24.01.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. The present case is lingering on since the year 2013. Case called but none appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

more on the determination of the

3. 1. 188 C. 1

Member

Member

12.10.2018

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondent present. Junior to counsel for the appellant seeks adjournment on the ground that his senior counsel is not in attendance. Adjourned. To come up for arguments on 27.11.2018 before D.B

Member

Member

27.11.2018

Junior to counsel for the appellant and Addl. AG for the respondents present.

1.1

Learned senior counsel for appellant is reported to be busy before the Hon'ble High Court in a number of cases today. A request for adjournment made at the bar. Adjourned

to 24.01.2019 for arguments before the D.B.

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12.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Shahab Khattak, Coordinator for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 28.06.2018 before the D.B.

Member

Chairman

28.06.2018

Clerk of the counsel for appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 10.08.2018 before D.B.

(Muhammad Amin Kundi) Member

(Muhammad Hamid Mughal) Member

10.08.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.10.2018 before D.B.

(Muhammad Amin Kundi) Member

(Muhammad Hamid Mughal) Member

01.10.2018

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondent present. Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Last opportunity is granted. Adjourned. To come up for arguments on 12.10.2018 before D.B.

(Hussain Shah) Member (Muhammad Hamid Mughal) Member 10.11.2017

Junior counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Ehtisham, Assistant Director Food for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 12.12.2017 before D.B.

(Gul Zeb Khan) Member

(Muhammad Amin Khan Kundi) Member

12.12.2017

Appellant in person and Mr. Kabeerullah Khattak, Addl. AG for the respondents present. Due to general strike of the bar, counsel for the appellant is not in attendance. To come up for arguments on 14.02.2018 before the D.B.

Member

Chairman

13.02.2018

Clerk of the counsel for appellant present. Mr. Zia Ullah, DDA for the respondents present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 12.04.2018 before D.B.

Member

Counsel for the appellant (Mr. Noor Muhammad Khattak, Advocate) and Addll: AG for respondents present. Counsel for the appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 18.11.2016.

Member

Member

18.11.2016

Agent to counsel for the appellant and Mr. Shakirullah, Assistant Director alongwith Mr. Ziaullah, GP for respondents present. Rejoinder submitted and requested for adjournment. To come up for arguments on 16.3.2017 before

D.B.

Member

Chairman

16.03.2017

Mr. Muhammad Jilal, junior counsel for appellant and Mr. Ehtisham, Assistant Director (Food Cell) alongwith Mr. Muhammad Adeel Butt, Additional AG for official respondents No. 1 to 3 present. Junior counsel for appellant requested for adjournment as senior counsel for appellant is stated busy in the Hon'ble Peshawar High Court. Adjournment granted. To come up for arguments on 11.07.2017 before D.B.

(ASHFAQUE TAJ) : MEMBÈR (MUHAMMAD AAMIR NAZIR) MEMBER

11.07.2017

Junior to counsel for the appellant and Mr. Ziaullah, DDA for the respondents present. Requested for adjournment as senior counsel for the appellant is busy in Darul Qaza, Swat. Adjourned. To come up for arguments on 10.11.2017 before the D.B.

Member

26.10.2015

Counsel for the appellant, M/S Miftah-ud-Din, Agriculture Officer and Zia-ul-Islam, APO alongwith Addl: A.G for official respondents No. 1 to 3 present. None present for private respondents No.4 to 6. Fresh notices be issued to the afore-sated private respondents for 28.01.2016 for submission of written reply/comments before S.B.

Charman

28.1.2016

Counsel for the appellant, M/S Meftah-ud-Din, Agriculture Officer and Shakir Ullah, AD alongwith Addl: A.G for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 to 6. Proceeded ex-parte. Official respondents requested for further adjournment. Last opportunity granted To come up for written reply/comments on behalf of official respondents No. 1 to 3 on 14.4.2016 before S.B.

Chairman

14.4.2016

Agent of counsel for the appellant and M/S Misbahud Din, Agriculture Officer and Shakirullah, AD alongwith Addl: A.G for respondents present. Written reply by respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 05.8.2016.

06.07.2015

Clerk of counsel for the appellant and Asstt: AG for the respondents present. Clerk of counsel for the appellant requested for adjournment. To come up for preliminary hearing on 28.07.2015.

A___

Member

28.07.2015

Counsel for the appellant and Assistant A.G for respondents present. Learned counsel for the appellant argued that the appellant is entitled to be considered for promotion as Agriculture Inspector on the strength of the notification dated 20.4.2012 on the basis of seniority-cum-fitness and that the respondents are not justified to apply the mandates of notification dated 30.6.2011 including clause-iii, iv and v of the said notification as the same stood superseded on the strength of notification dated 20.4.2012. That the appellant preferred departmental appeal on 8. 2.2013 against the said decision which was not responded and hence the instant service appeal on 10.6.2013.

That the appellant is entitled to be considered for promotion to the post of Agriculture Inspector on the strength of notification dated 20.4.2012 and that the vires of superseding the notification dated 30.6.2011 are not applicable to the case of the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 26.10.2015 before S.B. Notice of the stay application be also issued for the date fixed.



Agent of counsel for the appellant and Asstt: AG for the respondents present. Agent of counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 04.05.2015 before S.B.

Member

22

04.05.2015

Clerk of counsel for the appellant and Asstt:AG for the respondents present. Clerk of counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing for 27.05.2015 before S.B.

Member

27.05.2015

Clerk of counsel for the appellant and Asstt: AG for the respondents present. Clerk of counsel for the appellant requested for adjournment. Adjourned to 06.07.2015 for preliminary hearing before S.B.



23.09.2014 bas for

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Preliminary arguments to some extent heard.

Counsel for the appellant requested for adjournment. To come up for further preliminary hearing on 20.11.2014.

Member

19

Reader Note:

20.11.2014

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 05.01.2015 for the same.

Keader /

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Reader Note:

05.01.2015

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned 20-6,2015 for the same.

Z Neader

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Preliminary arguments partly heard. The learned counsel for the appellant argued before the Court that during to pendency of the appeal the respondents have notified fresh service rules superseding the old service rules copy of the same has already been filed through application for placing on file additional documents, therefore appellant be allowed to amend the instant appeal. Adjournment for amendment in the instant appeal granted subject to all legal objections. To come up for preliminary hearing on 28.08.2014.

Member

28.08.2014

Counsel for the appellant and Mr. Kabirullah Khattak, Assistant Advocate General for the respondents present. Learned counsel for the appellant filed amended appeal with spare sets, copy whereof is handed over to the learned AAG. To come up for further proceedings on 23.09.2014.

Member

06.08.201

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 15.08.2014.

Member

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Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 30.06.2014.

Member

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 11.07.2014.

Меmber

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Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on **26**.0**8**.2014.

1/ember

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the apellent requested for adjournment due to general strikes of the Bar. To come up for preliminary hearing on 16.05.2014.

Member

16.05.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. To come up for preliminary hearing on 20.06.2014.

Member

20.06.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant filed an application for allowing the appellant to submit additional documents in the instant appeal, copy of application is handed over the learned GP. To come up for further preliminary hearing on 24.06.2014.

ember

28.02,2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Counsel for the appellant submitted redrafted page No.1 of the memo of appeal with spare sets. Preliminary arguments to some extant heard. The learned counsel for the appellant requested for further time to assist the tribunal on the point of maintainability. To come up for further preliminary hearing 25.03.2014.

25.03.2014 Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Preliminary arguments partly heard. Perusal of the case file reveals that through the instant appeal the appellant notification dated 30.06.2011, impugned departmental appeal filed by the appellant on 08.02.2013, with considerable delay. The learned counsel for the appellant requested the first land the fortime to assist the Tribunal regarding filing of late departmental doing from heavy age appeal. To come up for further preliminary arguments

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Clerk of counsel for the appellant present, and requested of the Bar. To come up for and a transfer shared a preliminary hearing along with connected appeals on 07.11.2013.

Munshi to counsel for the appellant present. Requested for adjournment to come up for preliminary hearing on 20.12.2013.

mber

Clerk of counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on \$10.02.2013.

Counsel for the appellant present and submitted an application for suspension of operation of impugned notification dated 30.06.2011. He requested for adjournment. To come up for preliminary hearing on 28.02.2014.

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The appeal of Mr.Shamsher Khan Field Assistant received today i.e. 07/06/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days:-

- 1- Addresses of respondent No. 4 to 6 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal Rules
 - Copy of move-over order in respect of appellant mentioned in para-2 of the memo of appeal (Annexure-B) is not attached with the appeal which may be placed on it.

No. 448 /S.T.

Dt. 10 / 05 /2013.

Registrat

Khyber Pakhtunkhwa
Service Tribunal
Peshawar.

Noor Muhammad Khattak Adv. Pesh.

Note:

Six, All the objections has been removed hence resubmitted today dated 20/6/2013

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Sir, So for the addresses of the respondents are concerned the pelongs to concerned eligerent agencies in FATA, there for respondents may informed through respondent NO-2.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO._____/2014

APPEAL NO.____/2013

Shamsher khan

VS

A.C.S. FATA

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal		1- 4.
2.	Stay application		5.
3.	Service Book	Α	6- 10.
4.	Promotion order	В	11- 12.
6.	Seniority lists	C & D	13- 15.
7.	Notification dated:30.6.2011	E	16- 17.
8.	Notification dated:20.4.2012	F	18- 22.
9.	Notification dated:01.02.1981	G	23- 31.
10.	Departmental appeal	Н	32- 33.
11.	Vakalat nama		34.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Amended	Appeal No.	ı	/2014

In Appeal No. /033 /2013.

Mr. Shamsher Khan, Field Assistant (BPS-09),
O/O the Agency Agriculture Officer Bajaur at Khar......APPELLANT

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 2- The Director Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 3- The Agency Agriculture Officer, Bajaur at Khar.
- 4- Mr. Mazhar Ali Shah, Agriculture Officer, C/O Director of Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 5- Mr. Hidayatullah, Agriculture Officer, C/O Director of Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 6- Mr. Sher Afzal, Agriculture Officer, C/O Director of Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.

 RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974

AGAINST THE IMPUGNED NOTIFICATION DATED 30-06-2011 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS

PRAYERS:

That on acceptance of this appeal the impugned Notification dated 30-06-2011 may very kindly be set aside to the extant of the appellant and the respondent Department may be directed to treat/proceed the appellant in light of the Notification dated 20-04-2012. Any other remedy which this august tribunal deems fit may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1- That appellant has joined respondent Department as Field Assistant (BPS-06) vide order dated 11-06-1984. That right from appointment till date appellant performing his duty quite efficiently and up to the entire satisfaction of his superiors.

- That appellant was allowed Selection grade to (BPS-09) vide 2order dated 24-12-1990. That appellant has served the respondent Department for more than 28 years as Field Assistant. That despite of having experience and seniority the appellant has not been promoted to the post of Agriculture Inspector till date though many other colleagues and junior colleagues of the appellant have been promoted by the respondent Department and has now been working as Agriculture Officers (BPS-17) but the appellant having more than 28 years service and being senior most employee and eligible for promotion has not been promoted till date to the post of Agriculture Inspector. Copies of the orders and seniority lists ... are attached as annexureB, C & D .
- 3-That so much so the respondent Department has issued Notification dated 30-06-2011 due to which the chances of promotion to the post of Agriculture Inspector (BPS-11) has been attached with the condition that "33% of total sanctioned posts of Agriculture Inspector be allowed BPS-11 to BPS-14 as Agriculture Supervisor in each wing of Agriculture Department subject to minimum service of 15 years service as Agriculture Inspector or Field Assistant. The curriculum of Field Assistant class will be revised and duration of the course will be enhanced from 2 years years(Diploma Course) for Field Assistant and six months condensed course in the relevant field in the respective wing Department will be conducted for in of the Agriculture service staff and they will clear the examination in two terms otherwise they will be compulsory retired from service". Copy of the Notification dated 30-06-2011 is attached as
- 4- That the respondent Department through Notification dated 20-04-2012 superceded all the previous Notifications including the impugned Notification dated 30-06-2011. That according to the said Notification dated 20-04-2012 the respondent Department retained/maintained the old criteria for promotion to the post of Agriculture Inspector from the post of Field Assistant which have been mentioned in the old rules. Copies of the Notifications dated are attached as annexure.
- 5- That inspite of the new Notification dated 20-04-2012due to which the respondent Department superceded the impugned Notification dated 30-06-2011 directed the appellant to appear for the condensed course and also informed the appellant will be promoted to the post of Agriculture

Supervisor BPS-14 in the light of impugned Notification dated 30-06-2011.

6- That feeling aggrieved appellant prefer Departmental appeal to respondent Department but no reply has been received with in the statutory period of ninety days. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure. H.

