management, NWFP, Peshawar.
2. The Director General, Water Management (NP), NWFP, Peshawar.
3. The Accountant General, NWFP, Peshawar.
4. The Project Director, Water Management, Training Centre, DIKhan.
5. The Deputy Director, Water Management, Swat and Mardan.
6. The Deputy Director, Water Management (Field), Peshawar.
7. The District Officers, Water Management, Mansehra, Mardan, Charsadda, Swabi, Nowshera, Bannu, Dir Lower, Kohistan and Buner.
8. The District Accounts Officers, DIKhan, Bannu, Kohat, Charsadda, Lakki Marwat,, Nowshera, Swabi, Buner, Dir Lowr, Mardan, Kohistan and Swat.
9. Officers concerned.
10. PS to Minister for Agriculture, NWFP.
11. PS to Secretary Agriculture.

(JAVAID MAQBOOL BUTT)
SECTION OFFICER-ESTT:



(5)

GOVERNMENT OF NWFP
AGRICULTURE LIVESTOCK AND COOP. DEPTT.

Dated Peshawar, the 3-9-2007.

NOTIFICATION.

NO.SOE(AD)3(3)5/2007.-

The competent authority is pleased to order

adjustment/transfer of the following Officers with immediate effect in the interest of public service:-

D-1/28

Sl. No.	Name of Officer	From	To	Remarks.
1	Mr. Dawa Khan BS-17	Distt: Officer WM NPIWIC District Malakand.	Distt: Officer WM (BS-18) District Malakand (ops).	Newly created post on current budget.
2.	Mr. Muhammad Afzal BS-17.	Distt: Officer WM NPIWIC District Battagram.	Distt: Officer WM (BS-18) District Battagram (ops).	--do--
3.	Mr. Muhammad Suleman (BS-17).	Distt: Officer WM NPIWIC District Haripur.	Distt: Officer WM (BS-18) District Haripur (ops).	--do--
4.	Mian Ghulam Hussain. BS-17.	Asstt: Director WM NPIWIC District Abbottabad.	District Officer WM (BS-18) District A/Abad (ops).	--do--
5.	Mr. Zia-ud-Din BS-17	Asstt: Director WM (NP) Kohistan.	Asstt: Director: WM (NP) District Swat.	Against vacant post.
5	Mr. Bakht Ali BS-17	Asstt: Director WM (NP) Dir Upper.	Asstt: Director (BS-17) WM District Kohat.	Newly created post on c/budg;
7	Mr. Javed Ali BS-17	Asstt: Director WM (NP) Tank.	Distt: Officer WM (BS-18) Tank (ops).	--do--
8.	Mr. Naseeb-ur- Rehman BS-17	Asstt: Director WM (NP) Distt: Karak.	District Officer WM (BS-18) District Dir Upper (ops).	--do--
9.	Syed Ghulam Abbass Shah BS-17	Asstt: Director WM, DI Khan.	Distt: Officer WM (BS-18) District Karak (ops).	--do--
3 ✓	10 Mr. Masoud-ur- Rehman BS-17	Asstt: Director WM (NP) District Hangu.	Distt: Officer WM (BS-18) District Hangu (ops).	--do--
4 ✓	11 Mr. Bakhtawar Shah BS-17	Asstt: Director WM(NP) District Buner.	Asstt: Director (BS-17) WM District Buner.	Vice No:12
18 ✓	12 Mr. Riaz Gul BS-17	Asstt: Director WM District Buner.	Asstt: Director WM (BS-17) Abbottabad.	Newly created post on c/budg;

13.	Mr. Muhammad Nawaz BS-17	Asstt: Director WM (NP) District Buner.	Asstt: Director WM (BS-17) District Battagram.	--do--
14.	Raja Muhammad-Arif BS-17	Asstt: Director WM (NP) District Haripur.	Asstt: Director WM (BS-17) District Haripur.	--do--
15.	Mr. Muhammad Ishaq BS-17	Asstt: Director WM(NP) District Malakand.	Asstt: Director WM (BS-17) District Malakand.	--do--
16.	Mr. Ahmed Zeb BS-17	WMO (NP) District Dir Lower.	Asstt: Director WM (NP) District Malakand.	Vice No. 15

Sd/-

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, On-Farm Water Management, NWFP, Peshawar.
2. The Director General, Water Management (NP), NWFP, Peshawar.
3. The Accountant General, NWFP, Peshawar.
4. The District Officers, Water Management, Malakand, Battagram, Haripur, Abbottabad, Shangla, Kohat, Tank, Dir Upper, Karak Hangu, Swat and Buner.
5. The District /Agency Accounts Officers, Malakand, Battagram, Haripur, Abbottabad, Shangla, Kohat, Tank, Dir Upper, Karak Hangu, Swat and Buner.
6. Officers concerned.
7. PS to Minister for Agriculture, NWFP.
8. PS to Secretary Agriculture.

