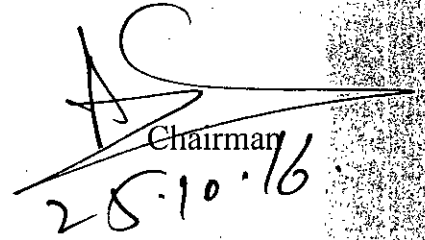


25.10.2016

None present for the appellant despite repeated calls. Mr. Tayyab Gul, Assistant alongwith Mr. Muhammad Jan, GP for respondents present. The Court time is about to over. Dismissed for want of prosecution. File be consigned to the record room.



Member



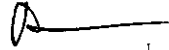
Chairman  
25.10.16

ANNOUNCED:  
25.10.2016

25.10.16

22.10.2015

None present on behalf of the appellant. Mr. Muhammad Jan, GP for official respondents and private respondent No. 23 with counsel present. Fresh notice be issued to appellant and his counsel for 15-)-16 for arguments on application.



Member



Member

15.02.2016

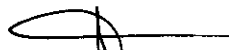
Junior to counsel for the appellant and Addl: AG: for respondents present. Arguments could not heard due to learned Member (Executive) is on official tour to Abbotabad. Therefore, the case is adjourned to 30.5.16 for arguments.



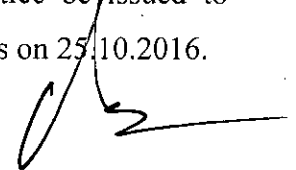
MEMBER

30.05.2016

No one is present on behalf of the appellant. Mr. Tayyab Gul, Assistant alongwith Ziaullah, GP for official respondents and private respondent No. 23 in person present. Notice be issued to appellant and his counsel. To come up for arguments on 25.10.2016.




Member




Member

18.2.2015

Counsel for the appellant, Mr. Muhammad Jan, GP with Rahat Shah, Admin. Officer for the official respondents, junior to counsel for private respondents No. 7 to 22 and private respondent No. 23 in person present. Private respondent No. 6 sent an application for adjournment, due to surgery of his counsel. Counsel for the appellant as well as private respondents requested for adjournment. To come up for arguments on applications on 04.05.2015.

  
Member

  
Member

4.5.2015

Junior to counsel for the appellant, Mr. Muhammad Jan, GP with Tayyab Gul, Office Assistant and Muhammad Yousaf, Senior Clerk for the official respondents, junior to counsel for private respondents No. 7 to 22 and private respondent No. 23 with junior counsel present. Written reply on behalf of official respondents No. 1 & 2 received. Senior counsel for the parties are not available. To come up for arguments on application on 02.7.2015.

  
MEMBER

  
MEMBER

2.07.2015

None is available on behalf of the appellant. Mr. Muhammad Jan, GP with Tayyab Gul, Assistant for the official respondents, Mr. Muhammad Taimur Advocate, junior to counsel for private respondents No. 7 to 22 and private respondent No. 23 with counsel present. None is available on behalf of private respondents No. 3, 4, 5 & 6. Fresh notices be issued to appellant, his counsel and private respondents No. 3 to 6. To come up for arguments on application on 22.10.2015.

  
Member

  
Member

12.08.2014

Junior to counsel for the appellant, AAG with Rahat Shah, AO for official respondents, Qazi Zakiud Din, Advocate/counsel for private respondent No. 4, Private respondents No. 3, 5 and 6 in person, junior to counsel for private respondents No. 7 to 22 and private respondent No. 23 with counsel present. Learned executive Member is on ex-Pakistan leave, therefore, arguments could not be heard. To come up for arguments on 21.10.2014.

  
MEMBER

21.10.2014

Junior to counsel for the appellant, Mr. Kabeerullah Khattak, Asstt. A.G with Rahat Shah, Administrative Officer for the official respondents, counsel for private respondent No.6, junior to counsel for private respondents No. 7 to 22 and private respondent No. 23 with counsel present. Due to incomplete Bench, case is adjourned to 30.12.2014 for arguments.

  
MEMBER

30.12.2014

Clerk to counsel for the appellant, Mr. Muhammad Jan, GP with Rahat Shah, A.O for the official respondents, Clerk to counsel for private respondents No. 7 to 22 and private respondent No. 23 in person present. The Tribunal is incomplete. To come up for the same on 18.2.2015.

  
READER

12.3.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Rahat Shah, AD for the official respondents, separate counsel for private respondents No. 4, 5 and 6 present. Private respondent No.14 in person present and stated that counsel for private respondents No. 7 to 22 is busy before the august Supreme Court of Pakistan. He submitted an application for adjournment. Private respondent No. 23 alongwith his counsel also present. To come up for arguments on applications on 21.4.2014.

21.4.2014

~~MEMBER~~ Counsel for the appellant and Mr. Muhammad Jan, GP with Rahat Shah, Administrative Officer for the official respondents, Qazi Zakiud Din, Advocate/counsel for respondent No. 4, private respondent No. 5 in person, Bakhtawar Shah, Advocate/counsel for private respondent No. 6, Junior to counsel for private respondents No. 7 to 22 and private respondent No. 23 with junior counsel present. Application for adjournment submitted on behalf of senior counsel for private respondents No. 7 to 22, for adjournment due to serious illness. To come up for arguments on 27.5.2014.

~~MEMBER~~

MEMBER

27.05.2014

Junior to counsel for the appellant, Mr. Muhammad Jan, GP Rahat Shah, A.O for the official respondents, private respondents No. 4, 5, 6 in person, junior to counsel for private respondents No. 7 to 22 and private respondent No. 23 with junior counsel present. Application submitted, on behalf of counsel for private respondents No. 7 to 22, for short adjournment being not well to-day. To come up for arguments on applications of respondents No. 7 to 22 and respondent No. 23, on 12.8.2014.

MEMBER

9.1.2014

Applicant Mansoor Nasir (Private respondent No. 23) in main appeal with counsel and Mr. Muhammad Jan, GP also present. Applicant already submitted an application for dismissal of the appeal on the ground of non-maintainability. Notice of application be issued to the appellant as well as official respondents for reply/arguments on the date fixed i.e. 21.1.2014. However, a copy of application handed over to the learned G.P.

MEMBER

21.1.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Rahat Shah, Administrative Officer for the official respondents, private respondent No. 5 with Qazi Zakiud Din, Advocate present and Wakalatnama placed on file, counsel for private respondent No. 6, and counsel for private respondents No. 7 to 22 and private respondent No. 23 with counsel present. Reply to application of private respondents No. 7 to 22 received on behalf of the appellant and copy handed over to the opposite sides. Copy of application of private respondent No. 23 handed over to appellant. To come up for reply/arguments on application of private respondent No. 23 and arguments on application of respondents No. 7 to 22 on 18.1.2014. Fresh notices be issued to private respondents No. 3 and 4 positively for the date fixed.

MEMBER

MEMBER

18.2.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Rahat Shah, AD for the official respondents, private respondent No. 3 was stated to have gone abroad, Respondent No. 4, 5 and 6 with their separate counsel, private respondents No. 16 and 23 present in person and stated that counsel for respondents No. 7 to 22 is busy in the august Supreme Court of Pakistan. Private respondent No. 23 with counsel also present. Reply to application received on behalf of the appellant. Copies handed over to the opposite sides. To come up for arguments on application of respondent No. 7 to 22 and application of respondent No. 23, on 12.3.2014.

MEMBER

MEMBER

21.11.2013

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Rahat Shah, Administrative Officer for the official respondents and counsel for private respondents No. 7 to 22 present and Wakalatnama placed on file. Counsel for private respondent No. 6 also present and requested for further time. Fresh notice be issued to private respondent No. 23. To come up for written reply on main appeal as well as reply/arguments on stay application on 12.12.2013.