GROUNDS:

- A- That the impugned Notification dated 30-06-2011 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That not granting/allowing promotion to the appellant to the post of Agriculture Inspector (BPS-11) from the post of Field Assistant is against the law, facts, and norms of natural justice.
- C- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- D- That the impugned Notification dated 30-06-2011 has been null and void and having no force of law in light of the new Notification dated 20-04-2012, therefore the same may be set aside.
- E- That despite of having more than 28 years service and having eligibility for promotion to the post of Agriculture Inspector (BPS-11), the appellant has been ignored from promotion to higher scale.
- F- That the respondent Department has acted in arbitrary and malafide manner by not promoting the appellant to the post of Agriculture Inspector (BPS-11) inspite of seniority and eligibility.
- G- That many of the appellant colleagues and junior colleagues have now been working as Agriculture Officers BPS-17 and the appellant is still working as Field Assistant (BPS-09) thus the appellant has been discriminated and not been treated amongst his similarly placed colleague.

That the appellant seeks permission to advance other Hgrounds and proofs at the time of hearing.

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

APPELLANT

SHAMSHER KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

	APPEAL NO				
Shamsher Khar	1	VS		A.C.S.	FATA

APPLICATION FOR SUSPENTION OF OPERATION OF IMPUGNED NOTIFICATION DATED 30-06-2011 TILL THE DISPOSAL OF THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed the above mentioned appeal along with this application is pending adjudication before this august service Tribunal in which 28-08-2014 date is fixed for hearing.
- **2-** That all the three ingredients necessary for the stay is in favor of the appellant.
- **3-** That the impugned Notification dated 30-06-2011 is against the appointment, promotion and transfer rules 1989.
- **4-** That the grounds of main appeal are also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the Notification dated 30-06-2011 may very kindly be suspended till disposal of this appeal.

SHÁMSHER KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

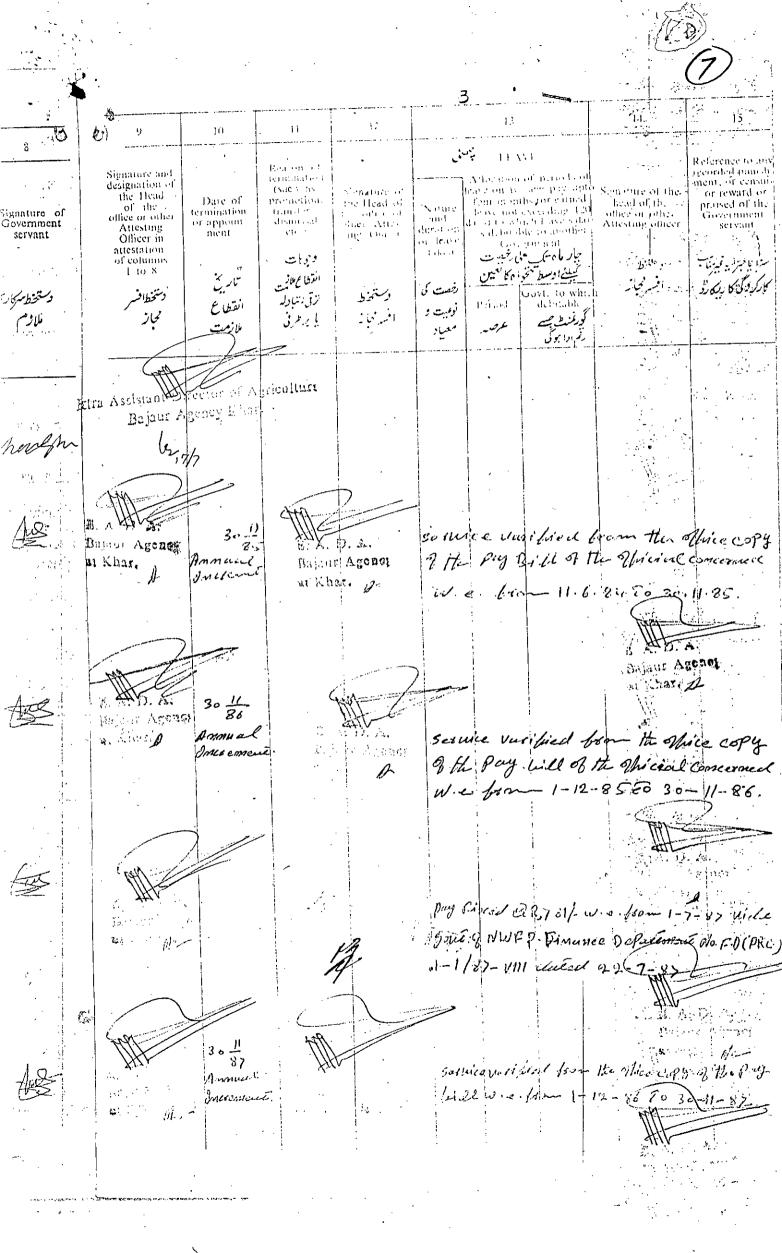
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Note:—The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule. اس صفحه کے سدرجات کم از کم ہائے سال بعد تصدیق ہونا ضروری ہیں اور نمبر ہ - ۱۰ میں دستخطوں کے لیے تاریخ ہوئی چاہتے ۔ انگیوں کے نشانات کیلئے ہر بائے سال کے ہمد تصدیق کی ضرورت نمبیں -

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Signature and designation of the Head of the office or othe Attesting Officer in attestation of columns 1 to 8

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دستخطانسر مجاز

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Name of post	Whether substantive or officiating, and whether permanent for temporary.	If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) voluine II Light County for the state of the st	Pay in substantive post تغنواه لطور علامی	Additional pay for officiating والد تنطور زالد تنطور بطور تاكر مقام	Other emoluments falling under the term "pay" الماد	Date of appoint ment	
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To:

The Secretary to Govt. of NWFP, Agriculture, Livestock and Cooperation Department, Peshawar.

Subject

PROMOTION / POSTING PROPOSAL

Memo:

In this regard the following Agricultural Inspector BS-9 were cleared for promotion to the post of Agricultural Officer (BS-17) by Departmental Promotion Committee on 16.3.2010 of Agriculture post of Agricultural Officer (BS-17) by Departmental Promotion Committee on 16.3.2010 of Agriculture Extension Department.

sion Depar		 	Name of Agril, In	spector
S.No 1 2 3 4 5 6	Name of Agril, Inspector S. Mazhar All Shah S. Sartaj Ul Hassan Noor Rehman Sabit Shah Fazli Akbar Mian Gul Jan Ghazi Gul	8 9 10 11 12 13	Tehseenullah Abdul Sattar Faizur Rehman Amanullah Fazli Mabood Jaffar Khan	

Upon their promotion the transfer / posting proposal is submitted for appro-

No. S	S. Inc. har Ali Shah			Livering the DOSLOPASIUS &
-	S. Mc. Hat All Ottain	Agril, Inspector o/o DOA, DIKhan.	Agricullural Officer, DIKhan	Against the post of Agril. Officer to be vacated by Mr. Ahmad Nawaz promoted to Sup. Post.
	S. Sartaj Ul Hassan	Agril. Inspector o/o DOA, Hangu Agril. Inspector o/o AAO,	Agril: Officer, Hangu against the vacant post. Agril: Officer.	On the disposal of FATA for further posting.
3.	Noor Rehman Satili S ah	Agril Inspector of AAO, S.W. Agency.	Agril: Officer.	On the disposal of FATA for further paging
(3)	Fazli Akbar	Agril. Inspector o/o UOA, Charsadda.		further posting On the disposal of FATA to further posting
(6)	Mian Gul Jan	Agril. Inspector o/o AAO, Bajour Agy.		On the disposal of FATA to
10	Ghazi Gul	Agril. Inspector o/o AAO Bajour Agy.		On the disposal of FATA to further posting
8	Tehscenullah	Agril. Inspector o/o AAC Mohmand Agy.	April Officer, Ghazni	
9	Abdul Sattoi	Agril. Inspector o/o AAC N.W.Agency.	Khel, Lakki against the vacant post	8
40.	Faizur Rehman	Agril. Inspector o/o AAI N.W.Agency. Agril. Inspector o/o AA	Jinding State	On the disposal of FATA further posting.

	a	ΙΔ	gril: Officer.	FATA	disposal of its lor further	
12.	Fazli Mabood	Agril. Inspector 0/0 AAO, Orakzai Agy	Vallang	postin	0.	
	Jaffar Khan	Agril. Inspector 0/0 DOM	Agril: Officer, Katlang, Mardan against the vacant post.	Ana	inst the post to be	
13.		Mardan. Agril: Officer, Khar, Bajour	Agril: Officer, Bara, Khyber Agency	vac	ated by William Shah	
14.	Zahoorud Din	Agency.		"; Su	moted to the pervisory post	
	-	Agril: Officer, Mamond Bajour	Agricultural Officer, Dakki olo DOA, Charsadda. a gr	11/03/1/4	am/Ast	がある。
15	S. Ageel Shah	Agency.		* 18. % . ¥ * 18. * 1 * 1. * 1		

DIRECTOR GENERAL AGRICULTURE (EXTENSION) NWFP, PESHAWAR

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

Dated Peshawar; the 29/6/2010.

NOTIFICATION.

NO. SOE (AD) V-8/2010. In continuation of this Department's notification of even number dated 22/4/2010, the Competent authority is pleased to order the postings/transfers of the following officers of Agriculture Extension Department in the interest of public service:

			<u> </u>
S. :	Name of Officers	From	То
1	Mr. Noor Rehman	Agril: Inspector o/o Agency Agril: Officer, SW Agency.	Agril: officer (BS-17) o/o Agency Agril:Officer, SW Agency against vacant post.
2.	Mr. Sabit Shah	Agril: Inspector o/o AAO, SW Agency.	Agril: Officer (BS-17) o/o AAO, Wana SW Agency against vacant post.
'3.6"	Mr. Fazli Akbar	Agril: Inspector o/o DOA, Charsadda.	Agril: Officer (BS-17) o/o AAO, Bajaur Agency Salarzai Circle against vacant post.
4.75	Mian Gul Jan	Agril: Inspector o/o AAO, Bajaur Agency.	Agril: Officer (BS-17) o/o AAO Bajaur Agency Mohmand Circle against vacant post.
5.	Mr. Ghazi Gul	Agril: Inspector o/o AAO, Bajaur Agency.	Agril; Officer (BS-17) o/o AAO, Bajaur Agency. Vice No.11
6.	Mr. Tehseenullah	Agril: Inspector o/o AAO, Mohmand Agency.	Agril: Officer (BS-17) o/o AAO, Mohmand Agency Ekka Ghund Circle against vacant post.
7.	Mr. Abdul Sattar	Agril: Inspector o/o AAO, NW Agency.	Agril: Officer (BS-17), Ghazni Khel, Lakki Marwat against vacant post.
38.	Mr. Faiz-นะ Rehman	Agril: Inspector o/o AAO, NW Agency.	Agril: Officer (BS-17), Daud Shah, District Bannu against vacant post.
9.	Mr. Amanullah ••	Agril: Inspector o/o AAO, Orakzai Agency.	Agril: Officer (BS-17)o/o AAO, Mohmand Agency (Pendiali Circle) against vacant post.
10.	Mr. Fazli Mabood	Agril: Inspector o/o AAO, Orakzai Agency.	Agril: Officer (BS-17) o/o AAO, Mohmand Agency Lakkaro Circle against vacant post.
11	Mr. Zahoorud Din	Agril: Officer, Khar Bajor Agency.	Agril: Officer, Bara Khyber Agency against vacant post.
12.	S. Aqeel Shah	Agril: Officer o/o AAO. Bajour Agency:	Agril: Officer, Dakki o/o DOA, Charsadda against vacant post.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA AGRIL: L/STOCK AND COOP: DEPTT:

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

- 1. The Director General, Agriculture (Extension) Khyber Pakhtunkhwa, Peshawar.
- 2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- . The Additional Accountant General (PR) Sub-Office, Peshawar.
- 4. The Director, Agriculture (Extension), FATA, Khyber Pakhlunkhwa, Peshawar.
- 5. The Section Officer (Estab) FATA Secretariat, Khyber Pakhtunkhwa, Warsak Road, Peshawar.
- 6. All the Agency Agril: Officers in Khyber Pakhtunkhwa.
- 7. All the Agency Accounts Officers in Khyber Pakhtunkhwa.
- 8. The District Accounts Officers, Bannu, Lakki Marwat and Charsadda.
- 9. Officers concerned.
- 10. Personal file of the Officers.
- 11. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
- 12. PS to Chief Secretary, Khyber Pakhtunkhwa.
- 13. PS to Secretary Agriculture, Pakhtunkhwa.

