In Re: Service Appeal No. 920/2013.

Versus

Director General,

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Appellant through

Imtiaz Ali Advocate Supreme Court of Pakistan

And

Sardar Shoukat Hayat Advocate High Court

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

Dated: 18.05.2013

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Service	Appear	INO

/ 2013.

Shahid Mehmood

Water Management Officer (B-17), Office of Deputy Director (F),

On Farm Water Management District Mansehra......A

....APPELLANT.

Versus,

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

Peshawar.

- 2. Secretary to Govt of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department,
- 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.
- 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.

Saced-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.

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.

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.

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.

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. 30 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 for.

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 "E".
- 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. 30. 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:

GROUNDS:

- 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-à-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

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

Dated: 18.05.2013

In Re: Service Appeal No. / 2013.

Shahid Mehmood. APPELLANT.

Versus

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

AFFIDAVIT of Shahid Mehmood, Water Management Officer (B-17), Office of Deputy Director (F), On Farm Water Management District Manschra.

- I, Shahid Mehmood, Water Management Officer (B-17), Office of Deputy Director (F), On Farm Water Management District Manschra 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.

VERIFICATION:

MISSIONER PT

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

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

Deponent

Deponent

In Re: Service Appeal No. / 2013.

Shahid Mehmood. APPELLANT.

Versus

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

AFFIDAVIT of Shahid Mehmood, Water Management Officer (B-17), Office of Deputy Director (F), On Farm Water Management District Mansehra.

- I, Shahid Mehmood, Water Management Officer (B-17), Office of Deputy Director (F), On Farm Water Management District Manschra 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.

VERIFICATION:

COMMISSIONER PE

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 May, 2013.

Deponent

In Re: Service Appeal No.	/ 2013.
Shahid Mehmood	
Shanid Mehmood	<u>APPELLANT</u>
	The Control of the Co
	Versus
Director General,	
On Farm Water Management	and others <u>RESPONDENTS</u>

MEMO OF ADDRESS

Versus

- 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.
- 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. Saced-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.
- 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.
- Imtiaz Khan, Assistant Director (B-17),
 Office of Deputy Director, On Farm Water Management,
 District Swabi.
- 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.

through

Imtiaz Ali Advocate Supreme Court of Pakistan

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

Versus

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 form 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

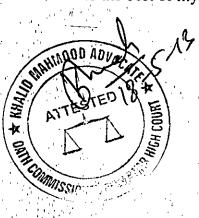
And

Sardar Shoukat Hayat Advocate High Court

Dated. 18.05.2013

<u>AFFIDAVIT:</u>

I, Shahid Mehmood, Water Management Officer (B-17), Office of Deputy Director (F), On Farm Water Management District Mansehra 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

Government of NWFP
Agriculture, Liveslock 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/liming 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.

- Muqsil-un- Naseer S/o .lrlan-ud-Din Village ,Tehsil P.O Timergara Moh: Miagulan Distl: Dir Lower.
- Jehan Zeb S/oAslam Khan C/o Assistant Director Water Management Near Mall Lara Stop Jehangira Road Swabi.
- 3. Abdul Malik S/oGhazi Khan C/ο Γ. Abdul Wahab Village Amin Khel (Chockara)P.O. Ghundi Kala Tehsil Tahti Nasrali : :tt: Karak.
- 4. Mohammad Tufail S/o Nadar Khan Village Masti Khan Banda P/O Khojaki Killa Tehsil T/Nasrati Distt: Karak .
- 5. Nisar Ahmad S/oSarfaraz Ahmad HouseNo. C/445 near Government Primary School. No. 5 street Khawrs brothers Mohallah Katrain walla d.t.Khan.
- 6. Abdullah Khan S/oGhulam Muhammad Village Janga C/oUsman Cloth House Lund Khawar P.O Lund Khawar Teh: Takht Bhai Distl: Mardan.
- 7. Altab Ahmad Khan S/O Abdul Rashid Khan Distl. D. Khan C/O tna mullah Khan AD
- 8. Mohammad Farooq Khan S/O Qalar Khan Moh: Tauskhani village and P.O Lahore Distl: Swabi.
- Waseemullah S/O Mohammad Saeed Village Kachkot Asad Khan P.O Torka Tehsil and District Bannu.
- 10. Shaheen Iqbal S/oMir Khatam Village and P.O Haji Zai Tehsil and Distl: Charsadda.
- 11. Mocen 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.
- 43.) Tahir Khan S/O Zulardilah Distric 🧸 rangla.
- Anwar Saeed S/O Mohibullah Khan. Distl: Karak Tehsil Teht-e-Nasrati Village Nadar Kila P.O Manzeeni Banda.
- 15. Qiash Ahmad S/O Faqir Saib sector, E/91 Sheikh Malloon Town distt. Mardan
- Shahid Mahmood S/oMuhammad Ishaq H.No.389 Sector C Sheikh Malloon Town Mardan.
- 17. Ghulam Eilal S/O Karim Dad Khan P.O Paroa, D.I.Khan
- 18. Qayyum Khan S/O Awal Mir Shah. House No. 81/LG in Iron of Railway SignalO/S Dist. Bannu.
- 19. Munir Ahmad S/o Sacod Ahmad Opposite to the GHS No.2 Kulachi Teh Kulachi Disit:D.I Khan.

- 20. Saeed Shah SioJaffar Shah Distt: Mardan Teh Takht Bhai P.O Saltar Khan Colony. Mahal Jamra Hashtnagro Kali.
- 21. Rafiq Ahmad GhunchaS/o Ghulam Sarwar House No.2528 Moh:Roshan Chiragh D.I. Khan.
- 22. Mohammed Shoaib S/oMuhammad Ramzan House No. T-145 Street Saddique Abad Near Mirch Mandi Peshawar City.
- 23. Mirza Muhammad, S/oMuhammad inam Ivloh: Naway Cham Vill: & P.O Shahmansoor Tehsil and Distt: Swabi.
- 24. Jehan Zeb S/o Muqaid Jan Mugh Pali House New Bazar Chilral.
- 25. Said Muhammad S/o Mir Muhammad Village and P.O Urmar Payan Moh:Ali Khel Distt. Peshawar.
- 26. Fazal Sattar S/O Nasir Ud Dia Khan. Village Galkore P.O Osheri Teh: Dir Distl: Dir Upper.
- 27. Abdus Subhan S/O Abdur Razaq. C/O Dr. Aziz ur-Rehman Village and P.O Paniala Distl: 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
- 30. Amir Rabbani S/o Rehmalullah H:No.448 Sarafa Bazar Abbotabad
- 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 Kt. in Moh. Danda Village and P.O Charbagh Distl: Swat.
- 33. Hidayatullah S/o Muhammad Iqbal Flouse No. 372 Armour Colony Manki Road Nowshera Cantt.
- 34. Zulligar Alr S/O Akbar Ali Khan P.O Kachi Paind Khan Midad Khel House Hanil Town Wagas Colony Diyal Road D.I Khan.
- 35. Zahid Khaleeq S/o Khaleeq-uz- Zaman House No.30/D, Muhammad Jan Street Bannu.
- 36. Bakhl Jamair S/o Shad Muhammad Khan C/o Bilal Book Store Village and P.O Jowar. Tehsil Daggar Distt: Buner.
- 37. Irlanullah S/o Muhammad Hanif Mohallah Saeed Khel Teh and Distt: L/Marwat.
- 38. Amjad Masood S/o Sheikh Ahmad Dab No.1 Behind Ara Machine Shailia Road Mansehra.
- 39. Muhammad Rahmatullah Khan S/o Rohullah Khan Ismalullah LS-I F-Block Flat No.6 (C.A.E.B) Shami Road Wapda Colony Peshawar.
- 40. Kifayat Zaman S/o Shahi Zaman Street F A Hakeem Villago and P:O GujratTeh and Distl: Mardan.
- 41. Aman khan S/o Pekhawaray Khan Villaga and P.O Pir Baba Pacha Kalay Tehsil Daggar Distt. Buner.
- 42. Ihsan Ullah Khan S/O Said Khumar Khan Village and P.O Kot Beli Tehsil and Distl. Bannu.