(JAVOID MAQBOOL BUTT)
SECTION OFFICER-ESTT:

Dil Nawaz

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

E/30

PRESENT:

Mr. Justice Javed Iqbal
Mr. Justice Raja Fayyaz Ahmed
Mr. Justice Asif Saeed Khan Khosa

Civil Appeals No. 834 to 837 of 2010

(On appeal from the judgment dated 01.12.2009 of the Peshawar High Court, Peshawar passed in Review Petitions No. 64, 68, 69 and 66 of 2009 in Writ Petitions No. 1645/2007, 29/2009, 84/2009 and 43 of 2009)

Government of North-West Frontier Province through
Secretary, Agriculture, Live Stock and Cooperatives
Department, Peshawar, etc.
(in all cases)

...Appellants

versus

1. *Abdullah Khan, etc.* (in CA. 834/2010)
2. *Wakil Khan* (in CA. 835/2010)
3. *Amir Rabbani* (in CA. 836/2010)
4. *Atta-ul-Haq, etc.* (in CA. 837/2010)

...Respondents

For the appellants: Qazi Muhammad Anwar, ASC
(in all cases)

For the respondents: Mr. Gul Zarin Kiani, ASC with
(in all cases) Mr. Waseem-ud-Din Khattak, ASC

Date of hearing: 01.03.2011

JUDGMENT

Asif Saeed Khan Khosa, J.: The respondents in the present appeals had been selected for appointment in the prescribed manner on or after the first day of July, 2001 and before the 23rd day of July, 2005 but they had all been appointed on contract basis and upon enactment of subsection (2) of section

ATTESTED

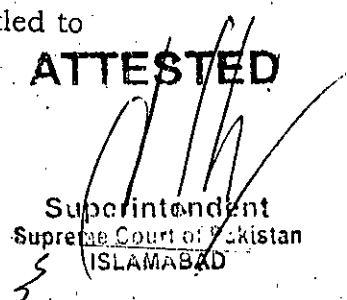
Superintendent
Supreme Court of Pakistan
ISLAMABAD

19 of the North-West Frontier Province Civil Servants (Amendment) Act, 2005 they were to be deemed to have been appointed on regular basis but upon failure of the Provincial Government to treat them as such they and some others filed different Writ Petitions before the Peshawar High Court, Peshawar which Writ Petitions had been allowed by a learned Division Bench of the said Court through a consolidated judgment dated 01.12.2009 with a direction to treat the said respondents as regular employees. On that occasion the learned Additional Advocate-General appearing for the Provincial Government had conceded the claim of the respondents and others to be treated as regular employees. Instead of challenging that judgment of the Peshawar High Court, Peshawar before this Court the appellants herein chose to file Review Petitions before the Peshawar High Court, Peshawar but all such Review Petitions were dismissed by a learned Division Bench of the said Court through a consolidated judgment dated 01.12.2009. The said consolidated judgment dismissing the appellants' Review Petitions has been assailed by the appellants before this Court through the present appeals after obtaining leave of the Court on 14.09.2010.

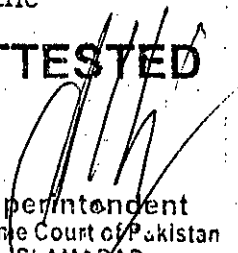
2. We have heard the learned counsel for the parties at some length and have gone through the relevant record of the case with their assistance.