ל האחשת (SAKHI-UR-REHMAN) SECTION OFFICER-ESTT

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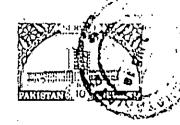
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FINAL SENIORITY LIST OF AGRICULTURAL INSPECTORS AGRICULTURE EXTENSION DEPARTMENT AS IT STOOD ON 1.11.2009 (IN LIGHT OF THE NWEP SERVICE TRIUBNAL, PESHAWAR) DATED 5.11.2008

	S.No.	NAME OF AGRICULTURALL INSPECTOR	dualification .	HOME DISTRICT	DATE OF BIRTH	*DATE OF IST APPOINTMENT	DATE OF PROMOTION AS ÁGRE: INSPECTORS	PLACE OF POSTING
	(1.7)	S.Mazhar Ali Shah	M.Sc (Hons)	D.LKhan.	13.7.1957	15.6.1983	31.8.1998	DOA, 7 I Khan
-	2	S. Sartajul Hussain	- Matric	Hangu 🚶	1.5.1955	2.7.1973	26.10.2000	DOA, Hangai
1	3.	Mg. Asmatuliah	Matrie	D.I.Khan	2.1.1950	21.12.1972	15.12.2000	DOA, DI Khan
}	<u></u>	Mr. Noor Rehman	Matric	S.W.Agency.	15.1.1952	3.5.1973	13.11.2003	, AAO, S.W. Ageorg.
1	5.	Mr. Sabit Shah	Matric	FR-D.I.Kljan.	10.1.1952	8.9.1973	13.11.2003	AAO, S.W. Agency.
}	6.	Mr. Fazli Akbar	Matric	Bajour Agency	15.12.1953	3.6.1974	13.11.2003	DOA, Charsadda 🕠
İ	7.	Mian Gul Jan	Matric	Bajour Agency	10.4.1954	3.6.1974	13.11.2003	a AAO, Baltin Agency
Ì	8.	Mr. Ghazi Gul	Matric	Bajour Agency	7.8.1954	3.6.1974	13.11.2003	AACI No. It Agency
j	9.	Mr. Telisinullali	· Matric	Charsadda '	9.1.1958	13.6.1977	- 13.11.2003	AAO, Mohe ind Aginey.
ŀ	10.	Mr. Abdul Sattar ,	Matric	FR-Bannu	10.10.1959	26.7.1977	13.11.2003	AAO, NV, Agent).
Ì	11.	Mr. Faizur Rehman	Matrie	Bannu	15.5.1957	26.10.1978	13.11.2003	AAO, N.W.Agenty.
	12.	Mr. Amanullah	Matric	Charsadda	4.4.1954	4.11.1978	13.11.2億3	AAO, Orakitai Agentyi
	13.	Mr. Fazli Mabood	Matric	Charsadda	10.12.1954	23.11.1978	13,11.2003	AAO, Orakzai Agenzy.
اً	<i>f</i> (4)	Mr. Jaffar Khan	Matric	Mardan	, 15.5.1951	24.11.1972	-13.5.2006	DOA, Mardan
Ý	15.	Mr. Alamzeb	Matric	Mardan	28.8.1950	25.11.1972	13.5.2006 -	DOA, Mardan
Ì	16.	Mr. Safdar Ali	Matrie	Swabi	10.1.1951	24.11.1972	19.7.2006	DOA, Swabi
Ī	17.	Mr. Rehmanullah	Matrie	Bannu	3.5,1952	6.5.1974	9.9.2006	DOA, DiKhan
	18.	Mr. Shafiullah	. Matric	Lakki Marwat	15.9.1953	6.5.1974	9.9.2006	DOA: Lakki Marwat
	. 19.	Mg. Gul Sher Khan	"., Matric	DIKhan	5.1.1957	1.8.1975	v 9.9.2006	DOA, DlKhari.
	20.	Mr. Abdur Razaak	Matric	DIKhan	1.9.1954	25.6.1976	9.9.2006	DOA, DIKhan
	. 21	Mr. Saifullali Klian	Matric	Lakki Marwat	1.5.1956	23.7.1977	9.9.2006	DOA, Lakki Marwat, 🔧 🦿
	27	Mr. Adil Hosh	M.A.	Swat	1.1.1950	31.7.1973	23.9.2006	— QQA , MRJ Agency
	23. 2	Mr. Jamshid Khan	Matric	Swat	:: 43.2.1950	. 10.7.1974	23.9.2006	DOA, Malakar 2





	_	*				- -
24. Mr. Muhammad Ali Rehman a	Matric	Swat	1: 1 1 1052	·		
25. Mr. Fazir Rookhan	Matric	Peshawar	13.11.1953	41.7.074	23.9.2006	DOA, Mkd Agency."
26. Mr. Hashim Jan	Marric'	Peshawa:	12.11.1951	A 25.11 1972	47.8.2007	DOA, Peshawar
27. Mr. Gul Sambar Khan	Matric	Chitral	25.4.1951	27.11.1972	-+7.8.2007	DOA. Peshawar
28. Mr. Muhammad Iqbal	F.A.	Chitral	15.11.1951	25,7,1975	15.1.2008	DOA, Chitral
29. Mr. Zaid Said	Matric		1.3.1954	25,7,1975 _	15 1.2008	DOA. Chitral
Mr. Hidayatullah	M.A.	Dir	10.5.1952	21.1e.74	15.1.2008	DOA, Malakand
(St.) Mr. Sher Aizal	B.A.	Karak	1.4.1963	27.8.1983	14.2.2003	DOA, Hangu
32. Mr. Badam Gul		Karak	1.5.1963	27.8.1983	. 14.2.2008	DOA, Karak
33. Mr. Mubaraik Shah	Matric	- Swabi	3.5.1951	24.11.1972	26.4.2008	
	Matric	Peshawar	15.4.1958	2.11.1478	23.5.2008	DOA, Swabi
	Matric	Bannu	4.3.1956	16.8.:=30	. 3.5.2008	AAO, N.W.Agy
35. Mr. Muntaz Ali	Matric	Mardan	13.4.1951	25.11.1972 = 1		AAO, S.W.Agy
36. Mr. Abdur Rahim	Matric	Battagram	14.6.1954	23.7.1975	20.8.2008	DOA, Mardon
37. Mr. Khalid Ahmad	Matric	Mansehra	9.9.1950		22.1.2009	DOA, Abbottabad
38. Mr. Nausher Ali	- Matrie	Battagram	2.6.1953	28.7.(=-5	22.1.2009	DOA, Mansehra
39. Mr. Michammad Riaz	• Matrie	Mansehra		29.7.1975	22.1.2009	DOA, Battagram
40. Mr. Alimad Nawaz	Matric	Mansehra	25.5.1956	29.7.1975	22.1.2009	DOA, Abboitabad
41. Mr. Muhammad Anwar	Matric	Swabi	12.9.1956	5.8.1975	22.1.2009	DOA, Haripur
42. Mr. Muhammad Sher	Matric .	<u></u>	28:9.1951	25.11.1972	2.2.2009	DOA, Swabi
43. Mr. Muhammad Shuaib	B.A.	Mardan	5.3.1951	27.11.1972	2.2.2009	DOA, Mardan
44. • Mr. Gul Baz		Swat	4.2.1953	3.7.1974	24.4.2()09	DOA, Malakand
	B.A.	Shangla	1.6.1952	19.6.1976		
\ .			1.0.1952	19.6.19.76	24.4.2009	DOA. Malakar

DERECTOR GENERAL AGRICULTURE (EXTENSION) NWFP, PESHAWSAR.

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S. NO. NAME OF CEFICIALS	FATHER NAME. DESIGNATION	BPS.	DATE OF BIRTH		POSTING	8315/-
1) Mr. Fazli Akber 2) Mr. Min Gul jan. 3) Mr. Ghzi Gul 4) Mr. Ahaista Rehman. 5) Mr. Mutahir Shah 6) Mr. Sher Mohd; 70 Mr. Umer Gul 8) Mr. Sultan Mohd; 9) Mr. Shah Wali khan 10) Mr. Sham Sher	Said akber khan. A/I Pinda Gul jan. A/I Mir alam Shah F/Asst Laiq Shah. Gul Amin Niamat Rasool Said Mohd; Mohd Yousaf Bakhti Rehman Abdul Manan kherullah.	× 99	15. 12. 1953. 10. 4. 1954. 7. 8. 1954. 5. 5. 1960. 9. 4. 1964. 4. 3. 1957. 6. 6. 1963. 16. 10. 1966. 20. 2. 1961. 13. 2. 1965. 10. 2. 1963. 4. 9. 1963.	3.6.74. 3.6.74. 3.6.74. 8.6.1981 14.5.85. 8.6.81 8.6.1981 20.5.1985 8.7.1982. 10.6.1984. 7.81982. 14.6.1983 21.5.1985.	M/Sheh. Bajaur. khar pashad khar. Inayat killi" khar Nawagai. khar Kolala Sikandro Inajat killi" khae.	8315/- 8315/- 7555/- 7745/- 7555/- 7555/- 7555/- 7175/- 7175/-
Mr. Shahfiullah. 13) Mr. Ghousur Rehman 14. Mr. Umer khakim 15. Mr. Rahat jan. 16) Mr. Badshah Rehman. 17) Mr. Sirajudin 18) Mr. Noor Zarin khan 19) Mr. Mohd Husskin. 20) Mr. Mohd Nawaz khan 21) Mr. Sahi Gul 22) Mr. Nurul Amin. 23. Mr. Mohd Roz 24. Mr. Toor Gul 25) Mr. Shakil Amin.	amanullah Ajab khan Nohd jan. Amin jan. Abdulallh jan. Nohd zarin Gul Kohd khan Habib khan Habibulkah khan Sher Bahader Mian Gul Nohd Ali jan Habiulkehman.	9.3.0.0000000000	15.7.1966. 5.1.1966. 16.6.1965. 13.3.1963. 17.6.1967. 25.1.1970. 1.6.1969. 1.2.1970. 2.12.1972. 13.21970. 4.1.1981. 14.3.1974.	21.5.1985. 11.6.1984. 1.12.1987. 4.9.1986. 24.3.1992. 2.6.1988. 18.3.1991. 23.11997. 23.1.1997. 17.3.2002. 1957.	Sikandro Loy sum M/Shah. Mawagai.x Raghgan. Derakai FSC Raghgan Raghgan. Derakai. Takho. Mamund Extra Asstt; Director Agri	7175/- 7745/- 6340/- 6195/- 5180/- 5905/- 4745/- 5180/- 4455/- 3730/-

306 J EnDA Esjaur dated khar 191 3 /2008.

Copy Farwarded to the Director of Agriculture rais neshawar for information and N/Action please.

ATTESTED

Extra Asstt; Director Agriculture, Bajaur Agency at khar.

Extra Asstt; Director Agriculture, pajour Agency at khar.

Dated Peshawar, the 30/6/2011

In pursuance, of the Government of Costier NOTHICATION.

Pakhtunkhwa Finance Department (Regulation Wing) letter No. SO(FR)/FD/7-13/2010/Vol.11 dated 28-6-2011, the competent authority has been pleased to upgrade 1054 posts of Field Assistant (BS-6) and Agriculture Inspectors (BS-9), working in Agriculture (Extension) Research, Water Management and Soil Conservation Department, including EATA, as per details mentioned in the mailties of the meeting vide paras 4-7 reprodued below:-

SETTLED AREA.

	· . ·	<u>SET</u> 1	No. of posts of	No. of posts of Agriculture Inspector.
Ţ	S.No.	реристо	Fields Assistant	Addienies a sie ca
	1, 2.	Agriculture Exterior Agricultural Research	207	
1	:	_ · · · · · · · · · · · · · · · · · · ·	44	,
	3. 4,	Soil Conservation	8 798	51
		FATA	AREA	of Apriculture
i i	5.No. 1	Department	No. of posts of	No. of posts of Agriculture Inspector
-	1.	Agriculture Extension FATA	189	
	2.	Agriculture Research FATA	193	12
	Į.			

Basic pay scale of Field Assistant at first entry into government service be upgraded from BS-6 to BS-9.

25% of the total posts of Field Assistant may be allowed as Agriculture Inspector BS-11 in each wing of Agriculture Department.

33% of total sanctioned posts of Agriculture Inspector be allowed BS-11 to BS-14 as Agriculture Supervisor in each wing of Agriculture Department subject to minimum service of 15 years as Agriculture Inspector or Field Assistant.

The curriculum of Field Assistant class will be revised and duration of the course will be enhanced from two years to three years (diploma course) for Field Assistant.