- 43. Atta Ullah S/o Manaras Khan C/O Goor H/W New Madyan Road Mingora District Swat.
- 44. Muhammad Idress S/o Abdul Kabii Bacha Village and P.O Mian Brangola Tehsil. Adenzai Distl: Dir.
- 45. Irlanullah 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 Tonall Lal Qilla Disit:
- 47. Amjad Ali S/o Muhammad Salim Moli: Irfan Abad /Salim Abad P.O Balkhela Malakand Agency.
- Shahdad khan S/o Abdur Rashid C/O Mian Mohammed Iqbal H.No.172 Street 8
 Sector J/3 Phase No.2 Hayatabad Peshawar.
- 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.
 - The appointment shall be subject to the imedical filness 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.
 - d. They shall be governed by such rules, regulations, orders, acts and ordinances etc relating to appointment, promotion; transfer, leave; T.A., Medical Atlendance, 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.

- They shall not be entitled to any Traveling Allowance/Daily Allowance on their first appointment/posting.".
- They shall not contribute to G.P Fund and will not be entitled to pension, gratuity
- This does not constitute inter se seniority and the appointees shall not be entitled to seniority as against any other Government Servant.
- 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 afcia- mentioned training centers by the Directorate of OFWM. In case of non submission of acceptance/ signing of Contract Agreement, the offer will sland cancelled.

Sd/++++ (ZAIBULLAH KHAN)

Endsl: No. No. SOE(AD)11 (2) 70 / 2004. Copy of the above is forwarded to the:-

SECRETARY AGRICULTURE Dated Peshawar the, 24th November, 2004

- 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
- Director General, Federal Water management cell almarkaz F-8 Islamabad.
- 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.
- All appointees as per list given in para-1 of the notification.
- 6. PS to Chief Secretary, NWFP.
- PS to Minister for Agriculture, NWFP
- 8. PS to Additional Chief Secretary P&D department.
- 9. PS to Secretary Agriculture.
- 10. PS to Special Secretary to Chief Manster/ Provincial Coordinator.

11: Master file.

(AKHTER ALI SHAH) SECTION OFFICER (ESTT.)

Last Contract period

ob. The pelitioness

Was 30-6-2009

Which how alkeddy

been expired

David rachemy 1 2/1/1994.

HOPTES CAPTON

10.30E(AD)8(8)68/KC. Consequent upon the recommendation of the NEET Public Corvice Commitment, the Covernor NEET is placed to appoint the following condidates as Uniter Management Extension epochalists in Useic Pay Scale No.17 (Re.3660-290-7360/-) on temperary basic with actual from the date of their taking over the charge-

SL: Name/Father's Name No. of the condidate.

1- Mr. Bakht All Khan S/O

2- Mr. Sabidullah 5/0 Rahim Dad Ehan.

3- Mr. Shah Mahamad S/o. Sharialiah Khan.

4- Brisharqut Zaman 3/0 Buliu Zaman.

5- Mr. Habibur Robman S/o

6- Mr.Saesdur Rolman S/O Rabi bur Rolman.

> Mr. Hamidullah Khan S/O-Haji Malcok.

Mr-Mohamad Marar S/O

Mr. Abdul Hafooz 5/c /c.

Address

Village J. P.O. Almod Abad, Totall S. District Karak C/O Khorubid Public beheel, Sunsa Sud.

i) C/O Haji anlam Khan, dahat Abad, Buider Colony, "treet No.4, Rouse No.6, near Ferent College Pushaver.

14) Villago Abdellah Jan Killa, Tohoil & Dietti Bannu, P.O. Assan Killa.

Villago Bandi Alai P.O. Kars Allai, Toheil Batagram Diatta Mansobras

Roballah Rhoo Haripur Dinti Haripur.

C/O Chani-ur-Rahman, Kiryma Main Bazar

i)Robman House, Phase-III Scotor-II, House. 193 Rayatabad Peshawar. 1 ii)Village and P.O. Dabi sn, Tobsil Lahore Distriswabi.

Haji Halook Lone, Haji Daba Road

Direct Charachda Tohail Tangi Village and

Minister Tondil Enrolan, Village and r.o.

procedente and following tommer and quaditioner.

i)Their appointment account the Project peats will not confor on them the rights of nenterity, regularization of their services or absorption olso where and on expiry/completion of Project/work, their services can be terminated on 14 days notion without assigning any region. In case they field.

ii) They shall be governed by the provision of MMFP Civil pervant, Act, 1973 (MMFP Act Mo.XVII of 1973) and, in matters not specifically montioned 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

iii)They shall be geverned by the Government Servants conduct Rules, 1987 the other instructions on the subject as may be issued by the Government of Rules, 1973 and any

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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:

SI: 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. Saeedur Rehman S/o Habibur Rehman	i) Rehman House, Phase-III, Sector-II, House 193, Hayatabad Peshawar.
		i) 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/ο Madad Khan	Distt: Charsadda Tehsil Tangi Village and P.O. Hari Chang.
9.	Mr. Abdul Hafeez S/o Ghulam Nabi.	Distr: & 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.

1v) They have not been proviously dismissed or debarred from the service of Gevernment, Beard, Loud Body or Autonomous or Scool-Autonomous or Scool-Autonomous Organization oto., ...

- V) Tony shall not be entitled to any Travelling Alexanov bedly Allowed on their first appointment except in ease of permanent decomment darvantu:
- vi) They shall be lighte to corve my where within or outside NWFP in ony post under the Pederal Covernment or my Provincial Covernment or Local Athority or a Corporation or Body and up or established by my much Covormannt.

If the above terms and conditions of appointment are accompable to thum they should immediately communicate their acceptance in writing to this Department on or before 20.12.19.44 at the Intent, failing which this appointme order may be treated as cancal od in respect of the candidates concerned.

извопытьму додеобласть Стр

Endut. No. 80E(AD) 2(2) 62/KC.

Dated Poshawar the

Copy forwarded to thus-

1-Secretary, Mary Polate Survice Commission, Poshawar Wr to his No. 300 38-Acris 92/18626 dated 13/1/1994.

2--- coountrat Conoral, HMFF, Bochaware

3-M1 DiottrAccounts Officers/Agency Accounts Officers in NVFF.

4-Director Motor Management HMMP, Pushawar. No is requested to furnish the proposal of posting of those officers. Managor Government Printing From, Feshawar.

6-Office order file.

7-Filo Mo. som (AD) K(3) & ...

8-Personal files of the Officers concerned,

CHISAR ALI SELH)

- 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 FESHAWAR THE

HULLEICATION.

NO.SOB(AD)2(2)62/KC. Consequent upon the recommendation of the MMFP Inblie Service Commission, the Governor MMFP is pleased to appoint the following condidates 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:-

Si: Hame/Pather's Name No. of the candidate .

- Mr. Muhammad Asif S/o Fazli Subham.
- Mr. Trian Hussain S/o Iltaf: Hussain.
- Mr. Muhammad Nawaz S/O Nisar Muhammad.
 - Mr. Irfanullah Khan S/o Ayubi Khan.
- Mr. Turbing Khan S/o Ali Khan.
- Mr. Sultan Muhammad S/o Soid Muhammad.

- Mr. Ahmad Shah S/o 7. Sharif Khan. Apric.
- 8. Mr. Riaz : Gul S/O Wazir Zada.
- 9. Mr. Rehmanullah S/O Miaz Mir Khan.
- Mr. Moliammad Ghafoor Khan 101/ S/O Hakim Khon.
- Mc Munin Wali Shah S/o Mir Vali Shah.
- Mc. Rob Navnz S/o .. hurangzeb Khon.;

Address:

House No.111 Sector J 4 Street 4 Phase-2 Hayatabad, Peshavar.

House No.2300 Mohallah Qazi Khelan, Peshawar City.

Vill: & P.O. Yar Hussain Weh: Lahore Distb: Swabi Moi: Daba Khæl:

Viil: Daraz Kela Khawajamad Manadan Bannu.

House No. 148, Moh: Mugam Khan Bari Cham Hoti, Mardan.

Vill Agra P.O. Agra, Malakand Agency.

Vill: & P.O. Kuza Bandai C/O Bakhtawar Medicose, Teh: Kabal District Swat.

Asif Jamal House Moh: Doctor Latif Bicket Gung Mondan.

C/O Majeedur Rehman Class-7th Al-Hadi High Public School Vill: Haider Khef Tehsil & P.O. Mirali North Waziristan Agency.

Vill: & P.O. Idok, Teh: Mirali North Waziristan Agency.

House No.412/B-A Mohallah Indy Park Banny City. Vill: & P.O. Bhogar Mang Teh: & Distt: Mansehra.

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

i) Their appointment against the Project postswill not confer on them the right of seniority, regularization their convices or absorption also where and on explay/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.

Contd/Page/2...

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

OOP: B-1/20

DATED PESHAWAR THE

NOTIFICATION.