MEMBER

MEMBER

12.12.2013

Appellant with counsel, Mr. Usman Ghani, Sr.GP with Tayyab Gul, Office Assistant for the official respondents, private respondents No. 4, 6, 7, 8, 10, 11, 12, 13, 14, 16, 16, 17, 18, 19, 22 & 23 in person with counsel for private respondents No. 7 to 22 present. Counsel for private respondents No. 7 to 22 submitted an application for sine-die adjournment of the present appeal on the ground that the controversy before the instant Tribunal has already been called into question and the matter has become subjudice again before the august Supreme Court of Pakistan. The learned counsel submitted that the august Supreme Court of Pakistan has held that the judgments delivered by the High Court as well as Supreme Court need to be re-examined or revisited. Copy of application handed over to learned counsel for the appellant, AAG for reply/arguments on 21.1.2014.

MEMBER

MEMBER

Appeal No. 918/2012  
Mr. Zahid Khaleeq

01.08.2013

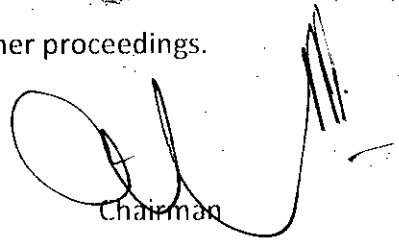
Appellant with counsel present and heard on preliminary.

Contended that the appellant has not been treated in accordance with the law/rules. The departmental appeal filed against the impugned seniority list No.5324-97/DG/OFWM dated 26.12.2012 which has not been responded within the statutory period of 30 days. Hence the instant appeal on 17.05.2013 which is within time. Appellant also submitted an 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. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 21.11.2013 for submission of written reply on main appeal as well as reply/arguments on application.

  
Member.

1.8.2013

This case be put before the Final Bench II for further proceedings.

  
Chairman

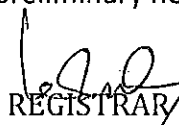



Form-A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 918/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21/05/2013	<p>The appeal of Mr. Zahid Khaleeq presented today by Mr. Imtiaz Ali Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-7-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>1-8-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

In Re: Service Appeal No. 918 / 2013.

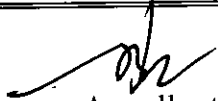
**Zahid Khaleeq**.....**APPELLANT.**

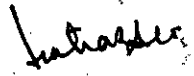
Versus

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


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6.	Appointment orders of respondents.	<b>B &amp; B-1</b>	18 - 21
7.	Notifications dated 21.04.2007 and 30.04.2007.	<b>C &amp; C-1</b>	22 - 25
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Appellant  
through

  
Imtiaz Ali  
Advocate Supreme Court of Pakistan

And

  
Sardar Shoukat Hayat  
Advocate High Court

Dated: 20.05.2013

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

①

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

Service Appeal No. 918 / 2013.

**Zahid Khaleeq**

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

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

96  
21-5-13

Versus

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

21/5/13

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

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

**APPEAL** u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned seniority list No. 5324-97/DG/OFWM dated 26.12.2012 wherein the appellant has been placed at serial No. 37 below the respondents No. 3 to 23. And the appeal / representation filed by the appellant against the impugned seniority list has not been replied to so far.

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

**Respectfully Sheweth:**

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

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

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

6. **THAT** official respondents / Government of KPK preferred Review Petitions against the aforesaid judgments but the same were dismissed by holding that the petitioners therein came within the ambit of section 19 of the Civil Servants Act, 1973 as amended through the NWFP Civil Servants (Amendment) Act, 2005 and had, therefore, become regular civil servants by force of law vide judgment dated 01.12.2009.
7. **THAT** the judgment of the Peshawar High Court dated 01.12.2009 was in turn questioned before august Supreme Court of Pakistan through Civil Appeals No. 834 to 837 of 2010. The said appeals were dismissed by august Supreme Court of Pakistan vide judgment dated 01.03.2011 by upholding the judgment Hon'ble Peshawar High Court, Peshawar. The judgment of Supreme Court is reported as **2011 SCMR 898**. Copy of the said judgment is enclosed marked "**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. 37. This is despite the fact that the said respondents are still contract employees whose services were never regularized by any judgment of the court or under any of the provision of service laws, as they had only been adjusted / transferred against the newly created regular / sanctioned posts. Copy of the impugned seniority list is annexed marked "**G**".

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

**GROUND:**


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

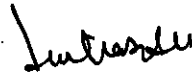


- D. **THAT** even if for the sake of arguments, it is presumed that respondents No. 3 to 23 were deemed to have been regularized on their adjustment against the newly created sanctioned posts (which fact though is not conceded by appellant), still appellant is senior to them because they were adjusted against regular posts in the year 2007 while services of appellant have been regularized w.e.f. 24.11.2004 and therefore, appellant was required to be placed senior to the said respondents.
- E. **THAT** appellant seeks leave of this Hon'ble Tribunal to take further additional grounds at the time of arguments in this appeal.

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

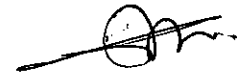
Any other relief deemed appropriate in the circumstances of the case may also be granted.

  
Appellant  
through

  
Intiaz Ali

Advocate Supreme Court of Pakistan

And



Sardar Shoukat Hayat  
Advocate High Court

Dated: .05.2013

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

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

In Re: Service Appeal No. /2013.

**Zahid Khaleeq.....APPELLANT.**

Versus

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

**AFFIDAVIT** of Zahid Khaleeq, Water Management Officer (B-17), Office of Deputy Director (F), On Farm Water Management District Charsadda.

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

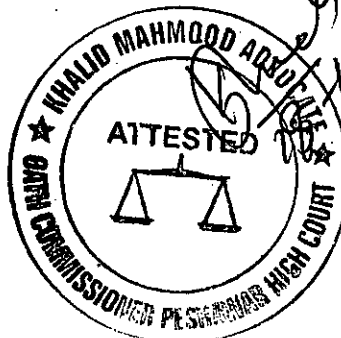
1. That the enclosed service appeal has been drafted under my instructions.
2. That I am personally conversant with the facts and circumstances of the case as contained therein.
3. That the facts and circumstances mentioned in the enclosed service appeal are true and correct to the best of my knowledge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

*[Signature]*  
Deponent

**VERIFICATION:**

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

Verified on Oath at Peshawar this <sup>th</sup> day of May, 2013.



*[Signature]*  
Deponent

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

In Re: Service Appeal No.            / 2013.

**Zahid Khaleeq.....APPELLANT.**

Versus

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

**MEMO OF ADDRESS**

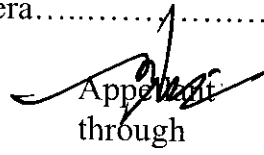
Zahid Khaleeq, Water Management Officer (B-17),  
Office of Deputy Director (F),  
On Farm Water Management District Charsadda.....**Appellant.**


Versus

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

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

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

  
Applicant  
through

  
Imtiaz Ali  
Advocate Supreme Court of Pakistan

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

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

**Zahid Khaleeq.....APPELLANT.**

Versus

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

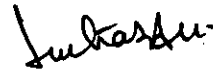
**APPLICATION for restraining respondents No. 1  
and 2 from processing illegally the promotion cases  
of respondents No. 3 to 23 to the higher posts  
in BS-18 till the final disposal of instant appeal.**

**Respectfully Sheweth:**

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

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

  
Appellant  
through



Imtiaz Ali  
Advocate Supreme Court of Pakistan

And



Sardar Shoukat Hayat  
Advocate High Court

Dated: .05.2013

**AFFIDAVIT:**

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



  
Deponent

A/14

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

Notification.