.06 months condensed course in the relevant field in the respective wing of the Agriculture Department will be conducted for in service staff and they will clear the examination in two terms otherwise they will be compulsorily (/esh, 12) 1) electived from service.

The educational qualification for initial appointment of Field Assistant would be the same i.e. Matric with science on account DDA (F) assistant would be the same i.e. Matric with science on account of course duration from two to three years.

The DDA-17 DIU.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA AGRII: L/STOCK & COOP: DEPTT:

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Submitt all Sacks.

Theld Asst.

06/08/12

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GOVERNMENT OF KHYBER PAKITUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT



Dated Peshawar, the April 20, 2012

NOTIFICATION

Agriculture and Horticulture Specialists

(BPS-18).

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

APPENDIX

PART-I

PROFESSIONAL STAFF

				the state of the s
S.	Nomenclature of post	Qualification for	Age limit.	Method of recruitment.
No		appointment by		į.
1		initial recruitment.		
1	2	3	4	5
	Director General,			By promotion, on the basis of
1				senjority-cum-fitness, from amongst
	Agriculture (Extension)			the Officers (BPS-19) of the
	Khyber Pakhtunkhwa /			Agriculture Extension Wing having
	Director General			M.Sc Agriculture or
	Agriculture (Extension)			B.Sc Degree in Agriculture from a
	FATA / Principal,	,)	recognized Agriculture University.
ļ	Agricultural Training			Tecagnized / ignountary
	Institute, Peshawar		ļ	
	(BPS-20).			By promotion, on the basis of
2	Directors Field Operation	•		senjority-cum-fitness, from amongst
	/ Plant Protection /			the Officers (BPS-18) of the
	Horticulture / Agriculture			THE WORLD CO.
1	Marketing / Coordination,	1		
i	Planning and Monitoring /	-		seven years service in BS-18 or 12
1	Model Farm Services	•		years service in BS-17 and above
	Centre / Seed / Training	}	İ	having M.Sc Agriculture or
	and Training Coordinator		}	B.Sc Degree in Agriculture from a
İ	Agriculture Training			recognized Agriculture University.
	Institute / Director			٠
ļ	Agriculture / District			
i	Directors Agriculture /			
	Vice Principal, Agriculture			;
-	Training Institute and		Ì	,
	Executive District Officer			
	Agriculture (BPS-19).			
3	Deputy, Directors			By promotion, on the hasis of
	(Planning, Monitoring and			seniority cum fitness, from amongst
	Evaluation) / Plant			the BS-17 Agricultural officers /
				Instructor/Agriculture Officer Public
İ	Protection / Horticulture /			Relation and Publication of
İ	Agriculture Marketing			Agriculture Extension Wing with five
	/Agriculture(Information)			years' service as such, having M.Sc
- 1	/ Coordination and			Agriculture or B.Sc Degree in
-	Publication /Senior			Agriculture from a recognized
	Instructors, Agriculture			Agriculture University.
	Training Institute /subject			
į	Matter Specialists Plant			
l	Protection/Agronomy and			A 2000
	Extension / Horticulture /			ATTESTED &
	Plant Protection Officers /			
	Deputy. Director Farms /			i th
	Agency Officers			ht .
	1.50.01		1	V

	·			25?	
Agri Pub Pub	iculture Officers blic Relation and	At least 2 nd Division M.Sc/ B.Sc (Hons) Degree in Agriculture from a recognized Agricultural University.	21 to 32 years.	a). Twenty-five percent by promotion, on the basis of seniority cum fitness, from amongst the holders of the post of Agricultural Inspectors with at least fifteen years service as Agricultural Inspector and Field Assistant; and b). seventy-five per cent by initial	(19)
	structor Islamiyat PS-16).	Molvi Fazil or Sanadul Faraghat from Wafaqi Madrasa or equivalent sanad from a recognized religious institution.	21 to 32 years.	recruitment. By initial recruitment.	•
6 Eq	juipment Engineers PS-16).	(a) Secondary School Certificate from a recognized Board; and (b) Diploma in Electronics from a recognized	18 to 28 years.	By initial recruitment.	
		Polytechnic Institute or College of Technology with two years experienced of Audio Video equipment installation maintenance and repair with sufficient knowledge of handling			
1 ' 1	Artists BPS-11)	such equipment (a) Secondary School Certificate from a recognized Board; and (b) Diploma or certificate in fine art from a recognized institute with two years experience of	18 to 28 years.	By initial recruitment.	
	Electricians (BPS-11).	commercial art. (a) Secondary School Certificate from a recognized Board; and (b) Diploma in Electrical from a recognized Institute with appropriate technical knowledge of repairs, maintenance and handling of Electric Supply / Lines /	18 to 2 years.	I (;	
9	Penal Operators (BPS-11).	equipment. (a) Secondary School Certificate from a recognized Board; an (b) Diploma in Electronic from a recognized Institute with sufficien knowledge of handlin console / audio video equipment and its repair and	s nt ng	5.	3-19
10	Physical Instructor (BS-11).	recognized Board with junior Diploma in physical education or Ex-Service man who hold Secondar School Certificate and served the defence force for at least five years as	е		TE
11	Photographers (BS-11).	non-commission officer. (a) Secondary School Certificate from a recognized Board; (b) Certificate in Photografium-form	18 to	o 28 By initial recruitment.	

Line Control of the C

Field Assistants (BPS-6). (a) At least 2 nd Division in Secondary School Certificate with science from a recognized Board; and (b) Certificate of passing two years training course from Agricultural Training Institute. (a) At least 2 nd Division in Secondary School Certificate with science from a recognized Board; and (b) Certificate with science from a recognized Board and (b) Certificate with science from Agricultural Training Institute. 17 Laboratory Assistants (BPS-6). 18 to 28 years. By initial recognized Board are completed by years. 18 to 28 years. 19 Laboratory Assistants (BPS-6). 19 Pharmacy Certificate with science from a recognized Board. 10 Pharmacy Technicians (BPS-9). 11 Pharmacy Technicians (BPS-9). 12 Projectionisticum—Driver (BPS-6). 20 Driver-Cum-Operator (BPS-6). 21 Projectionisticum—Drivers (BS-6). 22 Projectionisticum—Drivers (BS-6). 23 Projectionisticum—Drivers (BS-6). 24 Projectionisticum—Drivers (BS-6). 25 At least 2 nd Division in Secondary School Certificate with science from Health Department. 26 Experience in driving incence and having three years experience in a relevant field. 27 Projectionisticum—Drivers (BS-6). 28 Py promotic seniority-cu amongst the three years experience in a relevant field. Note: preference will be	
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Pharmacy Technicians (BPS-9). Secondary School Certificate from a recognized Board with Dispenser Certificate from Health Department. Experience in driving having heavy vehicle driving lincence. Driver-Cum-Operator (BPS-6). Projectionist-cum-Drivers (BS-6). Literate possessing a valid driving lincence and having projector. Literate possessing a valid driving lincence and having three years experience in a relevant field. Note:- preference will be	rears service as such,
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Drivers driving lincence and having three years experience in a relevant field. Note:- preference will be	
(BS-6). three years experience in a relevant field. Note:- preference will be	-TF51
relevant field. Note:- preference will be	
Note:- preference will be	· Al.
Note:- preference will be	"UP"
I sugar to the helders of	
given to the holders of	•
certificate in film projection.	from amongst Fitter
72 Mechanics . with three v	years service as such.
(BPS-5).	
23 Fitters Windle pass certificate	
1 do to 40 Ry promotiv	on from amongst Field
24 Budders Worker/ Ma	alies and Attendants.
(BPS-5). Experience in Judge 1 18 to 40 By initial re	
25 Electricians Secondary School 18 to 40 By initial re (BPS-5). Certificate from a years.	•

. Japan Japa				, and a second s
1		recognized Board with certificate as Electrician.		and the same of th
	Tractor Drivers	ving tractor driving	18 to 40	By initial recruitment.
26	(BPS-5).	lincence with two years	years.	
	(B) 0 0/.	experience in handling		
		Tractor. Experience in Driving with	18 to 40	By initial recruitment.
27	Vehicle Drivers	light vehicle driving	years.	
	(BPS-4).	lincence.	18 to 40	By initial recruitment.
28	Thresher Operators	Middle pass one year	years.	by military
	(BPS-3).	experience in the Thresher Operator.		
	Tube Well Operators	Two years experience in	18 to 45	By initial recruitment.
29	(BPS-1).	the operating tube wells.	years. 18 to 45	By initial recruitment.
30	Tractor Cleaners /	One year experience as	years.	
,	Helpers of Driver	Cleaner.		By initial recruitment.
31	(BPS-1).	Experience in flower culture	18 to 45 years.	
31	(BPS-4).	and horticulture	18 to 45	By initial recruitment.
32	Carpenters	Five years experience as carpenter.	years.	a separatement
0.0	(BPS-1). Field Workers / Cook	- terr male transmit and a real output	18 to 45	By initial recruitment.
33	/ Depat Colies /	field.	years.	
	Laboratory			
	Attendants / Mess			
	Boys & Sweeper (BPS-1).		J	
١	(D) 0 /).	PART-II		
		MINISTERIAL.S	STAFF	
		A - A - A - A - A - A - A - A - A - A -		By promotion, on the basis of
1 3	4 Assistant Accounts			seniority- cum-fitness, non amongo-
3	Officers			the holders of the posts of
	(BPS-17).	,		Administrative Officers / Superintendents.
				"By transfer from amongst the
	Administrative			a
	Officers (BPS-16).	,,	/ / * *	a). Ninety percent by promotion, on the basis of seniority- cum-fitness,
	Superintendents (BPS-16).			
	(BP3-10).			af Accietant / ACCOUNTAINS WITH The
				years service as such; and b), ten percent by promotion, on the
				Senior Scale Stenographiers www.
				years service as such.
	37 Senior Scale	'		invite cum-timess, non among-
	37 Senior Scale Stenographers			Carla Ctanonizioneia
	(BS-15).			Computer Operators with times year
	1		18 to 28	service as such. (a). Seventy-five percent by promotion, on the sum-fitness from
1	38 Assistants /	At least 2 nd Division	years.	the basis of seniority-currents with
~	Accountants	Bachelor's Degree from a recognized University.	1 -	I I I I I I I I I I I I I I I I I I I
	(BPS-14).	a roosg		(b) twenty-five percent by initial recruitment.
			18 to 28	i
	39 Junior Scale	(a) Secondary School	years.	
	Stenographers	Certificate or an equivalent qualification		
	(BPS-12).	from a recognized		2.75
		Board: and	,	W)
		(b), a speed of eighty words per minute in		
		I shorthand in English as	nd	47
		thirty-five words per		12
		minute in typing. At least 2 nd Division	18 to 2	
	40 Computer Ope	Rachelor's Degree from	n years	A &
	(BS-12).	a recognized universit	у І	M_{\star}
		with one year diploma Information Technolog		28 By initial recruitment.
	Comora	At least 2" Division	18 to year	•
	41 Video Camera Operator (BPS	NAN Secondary School	year	
	Operation (2)	Certificate in		
		Outdoor Seismograp	n	1
		· · · · · · · · · · · · · · · · · · ·		



	1	1	,	
!		Documentary Editing		
42	Senior Clerks	and Commercial.		
112	(BPS-9).	-	-	By promotion, on the basis of
	(DF 3-9).		1	seniority-cum-fitness, from amongst
	•		Ì	Junior Clerks / Time Keepers / Store
				Keepers and Depot Keepers with two
43	Senior Auditors			years service as such.
113	(BPS-8).		j -	By promotion, on the basis of
	(151, 5-0).			seniority-cum-fitness, from amongst
				Junior Auditors with two years service
44	Junior Clerks	(a). Secondary School	18 to 28	as such.
	(BSPS-7).	Certificate or an	years.	(a) Thirty-three percent by promotion, on the basis of
	(equivalent qualification	years,	seniority-cum-fitness, from
ĺ		from a recognized		amongst the holders of all Class-
		Board; and		IV posts provided that they
		(b), a speed of thirty		possess secondary school
		words per minute in		certificate with two years service
1		typing.		as such; and
				(b) Sixty-seven percent by initial
				recruitment.
45	Junior Auditors	Secondary School	18 to 28	By initial recruitment.
	(BPS-6)	Certificate or an	years.	,
		equivalent qualification	·	
		from a recognized		
46	Chara Wassass (T)	Board;		
46	Store Keepers/Time	Secondary School	18 to 28	By initial recruitment.
	Keepers and Deport keepers (BPS-5).	Certificate or an	years.	
	keepers (DP3-3).	equivalent qualification		
		from a recognized Board.		
47	Calligraphers	Three years experience	18 to 32	By initial recruitment.
ļ ''	(BPS-5).	in the art of calligraphy.	years.	by milias recraimment.
48	Daltaries (BPS-2).	Middle Pass	18 to 45	By promotion, from amongst Naib
	().		years.	Qasids who are middle passed.
49	Naib Qasids	Preferably literate.	18 to 45	By initial recruitment.
]	(BPS-1).	, , , , , , , , , , , , , , , , , , , ,	years.	
50	Chowkidars and	Having experienced in	18 to 45	By initial recruitment.
	Security Guards	watch and ward duly.	years.	,
	(BPS-1).	,	1 / /	
		·		

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

Endst. of even No. & Date.