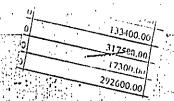
No. SOE(AD)2(2)62/KC. Consequent upon the recommendation of the NWFP Public Service Commission, the Governor NWFP is pleased to appoint the following candidates as Water Management Officers in Basic Pay Scale No. 17 (Rs. 3880-290-7360) with effect from the date of their taking over the charge: -

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	

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

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.

Contd / Page / 2



- ii) They shall be governed by the provision of NYTP Civil Servant, Act, 1973 (IMEP Act, 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 chall be governed by the Covernment Servants conductor Rules, 1987, the NMFP Covernment Servants (Efficiency & Discipline) Rules, 1975 and any other instructions on the subject or may be issued by the Covernment of NMFP from time to time
 - iv) They invernot been proviously dismissed or debarred from the service of Government, Board, Total Body or Autonomous or Semi-Autonomous Caronization etc.,
 - v) They shall not be entitled to any Travelling Allowance/Daily Allowance on their first appointment except in case of personent Covernment Covernment Covernment.
 - vi)They about be liable to serve any where within or outside NAMP in any post under the Federal Government or any Provincial Government or Local Authority or a Corporation or Pody 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 24.9.1995 at the letters, failing which their appointments order may be treated as cancelled.

SECRETARY TO GOVT: OF NUMEP FOOD & AGRICULTURE DEFTT:

ENDSE: NO. BOR(AD)2(2)62/KG/

Dated Teshawar the 29/8/1996

· Copy Corwarded to the: -

- 1- Secretary, MMTP, Nubl. c Service Commission, Peshawar w/r to his No. PSC-30006-Agri-94/8769, Dated 06/6/1996.
- 2- Accountant General, N.W.F.P., Peshawar.
- 3- Director Water Management, NWFP, Peshawar.
- Manager Government Printing Press, NWFP, Peshowar.
- Candidates concerned.
 - 6- Personal Files of the officers.
 - 7- Office order file

(NISAR ATA SHAH)

CEMENDO DE LO AVER DESCRIÇÃO PO TENTO

- They shall be governed by the provision of NWFP Civil Savant 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.
- 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 acceptable to them they should immediately communicate ' acceptance ' writing to this Department on their in′ before 24.9.1996 or at the latest. failing which : their appointments order 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) GUVERNMENT 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:-

SI.	Name of Post with BPS	Peshawar	Mardan	DIKhan		
No				DIKIBII	Swat	Total
1	District Officer (BS-18)	0	0	1		
2 .	Assistant Director (BS-17)	1 1	1	<u> </u>	-	1
3	Sub-Engineer (B-11/16)	1	2	0		3
	KPO (B-10)	1	. 1		<u> </u>	5
	Senior Clerk (BS-7)	1	0			4
	Total:-			· · ·	U	1
		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 Manyat	Now-	Char- sadda	Swabi	Buner	, 2007-:	Chite	Man-	Total
\	Distl:Officer BS-18	1	1	1,31	1	1	1	1	Lower 1	al 1	sehra 1	10
2	Asstt:Director (85-17)	1	1	1 1	1	1	1	1	1	1	1	10
3.	Water Management Officer(8-17).	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) K.P.O(B-10)	1	1	1	1	1	1	1	.1	1	1	10
7	Sr.Clerk(BS-7)	1	$\frac{1}{1}$	<u>1</u>	<u>i</u>	1	1,1	1	1	1	1	10
8 9.	F/Asstt (B-6) J/Celrk (B-5).	1	1	1	1	1	1	1	$-\frac{1}{1}$	1	1	10 10
10.	Driver (B-4)	1	1	1 1	15	1	1	1	1	1	1	10
11	Rodamn (B-1)-	-2	2	2	2	2	2	1		1	1	10
12	Chowkidar (B-1)	1	1	1	1	1	1	2	2	2	2	20
13	N/Qasid (B-1)	1	1	1	1	1				1	1	10
	Total:-	15	15	15	15	15	15	15	15	15	1 15	10 150

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.

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

Dated Peshawar, the 21-4-2007

Copy forwarded for information and necessary action to:-

1. The Accountant General, NWFP, Peshawar.

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

> (MUHMMAD IQBAL) BUDGET OFFICER-VII FINANCE DEPARTMENT.

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

Dated Reshawar, the 21-4-2007

Copy forwarded for information and necessary action to:-

The Director General, On-Farm Water Management, NWFP, Peshawar. 2.

The District Coordination Officers, Bannu, Kohat, Lakki Marwat, Nowshera, Charsadda, Swabl, Buner Dir Lower, Chitral, Mansehra, Peshawar, Mardn, DIKhan and Swat.

The Executive District Officers (Finance & Planning), Bannu, Kohat, Lakki Marwat, Nowshera, Charsadda, Swabi, Buner Dir Lower, Chitral, Mansehra, Peshawar, Mardn, DIKhan and Swat:

The Executive District Officers (Agriculture), Bannu, Kohat, Lakki Marwat, Nowshera, Charsadda,

Swabi, Buner Dir Lower, Chitral, Mansehra, Peshawar, Mardn, DIKhan and Swat.
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 BUT SECTION OFFICER-ESTT

GOVERNMENT OF NWFP

AGRIL: LIVESTOCK AND COOP: DEPTT: Dated Peshawar, the 30 /7/ 2007.

VOTIFICATION.

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

SI.	Name of Post with BPS	Mala-	Batt-	H/Pur] A.	Tank	Karak -	Hangu	U/	Kohl-	Total
No		kand	agram		Abad			92	Dir	stan	Otar
1	District Officer (BS-18)	1	- 1	1	1 2	1.0					ļ.,
2	Assistant Director (BS-17)	1	, ,	1			1		1	1	.9
3	Water Management Officer (BS-17)	Ī.	7	1		i	1	1	1	- i	
4.	Sub-Engineer (BS-11/16)	2	. 2	2	1	1	<u> </u>			· 	
5	Office Assit:/Accit: (BS-11)	1	1	1	1	1	1	1	1	1	12 9
6.	KPO (BS-10) .	1	.1	1	<u> </u>	1	<u></u>	1	1	· · · ·	
7.	Sr. Clerk (BS-7)	-	1	1	0	-	0	0	0	0	9
8	Field Assistant (BS-6)	1	1	1	0	0	0		-		3
.9	Jr. Clerk (BS-5)	1	1	1	1	1	1	1	1	1	3 .
10	Driver (BS-4)	1	1	1	1		1	-1			9
11	Rodman (BS-1)	2	2 ·	2	1	1	1	1	1	1	9
12	Chowkidar (BS-1).	1	- 1		1	1	1		1	1	12
13	Naib Qasid (BS-1).	1	<u> </u>	1	1		1	1	1	1	9
	Total:-	15	15	15	11	11	11		1	1	9

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.

The District/Agency Accounts Officers, Malakand, Battagram, Haripur, Abbottabad, Tank, Karak, Hangu, Upper Dir and Kohistan.

(MUHMMAD 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.

The Executive District Officers (Finance & Planning), Malakand, Battagram, Haripur, Abbottabad, Tank, Karak, Hangu, Upper Dir and Kohistan.

The Executive District Officers (Agriculture), Malakand, Battagram, Haripur, Abbottabad, Tank, Karak, Hangu, Upper Dir and Kohistan.

The District Officers Water Management, Malakand, Battagram, Haripur, Abbottabad, Tank, Karak,

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.
 PS to Secretary Agriculture.