3. The main contention of the learned counsel for the appellants is that the respondents were project employees appointed on contractual basis and, thus, they were not entitled to

ATTESTED


Superintendent
Supreme Court of Pakistan
ISLAMABAD

be regularized in service and in this regard he has referred to the provisions of the North-West Frontier Province Employees (Regularization of Services) Act, 2009. We have, however, remained unable to subscribed to this submission of the learned counsel for the appellants inasmuch as according to clause (aa) of subsection (1) of section 2 of the North-West Frontier Province Employees (Regularization of Services) Act, 2009 "contract appointment" meant appointment of a duly qualified person made "otherwise than in accordance with the prescribed method of recruitment". It is admitted at all hands that the appointments of the respondents were made in accordance with the prescribed method of recruitment and through the Departmental Selection Committee and, thus, their case did not attract the above mentioned definition of "contract appointment" contained in clause (aa) of subsection (1) of section 2 of the said Act of 2009. It may be true that the definition of "employee" contained in clause (b) of subsection (1) of section 2 of the said Act of 2009 excluded the employees appointed for a "project post" but before the Peshawar High Court, Peshawar as well as before this Court the appellants have utterly failed to produce anything to establish their assertion that the respondents had in fact been appointed for any project post. All that the appellants could produce before the Peshawar High Court, Peshawar in that regard were some salary slips and payrolls but such salary slips or payrolls could not been accepted as proper substitute for positive and definite proof of the nature of the respondents' appointment or employment.

ATTESTED
Superintendent
Supreme Court of Pakistan
ISLAMABAD

4. We have found that the case of the respondents was in fact squarely covered by the provisions of subsection (2) of section 19 of the North-West Frontier Province Civil Servants (Amendment) Act, 2005 because the respondents had been appointed on contract basis in a manner in accord with the prescribed procedure and that they had been appointed between the period which was catered for by the said Act of 2005. In this view of the matter we have found the learned Division Bench of the Peshawar High Court, Peshawar to be quite justified in allowing the respondents' Writ Petitions and in dismissing the appellants' Review Petitions and also in directing the appellants to treat the respondents as regular employees.

5. We have unmistakably noticed that during the hearing of the respondents' Writ Petitions before the Peshawar High Court, Peshawar the claim of the respondents and the legal position applicable to them had been conceded by the learned Additional Advocate-General appearing for the Provincial Government and, therefore, the appellants cannot be allowed at this stage to turn around and to try to wriggle out of that concession which we have otherwise found to be quite correct and fair.

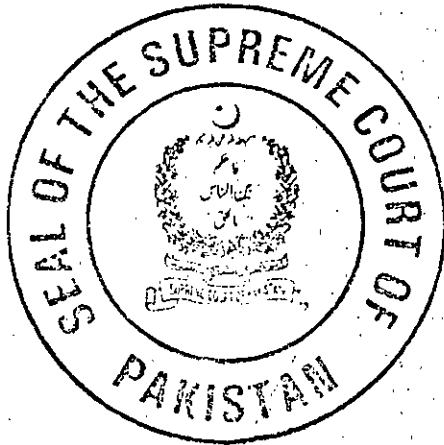
6. It is not disputed before us that the original consolidated judgment passed by the Peshawar High Court, Peshawar in the respondents' Writ Petitions had not been assailed by the appellants before this Court and they have now approached this Court challenging the consolidated judgment passed by the Peshawar High Court, Peshawar dismissing their Review Petitions. In our

ATTESTED


Superintendent
Supreme Court of Pakistan
ISLAMABAD

considered opinion the appellants' Review Petitions had been dismissed by the Peshawar High Court, Peshawar quite correctly as no error patent on the face of the record had been pointed out by the appellants and the consolidated judgment passed by the Peshawar High Court, Peshawar in the Writ Petitions filed by the respondents stands unchallenged before this Court on its merits till date. The appellants cannot now be allowed to assail the consolidated judgment passed in the respondents' Writ Petitions while disregarding the rigours of the law of limitation.

7. For what has been discussed above all these appeals are dismissed with no order as to costs.



Sd/- Javed Iqbal, J
 Sd/- Raja Fayyaz Ahmed, J
 Sd/- Asif Saeed Khan Khosa, J

Certified to be True Copy

Superintendent
 Supreme Court of Pakistan
 ISLAMABAD

10/3/11

ISLAMABAD

01.03.2011

Not approved for reporting.

M. Yasin

7/3/11

SN No:	2120/11	Civil/Criminal
Date of Presentation:	2-3-11	
No. of Words:	1500	
No. of folios:	15	
Requisition Fee Rs:	5.00	
Copy Fee In:	9.30	
Court Fee stamps:	14.30	
Date of Completion of Copy:	11.3.11	
Date of delivery of Copy:	11.3.11	
Compared by:		
Received by:		

Dated Peshawar, the 7/6/2011

NOTIFICATION.