Copy forwarded for information and necessary action to: --

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

14. PS to Secretary Agriculture.

ATTESTED

(MUHÁMMÁD ZAHID) SECTION OFFICER-ESTT

NOTIFICATION

Peshawar the 1st February, 1981.

No. SOR-II (S&GAD) 2-11/78.— In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act No. XVIII of 1973), and insupersession of all previous rules made on the subject in this behalf, the Governor of the North West Frontier Province is pleased to make the following rules, namely -

THE NORTH WEST FRONTIER PROVINCE AGRICULTURE DEPARTMENT (RECRUITMENT AND APPOINTMENT) RULES, 1981.

- These rules may be called the North West Frontier Province Agriculture Department Recruitment and Appointment) Rules, 1981. 14-
 - They shall come into force at once.

The method of recruitment, minimum qualification, age limit and other matters related (2)thereto for the posts specified in column 2 of the Schedule annexed shall be such as given in column 3 to 6 of the said Schedule.

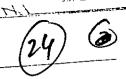
25 to 45

By initial recruitment from amongst persons who are in possession of a valid driving licence.

TEST E



tute of at least one year.



		*SCHEDULE -	- 1	
	e	Minimum qualification	Age Limit for	,
Nomenclature of Post	minimum quantication prescribed for appointment by initial recruitment or by transfer	by promotion 4	5	6

EXTENSION WIGNG

Director General (Extension)

Project Director / Principal

Deputy Director Agriculture/ Deputy Director Agriculture (Economic and Marketing)/ - Agronomist / Economist / Plant Protection Officer/Senior Subject Specialist/Senior Instructor.

By selection on merit from amongst three senior most officers of the Extension Wing in B-19.

Seniority being considered only in case of officers of practically the same standard of merit.

By selection on merit from amongst six senior most officers of the Extension Wing in B-18.

Seniority being considered in the case of officers of practically the same standard of ment; or

(ii) by tranfer.

By promotion on the basis of seriority-cum-fitness from amongst the officers holding any of the posts specified at serial No. 6 with at least five years service as such in the Extension Wing.

de Endorsement No. SOE (AD) 11 (2) 249:88-11/23146-49, dated 3.9.1989.

			,		•	
		•		49	• .	
	1	2	, 3	1		
	4	Charles			5	6
-	4. 	Statistician	***		.,	By promotion on the basis of seriority-cum-fitness from amongst Assistant Statistical Officers in the Extension Wing with at Icast five years experience in planning regions of the property o
	¹⁷ 5.	Horticultural Officer ———		and the second s		five years experience in planning agricultural experiments and processing the data obtained therefrom.
		Tionteditara Office	. • • • · · · · · · · · · · · · · · · ·	• • • • • • • • • • • • • • • • • • • •		By promotion on the basis of seniority-cum-fitness from amongst Assistant Horticultural Officers with at least five years service as such:
	6.	Extra Assistant Director Agriculture/Extra Assistant Director Agriculture (Eco- nomic and Marketing/Assis-	•••			By promotion on the basis of seniority-cum-fitness from amongst Agricultural Officer who have at least five years service as such.
	1	tant Plant Protection Officer/ Assistant Agronomist/Assis- tant Publicity Officer/Subject Specialist/Junior Instructor			· · · · · · · · · · · · · · · · ·	
	7.	(Supervisory). Assistant Horticultural Officer	M.Sc. Agri. or equivalent qualification with specialization in Horticulture from a recognised University.		21 to 35 years	By initial recruitment.
	8.	Agricultural Officer	M.Sc. Agri. or equivalent qualification from a recognised University.	(a) Secondary School Certificate or equivalent Certificate from a recognised Board; and	21 to 35 years	 (i) Seventy five per cent by initial recruitment; and (ii) twenty five per cent by promotion, on the basis of seniority-cum-fitness from amongst the holders of the post of
A A A A A A A A A A A A A A A A A A A	A PERSONAL PROPERTY OF THE PERSONAL PROPERTY O		ATTES!	(b) Certificate of passing training course from Agricultural Training Institute of at least one year		Agricultural Inspector with at least fifteen years total service as Agricultural Inspector and Field Assistant.

است			- -					
)	Agriculture Inspector	San Ma Desire Willers.	11110	ate or	School Cer- equivalent recognised	# # # # # # # # # # # # # # # # # # #	B Fi	promotion on the basis of seniority-cum-fitness from amongs eld Assistants with at least five years service as such.
1	2	1 3		4		5		6
9	Assistant Statistical Officer	Master Degree in Statistics or Maths or Economics with specialization in Statistics.			-	21 to 28 years		Fifty per cent by initial recruitment; and
		from a recognised University.	· . t			·•	(b)	Fifty per cent by promotion on the basis of seniority-cum- fitness from amongst Statistical Investigators with at least five years service as such.
. 10.	Agricultural-Research————————————————————————————————————	B.ScAgri. from a recognised University.	•			21 to 28 years	В́у	initial recruitment.
11.	Statistical Investigator	M.Sc. in Statistics, Maths, or Economics with Statistics as one of the subject from a recognised University.				21 to 35 years	(a) (b)	Seventy five per cent by initial recruitment; and twenty five per cent by promotion on the basis of seniority-cum-fitness from amongst Statistical Computers/Crop Reporters with at least ten years experience of working in the
.12.	Communication Media Technician	(i) B.Sc. Agri. from a recognised University; or			· •	21 to 28 years	(a)	Statistical Cell. By promotion on the basis of seniority-cum-fitness from amongst Technical Writers, having at least three years
		(ii) B.A. from a recognised University with diploma in Journalism from a re- cognised Institute; or					(b)	If no suitable candidate is available then by initial recruitment.
		(iii) Diploma in Journalism from a recognised Institute and one year experience in Publicity work in Government/Semi Government Organization.	100 EX		TED			
13.	Physical Instructor	(i) Secondary School Certificate from a recognised Board with Junior Diploma in Physical Education; or	A	q.		20 to 40 years	By i	nitial recruitment.

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,	holds Secondary School		••	•	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -		
·	Certificate and has ser-					No. of the last of	
	ved-the-Defence Force for at least five years as	·					
• • •	non-commissioned Offi-				· · · · · · · · · · · · · · · · · · ·	1707	
<u>;</u>	cer (NCO).		•				•
14. Technical Writer	(i) Graduate at least 2nd	• •	X.	21 to 28	(a) Fifty per	cent by initial recruit	ment: and
14. Technica Whee	Division from a recog-	•		years	ین کار (h) fifty per	cent by promotion	on the basis of seniority-cu
	nised University; or			100	Ć	A Company of the Comp	indiffers of the beath
et e	(ii) Diploma in Journalism		•		-≥ Copiesi/	proof Readers/Transl	n is available for promotion.
	from a recognised Insti-				(c) - by trante	er if no suitable perso	n is available for promotion.
•	tute; or			- ,		THE STREET STREET	
	(iii) Field Assistant Training				· cansering		· ·
•	- Course from Agricultu-				a) Playlere		ra de la companya de la companya de la companya de la companya de la companya de la companya de la companya de
	ral Training Institute, - Peshawar with two		-	·-~ ·			124 - • •
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15. Agriculture Inspector	·	(a) Secondary So tificate or e	thool Cer-	\	\\ Field Assista	ints with at least five	ears service as such.
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		(b) Certificate of passing training course from Agricultural Taining Institute of at least one year.	L.	
16. Artist cum Photographer	Diploma in Arts from a recognised Institute of Arts with sufficient experience in photography.	···	18 to 25 years	By initial recruitment.
17. Field Assistant	(a) Secondary School Cer- tificate from a recog- nised Board; and		18 to 25 years	By initial recruitment.
1	(b) Certificate of passing training course from Agricultural Taralining Institute of at least one year's duration.	·	6,	
18. Mechanic	Middle pass	••	• •	By promotion from amongst fitters of the department with at leas three years service as such.
19. Laboratory Assistant	Secondary School Certificate with Science from a recognised Board.	Secondary School Certificate with Science from a recognised Board.	18 to 25 years	 (a) Fifty per cent by initial recruitment; and (b) fifty per cent by promotion on the basis of seniority-cumfitness from amongst Laboratory Attendants with at least three years service as such.
20. Veterniary Compounder	Secondary School Certificate with Science from a recognised Board with Veterniary Course from a recognised Government Institute.		18 to 25 years	By initial recruitment.





	*	•		53	
1	2	3	<u></u>	1 5	
21.	Bee Assistant	Secondary, School Certificate from a recognised Board with Certificate from Agricultural Research Institute.		18 to 25 years	By initial recruitment.
22.	Stock Assistant	Secondary School Certificate with Science from a recognised Board and Certificate of having passed two years Agricultural Training Institute Course.	 ,	· 18 to 25 years	By initial recruitment.
23.	Dispenser	Secondary School Certificate with a certificate of Dispenser from Health Department.		18 to 25 years	By initial recruitment.
24.	Heavy Duty Driver	Experience in driving having heavy Vehicle Driving Licence.		18 to 40 years	(a) By initial recruitment; or
25.	Driver-cum-Operator	Middle pass having heavy Motor Vehicle Driving Licence and experience in handling Projector.		18 to 40 years	 (b) by promotion on the basis of seniority-cum-fitness from amongst the Drivers of the Department having heavy duty licence. (a) By initial recruitment; or (b) by promotion on the basis of seniority-cum-fitness from amongst the Drivers of the Department having at least three
26.	Poultry Assistant	Secondary School Certificate from a recognised Board with certificate in Poultry from a recognised Institute.		18 to 40 years	years experience in the line. By initial recruitment.
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(b) Certificate of passing training course from

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Plough man / Gross Cutter Alle Attendant / Mess Boy/			
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\$27 Statistical Computor / Crop	Secondary School Certifi- cate from a recognised	years San	
Reporter.	Board; or		:
All the second s	•	- Company of the second	- Jan -
	Trained Field Assistant from	<u> </u>	· ;
to apply to the	tute, Peshawar.		ar: and
	. c. : Capandary School Certifi-	18 to 25 (a) Seventy five per cent by initial recruitmen	
28: Junior Clerk/Time Keeper/	Secondary School Certification from a recognised	years (b) Twenty five per cent by promotion on the	e basis of seniority
Store Keeper	figurion from a recognised figures.	cum-fitness from amongst the holders	ice as such. In case
	Board.	- Qasids and Daith with two years even	promotion, then the
the first state of		qualified persens are not available vacancies shall be filled in by initial recru	iitmen'
STATE OF THE PROPERTY OF THE P	the state of the s	* ,	
	in a second to the second	18 to 25 By initial recruitment.	- *1
29. Filler	Middle pass with Certificate in the line from a recognised	years	• .
Marie Land Confession Confession	Locitute		nd Attendants of the
		18 to 40 By promotion from Field Worker, Malies a	1
2307-Budders	Middle pass with experience	years Department.	e tre Portage
	in Budding.	18 to 40 By initial recruitment.	, š- <u>-</u>
Electrician	Secondary School Certifi-	years	14 g = 1
The state of the s			•
and the state of t	Electrician VI.		•
		18 to 40 By initial recruitment.	•
32. Jeep Driver	Experience in driving with light vehicle driving licence.	years	• •
	· · · · · · · · · · · · · · · · · · ·	18 to 40 By initial recruitment.	
33. Tractor Briver	Having Tractor Driving Li-	years	<u> </u>
33. Witacion Enver	cence with two years expe-		
and the second	rience in handling Tractor.		and the second second
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37. Carpenter

38. Black Smith

39. Field Worker

1	2	3	4	5	
34.	Tube-Well Operator	Two years experience in the operating Tube-Wells.		18 to 45 years	By initial recruitment.
35.	Helper / Cleaners	One year experience as a Cleaner.	•	18 to 45 years	By initial recruitment.
36.	Mali	Experience in Flower culture and horticulture.		18 to 45 years	By initial recruitment.

55

One year experience in practical farming. 40. Poultry Attendant / Sheep Experience in the respective Attendant / Dairy Attendant / lines. Bullock Attendant / Bishti /
Cook / Depot Colli / Laboratory Attendant / Milkman /
Plough-man / Gross Cutter /
Bee Attendant / Mess Boy

Five years experience in the

Five years experience in the

line.