(JAVAID MAQBOOL BUTT) SECTION OFFICER-ESTT:

Of Hawar

GOVERNMENT OF NWFP AGRICULTURE LIVESTOCK AND COOP: DEPTT:

NOTIFICATION.

public service:-

Dated Peshawar, the 31-3-2007

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

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

	Si.	Name of Officer			
	No			To	Remarks.
	1.	Mr. Muhammad Ramzan BS-18	Project Director, Water Management, Training Centre, DIKhan,	Director (HRD) BS-19, Water Management Training Centre, DIKhan	Newly created post.
	2.	Mr. Muhammad	Asstt: Director, Water	(in his own pay & scale) Project Director, Water	
•		Azeem BS-17	Management, Training Centre, DIKhan.	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-18	Distt: Officer, Water Management (NP),	Distt: Officer, Water Management, Kohat.	do
	5.	Mr. Muhammad Khurshid Afridi.	Kohat. Distt: Officer, Water Management (NP),	Distt: Officer, Water	do
•	6.	BS-17 Mr.Muhammad	Charsadda. Distt: Officer, Water	Management , Charsadda (ops).	
•	,	Ismail BS-17	Management (NP), Lakki Marwat,	Distt: Officer, Water Management, Lakki Marwat (ops).	dó
	7.	Mr. Javed Igbal BS-17	Distt: Officer, Water Management (NP), Nowshera.	Distt: Officer, Water Management	do
	8.	Mr. Shamshad Khan BS-17	Distt: Officer, Water Management (NP),	Nowshera(ops). Distt: Officer, Water Management , Swabi	do
	9.	Mr. Zahir Ali BS-17	Swabi. Distt: Officer, Water Management (NP),	Distt: Officer, Water Management , Buner	do
- اسسه	10.	Mr. Muhammad Jamil Khan,	Buner. Distt: Officer, Water Management (NP), Dir	(ops). Distl: Officer, Water Management, Dir Lower	do
	11	BS-17 Mr. Salar Khan BS-17	Lower. Distt: Officer, Water Management (NP),	(ops) Distt: Officer, Water Management, Mansehra	do
	12.	Dr. Allah Bakhsh	Mansehra. Distt: Officer, Water	(ops). Distt: Officer, Water	do
	13.	BS-17	Management (NP), DIKhan,	Management , DIKhan (ops)	00
•	14.	Malik Muhammad Salim BS-17	Asstt: Director o/o Distt: Officer WM (NP), Mansehra:	Asstt: Director o/o Distt: Officer WM: Mansehra.	do
		Mr. Chaidullah 8S-17	Assit: Director o/o Disti: Officer WM (NP), Mardan,	Assitt Director o/o Disti: Officer WM Mardan.	··do
	15	Mr. Jehangir Khan BS-17	Assit: Director o/o Disit: Officer WM (NP), Charsadda.	Asstt: Director o/o Distt: Officer WM: Charsadda.	do
11	16.	Mr.Muhammad Anwar BS-17	Asstt: Director o/o Distt: Officer WM (NP), Charsadda.	WMO o/o Distt: Officer WM: Charsadda.	do
10.	17.	Mr. Hameeduliah 85-17	/Water Management Officer o/o Dy: Director, WM: Swat.	Asstt: Director o/o Dy: Director, WM: Swat.	do
i	18	Mr. Hayat Khan BS-17	Asstt: Director o/o Distt: Officer WM (NP), Swabi.	Asstt: Director o/o Distt: Officer WM:Swabi.	do
	i				

9		Reliman BS-17	Assit: Director o/o Disti: Officer WM (NP), Swabi.	Asstt: Director o/o Distt: Officer WM :Swabl.	do
15		Mr. Irfan Hussain BS 17	Asstt: Director, WM: Project Sprinkle Irrigation, Peshawar.	Asstt: Director, WM: o/o DG-OFWM. Hé will also hold addl: charge of the Sprinkle Irrigation Project.	do
20	21	Mr. Rabnawaz Khan BSC	Asstt: Director (Admn: & Vegl:)o/o DG-OFWM, Peshawar.	Assistant Director o/o Dy:Director, WM(Field)Peshawar. He will also hold addil: 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 : Banniu.	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
1.8	24.	Mr. Rlaz Gul 185-17	27700.	Asstt: Director o/o District Officer WM: Bungr	do
	25	Mr. Zia-ud-Din	Water Management Officer (waiting for posting)	Assistant Director, Water Management (NP) Yohistan	Against vacant post.

Sd/-

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

- The Director General, On-Farm Water Management, NWFP, Peshawar.
- The Director General, Water Management (NP), NWFP, Peshawar. The Accountant General, NWFP, Peshawar.
- 2. 3.
- The Project Director, Water Management, Training Centre, DIKhan.
- 5. The Deputy Director, Water Management, Swat and Mardan.
- The Deputy Director, Water Management (Field), Peshawar.
 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.
- PS to Secretary Agriculture.

(JAVAID MAQBOOL BUTT) SECTION OFFICER-ESTT:

Dil Nawez.



GOVERNMENT OF NWFP AGRICULTURE LIVESTOCK AND COOP: DEPTT:

Dated Peshawar The 3-9-2007

NOTHECATION.

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

The competent authority is pleased to order

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

SI.	Name of Officer	From	То	Remarks
1	Mr. Dawa Khan	Distt: Officer WM	Distt: Officer WM	Nonete
}	BS-17	NPIWIC District	(BS-18) District	Newly created
İ		Malakand.	Malakand (ops).	post on
1.			Tienemaria (ops).	Current
			,	budget.
2.	Mr. Muhammad	Dista: Officer WM	Distt: Officer WM	
	Afzal	NEIWIC District	(6S-18) District	40-
	BS-17.	Battagram.	Battagram (ops).	
3.	Mr. Muhammad	Distt: Officer WM	Distt: Officer WM	clo
	Suleman	NPIWIC District	(BS-18) District	,00
	(BS-17).	Haripur.	Haripur (ops).	
4.	Mian Ghulam	Assit: Director WM	District Officer	
''	Hussain	NPIWIC District		do
	BS-17-	Abbottabad.	WM (BS-18)	,
	100-17-	ADDULLADAG.	District A/Abad	
_ ا	hm - 7/		(ops).	
5	Mr. Zia-ud-Din BS-17	Asstt:Director WM	Asstt: Director:	Against
• •	1 02-17	(NP)Kohistan.	WM (NP) District	vacant
1 222	ACT SECTION AND ACT OF SECTION ACT	A A A	Swat.	post.
ا مالناء	MYHE CLANICAL LANCE	Asstt: Director WM	1.7/7/	Newly
ļ		Trun Obbor.	(BS-17) WM	created
, [District Kohat.	post on
,	Mr. Javed Ali	A gentles (CV) and the a NACKA	-	c/budg:
'	BS-17	Asstt: Director WM		do
.	113-17	(NP) Tank.	(BS-18) Tank	•
8. T	Mr. Messessler	A malling 15	(ops).	
···	Mr. Nasceb-ur-	Asstt: Director WM	District Officer	clo
}	Rehman	(NP) Distt: Kartık.	WM (BS-18)	
1	BS-17		District Dir Upper	
.	·		(ops).	
9.	Syed Ghularn	Asstt: Director	Distt: Officer WM	do
· [Abbass Shah	WM,DIKhan.	(BS-18) District	
	BS-17		Karak (ops).	
10	Mr. Masoud-ur-	Asstt: Director WM	Distt: Officer WM	do
	Rehman	(NP) District	(BS-18) District	`]
	BS-17	Hangu.	Hangu (ops).	•
	Mr. Bakhtawar	Asstt: Director	Asstt: Director	Vice No.12
- 1	Shah	WM(NP) District	(BS-17) WM	
	BS-17	Buner.	District Buner.	
2	Mr. Riaz Gül	Asstt: Director WM	Asstt: Director	Newly
· [1]	BS-17.1 - 8	/District Buner.	WM (BS-17)	created
	` .		Abbortabad.	post on
/	1	/		c/budg:
1				5,5009.
l l				

2/28

*		j. 13.	Mr. Muhammad	A		
	and the second		Nawaz BS-17	Asstt: Director WM (NP) District	Asstt: Director WM (BS-17)	do
			53-17	Buner.	District	
		14	Raja Balkas 220	Acute Di	Battagram.	
13	N		Muhammad Arif	Assit: Director WM	1 - 4-4 - 11 00001	do
			BS-17**	Haripur	WM (BS-17)	
つ	į	15	Mr. Muhammad	Asstt: Director	District Haripur.	
	٠	- 1	Ishaq	WM(NP)District	Asstt: Director	do
	- 1		BS-17	Malakand.	WM (BS-17)	
	- 1	16.	Mr. Ahmed Zeb		District Malakand.	
•		1	BS-17	WMO (NP) District Dir Lower.	Asstt: Director	Vice No.
-	į			On COVCI.	WM (NP) District	15
					Malakand .	

.. Sd/-

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

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

PS to Secretary Agriculture.

(JAVAID MAQBOOL/BUTT) SECTION OFFICER-ESTIT

Dil Narver

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

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 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

Superintendent prese Court of Pakislan SLAMABAD

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

ME

Superintendent Supreme Court of Yakistan SUSLAMABAD

ATTESTED

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.

Superintendent Supreme Court of Fukistar SLAMABAD

- 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

n APPA

Superintendent prome 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.