NO. SOE (AD) 17-131/2009.- In pursuance to the judgement of the Hon' able Supreme Court of Pakistan in civil appeals No. 834 to 837 of 2010, the Competent authority is pleased to regularize the services of the following Water Management Officers (BS-17) appointed on contract basis in the project "National Program for Improvement of Watercourses in Pakistan (Khyber Pakhtunkhwa Component) as provided under section-19 sub-section (2) of the NWFP Employees (Regularization of Services) Act, 2005 with effect from 24-11-2004:-

Sl. No.	Name of Officer
1.	Mr. Wajid Ali
2.	Mr. Atta-ul-Haq
3.	Mr. Farmanullah
4.	Mr. Mujeeb-ur-Rehman
5.	Mr. Wakeel Khan
6.	Mr. Muhammad Shahid Nawaz
7.	Mr. Abdullah Khan
8.	Mr. Aftab Ahmad Khan
9.	Mr. Shahid Mehmood
10.	Mr. Ghulam Bilal
11.	Mr. Qayyum Khan
12.	Mr. Rafiq Ahmad Ghuncha
13.	Mr. Said Muhammad
14.	Mr. Muhammad Nadeem
15.	Mr. Amir Rabbani
16.	Mr. Zahid Khaliq

2. Terms & Conditions of their regularization in service are as under:-
- Their services will be considered regular but without pensionary or Gratuity benefits in term of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. They will however be entitled to contribute to Contributory Provident Fund in such a manner and at such rates as prescribed by the Government.
 - Their services will be liable for termination on one month's notice from either side. In case of resignation without notice, two month's pay/allowances shall be refunded to Government.
 - They will be governed under such rules and regulations as may be issued from time to time by the Government.
 - In case of misconduct, they will be proceeded against the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the Rules framed there under from time to time.
 - Charge report should be submitted by the officers concerned.

- vi. Their posting orders will be issued subsequently after approval of the competent authority.

SECRETARY AGRICULTURE.

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Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Registrar, Hon' able Peshawar High Court, Peshawar.
2. The Director General, On-Farm Water Management, Khyber Pakhtunkhwa, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Director General, (National Program) Water Management, Khyber Pakhtunkhwa, Peshawar.
5. The Manager, Government Printing Press, Peshawar.
6. All the District Officers / Deputy Directors, On-Farm Water Management, in Khyber Pakhtunkhwa.
7. All the District Accounts Officers, in Khyber Pakhtunkhwa.
8. Officers concerned.

hmas
(SAKHI-UR-REHMAN)
SECTION OFFICER-ESTT:

G/37

**DIRECTORATE GENERAL ON FARM WATER MANAGEMENT
KHYBER PAKHTUNKHWA, PESHAWAR**

No. 5324-97 /DG/OFWM
To,

dated Peshawar the, 26/12/2012.

1. Director (HRD),
On Farm Water Management,
Training Center D.I.Khan
2. All Deputy Directors,
Water Management in Khyber Pakhtunkhwa.
3. All District Officers,
On Farm Water Management in Khyber Pakhtunkhwa.
4. All Assistant Directors/Water Management Officers in Khyber Pakhtunkhwa.


Subject: - **SENIORITY LIST OF OFFICERS OF ON FARM WATER MANAGEMENT
DEPARTMENT AS STOOD ON 30-11-2012.**

Memo,

Enclosed please find herewith copy of the draft seniority list of On Farm Water Management Department as stood on December, 2012.

Any discrepancy/omission in the seniority list may please be intimated to this office within a week time positively for necessary correction, otherwise the same will be considered as undisputed/ final and will be submitted to the Admn: Department for approval.

Encl: As above


Director General
On Farm Water Management
Khyber Pakhtunkhwa Peshawar

No. _____ /DG/OFWM dated Peshawar the, _____ /2012.

Copy to the Section Officer (Estt:) Government of Khyber Pakhtunkhwa, Agri:, L/Stock & Coop: Deptt: Peshawar with reference to his letter No. SOE(AD)II(2)391/2011 dated 11/09/2012.