By initial recruitment

18 to 45 -

years

18 to 45

years

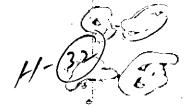
18 to 45

years

By initial recruitment.

By initial recruitment.

By initial recruitment.



The Additional Chief Secretary FATA, FATA Secretariat, KPK Peshawar.

SUBJECT: DEPARTMENTAL APPEAL FOR THE GRANT OF PROMOTION FROM FIELD ASSISTANT **AGRICULTURE** TO INSPECTOR ON REGULAR BASIS AND **AGAINST** THE NOTIFICATION DATED 30.6.2011 WHEREBY THE PROMOTION AND **UPGRADATION OF** THE APPELLANT **HAS** BEEN SUCCUMBED

R.SHEWETH:

- 1- That appellant has joined the agriculture Department as Field Assistant (BPS-06) vide order dated 11.6.1984. That right from appointment till date appellant performing his duty quite efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant has served the Department for more than 28 years as Field assistant. That despite of having experience and seniority the appellant has not been promoted to the post of Agriculture Inspector (BPS-11) till date though many other junior colleagues of the appellant has now been working as Agriculture Officers (BPS-17) but the appellant having more than 28 years service and being senior most employee and eligible for promotion has not been promoted till date to the post of Agriculture Inspector (BPS-11).
- That despite of that the respondent Department has issued 3-Notification dated 30.6.2011 due to which the chances of promotion to the post of Agriculture Inspector (BPS-11) has been attached with the condition that " 33% of total sanctioned posts of Agriculture inspector be allowed BPS-11 to BPS-14 as Agriculture supervisor in each wing of Agriculture Department subject to minimum service of 15 years service as Agriculture Inspector or Field Assistant ivthe curriculum of Field Assistant class will be revised and duration of the course will be enhanced from two years to three years (diploma course) for field Assistant and v- six months condensed course in the relevant field in the respective wing of the agriculture Department will be conducted for in-service staff and they will clear the examination in two terms otherwise they will be compulsory retired from service".



- 4- That all the above mentioned conditions of the said Notification are against the existing service structure of the agriculture Department. Further more due to above mentioned conditions the chances of promotion of field Assistant will certainly be stopped.
- 5- That feeling aggrieved appellant prefer this Departmental appeal on the following grounds amongst the others.

GROUNDS:

- A- That the impugned Notification dated 30.6.2011 is against the law, facts, natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That not granting/allowing promotion to the appellant to the post of Agriculture Inspector (BPS-11) from Field Assistant is against the law, facts and norms of natural justice.
- C- That appellant has not been treated by the authorities in accordance with law and rules on the subject noted above and as such the respondent Department violated Article 4 and 25 of the Constitution of Pakistan 1973.
- D- That despite of having more than 28 years service and having eligibility for promotion to the post of Agriculture Inspector the appellant has been ignored from promotion/up gradation to higher scale.
- E- That the Agriculture Department has acted in arbitrary and malafide manner by not promoting the appellant to the post of Agriculture Inspector (BPS-11).
- F- That many of the appellant junior colleagues have now been working as Agriculture Officers BPS-17 and the appellant is still working as Field Assistant (BPS-9) thus the appellant has been discriminated and not been treated amongst his similarly placed colleagues.

It is therefore humbly prayed that on acceptance of this Departmental appeal the impugned Notification dated 30.6.2011 may very kindly be set aside and the appellant may very kindly be promoted to the post Agriculture Inspector (BPS-11). Any other remedy which your good self deems fit that may also be awarded in favor of the appellant.

DATED:8.2.2013

ESTED

APPELLANT

SHAMSHER KHAN FIELD ASSISTANT, O/O THE AGENCY ADGRICULTURE OFFICER, BAJAUR AGENCY.

BEFORE THE KHYBER PAKHTUNKH WA SERVICE TRIBUNAL **PESHAWAR**

APPEAL NO.__ 1033 /2013

SHAMSHER KHAN

A.C.S FATA

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4.	Promotion order	В	10- 11.
5.	Seniority lists	C&D	12- 14.
6.	Notification	E	15- 16.
7.	Departmental appeal	F	17.18.
	Slave an attal (Appea)	C.	2 6),
83	Vakalat nama		19.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK **ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AMENDED PAGE NO.1

A. War

IN APPEAL NO	/2013
Mr. Shamsher Khan, Field Assistant (BPS-09), O/O the Agency Agriculture Officer Bajaur at Khar	
	APPELLANT

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 2- The Director Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 3- The Agency Agriculture Officer, Bajaur at Khar.
- 4- Mr. Mazhar Ali shah, Agriculture Officer,C/O Directorate of FATA, Agriculture Department.
- 5- Mr. Hidayatullah, Agriculture Officer, C/O Directorate of FATA, Agriculture Department.
- 6- Mr. Sher Afzal, Agriculture Officer, C/O Directorate of FATA, Agriculture Department.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 30-06-2011 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS

PRAYERS:

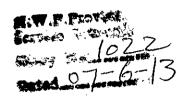
That on acceptance of this appeal the respondents may very kindly be directed to rectify/modify the impugned Notification dated 30-06-2011 to the extent of appellant and the respondents may further please be directed to consider the appellant for regular promotion to the post of Agriculture Inspector from the date when appellant colleagues/junior colleagues were promoted. Any other remedy which this august Service Tribunal deems fit that also be awarded in favor of the appellant.

R/SHEWETH:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO 1033 /2013

Mr. Shamsher Khan, Field Assistant (BPS-09), O/O the Agency Agriculture Officer Bajaur at Khar



APPELLANT

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 2- The Director Agriculture Department FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar.
- 3- The Agency Agriculture Officer, Bajaur at Khar.
- 4- Mr. Mazhar Ali Shah, Agriculture Officer, C/O Directorate of Agriculture Department.
- 5- Mr. Hidayatullah, Agriculture Officer, C/O Directorate of Agriculture Department.
- 6- Mr. Sher Afzal, Agriculture Officer, C/O Directorate of Agriculture Department.

...... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR DIRECTING THE RESPONDENTS REGULARLY TO PROMOTED THE **APPELLANT** TO THE POST AGRICULTURE INSPECTOR FROM THE DATE WHEN APPELLANT COLLEAGUES AND JUNIOR COLLEAGUES WERE PROMOTED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT **WITHIN STATUTARY PERIOD OF NINETY DAYS**

PRAYER:

That on acceptance of this appeal the respondents may very kindly be directed to set aside the impugned Notification dated 30.6.2011 being illegal and the respondents may further please be directed to regularly promote the appellant on the post of Agriculture Inspector from the date when appellant colleagues/junior colleagues were promoted. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favour of the appellant.

R/SHEWETH:

1- That appellant has joined respondent Department as field Assistant (BPS-6) vide order dated 11.6.1984. That right from appointment till date appellant performing his duty quite efficiently and up to the entire satisfaction of his

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Superiors. Copy of the service book is attached is annexure

- That so much so the respondent department has issued Notification dated 30-6-2011 due to which the chances of promotion to the post of Agriculture Inspector (BPS_11) has been attached with the condition that "33%" of total sanctioned posts pf Agriculture Inspector be allowed BPS-11 to BPS-14 as Agriculture supervisor in each wing of Agriculture Department subject to minimum service of 15 years service as Agriculture Inspector or field assistant class will be revised and duration of the course will be enhanced from two years to three years (diploma course) for field assistant and v- six months condensed course in the relevant field in the respective wing of the Agriculture Department will be conducted for in-service staff and they will clear the examination in two terms otherwise they will be compulsory retired from service. Copy of the Notification is attached as annexureE.
- 4- That all the above mentioned conditions of the said Notification are against the service structure of the Agriculture Department. Moreover due to above mentioned condition the chances of promotion of appellant would certainly be stopped.
- That feeling aggrieved appellant prefer Departmental appeal to respondent Department but no reply has been received within the statutory period of ninety days. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure.

GROUNDS:

A- That the impugned Notification dated 30.6.2011 is against

- the record hence not tenable and liable to be set aside.
- B- That not granting/ allowing promotion to the appellant to the post of Agriculture Inspector (BPS-11) from the post of field Assistant is against the law, facts and norms of natural justice.
- C- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondent Department violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- D- That despite of having more than 28 years service and having eligibility for promotion to the post of Agriculture Inspector the appellant has been ignored from promotion to higher scale.
- E- That the respondent Department has acted in arbitrary and malifide manner by not promoting the appellant to the post of Agriculture Inspector (BPS-11) inspite of seniority and eligibility.
- F- That many of the appellant colleagues and junior colleagues have now been working as Agriculture Officers BPS-17 and the appellant is still working as Field Assistant (BPS-9) thus the appellant has been discriminated and not been treated amongst his similarly placed colleagues.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

SHAMSHER KHAN
THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO/2013

SHAMSHER KHAN

VS

A.C.S FATA

APPLICATION FOR CONDONATION OF DELAY IN FILING THE ABOVE NOTED APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUNDS OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that causes should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 10142003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

SHAMSHER KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

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No.12/2/EstV_____ Dated Peshawar: the

/DG /2010,

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The Secretary to Govt. of NWFP, Agriculture, Livestock and Cooperation Department, Peshawar.

Subject:

PROMOTION / POSTING PROPOSAL

In this regard the following Agricultural Inspector BS-9 were cleared for promotion to the -Memo: post of Agricultural Officer (BS-17) by Departmental Promotion Committee on 16.3.2010 of Agriculture

Extension Department

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S.No Name of Agril. Inspector S.No Name S.No Name S.No	of Agril. Inspector enullah Sattar Rehman ullah Mabood Khan

omotion the transfer / posting proposal is submitted for approva

 _	ry action.	From	То	Remarks
 lo.	S. Ivic har Ali Shah	\ \ \	Agricultural Officer, DIKhan	Against the post of Agril. Officer to be vacated by Mr. Ahmad Nawaz promoted to Sup. Post.
2	S. Sartaj Ul Hassan Noor Rehman	Agril. Inspector o/o DOA, Hangu Agril. Inspector o/o AAO, S.W.Agency.	Agril: Officer, Hangu against the vacant post. Agril: Officer.	On the disposal of FATA for further posting. On the disposal of FATA for
4	Satil S ah Fazli Akbar	Agril. Inspector o/o AAO, S.W.Agency. Agril. Inspector o/o DOA, Charsadda.		On the disposal of FATA for further posting On the disposal of FATA for
(B)	Mian Gul Jan Ghazi Gul	Agril. Inspector o/o AAO, Bajour Agy. Agril. Inspector o/o AAO Bajour Agy.	, Agril: Officer.	further posting. On the disposal of FATA for further posting. On the disposal of FATA for further posting.
9	Tehseenullah Abdul Sattai	Agril. Inspector o/o AAC Mohmand Agy. Agril. Inspector o/o AAC N.W.Agency.	Agril: Officer, Ghazni Khel, Lakki against the vacant post.	
4	Faizur Rehman	Agril. Inspector o/o AAI N.W.Agency. Agril. Inspector o/o AA	Sitati, built	On the disposal of FATA further posting.

		Agril: Officer.	On the disposal of FATA for further
12. Fazli Mabood	Agril. Inspector oro Andi Orakzai Agy	Agril: Officer, Kallang, Mardan against the vacant	posting.
13. Jaffar Khan 14. Zahoorud Din	Agril: Officer, Khar, Bajour Agency	post. Agril: Officer, Bara, Khybe Agency.	Against the post to be vacated by Mr. Zainullah Shah promoted to the Supervisory post.
15. S. Ageel Shah	Agril: Officer, Mamond.Bajou Agency.	r Agricultural Officer, Dak olo DOA, Charsadda: a	一一点。 在15.5.5. 海点系统的"分类流流的"。

DIRECTOR GENERAL AGRICULTURE (EXTENSION) NWFP, PESHAWAR



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

Dated Peshawar; the 29/6/2010.

NOTIFICATION.