Sde Javed gabale)

Sd-Raja Fayyaz Ahmeds J Sd-Raja Fayyaz Ahmeds J Saeed Kahan KHosas J Certified to be Tyle Copy h

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ISLAMABAD . 01.03.2011

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Superintendent prome Court of Pakistan

GOVERNMENT OF KHYBER PAKHTUNKHWA AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 7/6/2011

F/35

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

- 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.
 - ii. 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.
 - iii. They will be governed under such rules and regulations as may be issued from time to time by the Government.
 - iv. 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.
 - v. 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.

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.

(SAKHI-UB-REHMAN) SECTION OFFICER-ESTT:

DIRECTORATE GENERAL ON FARM WATER MANAGEMENT KHYBER PAKHTUNKHWA, PESHAWAR

DG/OFWM

dated Peshawar

the, $\frac{26}{12}/2012$.

- 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

On Farm Water Management Khyber Pakhtunkhwa Peshawar

/DG/OFWM

dated Peshawar

the,_

Copy to the Section Officer (Estt:) Government of Khyber Pakhtunkhwa, Agri:, L/Stock & Coop: Depth: 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 10

The Director General

On Farm Water Management Khyber Pakhtunkhwa Peshawar

Through:

PROPER CHANNEL

Subject:

SENIORITY LIST OF OFFICERS OF ON FARM WATER MANAGEMENT

DEPARTMENT AS STOOD ON 30-11-2012.

Memo,

Reference to your letter No.5324-97/DG/OFWM, dated 26/12/2012 received on 31-01-2013. It is submitted that as per seniority list of officers of BPS-17 issued on December 2012 by the Directorate General On Farm Water Management Khyber Pakhtunkhwa Peshawar, I am entitled to be placed at S/No. 5 because my services have been regularized by the competent authorities wide No. SOE (AD) 17-131/2009 dated 07-06-2011 w.e.f. 24-11-2004 (copy attached). Hence my services are regular w.e.f. the said date as a result of judgement of august Supreme Court of Pakistan. Whereas, the officers mentioned from S/No. 5 onwards are junior to me.

It is further submitted that the services of the officers mentioned at S/No. to 21 are still not regularized and they are still working against the project posts wide notification endost: No. SOE (AD)2(2)62/KC dated 07/11/1994, and No. SOE(AD)2(2)(62)/KC. Dated 01/10/1996 respectively (copy attached).

It is worth mentioning that these officers were appointed against project posts and the project posts are not liable to be regularized as per service rules and issuance of combined seniority list of project as well as regular employees is illegal.

It is further added that the applicant and other officers mentioned at S/No. 22 onwards were regularized w.e.f. 24-11-2004. In such a situation, the employees older in age shall rank senior to the younger ones. As the applicant is also older in age from all the officers whose services have been regularized along with the applicant w.e.f. 24-11-2004. Therefore, the applicant shall be senior to the said employees from S/No. 22 to 29 as well.

In view of the above it is prayed that the seniority lists may be revised and the name of applicant may be placed at S/No.5 and obliged.

/ 2

SHAHID MAHMOOD

Water Management Officer
On Farm Water Management Mansehra.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.920 /2013

Mr. Shahid Mehmood WMO

APPELLANT

VERSUS

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

RESPONDENTS

Secretary to Govt. of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Deptt: Peshawar .

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6	Draft Seniority List issued by DG OFWM No. 5324-97 dated 26-12-2012	D	16
7	Final Seniority list notified by the Competent Authority dated 16-08-2013	Ε'	(722)

Den Deul

DIRECTORATE GENERAL ON FARM WATER MANAGEMENT KHYBER PAKHTUNKHWA PESHAWAR

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 DistrictOfficer 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 Qualificatio	Home District Agency	Date of Birt	h Date of Joining	alt of englishing the means	Date of Superannuation
		Mr. Muhammad Asif	M.Sc. Agriculture	* A . A	5 5 jus	6.5	7	8
			Engineering	Peshawar	01/03/1970	01/10/199	Assistant Director (BS-17 Supervisory) o/o DG OFWM Khyber Pakhtunkhwa Peshawar	28/02/2030
1	15	Mr. Irfan Hussain	M.Sc.(Hons) Agriculture (Water Management)	Peshawar	14/04/1965	01/10/1996		13/04/2025
	16	Mr. Imtiaz Khan	M.Sc.(Hóns) Agriculture (Water Management)	Mardan	06/06/1964	01/10/1996	Assistant Director (BS-17 Supervisory) o/o DO	05/06/2024
/	17	Mr. Sultan Muhammad	M.Sc.(Hons) Agriculture (Water Management)	Malakand Agency	01/02/1969	01/10/1996	OFWM District Swabi. Assistant Director (BS-17 Supervisory) o/o DO	
1	18	Mr. Riaz Gul	M.E Irrigation Engineering & Management (Phillipine)	Mardan	15/04/1967	01/10/1996	OFWM District Malakand Assistant Director (BS-17 Supervisory)o/o Dy: Director District Mardan	31/01/2029 14/04/2027
1	19 6	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 DistrictLakki Marwat	06/02/2029
2	!O N	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
2	1 N	fr. Mansoor Nasir	M.Sc.(Hons) Agriculture	Nowshera	1/4/1966	13/6/1995 Adjusted from defunct FVDB	Planning Officer (BS-17) District Government	31/3/2026
2.	2 M	Ir. 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	3 М	Ir. 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	М	r.Farmanullah Khan	M.Sc.(Hons) Agriculture	Bannu	10/4/1968	24/11/2004	Water Management Officer (BS-17) o/o Distr	09/04/2028
25	М	ujeeb-ur-Rehman	M.Sc.(Hons) Agriculture	D.I.Khan	12/3/1973	24/11/2004	Officer OFWM District Bannu. Water Management Officer (BS-17) o/o Distt:	11/3/2033
26	Mr	. Wakeel Khan	M.Sc.(Hons) Agriculture	Lakki Marwat	1/3/1978	24/11/2004	Officer OFWM District Karak. Water Management Officer (BS-17) o/o Distt:	1/3/2038
27	Mu	shammad Shahid Nawaz	M.Sc.(Hons) Agriculture	D.I.Khan		24/11/2004	Officer OFWM District Kohat. 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 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
V	29	Mr. Aftab 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
Ţ.	31	Mr. Ghulam Bital	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
Y	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
У	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 DIKhan 1/8/1057 1/6/1081 Water Management Officer (BS-17) o/o I		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
,	; .				·			



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Ì	In the	matter	of Service	Appeal No	. 920/2013 d	of Shahid	Mehmood	Water	Management	Office
((BS-17))	· · · · · · · · · · · · · · · · · · ·				••••		Арр	ellant

VERSUS

WRITTEN PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 01& 02

Respectfully Shewith:-

Preliminary Objections

- 1. That the Appellant has no cause of action.
- 2. That the Appellant has no locus standi to file the instant appeal.
- 3. That the Appeal is premature.
- 4. That due to concealment of material facts and misstatement the appeal is liable to be dismissed.
- That Appeal is time bared.

COMMENTS

1. Correct to the extent that the respondents advertised certain post of Water Management Officers (BS-17) for recruitment against the project posts in the project titled "National Program for Improvement of Watercourses (Khyber Pakhtunkhwa Component)" and the appellant along with his other colleagues were recruited as per terms and conditions specified for the project posts, their appointment was subject to yearly extension on the basis of their performance.

Moreover, as per Para-2 (I) of their appointment order "this does not constitute inter se seniority and the appointees shall not be entitled to seniority as against any other Government servant". The appellant along with others have also signed agreement with the department on **Judicial Stamp Paper** with clear cut terms and conditions. The appellant was allowed the entire project benefit i.e. fixed pay package as per project policy of the provincial government therefore, they have no right to claim seniority at the top of seniority list.

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- In correct, the respondents were never appointed on the same terms and conditions rather, respondent No. 3 to 22 were appointed upon the recommendations of Provincial Public Service Commission (PSC) in different years. Later on, in 2006 a summary was moved for creation of 302 Nos new posts/vacancies (BS-1 to 19) under current budget wherein it was proposed that eligible and experienced employees of the department having 10 to 30 years service will be adjusted against the newly created posts and was approved accordingly. In Light of Para-6 of the approved summary, the staff was adjusted against the newly crated pots on regular basis. It is pertinent to mention her that the adjusted staff was part of the seniority list with more than 10 years continues service with the department. However, respondent No. 23 was adjusted in the department upon the approval of the competent authority of the provincial government.
- 3. The appellant has mentioned 275 Nos new posts which is incorrect. The fact is that total 302 Nos posts were created in OFWM Department through a summary as mentioned in Para-2 above. The eligible and experienced employees of the of the department having 10 to 30 years service were adjusted against newly created posts in light of the approved summary. The adjusted staff was part of the seniority list with more than 10 years continues service with the department. On the other hand, the appellants were project employees engaged for a specific project and fix time period. Therefore, the appellants do not meet the criteria set in the summary approved by the Chief Minster for the province.