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

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

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

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

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

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

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

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

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

Sd/++++  
(ZAIDULLAH KHAN)

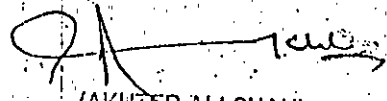
SECRETARY AGRICULTURE

Dated Peshawar the, 24<sup>th</sup> November, 2004

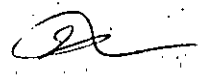
Encls: No. No. SOE(AD)11(2) 70 / 2004.

Copy of the above is forwarded to the:-

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



(AKHTER ALI SHAH)  
SECTION OFFICER (ESTT.)



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

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

B/18

DATED PESHAWAR 7/11/1994.

NOTIFICATION

NO. 302(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. 3800-290-7300/-) on temporary basis with effect from the date of their taking over the charge:-

Sl. No. of the candidate.	Name/Father's Name	Address
1-	Mr. Bakht Ali Khan S/O Muhammad Ali Khan.	Village J. P.O. Ahmad Abad, Tehsil & District Karak C/O Khurshid Public School, Ahmad Abad.
2-	Mr. Habibullah S/O Rahim Dad Khan.	S/O Haji Auliam Khan, Rahat Abad, Bahdar Colony, Street No. 4, House No. 6, near Porat College Peshawar.
3-	Mr. Shah Muhammad S/O Shafiullah Khan.	i) Village Abdallah Jan Killa, Tehsil & Distt; Bannu, P.O. "nam.Killa. . . . ."
4-	Mr. Shafiqat Zaman S/O Badia Zaman.	Village Bandi Alad P.O. Karz Allah, Tehsil Dera Ghaat, Distt; Mansohra.
5-	Mr. Habibur Rehman S/O Ghani-ur-Rahman.	Mohallah Khoo Haripur Distt; Haripur.
6-	Mr. Saavedur Rehman S/O Habibur Rehman.	G/O Ghani-ur-Rahman, Kiryana Main Datar Tank.
7-	Mr. Hamidullah Khan S/O Haji Malook.	i) Rahman House, Phase-III Sector-II, House. 193 Hayatabad Peshawar. ii) Village and F.O; Dabi an, Tehsil Lahore Distt; Swabi.
8-	Mr. Muhammad Anwar S/O Madad Khan	Haji Malook Sons, Haji Daba Road Mungora Swat.
9-	Mr. Abdul Hafoz S/O Ghulam Nabi.	Distt; Charsadda Tehsil Tangi Village and P.O. Har Chand.
		Distt; Teshil Mardan, Village and P.O. Teshil Bahawal an Peshawar Guri.

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

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

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

DATED PESHAWAR 07 / 11 / 1994

B/18

NOTIFICATION.

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

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

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

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

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

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

MEMORANDUM

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

Copy forwarded to their-

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

8/10/94



(NISAR ALI SHAH)  
SECTION OFFICER (ESTABLISHMENT)

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- 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 DEPT:

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

Dated Peshawar the 27/11/1996.

Copy forwarded to the: -

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

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

DATED PESHAWAR THE \_\_\_\_\_/1996.

B-1/20

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 Fasil Subhan.	House No.111 Sector J 4, Street 4 Phase-2 Hayatabad, Peshawar.
2.	Mr. Irfan Hussain S/o Iltaf Hussain.	House No.2300 Mohallah Qazi Khelan, Peshawar City.
3.	Mr. Muhammad Nawaz S/O Nisar Muhammad.	Vill: & P.O. Yar Hussain Teh: Lahore Distt: Swabi. Moh: Daba Khel.
4.	Mr. Irfanullah Khan S/o Ayub Khan.	Vill: Daraz Kela Khawajamad Manadan Bannu.
5.	Mr. Intiaz 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, Teh: Kabal District Swat.
8.	Mr. Riaz Gul S/O Wazir Zada.	Asif Jamal House Moh: Doctor Latif Bicket Gang Mardan.
9.	Mr. Rehmanullah S/O Niaz Mir Khan.	C/O Majeedur Rehman Class-7th Al-Hadi High Public School Vill: Haider Khef Tehsil & P.O. Mirali North Waziristan Agency.
10.	Mr. Mohammad Ghaffoor Khan S/O Hakim Khan.	Vill: & P.O. Idak, Teh: Mirali North Waziristan Agency.
11.	Mr. Munir Wali Shah S/o Mir Wali Shah.	House No.412/B-A Mohallah Lady Park Bannu City.
12.	Mr. Bab Nawaz S/o Aurangzeb Khan.	Vill: & P.O. Bhogar Mang Teh: & Distt: Mansehra.

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

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

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

DATED PESHAWAR THE \_\_\_\_\_ / 1996

NOTIFICATION:

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

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

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

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

Contd / Page / 2 .....

u	133400.00
a	117500.00
b	17300.00
c	292600.00

21

- ii) They shall be governed by the provision of NWFP Civil Servant Act, 1973 (NWFP Act, No. VIII of 1973) and, in matters not specifically mentioned in this Notification, shall be governed by such rules and regulations relating to leave, P.A, Medical Attendance, etc., as have been or may be prescribed from time to time by Government.
- iii) They shall be governed by the Government Servants conduct Rules, 1937, the NWFP Government Servants (Efficiency & Discipline) Rules, 1975 and any other instructions on the subject as may be issued by the Government of NWFP from time to time.
- iv) They have not been previously dismissed or debarred from the service of Government, Board, Local Body or Autonomous or Semi-Autonomous Organization etc.,
- v) They shall not be entitled to any Travelling Allowance/Daily Allowance on their first appointment except in case of permanent Government Servants.
- vi) They shall be liable to serve any where within or outside NWFP in any post under the Federal Government or any Provincial Government or Local Authority or a Corporation or Body set up or established by any such Government.

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

SECRETARY TO GOVT. OF NWFP  
FOOD & AGRICULTURE DEPTT.

ENDST: NO. SCE(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.

*(Signature)*  
29/8/96

(NISAR ALI SHAH)  
SECTION OFFICER (ESTABLISHMENT)

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Inti

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

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

SECRETARY TO GOVT: OF NWFP  
FOOD & AGRICULTURE DEPTT:

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

Dated Peshawar the 29 / 8 / 1996.

Copy forwarded to the: -

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

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

c/22

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

**NOTIFICATION.**

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

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

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

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

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

Sd/-XXX  
 SECRETARY AGRICULTURE.

Dated Peshawar, the 21-4-2007

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

Copy forwarded for information and necessary action to:-

1. The Accountant General, NWFP, Peshawar.

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

23

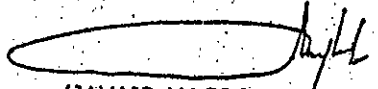
(MUHAMMAD IQBAL)  
 BUDGET OFFICER-VII  
 FINANCE DEPARTMENT.

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

Dated Peshawar, the 21-4-2007

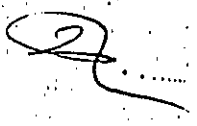
Copy forwarded for information and necessary action to:-

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

  
 (JAVAID MAQBOOL BUTT)  
 SECTION OFFICER-ESTT:

Of Name

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C-1/24

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

**NOTIFICATION.**

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

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

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

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

Sd/-XXX  
SECRETARY AGRICULTURE.

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

Dated Peshawar, the 30 /7/2007

Copy forwarded for information and necessary action to:-

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

(MUHAMMAD IQBAL)  
BUDGET OFFICER-VII  
FINANCE DEPARTMENT.