/

Director General
On Farm Water Management
Khyber Pakhtunkhwa Peshawar

DIRECTORATE GENERAL ON FARM WATER MANAGEMENT KHYBER PAKHTUNKHWA PESHAWAR

38

SENIORITY LIST OF OFFICERS BS-17 (ASSISTANT DIRECTOR /WATER MANAGEMENT OFFICER) AS ON DECEMBER, 2012

S. No.	Officers' Name	Academic Qualification	Home District/ Agency	Date of Birth	Date of Joining	Present Posting	Date of Superannuation
1	2	3	4	5	6	7	8
1	Mr. Mohammad Jamil	B.Sc. Agriculture Engineering	Nowshera	05/01/1957	30/04/1987	Assistant Director o/o DO OFWM Mansehra	04/01/2017
2	Mr. Muhammad Ishaq	M.Sc.(Hons) Agriculture	Swat	25/12/1964	09/12/1990	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Abbottabad	24/12/2024
3	Mr. Masud-ur-Rehman	M.Sc.(Hons) Agriculture (Water Management)	Karak	07/04/1967	20/01/1992	Long Leave	06/04/2027
4	Mr. Bakhtawar Shah	M.Sc.(Hons) Agriculture	Buner	02/02/1963	19/01/1992	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Buner	01/02/2023
5	Mr. Bakht Ali	M.Sc.(Hons) Agriculture	Karak	06/10/1967	27/11/1994	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Kohat	05/10/2027
6	Mr. Zahidullah	M.Sc.(Hons) Agriculture	FR Bannu	04/06/1968	27/11/1994	Assistant Director (BS-17 Supervisory) Water Management Training Center D.I.Khan	03/06/2028
7	Mr. Shad Muhammad	M.Sc.(Hons) Agriculture	Battagram	10/05/1965	01/01/1995	Long Leave	09/05/2025
8	Mr. Habib-ur-Rehman	M.Sc.(Hons) Agriculture	Tank	01/12/1969	27/11/1994	District Officer OFWM Tank (Own Pay Scale)	30/11/2029
9	Mr. Saeed-ur-Rehman	M.Sc.(Hons) Agriculture	Swabi	01/08/1968	27/11/1994	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Nowshera	31/07/2028
10	Mr. Hamidullah	M.Sc.(Hons) Agriculture	Swat	01/01/1965	27/11/1994	Assistant Director (BS-17 Supervisory) o/o Dy. Director OFWM District Swat	31/12/2024
11	Mr. Muhammad Anwar	M.Sc.(Hons) Agriculture	Charsadda	09/04/1967	27/11/1994	Assistant Director (BS-17) Supervisor o/o DO OFWM District Charsadda	08/04/2027
12	Mr. Abdul Hafeez	M.Sc.(Hons) Agriculture	Mardan	22/06/1963	27/11/1994	Assistant Director (BS-17 Supervisory) o/o District Officer OFWM Hangu(OPS)	21/06/2023
13	Raja Muhammad Javed Arif	B.Sc. Agriculture (Water Management)	Haripur	03/04/1965	26/01/1995	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Chitral	02/04/2025

S. No.	Officers' Name	Academic Qualification	Home District/ Agency	Date of Birth	Date of Joining	Present Posting	Date of Superannuation
1	2	3	4	5	6	7	8
14	Mr. Muhammad Asif.	M.Sc. Agriculture Engineering	Peshawar	01/03/1970	01/10/1996	Assistant Director (BS-17 Supervisory) o/o DG OFWM Khyber Pakhtunkhwa Peshawar	28/02/2030
✓ 15	Mr. Irfan Hussain	M.Sc.(Hons) Agriculture (Water Management)	Peshawar	14/04/1965	01/10/1996	Assistant Director (BS-17 Supervisory) DO OFWM Kohistan (OPS)	13/04/2025
16	Mr. Imtiaz Khan	M.Sc.(Hons) Agriculture (Water Management)	Mardan	06/06/1964	01/10/1996	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Swabi.	05/06/2024
✓ 17	Mr. Sultan Muhammad	M.Sc.(Hons) Agriculture (Water Management)	Malakand Agency	01/02/1969	01/10/1996	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Malakand	31/01/2029
✓ 18	Mr. Riaz Gul	M.E Irrigation Engineering & Management (Phillipine)	Mardan	15/04/1967	01/10/1996	Assistant Director (BS-17 Supervisory) o/o Dy. Director District Mardan	14/04/2027
✓ 19	Mr. Muhammad Ghafoor	M.Sc.(Hons) Agriculture (Water Management)	North Waziristan	07/02/1969	01/10/1996	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Lakki Marwat	06/02/2029
✓ 20	Mr. Rabnawaz	M.Sc.(Hons) Agriculture (Water Management)	Mansehra	10/04/1968	01/10/1996	Assistant Director (BS-17 Supervisory) o/o Dy. Director (F) WM Peshawar.	09/04/2028
21	Mr. Mansoor Nasir	M.Sc.(Hons) Agriculture	Nowshera	1/4/1966	13/6/1995 Adjusted from defunct FVDB	Planning Officer (BS-17) District Government Nowshera	31/3/2026
22	Mr. Wajid Ali	M.Sc.(Hons) Agriculture	Nowshera	15/02/1971	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Nowshera.	14/02/2031
23	Mr. Atta-ul-Haq	M.Sc.(Hons) Agriculture	Nowshera	1/9/1972	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Swabi.	31/08/2032
24	Mr. Farmanullah Khan	M.Sc.(Hons) Agriculture	Bannu	10/4/1968	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Bannu.	09/04/2028
25	Mujeeb-ur-Rehman	M.Sc.(Hons) Agriculture	D.I.Khan	12/3/1973	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Karak.	11/3/2033
26	Mr. Wakeel Khan	M.Sc.(Hons) Agriculture	Lakki Marwat	1/3/1978	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Kohat.	1/3/2038
27	Muhammad Shahid Nawaz	M.Sc.(Hons) Agriculture	D.I.Khan	2/3/1977	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Hangu.	1/3/2037