- 4. Pertains to record.
- 5. Correct to the extent that the services of appellant along with 15 other were regularized vide notification No. SOE(AD)17-131/2009 dated 07.06.2011 (Flag-A). Meanwhile, some of the colleagues of the appellant challenged the above noted notification in Hon'ble Peshawar High Court Peshawar. The Hon'ble Court while deciding the case direct the respondents to reconsider and look the matter in light of the judgment of the court and the rules on the subject including the actual length of service of the employees including the petitioners and other factors permissible under the law. The department has filed appeal against the said order of PHC which is now under trail in Hon'ble Supreme Court of Pakistan in Civil Appeal No. 135-P/2013 out of CP No. 572-P/2011 wherein leave has been granted and the case is subjudice and lying before the larger bench of final decision (Flag-B).
- 6. Pertains to record.
- 7. As explained in Para-5 above.
- 8. Pertains to record.
- 9. In correct, they were never contract employees as mentioned in Para-2 above. Some of the respondents (No. 4 -7,10,11,13,15 & 17-22) working against the developmental posts were adjusted against current budget posts after approval of the competent authority in light of the approved summary whereas, the respondents No. 3&9 were on long leave while No. 8,12,14 &16 were already working against the current budget posts and No. 23 was working as Planning Officer in District Govt. Nowshera.
- 10. In correct to the extent that the appeal dated 04.02.2013 (Flag-C) refers to the draft seniority list issued by Directorate General OFWM vide No. 5324-97/DG/OFWM dated 26.12.2012 (Flag-D) whereas in the final seniority list notified by the competent authority vide No. SOE(AD)II(2) 391/2012 dated 16.08.2013 (Flag-E) doesn't contain

name of the appellant due to the reason that their regularization as well as inter-service seniority with his other colleagues is subjdice and under trail in Hon'ble Supreme Court of Pakistan. The draft seniority list was circulated by the department seeking response of the officers within a week time, but the appellant response/appeal was received on 04.02.2013 (Flag-C), which is already time bared.

- 11. Incorrect, as already mentioned above that they are having their seniority in the department since their appointment and notified by each year by the competent forum. Moreover they have already been promoted to the posts of Assistant Director (BS-17 Supervisory) on regular basis, in contrast, the appellant along with his colleagues do not have nay seniority with the department as they were purely project employees appointed in 2004 under NPIWCs for a specific period and terms conditions.
- 12. As the regularization of appellant is questioned by the very bench and placed before the larger bench of Supreme Court of Pakistan for final decision where leave has been granted therefore, the appeal may kindly be rejected.

GROUNDS

- A. In correct.
- B. In correct.
- C. In correct. The posts created in 2007 were meant for OFWM staff having 10 to 30 years continuous service whereas the appellant was purely a project employee having 03 years service in a specific project with break period. Moreover, being a project employee, the appellant was never part of any seniority lists issued/notified by the competent authority since his appointment whereas, the others were part of the seniority lists previously notified since their appointment in the department. It is astonishing to note that, non of the staff including the appellant has never challenged the seniority lists issued in the past before the department or any court of law.
- D. In correct, the respondents (3-23) were part of the seniority list since



their appointment in the department.

The appeal of the appellant is unjustified and without any lawful authority due to the reasons that:

- I Their seniority is subjudice.
- Summary approved by the Chief Executive was not meant for staff appointed for NPIWCs project as they were appointed for a specific project for a specific time period. Rather, the summary was approved to adjust the OFWM staff having 10 to 30 years continuous service.

It is therefore, prayed that the appeal may kindly be dismissed.

Secretary

Govt. of Khyber Pakhtunkhwa Agriculture, Livestock & Coop: Deptt:

Peshawar

(Respondent No. 2)

On Farm Water Management Khyber Pakhtunkhwa Peshawar

(Respondent No. 1)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 920/2013

Mr. Shahid Mehmood WMO

APPELLANT

VERSUS

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

RESPONDENTS

Secretary to Govt. of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Deptt: Peshawar

AFFIDAVIT

I Director General On farm Water Management, Khyber Pakhtunkhwa, Peshawar do hereby solemnly declare and affirm that the respondents have not suppressed the facts and actual position of the case from this Tribunal. The contents of the comments are true and correct according to my knowledge, belief and nothing has been concealed from this Tribunal.

Director General,

On Farm Water Management, Khyber Pakhtunkhwa, Peshawar

Dated Peshawar, the 7/6/20 11/6

NOTIFICATION

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 NWEP Employees (Regularization of Services) Act, (2005 withleffect from 24:11:2004:

	En States Addition	Market Control of the
	SI. No.	Name of Officer
	, ; i	Mr. Wajid Ali
	2.	Mr. Atta-ul-Haq
•	3	Mr. Farmanullah
	4.	Mr. Mujceb-ur-Rehman
	5.	Mr. Wakeel Khan
i	∴ 6. ∵	Mr.Muhammad Shahid Nawaz
4	7.	Mr. Abdullah Khan
;;	8.	Mr. Altab Alimad Khan
÷	∘∴ 9. ∵	Mr. Shahid Mehmood
	10.	Mr. Ghulam Bllal
•		Mr. Qayyum Khan
	12.	Mr. Rafiq Ahmad Ghuncha
	13.	Mr. Sald 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.
- iv In case of misconduct, they will be proceeded against the NWFP Removal from Survice (Special Powers) Ordinance, 2000 and the Rules framed there under from time to time.
- Charge report should be submitted by the officers concerned.

heir posting orders will be issued subsequently after approval of the competent authority.

SECRETARY AGRICULTURE



Endst: of even No. & Date

Copy forwarded for information and necessary action to:-

- The Registrar, Hon' able Peshawar High Court, Peshawar.
- The Director General, On-Farm Water Management, Khyber Pakhtunkhwa, Peshawar,
- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- The Director General, (National Program) Water Management, Khyber handen Program, Water Management, Water M
- All the District Officers / Deputy Directors, On-Farm Water Management, in Khyber Pakhtunkhwa.
- All the District Accounts Officers, in Khyber Pakhturikhwa.
- Officers concerned.

(SAKHI-UR-REHMAN) SECTION OFFICER-ESTT

Annex-B

IN THE SUPREME COURT OF PAKISTAN

('Appellate Jurisdiction')

PRESENT:

MR. JUSTICE NASIR-UL-MULK MR. JUSTICE SARMAD: JALAL OSMANY MR. JUSTICE IQBAL HAMEEDUR RAHMAN

CIVIL PETITION NO. 302-P OF 2011

(on appeal from the judgment of the Peshawar High Court, Peshawar dated 24.03.2011 passed in Review Petition No. 103 of 2011 in W.P. No. 59 of 2009)

AND

C.M.A. NO. 17-P OF 2012 CIVIL PETITION NO. 572-P OF 2011

(on appeal from the judgment of the Peshawar High Court, Peshawar dated 22.09.2011 in W.P. No. 2170 of 2011)

C.M.A. NO. 267-P OF 2013 CIVIL PETITION NO. 221-P OF 2012

ton appeal from the judgment of the Peshawar High Court, Peshawar dated 07:03.2012 in W.P. No.1897 of 2011)

AND

C.M.A. NO. 264-P OF 2013 AND CIVIL PETITION NO. 222-P OF 2012

(on appeal from the judgment of the Peshawar High Court, Abbottabad Bench dated 13.03.2012 in W.P_L No. 200-A of 2012)

Government of KPK through Secretary Agriculture & others

... Petitioners/Applicants.

			Respondents
Atta Ullah Khan & others		٠٠.	(in CP 222-P/12)
Muhammad Younas and others	: -		(in CP 221-P/12)
Amir Hussain & others			(in CP 572-P/12)
Adnanullah			(in CP 302-P/11)

For the Petitioners:

Mr. Zahid Yousaf, Addl. AG. KPK. a/w Sahibzada Alamgir, Director.

For the Respondents: (in CP 302-P/11

and CP 221-P/12)

Mr. Imtiaz Ali, ASC

Supreme Courses California CP 572-P/11) (in CP 222-P/12).

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Mr. Wascem-ud-Din Khattak, ASC.

Mr. Ejaz Anwar, ASC.