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

Dated Peshawar, the 30 /7 /2007

Copy forwarded for information and necessary action to:-

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

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



(JAVAI MAQBOOL BUJT)  
SECTION OFFICER-ESTT:

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D/26

GOVERNMENT OF NWFP  
AGRICULTURE LIVESTOCK AND COOP. DEPTT.

Dated Peshawar, the 31-3-2007.

NOTIFICATION.

NO.50E(AID)3(3)5/2007.-

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

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

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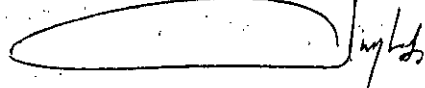
9	19	Mr. Saeed-ur-Rahman BS-17	Asstt. Director o/o Distt. Officer WM (NP), Swabi.	Asstt. Director o/o Distt. Officer WM :Swabi.	--do--
15	20	Mr. Irfan Hussain BS-17	Asstt. Director, WM: Project Sprinkle Irrigation, Peshawar.	Asstt. Director, WM: o/o DG-OFWM. He will also hold addl: charge of the Sprinkle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

Sd/-  
SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

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

  
(JAVAID MAQBOOL BUTT)  
SECTION OFFICER-ESTT:

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(5)

GOVERNMENT OF NWFP  
AGRICULTURE LIVESTOCK AND COOP. DEPTT.

Dated Peshawar, the 3-9-2007

D-11/28

NOTIFICATION.

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

The competent authority is pleased to order

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

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

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

Sd/-

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

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

(JAVOID MAQBOOL BUTT)  
SECTION OFFICER-ESTT:

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12/11/2012

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

E/30

**PRESENT:**

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

**Civil Appeals No. 834 to 837 of 2010**

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

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

...Appellants

versus

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

...Respondents

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

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

Date of hearing: 01.03.2011

**JUDGMENT**

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

**ATTESTED**

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

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

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

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

**ATTESTED**

*SPZ*

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

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

**ATTESTED**

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

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

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

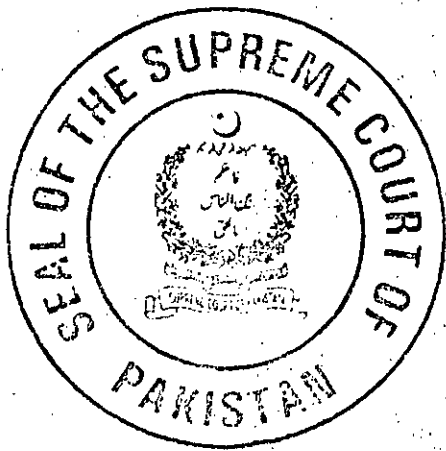
6. It is not disputed before us that the original consolidated judgment passed by the Peshawar High Court, Peshawar in the respondents' Writ Petitions had not been assailed by the appellants before this Court and they have now approached this Court challenging the consolidated judgment passed by the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

**ATTESTED**

*[Signature]*  
Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

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

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



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

Certified to be True Copy

Superintendent  
 Supreme Court of Pakistan  
 ISLAMABAD

10/3/11

ISLAMABAD  
 01.03.2011  
Not approved for reporting.

M. Yasin

7/3/11

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



Dated Peshawar, the 7/6/2011

**NOTIFICATION.**

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

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

2. Terms & Conditions of their regularization in service are as under:-
- i. 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.

36

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.

*hms*  
(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT:

*True copy  
Luti*

G/37

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

No. 5324-97 /DG/OFWM  
To,

dated Peshawar the, 26/12/2012.

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

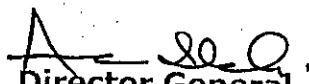
Subject: - SENIORITY LIST OF OFFICERS OF ON FARM WATER MANAGEMENT  
DEPARTMENT AS STOOD ON 30-11-2012.

Memo,

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

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

Encl: As above

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

No. \_\_\_\_\_ /DG/OFWM dated Peshawar the, \_\_\_\_\_ /2012.

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

/

**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

True copy  
Luti

# DIRECTORATE GENERAL ON FARM WATER MANAGEMENT KHYBER PAKHTUNKHWA PESHAWAR

38

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

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

*True copy  
Luti*

2	1	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

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

Director General  
On Farm Water management  
Khyber Pakhtun khwa  
Peshawar.

H/41

THROUGH PROPER CHANNEL.

Subject: Seniority list of officers of on farm water Management Department as stood  
On 30-11-12

Memo:

This is with reference to your letter no 5324-97 dated 26-12-2012.  
Following discrepancies are hereby intimated for your kind action.

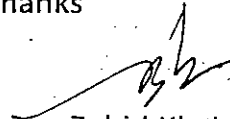
a). My services were regularized as water management officer in On farm water management Department of Agriculture by Competent authority w.e.f 24-11-2004 through notification SOE (AD) 17-131-2009 dated 7-6-2011 in the light of judgment of honourable supreme court of Pakistan (Copy attached) where is in the seniority list, issued by the department name of the Assistant directors have been mentioned which are not regular employees of the department.

Therefore it is very humbly requested that in seniority list of the officers in Bps-17, I should be placed Senior then the Officers from S.No 1 to S.no 21.

B). Furthermore it is requested that interse seniority between officers on S.No 22 to S.No 37 Should be fixed as per rule i.e on age basis.

I therefore request to be placed at S.No 7 In the Seniority list of BPS-17.

Thanks



Zahid Khaleeq  
Water Management Officer  
Charsada

31-1-2013

True copy  
Luti

**POWER OF ATTORNEY**

IN THE Service Tribunal Peshawar

In Re S. Appeal of 2013

Zahid Khaleeq

[Plaintiff  
[Appellant  
[Petitioner  
[Complainant  
[Decree Holder

Versus

Director General and Others

[Defendant  
[Respondent  
[Accused  
[Judgment Debtor

I/We Zahid Khaleeq the Appellant above named hereby appoint Mr. Imtiaz Ali, Advocate in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act, and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
  2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
  3. To receive payment of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
- To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:

- a. to ratify whatever the said Advocate may do in the proceedings.
- b. not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing.
- c. that the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/We have signed this Power of Attorney/ Vakalatnama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 20th day of May 2013 at Peshawar

[Signature]  
Signature of executant/s

[Signature]

[Signature]

Accepted subject to the term regarding payment of fee.  
Mr. Imtiaz Ali  
Advocate High Court, Peshawar.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

Service Appeal No.

918 / of 2013

*Zahid Khaliq*

...

...

Appellant

VERSUS

DG On Farm Water Management and others...

...

Respondents

INDEX


Ser	Description of documents	Annexures	Pages
1.	Body of Application		1 - 2
2.	Affidavit		3
3.	Copy of the judgment of the august Supreme Court of Pakistan dated 13.6.2013	'R/1'	
4.	Vakalat Nama (on original file)		

  
Applicant/respondent No.23

Through:

**Mian Muhibullah Kakakhel**  
Senior Advocate,  
Supreme Court of Pakistan

And

  
Muhammad Farooq Afridi  
Advocate High Court,

Dated: 12.12.2013

Kakakhel Law Associates  
(Advocates & Legal Consultants)  
36-C, 2<sup>nd</sup> Floor Cantonment Plaza,  
Saddar Road, Peshawar Cantt  
Cell # 0333-9167424

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

Service Appeal No.

918 / of 2013

Zahid Khalig

...

...

Appellant

VERSUS

DG On Farm Water Management and others...

...

Respondents

APPLICATION ON BEHALF OF RESPONDENT NO. 23  
FOR THE DISMISSAL OF SERVICE APPEAL ON THE  
GROUND OF NON MAINTAINABILITY.