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S. No.	Officers' Name	Academic Qualification	Home District/ Agency	Date of Birth	Date of Joining	Present Posting	Date of Superannuation
1	2	3	4	5	6	7	8
28	Mr. Abdullah Khan	B.Sc. Agriculture Engineering	Mardan	3/3/1968	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Mardan.	2/3/2028
29	Mr. Afiab Ahamad	B.Sc. Agriculture Engineering	D.I.Khan	15/09/1974	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Tank.	14/09/2034
30	Mr. Shahid Mehmood	B.Sc. Agriculture Engineering	Abbottabad	18/12/1967	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Mansehra.	17/12/2027
31	Mr. Ghulam Bilal	B.Sc. Agriculture Engineering	D.I.Khan	5/1/1974	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Lakki Marwat.	4/1/2034
32	Mr. Qayyum Khan	B.Sc. Agriculture Engineering	FR Bannu	6/4/1965	24/11/2004	Water Management Officer (BS-17) o/o Deputy Director (F)OFWM District Peshawar.	5/4/2025
33	Mr. Rafiq Ahmad Ghuncha	B.Sc. Agriculture Engineering	D.I.Khan	10/4/1968	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Shangla.	9/4/2028
34	Mr. Said Muhammad	B.Sc. Agriculture Engineering	Peshawar	2/10/1970	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Abbottabad.	1/10/2030
35	Muhammad Nadeem	B.Sc. Agriculture Engineering	D.I.Khan	20/02/1975	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Malakand.	19/2/2035
36	Mr. Amir Rabbani	B.Sc. Agriculture Engineering	Abbottabad	14/12/1967	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Kohistan.	13/12/2027
37	Mr. Zahid Khaleeq	B.Sc. Agriculture Engineering	Bannu	1/5/1970	24/11/2004	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Charsadda.	30/4/2030
38	Mr. Javed Iqbal Shah	Three Years Diploma of Associate Engineer	D.I.Khan	1/8/1957	1/6/1981	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Dir Lower.	31/07/2017
39	Mr. Tabbasum Nawaz	Three Years Diploma of Associate Engineer	D.I.Khan	7/9/1959	21/11/1981	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Kohistan.	6/9/2019
40	Mr. Tahir Qureshi	Three Years Diploma of Associate Engineer	D.I.Khan	20/04/1960	23/11/1981	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Battagram.	19/4/2020
41	Mr. Sohail Raza Shah	Three Years Diploma of Associate Engineer	D.I.Khan	4/7/1960	23/11/1981	Water Management Officer (BS-17) o/o Distt: Officer OFWM District Dir Upper.	3/7/2020

To

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

H/41

THROUGH PROPER CHANNEL

Subject: REPRESENTATION AGAINST THE SENIORITY LIST OF THE OFFICERS IN BPS 17 OF OFWM DEPARTMENT AS STOOD ON 30-11-2012, ISSUED VIDE LETTER NO. 5324-97, DATED 26-12-2012.