(CMA 267-P of 2013)

Date of Hearing:

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13.06.2013



ORDER

NASIR-UL-MULK, J.— These petitions for leave to appeals were heard on a number of dates. In order to appreciate the points involved in them, background facts need to be stated in some details with reference to previous litigation on the same subject.

- The controversy relates to regularization of employees of the "N.W.F.P. On-Farm Water Management Projects/National Programme for Improvement of Watercourses in Pakistan (NWFP Component)". For the sake of facility the employees are divided into two groups, the "project employees" and the "regular employees". It may however be clarified that the status of the latter as to whether they were regular or project employees is disputed by the other group and is subject to determination. All these employees were appointed on different dates. between the years 1980 to 2006. In order to regularize some of them, a Summary was prepared for the then Chief Minister, N.W.F.P. (now KPK) for the creation of 302 new posts against which the employees in the 'Development Projects', numbering more than 500 who have served for 10 to 30 years, would be appointed stage wise in three years. The Summary was approved on 21.12.2006. In order to give effect to it notifications were issued by the Finance Department for the creation of the posts.
- During the course of hearing, we were informed that against the newly created posts, 254 of the "regular employees" were appointed. A number of "project employees" filed Writ Petition No. 1645 of 2007 in the Peshawar High Court, praying for appointment against such newly created posts. Their Writ Petition was allowed on 22.12.2008, the Court directing, on the concessional statement made by the then Additional Advocate General KPK, to "adjust/regularize the petitioners in due course

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on the vacant posts or posts whenever falling vacant in future but in order of seniority/eligibility". Against the said judgment and other similar orders passed by the High Court, Review Petitions were filed by the Provincial Government. The same were dismissed on 01.12.2009. The Government by leave of the Court filed Civil Appeal Nos. 834 to 837 of 2010 titled Government of NWFP through Secretary Agriculture Livestock & Cooperative Department etc. v. Abdullah Khan etc. which were dismissed on 01.03.2011 on the ground that the services of the respondents before it stood regularized under the North-West Frontier Province Employees (Regularization of Services) Act, 2009 (hereinafter referred as to the Act of 2009), as there was nothing on the record produced either before the High Court or this Court that the said respondents were appointed on 'project posts'.

Later 16 Writ Petitions by a large number of "project employees" were filed which were decided by a common judgment delivered in Writ Petition No. 360 of 2009. The petitions were allowed on the basis of the N.W.F.P. Civil Servants (Amendment) Act, 2005 (hereinafter referred as to the Act of 2005) and the Act of 2009, which provided for regularization of ad-hoc and contractual employees. This judgment was assailed before this Court. With reference to the aforestated statutes, petitions for leave to appeals were dismissed through a common judgment delivered in Civil Petition Nos. 562-P to 571-P etc. of 2012 Government of KPK Agriculture Livestock & Cooperative Department etc. v. Amir Hussain and others on 22.03.2012 and the judgment of the High Court was maintained.

The judgment of the High Court in Writ Petition No. 1645 of 2007 dated 22.12.2008 as maintained by this Court in Civil Appeal Nos

Supreme Count of Pakisians 4 to 837 of 2010 dated 01.03.2011 was again followed by the High

Court in Writ Petition No. 733 of 2011 decided on 08.12.2011. The High

Court in similar case again granted relief in Writ Petition No. 1897 of 2011 decided on 07.03.2012. The present petition for leave to appeal arises from Writ Petition No. 59 of 2009, where direction was given on the concession of the Additional Advocate General KPK on 21.01.2007 to adjust the petitioners. This decision was based on a similar direction given in Writ Petition No. 357 of 2008. The Government of KPK had filed Review Petition No. 103 of 2011 against the judgment of 21.01.2009 pussed in Writ Petition No. 59 of 2009. The same was dismissed on 24.03.2011. The said judgment now impugned in C.P. No. 302 of 2011. The same or similar questions are involved in the other connected petitions.

During the course of hearing of the present matters, it came to light that the total numbers of employees serving in National Programme for Improvement of Watercourses in Pakistan (NWFP Component) were 755. Against 302 newly created posts 254 of the "regular employees" have been appointed. Out of the balance of 48 posts, 10 were reserved for promotion quota, whereas the remaining 38 project employees were appointed pursuant to the judgments and orders passed by the High Court and this Court. However these were insufficient to adjust the many project employees granted relief by the Courts. Thus additional 155 employees had to be adjusted in Surplus Pool due to nonavailability of posts. Upon our query, we were provided with a list of 31. Writ Petitions now pending before the Peshawar High Court, whereby the "Project Employees" have prayed for regularization of their services. 🔗 Total number of the petitioners in these petitions are 264. If such Writ Petitions are also allowed on the touchstone of the judgments already delivered, the total number of employees to be appointed would add up to

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673 against the newly created 302 posts. It seems that the said figures were not brought to the notice of the Courts when afore-stated

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preme Court of Pakistan,



employees" showed that they were appointed on contract basis for the Projects. As regards "regular employees", though they were appointed after selection through Public Service Commission but their letters of appointment also make reference to the Projects.

- 11 may be stated that Section 3 read with clause (f) of Sub-Section (1) of Section 2 of the Act of 2009 provides for regularization of those employed on contract or ad-hoc basis on "posts under the Government or in connection with the affairs of the Government to be filled in on the recommendations of the N.W.F.P. Public Service Commission." From the judgments of this Court both in Civil Appeals No. 834 to 837 of 2010 (ibid) and Civil Petition Nos. 562-P to 571-P etc. of 2012 (ibid) it appears that it was not brought to the notice of the Court that the respondents were "project employee". In view of the circumstances that now emerges, the judgments delivered by the High Court as well as this Court need to be re-examined or revisited. Leave to appeal in all these cases is granted, inter alia, to consider whether:
 - the "project employees" as well as the "regular employees" were appointed on "project posts" or "regular posts" and in case the latter were appointed against "regular posts" would they be entitled to be appointed on the newly created posts in preference to the other group;
 - ii.) in the event it is found that all the employees were appointed in Projects, should the 302 posts created be filled up on the basis of seniority;
 - iii.) the "project employees" who were granted relief by the High Court were entitled to have their services regularized under the Act of 2009;
 - iv.) in case the appellants are to be restricted to the 302 newly created posts and appointed on the basis of seniority, would those who have been appointed on the orders of the Courts and are to be excluded on account of

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To

The Director General

On Farm Water Management

Khyber Pakhtunkhwa Peshawar

Through Proper Channel

Subject:

SENIORITY LIST OF OFFICERS OF ON FARM WATER MANAGEMENT DEPARTMENT AS

Memo.

Reference to your letter No.5324-97/DG/OFWM, dated 26/12/2012 received on 31-01-2013. It is submitted that the undersigned has observed some mistakes /discrepancies in the subjected draft seniority list.

- 1. The name of the undersigned is placed in the seniority list on S/No. 28 among the officers of grade 17, whilst all the officers from S/No. 22 to 27 are junior to the under signed according to their date of birth. The date of joining of the officers is the same in this category. Or if the seniority is based on merit of interview then the undersigned has more marks than S/No 25,26 & 27(List attached).
- 2. Similarly in the same category of BPS-17, officers from S/No. 16 to 21 are not regular employees of the department but they are placed at top in the seniority list. The services of the undersigned was regularized by the competent authority w.e.f 24-11-2004 through a notification SOE (AD) 17-131/2009 dated 07-06-2011 in compliance with the judgement of honourable Supreme Court of Pakistan (Copy attached), whereas above mentioned officers had no permanent status at the time of my date of joining.

Keeping the above reservation in view, it is requested that an impartial and sympathetic consideration is required to revise and correct the seniority list in the best interest of the department.

I'll be highly indebted to you for this consideration please.

Your's Truly,

Abdullah Khan

Water Management Officer

On Farm Water Management Mardan.

1/2/012 12 10 12 1

DIRECTORATE GENERAL ON FARM WATER MANAGEMENT KHYBER PAKHTUNKHWA, PESHAWAR

No. 5324-97 TO TO

dated Peshawar

the, $\frac{26}{12}$ /2012.