Respectfully Sheweth:

1. That the above mentioned Service Appeal is fixed for 12.12.2013 for arguments on Interim Relief. It is respectfully submitted that the appeal is not maintainable and is liable to be dismissed in limine on the following grounds:-
  - a. That the appellant has challenged the draft/tentative seniority list. This Honourable Tribunal can only take cognizance of an appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against a final order of the department in respect of the terms and conditions of service of a Civil Servant. The tentative/draft seniority list cannot be challenged by the appellant being only tentative in nature and not final. Moreover there is no impugned order in the case.
  - b. The service appeal is also not maintainable as the appeal is hit by Provisions of Section 4-B(i) of the Act ibid as the fitness or otherwise if a person to be appointed to or to hold a particular

*Case file be  
requisitioned  
12.12.13*

*to notice be issued  
to opposite party for  
09.01.14  
12.12.13*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

Service Appeal No.

918 / of 2013

*Zahid Khalig*

...

...

Appellant

VERSUS

DG On Farm Water Management and others...

...

Respondents

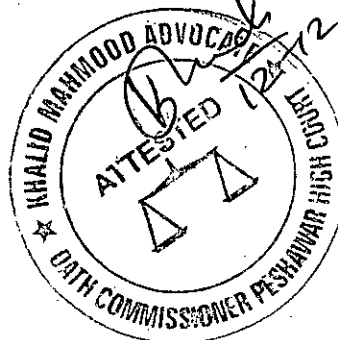
AFFIDAVIT

I, Mansoor Nasir, Water Management Officer District Government Nowshera, do hereby solemnly affirm and declare that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

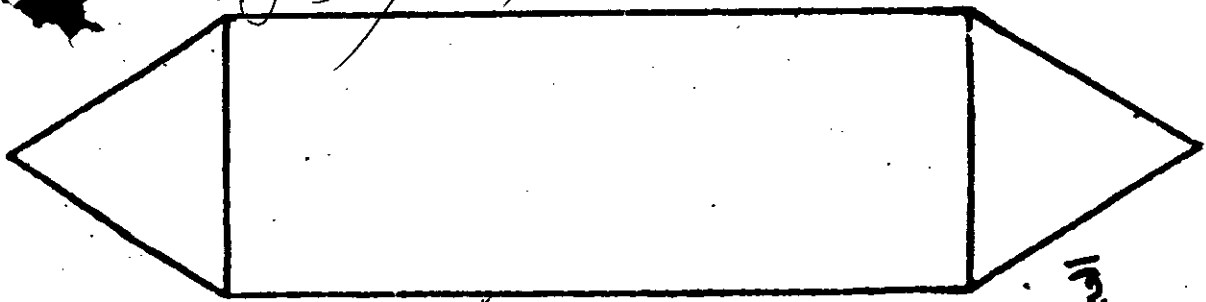
*MNS*  
Deponent

IDENTIFIED BY:

*Mian Muhibullah Kakakhel*  
Mian Muhibullah Kakakhel  
Advocate, Peshawar.



# بعدالت صاحب سرمدی ٹریڈنگ کمپنی لٹڈ



لاہور  
مقدمہ  
دعویٰ  
جرم

12 دسمبر 2013  
نام ڈی جی ان فاد م و الٹر  
صحتیٹ ٹریڈنگ کمپنی

زائد خالق  
Appeal No. 918/2013

## باعث تحریرانگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن نظام کسٹمر کے لئے صحیحاً و صحیحاً و صحیحاً مقرر کر کے اقرار کیا جاتا ہے کہ صاحب مومن کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا نیز صاحب کو کرنے لازمی نامہ و تقررات و فیصلہ برطرف دینے جواب دہی اور اقبال دعویٰ اور بصورت دیگر کی کہ نے اجراء اور وصولی چیک در پینہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق نہ رہیں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دیگر کیغفرہ یا اپیل کی برآمدگی اور منوفی نیز دائر کرنے اپیل ٹکڑی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے سہرا یا اپنی جیب سے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جلد مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پوراقت منظور و قبول ہوگا۔ و دوران مقدمہ میں جو چیز و ہر جائزہ اتوائے مقدمہ کے سب سے ہوگا۔ اس کے سختی و کس صاحب مومن ہوں گے۔ نیز بقایا و خرچہ کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا بعد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا نکات نامہ لکھ دیا کہ مستند ہے۔

Resp No 23

M. Farooq  
Advocate  
12/12/13

المرقوم  
12  
دراختہ

مقام کے لئے منظور ہے۔

M. Farooq  
Advocate  
12/12/13

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

In Re:

Service Appeal No. / 2014:

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

Versus

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

**REPLY ON BEHALF OF APPELLANT**

**Respectfully Sheweth:**

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

**GROUND**

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

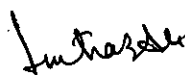
- b. Denied. The appeal filed by the appellant is for correction of the impugned seniority list. The appellant being regular employee of the Department is senior to the private respondents. The appellant has challenged the impugned seniority list, wherein, he has been shown junior to the private respondents.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

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

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

  
Appellant

through



**Imtiaz Ali,**  
Advocate Supreme Court of Pakistan.

Dated: 18.02.2014

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

In Re:

Service Appeal No. / 2014.

**Zahid Khaleeq,**  
On Farm Water Management District Mardan..... **APPELLANT**

Versus

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

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

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

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

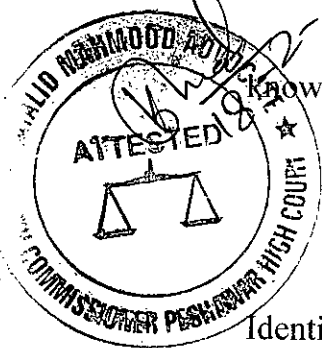
  
Deponent

**VERIFICATION:**

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

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

  
Deponent



Identified by:

Advocate.

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

Appeal No. 918/2013

Mr. Zahid Khaliq  
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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DEPONENT



(1)

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

In the matter of Service Appeal No. 918/2013 of Zahid Khaliq Water Management Officer (BS-17).....**Appellant**

**VERSUS**

Director General On Farm Water Management, Khyber Pakhtunkhwa, Peshawar & others

Secretary to Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department Peshawar.....**Respondents**

**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.
3. That the Appeal is premature.
4. That due to concealment of material facts and misstatement the appeal is liable to be dismissed.
5. 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.

2. 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.

### **GROUND**

- 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


LS)


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.
- II 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)**

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa  
Peshawar  
**(Respondent No. 1)**

6)

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

Appeal No. 918/2013

Mr. Zahid Khaliq  
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 7/6/2011

**NOTIFICATION.**

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

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

2. Terms & Conditions of their regularization in service are as under:-

i. 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. (8)

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.

*hmb*  
(SAKHI-UR-REHMAN)  
SECTION OFFICER-ESTT.



Annex-B

(9)

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 AND  
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)

AND

C.M.A. NO. 267-P OF 2013 AND  
CIVIL PETITION NO. 221-P OF 2012  
(on 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. No. 200-A of 2012)

Government of KPK through  
Secretary Agriculture & others

...Petitioners/Applicants.

VERSUS

Adnanullah  
Amir Hussain & others  
Muhammad Younas and others  
Atta Ullah Khan & others

(in CP 302-P/11)  
(in CP 572-P/12)  
(in CP 221-P/12)  
(in CP 222-P/12)

...Respondents.

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.

(in CP 572-P/11)  
(in CP 222-P/12)

Mr. Waseem-ud-Din Khattak, ASC.  
Mr. Ejaz Anwar, ASC.

(CMA 267-P of 2013) Nemo.