NO. SOE (AD) V-8/2010,-In continuation of this Department's notification of even number dated 22/4/2010, the Competent authority is pleased to order the postings/transfers of the following officers of Agriculture Extension Department in the interest of public service:

r	, po		<u>6</u> 2,
S. No	Name of Officers	From	То
1	Mr. Noor Rehman	Agril: Inspector o/o Agency Agril: Officer, SW Agency.	Agril: officer (BS-17) o/o Agency Agril:Officer, SW Agency against vacant post.
2.	Mr. Sabit Shah	Agril: Inspector o/o AAO, SW Agency.	Agril: Officer (BS-17) o/o AAO, Wana SW Agency against vacant post.
3.	Mr. Fāzli Akbar	Agril: Inspector o/o DOA, Charsadda.	Agril: Officer (BS-17) o/o AAO, Bajaur Agency Salarzai Circle against vacant post.
4.	Mian.Gul Jan	Agril: Inspector o/o AAO, Bajaur Agency.	Agril: Officer (BS-17) o/o AAO Bajaur Agency Mohmand Circle against vacant post.
5.	Mr. Ghazi Gul	Agril: Inspector o/o AAO, Bajaur Agency.	Agril; Officer (BS-17) o/o AAO, Bajaur Agency. Vice No.11
6	Mr. Tehseenullah	Agril: Inspector o/o AAO, Mohmand Agency.	Agril: Officer (BS-17) o/o AAO, Mohmand Agency Ekka Ghund Circle against vacant post.
7.	Mr. Abdul Sattar	Agril: Inspector o/o AAO, NW Agency.	Agril: Officer (BS-17), Ghazni Khel, Lakki Marwat against vacant post.
8 .	Mr. Faiz-ur-Rehman	Agril: Inspector o/o AAO, NW Agency.	Agril: Officer (BS-17), Daud Shah, District Bannu against vacant post.
9.	Mr. Amanullah	Agril: Inspector o/o AAO, Orakzai Agency.	Agril: Officer (BS-17)o/o AAO, Mohmand Agency (Pendiali Circle)
10.	Mr. Fazli Mabood	Agril: Inspector o/o AAO, Orakzai Agency.	Agril: Officer (BS-17) o/o AAO, Amohmand Agency Lakkaro Circle against vacant post.
11	Mr. Zahoorud Din	Agril: Officer, Khar Bajor Agency.	Agril: Officer, Bara Khyber Agency against vacant post.
12.	S. Ageel Shah	Agril: Officer o/o AAO. Bajour Agency.	Agril: Officer, Dakki o/o DOA; Charsadda against vacant post.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA AGRIL: L/STOCK AND COOP: DEPTT:

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

- The Director General, Agriculture (Extension) Khyber Pakhtunkhwa, Peshawar.
- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- The Additional Accountant General (PR) Sub-Office, Peshawar.
- The Director, Agriculture (Extension), FATA, Khyber Pakhlunkhwa, Peshawar.
- The Section Officer (Estab) FATA Secretariat, Khyber Pakhtunkhwa, Warsak Road, Peshawar.
- All the Agency Agril: Officers in Khyber Pakhtunkhwa.
- All the Agency Accounts Officers in Khyber Pakhtunkhwa.
- The District Accounts Officers, Bannu, Lakki Marwat and Charsadda.
- Officers concerned.
- 10. Personal file of the Officers.
- 11. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
- 12. PS to Chief Secretary, Khyber Pakhtunkhwa.
- 13. PS to Secretary Agriculture, Pakhtunkhwa.

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

NAL SENIORITY LIST OF AGRICULTURAL INSPECTORS AGRICULTURE ENTENSION DEPARTMENT AS IT STOOD ON 1.11.2009 (IN LIGHT OF THE NWFP SERVICE TRIUBNAL, PESHAWAR) DATED 5.11.2008

S,No.	NAME OF AGRICULTURALL INSPECTOR	QUALIFICATION	HOME DISTRICT	DATE OF BIRTH	DATE OF IST APPOINTMENT	DATE OF PROMOTION AS ÁGRE: INSPECTORS	PLACE OF POSTING
77	S.Mazhar Ali Shah	M.Sc (Hons)	D.I.Khan.	"13.7.1957	15.6.1988		DOALD I Klass
2.	S. Sartajul Hussain	Matrie	Hangu 🚶	1.5.1955	2.7.1973	26.10.2000	DOA, Hangu
3.	Mr. Asmatullah	Matric	D.I.Khan	2.1.1950	21.12.1972	15.12.2000	DOA, D I Khai
1.	Mr. Noor Rehman	Matric	S.W.Agency.	15.1.1952	3.5.1973	13.11.2003	AAO, S.W. Agenty.
5.	Mr. Sabit Shah	Matric	FR-D.I.Khan.	10.1.1952	8.9.1973	13.11.2003	AAO, S.W. Agency.
6.	Mr. Fazli Akbar	Matric	Bajour Agency	15.12.1953	3.6.1974	13.11.2003	DOA, Charsadáa
7.	Mian Gul Jan	Matric	Bajour Agency	10.4.1954	3.6.1974	13.11.2003	AAO, Barthi Agency
8.	Mr. Ghazi Gul	Matrie	Bajour Agency	7.8.1954	3.6.1974	13.11.2003	AAO, Bojour Agency
9.	Mr. Tehsinullah	· Matric	Charsadda '	9.1.1958	13.6.1977	13.11.2003	AAO, Mahn ind Agency.
10.	Mr. Abdul Sattar	Matric	FR-Bannu .	10.10.1959	26.7.1977	13.11.2003	AAO, N.V. Agency.
11.	Mr. Faizur Rehman	Matric	Bannu	15.5.1957	26.10.1978	13.11.2003	AAO, N.W.Agency.
12.	Mr. Amanullah	Matric	Charsadda	4.4.1954	4.11.1978	13.11.2(ょ)3	AAO, Orakzai Agency.
13.	Mr. Fazli Mabood	Matric	Charsadda	10.12.1954	23.11.1978	13.11.2003	AAO, Orakzai Agenay.
(14)	Mr. Jaffar Khan	' Matric	Mardan	15.5.1951	24.11.1972	13.5.2006	DOA, Mardan
15.	Mr. Alamzeb	Matric	Mardan	28.8.1950	25.11.1972	13.5.2006 -	DOA, Mardan
16.	Mr. Safdar Ali	Matrie	Swabi	10.1.1951	24.11.1972	19.7.2006	DOA, Swabi
17.	Mr. Rehmanullah	Matric	Bannu	3.5,1952	6.5.1974	9.9.2006	DOA, DIKhan
- 18.	Mr. Shafiallah	Matric	Lakki Marwat	15.9.1953	6.5.1974	9.9.2006	DOA, Lakki Marwat
- 19.	Mr. Gul Sher Khan	° Matric	DIKhan	5.1.1957	. 1.8.1975	v 9.9.2006	DOA, DiKhari. 💜 🤰
20.	Mr. Abdur Razaak	Matric	DIKhan	1.9.1954	25.6.1976	9.9.2006	DOA, DIKhan
21.	Mr. Saifullali Khan	Matric	Lakki-Marwat	1.5.1956	23.7.1977	9.9.2006	DOA, Lakki Marwat
122.	Mr. Adil Hosh	M.A.	Swat	1.1.1950	31.7.1973	23.9.2006	DOA, MkJ Agenty.
23.	Mr. Jamshid Khan	Matrie	Swat 7	3.2.1950	10.7.1974	23.9.2006	DOA, Melakarid
<u> </u>	<u> </u>				 		1/1

distablishi Dinastra Santarray S. Lat of Agoil Inspector BS-9 2009 d.c.

The Section Officer (FR) Finance Department was to his letter number quotien above The Birdget Officer-VII, Finance Department, All Section Officers in the Agriculture Department.

11 The Manager Government Printing Press, Peshawar

The Director of Information, Khyber Pakhtunkhwa, Peshinvai

PS to Minister for Agriculture, Khyber Pakhtunkhwa, Peshawar

Ph to Secretary Agriculture

(MUHAMMAD ZAHID) SECTION OFFICER-ESTT:

DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA. PESHAWAR.

18412-504 Endst. No.18/159-A/Estt/

Dated Peshawar, the 5/10

Copy to

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

2. The Additional Accountant General (PR) Sub-Office, Peshawar.

3. The Director Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar.

4. The Principal Agricultural Training Institute, Peshawar.

5. All Executive District Officers Agriculture in Khyber Pakhtunkhwa.

6, All District Directors Agriculture in Khyber Pakhtunkhwa.

7. All District / Agency Accounts Officers in Khyber Pakhtunkhwa. 8. All Agriculture Agency Officers in KPK. For information and necessary action.

9. File No.18/1/Estt for record.

SUPERINTENDENT (ESTT) To DIRECTOR GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA, PESHAWAR



The Additional Chief Secretary FATA, FATA Secretariat, KPK Peshawar.

SUBJECT: DEPARTMENTAL APPEAL FOR THE GRANT OF PROMOTION FROM FIELD ASSISTANT **AGRICULTURE** INSPECTOR REGULAR BASIS AND **AGAINST** THE NOTIFICATION DATED 30.6.2011 WHEREBY THE PROMOTION AND UPGRADATION OF THE APPELLANT HAS BEEN SUCCUMBED

R.SHEWETH:

- 1- That appellant has joined the agriculture Department as Field Assistant (BPS-06) vide order dated 11.6.1984. That right from appointment till date appellant performing his duty quite efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant has served the Department for more than 28 years as Field assistant. That despite of having experience and seniority the appellant has not been promoted to the post of Agriculture Inspector (BPS-11) till date though many other junior colleagues of the appellant has now been working as Agriculture Officers (BPS-17) but the appellant having more than 28 years service and being senior most employee and eligible for promotion has not been promoted till date to the post of Agriculture Inspector (BPS-11).
- 3-That despite of that the respondent Department has issued Notification dated 30.6.2011 due to which the chances of promotion to the post of Agriculture Inspector (BPS-11) has been attached with the condition that " 33% of total sanctioned posts of Agriculture inspector be allowed BPS-11 to BPS-14 as Agriculture supervisor in each wing of Agriculture Department subject to minimum service of 15 years service as Agriculture Inspector or Field Assistant ivthe curriculum of Field Assistant class will be revised and duration of the course will be enhanced from two years to three years (diploma course) for field Assistant and v- six months condensed course in the relevant field in the respective wing of the agriculture Department will be conducted for in-service staff and they will clear the examination in two terms otherwise they will be compulsory retired from service".



- 4- That all the above mentioned conditions of the said Notification are against the existing service structure of the agriculture Department. Further more due to above mentioned conditions the chances of promotion of field Assistant will certainly be stopped.
- 5- That feeling aggrieved appellant prefer this Departmental appeal on the following grounds amongst the others.

GROUNDS:

- A- That the impugned Notification dated 30.6.2011 is against the law, facts, natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That not granting/allowing promotion to the appellant to the post of Agriculture Inspector (BPS-11) from Field Assistant is against the law, facts and norms of natural justice.
- C- That appellant has not been treated by the authorities in accordance with law and rules on the subject noted above and as such the respondent Department violated Article 4 and 25 of the Constitution of Pakistan 1973.
- D- That despite of having more than 28 years service and having eligibility for promotion to the post of Agriculture Inspector the appellant has been ignored from promotion/up gradation to higher scale.
- E- That the Agriculture Department has acted in arbitrary and malafide manner by not promoting the appellant to the post of Agriculture Inspector (BPS-11).
- F- That many of the appellant junior colleagues have now been working as Agriculture Officers BPS-17 and the appellant is still working as Field Assistant (BPS-9) thus the appellant has been discriminated and not been treated amongst his similarly placed colleagues.

It is therefore humbly prayed that on acceptance of this Departmental appeal the impugned Notification dated 30.6.2011 may very kindly be set aside and the appellant may very kindly be promoted to the post Agriculture Inspector (BPS-11). Any other remedy which your good self deems fit that may also be awarded in favor of the appellant.

DATED:8.2.2013

ATTESTED

APPELLANT

7

SHAMSHER KHAN FIELD ASSISTANT, O/O THE AGENCY ADGRICULTURE OFFICER, BAJAUR AGENCY.

VAKALATNAMA

IN THE COURT OF KPK	Service	Tribunal Pest
	1	F 201 3
Shamsher Wha	<u> </u>	(Appellant) (Plaintiff) (Petitioner)
: VEI	RSUS /	
A.C.S FATA	V	(Respondent) (Defendant)
I/We <u>hamsher</u> Ith		
KHATTAK, Advocate, Percompromise, withdraw or remy/our counsel/Advocate without any liability for his engage/appoint any other A I/We authorize the said Adreceive on my/our behalf a deposited on my/our account	efer to arbit in the abdefault and default and default and default and default and default and default sums and	tration for me/us as pove noted matter, with the authority to usel on my/our cost. eposit, withdraw and amounts payable or
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Dated//2013.	, ;,	
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	4	3.
	NOOD M	ACCÉPTED

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(ADVOCATE)

OFFICE:

Room No.1, Upper Floor, Islamia Club Building, Khyber Bazar, Peshawar City.