- Director (HRD),
 On Farm Water Management,
 Training Center D.I.Khan
- All Deputy Directors, Water Management in Khyber Pakhtunkhwa.
- 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: Depth: 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

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

Dated Peshawar, the August 16, 2013

NOTIFICATION

NO. SOE(AD)II(2) 391/2012. In pursuance of Setion-8 (1) of NWFP Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of officers in BPS-18 of On Farm Water Management, Khyber Pakhtunkhwa, as stood on 31st December, 2012, is notified/ circulated:-

	Name of officer with academic qualifications		Date of 1st	Regula promotic	ar appo on to pr	intment/ esent post	Present appointment	Remarks
S. No.		Date of Birth and domicile	entry in to Govt. service	Date	BS	Method of Recruitment		
	Malak Muhammad Bakhsh	15/06/1956	07/03/1981	27/02/2007	18	Promotion	District Officer, OFWM, Bannu	
1	M.Sc.(Hons) Agriculture Mr. Ismail Khan	D.I.Khan 28/10/1958	05/09/1983	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Lakki Marwat	-
2	M.Sc.(Hons) Agriculture Mr. Muhammad Khurshid Afridi	Bannu 01/05/1960	25/08/1986	18/12/2008	 18	Promotion	Director HQ o/o DG OFWM Khyber Pakhtunkhwa Peshawar	-
3	B.Sc. Agriculture Engineering	Khyber Agency 27/03/1959	· :	18/12/2008	 18	Promotion	Deputy Director, Field Operation O/o DG OFWM, Khyber Pakhtunkhwa	-
4	Sahibzada Alamgir B.Sc. Agriculture Engineering	Swabi 19/12/1960	26/08/1986			Promotion	Executive District Officer (Agri) (BS-19)	
5	Mr. Sherzada M.Sc.(Hons) Agriculture	Malakand	26/08/1986	18/12/2008	18	 	District Buner District Officer (BS-18) OFWM District	!
6	Mr. Shamshad Hussain B.Sc. Agriculture Engineering	03/05/1959 Nowshera	27/08/1986	18/12/2008	18	Prometion	Nowshera	
	Mr. Muhammad Azeem	02/08/1959	27/08/1986	18/12/2008	18	Promotion	Project Director (BS-18) Water Management Training Center D.I.Khan	-
	B.Sc. Agriculture Engineering Dr. Allah Bakhsh Malak	Peshawar 24/04/1961	27/08/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District D.I.Khan	-
8	Ph:D(United Kingdom)	D.I.Khan	2,,,,,,,,,		<u> </u>	<u> </u>		<u> </u>

		•						,	
	9.	Mr. Muhammad Afzal B.Sc. Agriculture Engineering	01/01/1963 Mansehra	27/08/1986	18/12/2008	18	Promotion	Executive District Officer (Agri) (BS-19) District Battagram	_
	10	Mr. Behram Jan M.Sc. Agriculture Engineering	08/08/1961 Karak	30/08/1986	18/12/2008	18	Promotion	Deputy Director Planning HQ OFWM, Peshawar	: -
	11	Mr. Jamil Khan B.Sc. Agriculture Engineering	10/04/1958 Dir	31/08/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM Dir Lower	- ,
-	12	Mr. Salar Khan M.Sc.(Hons) Agriculture	28/06/1959 Mansehra	31/08/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Mansehra	
÷	13	Mr. Javed Iqbal	01/04/1964 Karak	31/08/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Abbottabad	-
:	14	M.Sc.(Hons) Agriculture Mr. Muhammad Suleman	01/01/1955	01/09/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Haripur	-
· :	15	M.Sc.(Hons) Agriculture Mr. Javed Ali	01/11/1959	01/09/1986	18/12/2008	18	. Promotion	District Officer (BS-18) OFWM District Kohat	-
•	16	M.Sc.(Hons) Agriculture Mr. Zahir Ali	06/04/1958	07/09/1986	18/12/2008	18	Promotion	Deputy Director (BS-18) OFWM Mardan	<u>-</u>
,,	17	B.Sc. Agriculture Engineering Mr. Haq Nawaz	Mardan 01/01/1959	20/09/1986	18/12/2008	18	Promotion	Deputy Director (BS-18) OFWM District Swat	-
	17	M.Sc.(Hons) Agriculture Mr. Ghulam Khaliq	Swat 01/02/1954	13/11/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Chitral	

18/12/2008

22/03/2009

4/7/2012

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Malakand

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Mardan

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Mardan

1/5/1956

Mansehra

1/5/1959

Mansehra

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M.Sc. Agriculture Engineering

B.Sc. Agriculture Engineering

Mr. Muhammad Saleem Malik

B.Sc. Agriculture Engineering

Mr.Mian Ghulam Hussain

M.Sc.(Hons) Agriculture

M.Sc.(Hons) Agriculture

B.Sc.(Hons) Agriculture

Mr. Zia-ud-Din

Mr. Dawa Khan

Mr. 'Obaidullah

District Officer (BS-18) OFWM District Dir

Upper

District Officer (BS-18) OFWM District

Malakand

District Officer (BS-18) OFWM District

Buner

District Officer (BS-18) OFWM District

Battagram

District Officer (BS-18) OFWM District

Shangla

Promotion

Promotion

Promotion

Promotion

Promotion



GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Dated Peshawar, the August 21, 2013

NO. SOE(AD)II(2) 391/2012. In pursuance of Setion-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of officers in BPS-17 of On Farm Water Management, Khyber Pakhtunkhwa, as stood on 31st December, 2012, is notified/ circulated:-Remarks Present

S:No	with academic qualification 2 Mr. Mohammad Jamil B.Sc. Agriculture	Date of Birth and domicile 3 1/5/1957 Nowshera	Date of 1st entry into Govt. Service 4 30/04/1987	Regular appointment/promotion to the present post BPS Methods of recruitment 6 7 17 By Initial Recruitment		Present posting 8 Assistant Director o/o DO OFWM Mansehra Assistant Director (BS-17	9 The officer not promoted to the post of BS-17 Supervisory due to long leave Promoted to BS-17
2	Engineering Mr. Muhammad Ishaq M.Sc.(Hons) Agriculture Mr. Masud-ur-Rehman	25/12/1964 Malakand 07/041967	09/12/1990	17 Supervisory	By Initial	Supervisory) o/o DO OFWM District Abbottabad Assistant Director (BS-17 Supervisory) o/o DO OFWM District	The officer not promoted to the post of BS-17 Supervisory due
3.	Mr. Masud-ur-Renman M.Sc. (Hons) Agriculture (Water Management) Mr. Bakhtawar Shah	Karak 2/2/1963	20/01/1992	17	Recruitment By Promotion	Hangu Assistant Director (BS-17 Supervisory) o/o DO OFWM District	Promoted to BS-17 (Supervisory) on
5	M.Sc.(Hons) Agriculture Mr. Bakht Ali M.Sc.(Hons)	Buner 06/10/1967 Karak	27/11/1994	Supervisory 17 Supervisory	By Promotion -	Buner Assistant Director (BS-17 Supervisory) o/o DO OFWM District Kohat	Promoted to
	Agriculture			<u> </u>	1	Lu 20 1 92 A	

/13 /13	Mr. Riaz Gul M.sc Irrigation Engineering &	15/04/1967 Mardan	01/10/1996	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o Dy. Director District Mardan	Promoted to BS-17 (Supervisory) on 22/2/2011
	Management (Philippine) Mr. Muhammad Ghafoor M.Sc.(Hons) Agriculture (Water	07/02/1969 North Waziritstan Agency	01/10/1996	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Lakki Marwat	Promoted to BS-17 (Supervisory) on 22/2/2011
. 20 .	Management) Mr. Rabnawaz M.Sc.(Hons) Agriculture (Water Management)	10/04/1968 Mansehra	01/10/1996	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o Dy. Director (F) WM Peshawar.	Promoted to BS-17 (Supervisory) on 22/2/2011 Adjusted on 01/11/2002
-	Mr. Mansoor Nasir Mr.Sc.(Hons) Agriculture	01/04/1966 Nowshera	13/06/1995	BS-17	Adjusted from FVDB	Planning Officer (BS-17) District Govt. Nowshera	. Adjusted on on the medical

Certified that the above list is final and undisputed

Endst. No. and Date even Copy forwarded to the:-

Secretary to Governor, Khyber Pakhtunkhwa

- 2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.,
- 3. Director General, OFWM, Khyber Pakhtunkhwa, Peshawar
- 4. PS to Chief Secretary, Khyber Pakhtunkhwa
- 5. PS to Secretary Establishment, Khyber Pakhtunkhwa.
- PS to Secretary Agriculture, Livestock and Coop: Department Khyber Pakhtunkhwa.
- 7. Officers Concerned
- Manager, Govt. Printing Press, Peshawar

SD/x **CHIEF CRETARY** KHYBER PAKHTUNKHWA

(MUHAMMAR HERAZ) SECTION OFFICER-ESTT