ATTESTED

Registrar,  
Supreme Court of Pakistan,  
Islamabad.

Date of Hearing: 13.06.2013

ORDER

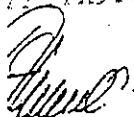
(10)

NASIR-UL-MULK, J.— These petitions for leave to appeal 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.

2. 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.

3. 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


UNTESTED

  
Judge,  
Peshawar High Court,  
Peshawar.

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'.

4. 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 afore-stated 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.

5. 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 834 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

ATTESTED  
  
Registrar,  
Supreme Court of Pakistan,  
Peshawar.

123

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 passed 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.

6. 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 non-availability 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 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

ATTESTED




Deputy Registrar  
Supreme Court of Pakistan  
Peshawar

judgments were delivered. The appointment letters of the "project 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.

7. It 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:

- i.) 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

ATTESTED

  
Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

(14)

their seniority position, would their appointments be reversed.

8. As the decision on Paragraph 6(iv) might effect the appointments of such employees, notices need to be issued to them in accordance with the list to be provided by the learned Additional Advocate General. The appeals be heard on the present record, with liberty to the parties to file additional documents.

9. Since the judgments of this Court in Civil Appeals No. 834 to 837 of 2010 (ibid) and Civil Petition Nos. 562-P to 571-P etc. of 2012 (ibid) were delivered by three Members Benches, let the matter be placed before the Honourable Chief Justice of Pakistan for constitution of a Larger Bench.

**C.M.A. NOs. 17-P of 2012 and 264-P of 2013**

These applications for filing additional documents and clubbing Civil Petition No.222-P of 2012 with the above titled appeals respectively are allowed and both the applications are disposed off.

**C.M.A. NO. 267-P of 2013**

The application for impleadment as respondents is dismissed for non-prosecution.

Sd/- Nasir-ul-Mulk J.  
Sd/- Sarmad Jalal Osmani J.  
Sd/- Iqbal Hameedur Rahman J.  
Certified to be true copy  
*Mudassar*

25-6-2013  
Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar

PESHAWAR  
13<sup>th</sup> June, 2013.  
*Mudassar*

"Not approved for reporting."

Annex - c  
L(5) H/C

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 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 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. 6 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 4/2/2013

Abdullah Khan  
Water Management Officer  
On Farm Water Management Mardan.

3/A  
4/2/2013

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 Section-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 31<sup>st</sup> December, 2012, is notified/ circulated:-

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

for m/e  
Adm. A  
26-8-2013



(97)

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 M.Sc. (Hons) Agriculture	01/04/1964 Karak	31/08/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Abbottabad
14	Mr. Muhammad Suleman M.Sc. (Hons) Agriculture	01/01/1955 Haripur	01/09/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Haripur
15	Mr. Javed Ali M.Sc. (Hons) Agriculture	01/11/1959 Nowshera	01/09/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Kohat
16	Mr. Zahir Ali B.Sc. Agriculture Engineering	06/04/1958 Mardan	07/09/1986	18/12/2008	18	Promotion	Deputy Director (BS-18) OFWM Mardan
17	Mr. Haq Nawaz M.Sc. (Hons) Agriculture	01/01/1959 Swat	20/09/1986	18/12/2008	18	Promotion	Deputy Director (BS-18) OFWM District Swat
18	Mr. Ghulam Khaliq M.Sc. Agriculture Engineering	01/02/1954 Dir	13/11/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Chitral
19	Mr. Zia-ud-Din M.Sc. (Hons) Agriculture	02/04/1959 Malakand	25/08/1987	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Dir Upper
20	Mr. Dawa Khan B.Sc. Agriculture Engineering	15/10/1959 Mardan	25/08/1987	22/03/2009	18	Promotion	District Officer (BS-18) OFWM District Malakand
21	Mr. Obaidullah B.Sc. (Hons) Agriculture	16/9/1958 Mardan	09/09/1987	4/7/2012	18	Promotion	District Officer (BS-18) OFWM District Buner
22	Mr. Muhammad Saleem Malik B.Sc. Agriculture Engineering	1/5/1956 Mansehra	20/09/1987	4/7/2012	18	Promotion	District Officer (BS-18) OFWM District Battagram
23	Mr. Mian Ghulam Hussain M.Sc. (Hons) Agriculture	1/5/1959 Mansehra	3/4/1989	4/7/2012	18	Promotion	District Officer (BS-18) OFWM District Shangla



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

Dated Peshawar, the August 21, 2013

**NOTIFICATION**

**NO. SOE(AD)II(2) 391/2012.** In pursuance of Section-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 31<sup>st</sup> December, 2012, is notified/ circulated:-

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post		Present posting	Remarks
				BPS	Methods of recruitment		
1	2	3	4	6	7	8	9
1	Mr. Mohammad Jamil B.Sc. Agriculture Engineering	1/5/1957 Nowshera	30/04/1987	17	By Initial Recruitment	Assistant Director o/o DO OFWM Mansehra	The officer not promoted to the post of BS-17 Supervisory due to long leave
2	Mr. Muhammad Ishaq M.Sc.(Hons) Agriculture	25/12/1964 Malakand	09/12/1990	17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Abbottabad	Promoted to BS-17 (Supervisory) on 22/2/2011
3	Mr. Masud-ur-Rehman M.Sc.(Hons) Agriculture (Water Management)	07/04/1967 Karak	20/01/1992	17	By Initial Recruitment	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Hangu	The officer not promoted to the post of BS-17 Supervisory due to long leave
4	Mr. Bakhtawar Shah M.Sc.(Hons) Agriculture	2/2/1963 Buner	20/01/1992	17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Buner	Promoted to BS-17 (Supervisory) on 22/2/2011
5	Mr. Bakht Ali M.Sc.(Hons) Agriculture	06/10/1967 Karak	27/11/1994	17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Kohat	Promoted to BS-17 (Supervisory) on 22/2/2011

*Amir*  
*Amir*  
 26-8-2013

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

In Re:

Service Appeal No. / 2014.

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

Versus

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

**REPLY ON BEHALF OF APPELLANT**

**Respectfully Sheweth:**

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

**GROUND**

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

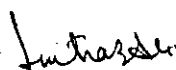
- b. Denied. The appeal filed by the appellant is for correction of the impugned seniority list. The appellant being regular employee of the Department is senior to the private respondents. The appellant has challenged the impugned seniority list, wherein, he has been shown junior to the private respondents.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

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

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

Appellant

through



Imtiaz Ali,  
Advocate Supreme Court of Pakistan.

Dated: 18.02.2014

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

In Re:

Service Appeal No. / 2014.

**Zahid Khaleeq,**  
On Farm Water Management District Mardan..... **APPELLANT**

Versus

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

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

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

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

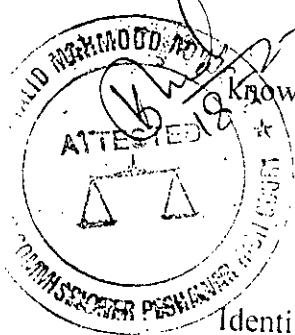
**VERIFICATION:**

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

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

Identified by:

Advocate.



*[Signature]*  
Deponent

*[Signature]*  
Deponent

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

Appeal No. 918/2013

Mr. Zahid Khaliq  
WMO

APPELLANT

**VERSUS**

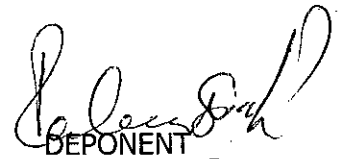
Director General,  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

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

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DEPONENT

(1)

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

In the matter of Service Appeal No. 918/2013 of Zahid Khaliq Water Management Officer (BS-17).....**Appellant**

**VERSUS**

Director General On Farm Water Management, Khyber Pakhtunkhwa, Peshawar & others  
Secretary to Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department Peshawar.....**Respondents**

**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.
3. That the Appeal is premature.
4. That due to concealment of material facts and misstatement the appeal is liable to be dismissed.
5. 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.