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNA PESHAWAR

APPEAL	NO	/	2013

Shamshor Khous

VS

A.C.S FATA

APPLICATION FOR SUSPENTION OF OPERATION OF IMPUGNED NOTIFICATION DATED 30-6-2011 TILL THE DISPOSAL OF THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application is pending adjudication before this august service Tribunal in which 10.2.2014 date is fixed for hearing.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the impugned Notification dated 30.6.2011 is against the appointment, promotion and transfer rules 1989.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the order dated 30-6-2011 may very kindly be suspended till disposal of this appeal.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.1033/2013

Mr. Shamsher, Field Assistants (BPS-09), Appellant o/o the Agency Agriculture Officer Bajour Agency at Khar.

VERSUS

- 1. The Additional Chief Secretary FATA, FATA Secretariat Warsak Road Peshawar.
- 2. The Director Agriculture Department FATA, (Extension) Peshawar.
- 3. The Agriculture Agency Officer, Bajour at Khar.

Para wise comments on behalf of respondents.

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS

- 1. The appellant has got no cause of action.
- 2. The appeal is time barred.
- 3. The appeal is not maintainable in its present form
- 4. That the instant appeal is bad for mis-jonder and non jonder of necessary parties.
- 5. That the appellant has got no locus standi.

FACTS

<u>Para No.1</u> Pertain to Record.

<u>Para No.2</u> The Field Assistants are promoted to the post of Agriculture Inspector and from Agriculture Inspector to the post of Agriculture Supervisor and then from Agriculture Supervisor to the post of Agriculture Officer according to Seniority cum-fitness and service rules. All the promotion cases are dealt by the Director General, Agriculture (Extension) Khyber Pakhtunkhwa Peshawar, being head of the department. Therefore this office has no concern with the promotion etc.

<u>Para No.3</u> The Notification No.SOE(AD)VI-106/2011 dated 30.06.2011 issued by the Secretary to Govt. Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department Peshawar in pursuance of the Govt. of Khyber Pakhtunkhwa Finance Department (Regulation Wing) letter No.SO(FR)/FD /13/2010 Vol-II dated 28.06.2011 for all employees of Agriculture Extension Department which is according to law, rules and policy on the subject.

<u>Para No.4</u> As explained in Para No.2.

<u>Para No.5</u> Incorrect. The appeal was rejected by the Director General, Agriculture Extension Khyber Pakhtunkhwa, Peshawar vide his letter No.18/159-A/Estt. / 2396-97 / DG dated 01.2.2015 (Copy attached).

GROUNDS

- A. Incorrect. The Notification No.SOE(AD)VI-106/2011 dated 30.6.2011 issued by the Secretary to Government Khyber Pukhtunkhwa Agriculture, Livestock & Coop. Department Peshawar in pursuance of the Govt: of Khyber Pukhtunkhwa Finance Department (Regularities wing) letter No. SO (IC)/FD/13/2010,Vol.II dated 28.6.2011 for all employees Agriculture (Extension) Department which is according to the law, rules and policy.
- B. Does not relate with this office as all promotion cases from the post of Field Assistant to Agriculture Inspector are dealt by the Director General Agriculture (Extension) Khyber Pukhtunkhwa being head of the Department.
- C. Incorrect. The appellant was treated in accordance with law and rules on the subject.
- D. Incorrect. As replied in above para.
- E. Incorrect. As replied in above para.
- F. Incorrect. As replied in above para A&B
- G. The respondents also seek permission to raise additional grounds at the time of arguments.

It is requested that the appeal may be dismissed with cost.

Respondent No.1

ADDITION L CHIEF SECRETARY FATA,
FATA SECRETARIAT PESHAWAR

Respondent No.2

DIRECTOR AGRICULTURE EXTENSION FATA, PESHAWAR

Respondent No.3

AGRICULTURE AGENCY OFFICER, BAJOUR AGENCY AT KHAR

FAX NO. : 39

Feb. 25 2014 28:19AM P

593

No.18/159-A/Estt/ 2376-77 /DG
Dated Peshawar: the 4/9 /2015

Mr. Sher Muhammad, Field Assistant office of the AAO, Bajour Agency. Mr. Khaista Rehman, Field Assistant office of the AAO, Bajour Agency.

bjec

APPEAL

Reference your appeal dated 7.1.2015.

The names of the Agricultural Inspector shown in your application were moted at that time when the seniority of Field Assistant used to maintain on isonal Level. Therefore, your appeals are hereby rejected.

DIRECTOR/GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA
PESHAWAR メルルル

100+ No. _ 2398

Copy to the Agriculture Agency Officer, Bajour Agency at Khar for ermation.

X613/15

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B<u>EFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> PESHAWAR

APPEAL No.1033/2013

SHAMSHER KHAN

VS

A.C.S. FATA & OTHERS

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS: (1 to 6)

- 1- Admitted correct hence need no comments.
- 2- Incorrect and not replied accordingly. That the appellant has been appointed as Field Assistant (BPS-6). That later on the appellant was allowed to selection grade BPS-09 vide order dated 24.12.1990. That appellant served in the respondent Department as Field Assistant for more than 28 years quite efficiently and upto the entire satisfaction of his superiors. That colleagues and junior colleagues of the appellant have been promoted to the post of Agriculture Inspector but inspite of seniority and having experience in the relevant field the appellant has been ignored from the said promotion.
- 3- Incorrect and not replied accordingly. That vide respondent Department Notification dated 30-06-2011 the chances of promotion to the post of Agriculture Inspector (BPS-11) has been attached with the condition that "33% of total

sanctioned posts of Agriculture Inspector be allowed BPS-11 to BPS-14 as Agriculture Supervisor in each wing of Agriculture Department subject to minimum service of 15 years as Agriculture Inspector or Field Assistant. That the curriculum of field Assistant class enhanced from 2 years to 3 years (Diploma Course) and six months condensed course for in service staff which must be cleared in two chances otherwise they will be compulsory retired from service". That appellant served in the respondent Department for more

than 28 years and also passed the said six month condensed course. That in light of the said seniority appellant is entitle for promotion to the post of Agriculture Inspector from the date of when colleagues and junior colleagues of the appellant have been promoted to the post of Agriculture Inspector.

- 4- Incorrect and not replied accordingly hence denied.
- 5- Incorrect and not replied accordingly. That the rejection order of the Departmental appeal of the appellant has not been communicated to appellant till date.

GROUNDS: (A to H):

All the grounds of main writ petition of the petitioner are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless. That the impugned orders dated 30-06-2011 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That the impugned Notification dated 30-06-2011 has been null and void and having no force of law in light of new Notification dated 20-04-12, therefore the same may be set aside. That respondent Department has acted in arbitrary and malafide manner by not promoting the appellant to the post of Agriculture Inspector BPS-11 inspite of seniority and eligibility.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

APPELLANT

SHAMSHER KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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SHAMSHER KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL No.1033/2013

SHAMSHER KHAN

VS

A.C.S. FATA & OTHERS

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- 5- Incorrect and not replied accordingly. That the rejection order of the Departmental appeal of the appellant has not been communicated to appellant till date.

GROUNDS: (A to H):

All the grounds of main writ petition of the petitioner are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless. That the impugned orders dated 30-06-2011 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That the impugned Notification dated 30-06-2011 has been null and void and having no force of law in light of new Notification dated 20-04-12, therefore the same may be set aside. That respondent Department has acted in arbitrary and malafide manner by not promoting the appellant to the post of Agriculture Inspector BPS-11 inspite of seniority and eligibility.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

APPELLANT

SHAMSHER KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE 0 7 2021

Applicant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Asad ud Din Asif Jehan Superintendent for respondents present.

Former submitted an application for restoration as well as withdrawal of main appeal.

Record shows that appeal was dismissed in default for non-prosecution vide order dated 24.01.2019. Application for restoration of appeal was filed on 18.02.2019. Today, a request was made for withdrawal of main appeal, therefore, by acceptance of the petition filed for restoration of main appeal, instant appeal stands restored. It be registered on its old number.

In view of the written request by the learned counsel for applicant, instant appeal stands dismissed as withdrawn. No order as to costs. Files be consigned to the record room.

<u>Announced</u> 05.07.2021

(Rozina Rehman)

Member(J)

Chairman

14.01.2021

Junior to counsel for the appellant present Addl: AG alongwith Syed Abbdul Qadir, Agriculture Officer for respondents present.

Arguments could not be heard due to learned Member(Judicial) is on leave.

Adjourned to 01.04.2021 for arguments before D.B.

(Mian Muhammad) Member(E)

01.04.2021 Due to non availability of the concerned D.B, the case is adjourned to 05.07.2021 for the same.

Reaper

 \mathcal{G} — L — 2020 Due to COVID19, the case is adjourned to 6/7/2020 for the same as before.

Render

06.07.2020 Due to COVID19, the case is adjourned to 31.08.2020 for the same as before.



31.08.2020

Due to summer vacation, the case is adjourned to 05.11.2020 for the same as before.

Reader

05.11.2020

Junior to counsel for the appellant and Addl: AG alongwith Mr. Asad Ud Din Asif Jah, Supdt: for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 14.01.2021 for hearing before the D.B.

(Mian Muhammad)

Member (E)

Chairman

08.11.2019

Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Asad ud Din Superintendent present. Representative of the respondent department requested for time to furnish reply. Granted. To come up for reply and arguments on 30.12.2019 before D.B.

Member

Member

30.12.2019

None present on behalf of the appellant. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Asad ud Din Asif Ja Superintendent for the respondents present. Representative of the respondent department requested for time to furnish reply. Notice be issued to the appellant and his counsel for attendance. Adjourned. To come up for reply and arguments on 28.02.2020 before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi)
Member

28-2-20

The learned Momber's

is on tour Therefore case

15 adjurned to 8-4-2020

Ready

Mir Zaman Advocate on behalf of learned counsel for the petitioner present. Mr. Zia Ullah learned Deputy District. Attorney present and stated that the respondents be granted opportunity to file reply of the present application. Adjourn. Notices be issued to the respondents for reply. To come up for reply and arguments on 21.08.2019 before D.B.

Learned counsel for the applicant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Asad-u-Din, Superintendent for the respondents present. Original record of present restoration application is not

available before the Bench, therefore, office is directed to annex the original record of present restoration application for 07.10.2019 before D.B.

(Hussain Shah)

Member

(M. Amin Khan Kundi)

Member

Petitioner absent. Learned counsel for the petitioner absent. Mr. Zia Ullah learned Deputy District Attorney present. Notice be issued to the respondents for reply for 08.11.2019. Adjourn. To come up for reply and arguments on the date fixed before D.B. Petitioner be also put to notice for the date fixed. Original record be also requisitioned.

Member

/Tember

Form-A FORM OF ORDER SHEET

Court of		
Anneal's Restoration Application No.	111/2010	

Appeal's Restoration Application No.	111/2019

,	Appeal's Re	storation Application No. 111/2019	
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge	
1 .	2	3	
1 , .	18.02.2019	The application for restoration of appeal No	
	5 •	submitted by Mr. Noor Muhammad Khattak Advoc	
	_	entered in the relevant register and put up to the	ne Court fo
		proper order please. REGISTR	AR 18/>
2 ·		This restoration application is entrusted to D.	Bench to b
		put up there on 30-4-2019 CHAIRMAN	ν, N
30.04.2019		Counsel for the petitioner present and seeks ad	liournment
		ned to 21.06.2019 for arguments on restoration	
	before I	·	·· F F
	(AHMAD HASSAN) (M. AMIN KHA MEMBER MEM	(N KUNDI) BER
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNA

PESHAWAR Lestweiter MPli-10-111/2019

2019

IN

APPEAL NO. 1033/2013

SHAMSHER KHAN

AGRICULTURE DEPTT:

APPLICATION FOR RETORATION OF THE ABOVE MENTIONED **APPEAL**

R/SHEWETH:

- 1- That the above mentioned service appeal was pending adjudication before this august Tribunal in which 24.01.2019 dated was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned Notification dated 30.06.2011.
- 3- That due to non appearance of the Counsel for the appellant on the date mentioned above the appeal of the appellant has been dismissed by this august Tribunal vide order dated 24.01.2019. Copy of the order sheet is attached.
- 4- That on the same date Counsel for the appellant was busy before the Honorable Peshawar High Court Peshawar and due to that reason Counsel for the appellant could not appear before this august Service Tribunal.
- 5- That non appearance of the Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 15.02.2019.

SHAMSHER KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

Before the K.P. Service France Costances Sham show when Vs A.C. S. TATA. Application for sisteration as well as anthoravvel of the title appeal as the greenew of the appealant is, indoored.

Respectfully Knewsti: That the above titled appeal is fixed along with sestionation application for d torlay: 5/7/2021. (2) That we growner of appellant is sectional by the sesponduls but the titled appell is not settered is it was prosecution. (3) That is the friend is reduced there.

fore the appearant such withdrawel of The mented appeal after restaction It is therefore regusted that by accepting this application the appeal may be restored and then be withdraw. not prished Applicant Noor Muhammad Ren Adurat.