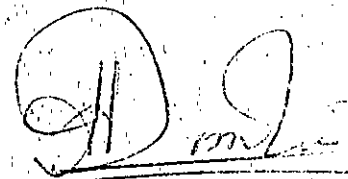
Sir,

With reference to the above noted seniority list, the undersigned petitioner submits as under:

1. The petitioner was selected by the departmental selection committee in the prescribed manner and was appointed as WMO, B-17 in year 1993 and had put in continuous service up till June 2001.
2. He was again selected and appointed by the department in 2004 as WMO B-17 and his service had been regularized as WMO, B-17 vide notification No SOE (AD) 17 -- 131 / 2009 dated 07-06-2011. (orders attached)
3. The petitioner is entitled to be placed at S. No 1 in order of overall seniority, because he had initially joined the service in 1993 and had put in $7 \frac{1}{2}$ years continuous service by the time he was relived in 2001. In 2004, he was reappointed and since than has been serving continuously.
4. The petitioner is the senior most in his batch of 2004, shown at S.No 22 to S.No 37, and is also senior to those placed at S. No 1 to S. No 22 (Non regular employees of the department) both on merit and age basis.
5. In view of the above the petitioner prays that the above referred seniority list may be corrected by placing him at S. No 1 in accordance with the rules regulating services.

Thanks

Received
AWM
11/2/2013



Qayyum Khan 01-02-2013

WMO, OFWM, Peshawar

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

In Re:

Service Appeal No. / 2014.

Qayyum Khan,
Water Management Officer (B-17),
Office of Deputy Director (F),
On Farm Water Management District Mardan..... **APPELLANT**

Versus

Director General,
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar & Others. **RESPONDENTS**

REPLY ON BEHALF OF APPELLANT

Respectfully Sheweth:

1. Denied to the extent that the above noted appeal has already been admitted in limine for regular hearing. Notices have been issued to respondents and the instant appeal is required to be decided on merit on the following grounds: -

GROUND

- a. **THAT** the appellants are admittedly senior to the private respondent being regular since 24.11.2004, while respondents are still serving on adhoc / contract basis. Respondent Government is bent upon making promotion of the respondents on the basis of impugned seniority list treating it a final seniority list. Respondent Government has not so far submitted its reply in the Service Tribunal to the allegation of the appellants with regard to the promotion of the respondents on the basis of impugned seniority list. Government is required to clarify the allegation

- b. Denied. The appeal filed by the appellant is for correction of the impugned seniority list. The appellant being regular employee of the Department is senior to the private respondents. The appellant has challenged the impugned seniority list, wherein, he has been shown junior to the private respondents. The appeal is quit maintainable.
- c. Denied. The appellant had approached the Hon'ble Court for redressal of his grievance in the Writ Petition, which was allowed and the Government of Khyber Pakhtunkhwa appeal against the judgment of Hon'ble Court was dismissed. Judgment of the Apex Court is already enclosed and marked as "A" with the memo of appeal.
- d. Denied. The appeal of the appellant is maintainable and has rightly been admitted for regular hearing.

In view the above it is prayed that the application under reply being frivolous and based on malafide may be dismissed.

The appellant also relies on the additional grounds at the time of arguments.

Appellant

through



Imtiaz Ali,
Advocate Supreme Court of Pakistan.

Dated: 18.02.2014

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

In Re:

Service Appeal No. / 2014:

Qayyum Khan,
On Farm Water Management District Mardan..... **APPELLANT**

Versus

Director General,
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar & Others. **RESPONDENTS**

AFFIDAVIT of Mr. Qayyum Khan, Water Management Officer (B-17), Office of Deputy Director (F), On-Farm Water Management District Mardan.

I, Qayyum Khan, Water Management Officer (B-17), Office of Deputy Director (F), On-Farm Water Management District Mardan do hereby solemnly declare and state: -

1. That the accompanying reply has been drafted under the instructions of the appellant imparted through me.
2. That I am personally conversant with the facts and circumstances of the case as contained therein.
3. That the facts and circumstances mentioned in the accompanying reply are true and correct to the best of my knowledge and belief.

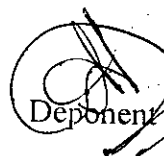
VERIFICATION:

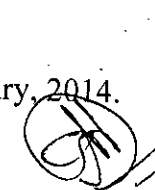
The contents of the above affidavit are true and correct to the best of my knowledge and belief.

Verified on Oath at Peshawar this day of February, 2014.

Identified by:

Advocate.


Deponent


Deponent