2. 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.

### **GROUND**

- 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

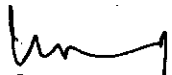
(S)


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.
- II 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)**

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa  
Peshawar  
**(Respondent No. 1)**

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

Appeal No. 918/2013

Mr. Zahid Khaliq  
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

699  
Amir - A  
7

Dated Peshawar, the 7/6/2011

**NOTIFICATION.**

**NO. SOE (AD) 17-131/2009.-**

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

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

Diary No. 852  
Dated 16-6-11  
O/o Director General OFWMA,  
Khyber Pakhtunkhwa, Peshawar

Terms & Conditions of their regularization in service are as under:-

- i. 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.

Adm. Officer,  
(5/16/11)

E. ABBAS: P

16-6-11

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

**SECRETARY AGRICULTURE.**

(8) 645

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-UR-REHMAN)  
SECTION OFFICER-ESTT:

IN THE SUPREME COURT OF PAKISTAN  
( Appellate Jurisdiction )

PRESENT:  
MR. JUSTICE NASIR-UL-MULK  
MR. JUSTICE SARMAJ 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 AND  
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)

AND

C.M.A. NO. 267-P OF 2013 AND  
CIVIL PETITION NO. 221-P OF 2012  
(on 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, Abbotabad Bench dated 13.03.2012 in W.P. No. 200-A of 2012)

Government of KPK through  
Secretary Agriculture & others ...Petitioners/Applicants.

VERSUS

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

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.

(in CP 572-P/11) Mr. Wassem-ud-Din Khattak, ASC.  
(in CP 222-P/12) Mr. Ejaz Anwar, ASC.

(CMA 267-P of 2013) Nemo.

ATTESTED

Deputy Registrar,  
Supreme Court of Pakistan,  
Islamabad.

Date of Hearing: 13.06.2013

(10)

ORDER

NASIR-UL-MULK, J.— These petitions for leave to appeal 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.

2. 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.

3. 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

UNTESTED



Justice  
Nasir-ul-Mulk  
Court of Pakistan  
Peshawar




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'.

4. 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 afore-stated 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.

5. 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. 834 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

APPOINTED  
  
Ijaz Ahmad  
Justice  
Supreme Court of Pakistan  
Peshawar

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 passed 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.

6. 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 non-availability 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 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

ATTESTED




Deputy Registrar  
Supreme Court of Pakistan  
Peshawar

Judgments were delivered. The appointment letters of the "project 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.

7. It 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:

- i.) 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

ATTESTED

  
Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

their seniority position, would their appointments be reversed.

8. As the decision on Paragraph 6(iv) might effect the appointments of such employees, notices need to be issued to them in accordance with the list to be provided by the learned Additional Advocate General. The appeals be heard on the present record, with liberty to the parties to file additional documents.

9. Since the judgments of this Court in Civil Appeals No. 834 to 837 of 2010 (ibid) and Civil Petition Nos. 562-P to 571-P etc. of 2012 (ibid) were delivered by three Members Benches, let the matter be placed before the Honourable Chief Justice of Pakistan for constitution of a Larger Bench.

**C.M.A. NOs. 17-P of 2012 and 264-P of 2013**

These applications for filing additional documents and clubbing Civil Petition No.222-P of 2012 with the above titled appeals respectively are allowed and both the applications are disposed off.

**C.M.A. NO. 267-P of 2013**

The application for impleadment as respondents is dismissed for non-prosecution.

Sd/- Nasir-ul-Mulk J.  
Sd/- Sarmad Jalal Osmani J.  
Sd/- Iqbal Hameedur Rahman J.

certified to be true copy  
*Mudassar*

25-6-2013  
Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar

PESHAWAR  
13<sup>th</sup> June, 2013.

Mudassar  
*Mudassar*

"Not approved for reporting."

Annex - C

(15) H/

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  
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 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. 8 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* 4/2/2013

Abdullah Khan

Water Management Officer

On Farm Water Management Mardan.

*U/A*  
*4/2/2013*

Ammed - D 7/3

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

(16)

No. 5324-97 /DG/OFWM dated Peshawar the, 26/12 /2012.  
To,

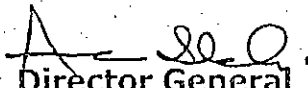
1. Director (HRD),  
On Farm Water Management,  
Training Center D.I.Khan
2. All Deputy Directors,  
Water Management in Khyber Pakhtunkhwa.
3. All District Officers,  
On Farm Water Management in Khyber Pakhtunkhwa.
4. All Assistant Directors/Water Management Officers in Khyber Pakhtunkhwa.

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

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

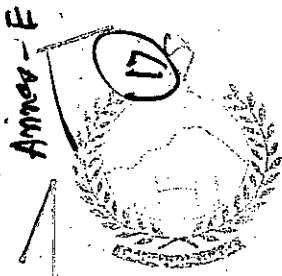
Any discrepancy/omission in the seniority list may please be intimated to this office within a week time positively for necessary correction, otherwise the same will be considered as undisputed final and will be submitted to the Admn: Department for approval.

Encl: As above

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar

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

**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa Peshawar



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 Section-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 31<sup>st</sup> December, 2012, is notified/ circulated:-

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

for m/e  
Adm. A  
26-8-2013



9	Mr. Muhammad Afzal B.Sc. Agriculture Engineering	01/01/1963 Mansehra	27/08/1986	18/12/2008	18	Promotion	Executive District Officer (Agn) (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 M.Sc.(Hons) Agriculture	01/04/1964 Karak	31/08/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Abbottabad
14	Mr. Muhammad Suleman M.Sc.(Hons) Agriculture	01/01/1955 Haripur	01/09/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Haripur
15	Mr. Javed Ali M.Sc.(Hons) Agriculture	01/11/1959 Nowshera	01/09/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Kohat
16	Mr. Zahir Ali B.Sc. Agriculture Engineering	06/04/1958 Mardan	07/09/1986	18/12/2008	18	Promotion	Deputy Director (BS-18) OFWM Mardan
17	Mr. Haq Nawaz M.Sc.(Hons) Agriculture	01/01/1959 Swat	20/09/1986	18/12/2008	18	Promotion	Deputy Director (BS-18) OFWM District Swat
18	Mr. Ghulam Khaliq M.Sc. Agriculture Engineering	01/02/1954 Dir	13/11/1986	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Chitral
19	Mr. Zia-ud-Din M.Sc.(Hons) Agriculture	02/04/1959 Malakand	25/08/1987	18/12/2008	18	Promotion	District Officer (BS-18) OFWM District Dir Upper
20	Mr. Dawa Khan B.Sc. Agriculture Engineering	15/10/1959 Mardan	25/08/1987	22/03/2009	18	Promotion	District Officer (BS-18) OFWM District Malakand
21	Mr. Obaidullah B.Sc.(Hons) Agriculture	16/9/1958 Mardan	09/09/1987	4/7/2012	18	Promotion	District Officer (BS-18) OFWM District Buner
22	Mr. Muhammad Saleem Malik B.Sc. Agriculture Engineering	1/5/1956 Mansehra	20/09/1987	4/7/2012	18	Promotion	District Officer (BS-18) OFWM District Battagram
23	Mr. Mian Ghulam Hussain M.Sc.(Hons) Agriculture	1/5/1959 Mansehra	3/4/1989	4/7/2012	18	Promotion	District Officer (BS-18) OFWM District Shangla



(19)

24	Mr. Jehangir Khan M.Sc. (Hons) Agriculture Engineering	2/4/1963 Charsadda	3/4/1989	4/7/2012	18	Promotion	District Officer (BS-18) OFWM District Charsadda
25	Mr. Nasib-ur-Rehman M.Sc. (Hons) Agriculture Water Management	30.5.1964 Karak	9/12/1990	4/7/2012	18	Promotion	District Officer (BS-18) OFWM District Karak
26	Mr. Muhammad Hayat B.Sc. (Hons) Agriculture	1/4/1967 Swabi	9/12/1990	4/7/2012	18	Promotion	District Officer (BS-18) OFWM District Swabi

certified that the above list is final and undisputed

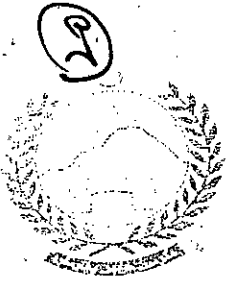
SD/ x  
CHIEF CRETARY  
KHYBER PAKHTUNKHWA

Endst. No. and Date even

Copy forwarded to the:-

1. 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.
6. PS to Secretary Agriculture, Livestock and Coop: Department Khyber Pakhtunkhwa.
7. Officers Concerned
8. Manager, Govt. Printing Press, Peshawar

(MUHAMMAD SHERAZ)  
SECTION OFFICER-ESTT



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

Dated Peshawar, the August 21, 2013

**NOTIFICATION**

**NO. SOE(AD)II(2) 391/2012.** In pursuance of Section-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 31<sup>st</sup> December, 2012, is notified/ circulated:-

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post		Present posting	Remarks
				BPS	Methods of recruitment		
1	2	3	4	6	7	8	9
1	Mr. Mohammad Jamil B.Sc. Agriculture Engineering	1/5/1957 Nowshera	30/04/1987	17	By Initial Recruitment	Assistant Director o/o DO OFWM Mansehra	The officer not promoted to the post of BS-17 Supervisory due to long leave
2	Mr. Muhammad Ishaq M.Sc.(Hons) Agriculture	25/12/1964 Malakand	09/12/1990	17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Abbottabad	Promoted to BS-17 (Supervisory) on 22/2/2011
3	Mr. Masud-ur-Rehman M.Sc.(Hons) Agriculture (Water Management)	07/04/1967 Karak	20/01/1992	17	By Initial Recruitment	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Hangu	The officer not promoted to the post of BS-17 Supervisory due to long leave
4	Mr. Bakhtawar Shah M.Sc.(Hons) Agriculture	2/2/1963 Buner	20/01/1992	17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Buner	Promoted to BS-17 (Supervisory) on 22/2/2011
5	Mr. Bakht Ali M.Sc.(Hons) Agriculture	06/10/1967 Karak	27/11/1994	17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Kohat	Promoted to BS-17 (Supervisory) on 22/2/2011

A. A. A. 26-8-2013

(21)	M.Sc.(Hons) Agriculture	North Waziristan Agency		Supervisory		Supervisory) Water Management Training Center D.I.Khan	BS-17 (Supervisory) on 22/2/2011
7	Mr. Shad Muhammad M.Sc.(Hons) Agriculture	10/5/1965 Battagram	27/11/1994	17	By initial recruitment	Long Leave	The officer not promoted to the post of BS-17 Supervisory due to long leave
8	Mr. Habib-ur-Rehman M.Sc.(Hons) Agriculture	01/12/1969 Tank	27/11/1994	BS-17 Supervisory	By Promotion	District Officer OFWM Tank (Own Pay Scale)	Promoted to BS-17 (Supervisory) on 22/2/2011
9	Mr. Saeed-ur-Rehman M.Sc.(Hons) Agriculture	01/08/1968 Swabi	27/11/1994	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Nowshera	Promoted to BS-17 (Supervisory) on 22/2/2011
10	Mr. Hamidullah M.Sc.(Hons) Agriculture	01/01/1965 Swat	27/11/1994	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o Dy: Director OFWM District Swat	Promoted to BS-17 (Supervisory) on 22/2/2011
11	Mr. Muhammad Anwar M.Sc.(Hons) Agriculture	09/04/1967 Charsadda	27/11/1994	BS-17 Supervisory	By Promotion	Assistant Director (BS- 17)Supervisor o/o DO OFWM District Charsadda	Promoted to BS-17 (Supervisory) on 22/2/2011
12	Mr. Abdul Hafeez M.Sc.(Hons) Agriculture	22/06/1963 Mardan	27/11/1994	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o District Officer OFWM Hangu(OPS)	Promoted to BS-17 (Supervisory) on 22/2/2011
13	Raja Muhammad Javed Arif B.Sc. Agriculture (Water Management)	03/04/1965 Haripur	26/01/1995	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Chitral	Promoted to BS-17 (Supervisory) on 22/2/2011
14	Mr. Muhammad Asif M.Sc. Agriculture Engineering	01/03/1970 Nowshera	01/10/1996	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DG OFWM Khyber Pakhtunkhwa Peshawar	Promoted to BS-17 (Supervisory) on 22/2/2011
15	Mr. Irfan Hussain M.Sc.Hon Agriculture Engineering	14/4/1965 Peshawar	01/10/1996	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM Kohistan	Promoted to BS-17 (Supervisory) on 22/2/2011
16	Mr. Imtiaz Khan M.Sc.(Hons) Agriculture (Water Management)	06/06/1964 Mardan	01/10/1996	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Swabi.	Promoted to BS-17 (Supervisory) on 22/2/2011
17	Mr. Sultan Muhammad M.Sc.(Hons) Agriculture (Water Management)	01/02/1969 Malakand	01/10/1996	BS-17 Supervisory	By Promotion	Assistant Director (BS-17 Supervisory) o/o DO OFWM District Malakand	Promoted to BS-17 (Supervisory) on 22/2/2011

18	Mr. Riaz Gul M.sc Irrigation Engineering & Management (Philippine)	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
19	Mr. Muhammad Ghafoor M.Sc.(Hons) Agriculture (Water Management)	07/02/1969 North Waziristan 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	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
21	Mr. Mansoor Nasir M.Sc.(Hons) Agriculture	01/04/1966 Nowshera	13/06/1995	BS-17	Adjusted from FVDB	Planning Officer (BS-17) District Govt. Nowshera	Adjusted on 01/11/2002

Certified that the above list is final and undisputed

SD/ x  
CHIEF CRETARY  
KHYBER PAKHTUNKHWA

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

1. 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.
6. PS to Secretary Agriculture, Livestock and Coop: Department Khyber Pakhtunkhwa.
7. Officers Concerned
8. Manager, Govt. Printing Press, Peshawar

(MUHAMMAD SHERAZ)  
SECTION OFFICER-ESTT.

# WAKALAT NAMA

(POWER OF ATTORNEY)

Before Sexua Tribunal KP 12

Zaher Khaliq

(Petitioner)

(Plaintiff)

Applicant

(Applicant)

(Complainant)

(Decree Holder)

VERSUS

Director general & others

(Respondent)

(Defendant)

(Accused)

(Judgment Debtor)

I/We Mohammad Ishtaq Respondent No

In the above noted Appeal No 918/2013, do hereby appoint and constitute Qazi Zaki Ud Din Advocate Supreme Court of Pakistan Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at my/our matter.

M/MD  
CLIENT

Attested & Accepted.

(Subject to payment of professional fee)

Qazi Zaki Ud Din

**Qazi Zaki Ud Din**

Advocate

Supreme Court of Pakistan

Peshawar

Cell # 0333-9118717