

15

25.06.2015

Agent of counsel for the appellant and Assistant A.G for respondents present. Counsel for the appellant is stated busy at Darul Qaza Swat. Last opportunity granted. To come up for preliminary hearing on 29.7.2015 before S.B.

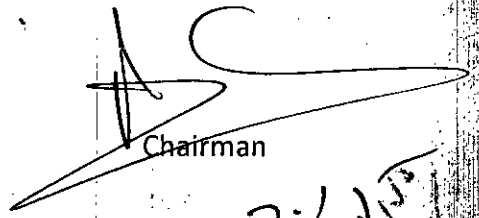

Chairman

16

29.07.2015

Counsel for the appellant submitted application for withdrawal of appeal. Dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
29.7.2015


Chairman
29 07 15

12.

09.02.2015

Counsel for the appellant and Mr. Ziaullah GP for the respondents present. Preliminary arguments partly heard. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 19.03.2015.

Member

13.

19.03.2015

Assistant to counsel for the appellant with Asst. AG for the respondent present. Learned counsel for the appellant is stated busy before the august High Court, Peshawar. Requested for adjournment. Adjourned for preliminary hearing on 21.05.2015 before S.B.

Member

14.

21.05.2015

Agent of counsel for the appellant present and requested for adjournment. Adjourned to 25.06.2015 for preliminary hearing before S.B.

Member

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Appeal No. 1301/2013

Fai Gul vs Agriculture Deptt.

Application for withdrawal of the
above mentioned appeal

R/Sheweth:

- 1- That the above mentioned appeal is pending adjudication before this august court in which today date 29/7/2015 is fixed for hearing.
- 2- That appellant filed the above mentioned appeal before this august Tribunal for promotion to the post of Assistant (BPS-14).
- 3- That due to unavoidable circumstances the appellant wants to withdraw the above said appeal before this august Tribunal.


It is therefore, most humbly prayed that on acceptance of this application the above mentioned appeal may please be withdraw.

Dated: 29/7/2015.

APPELLANT
THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATA

9.
02.09.2014

Counsel for the appellant and Mr. Kabirullah Khattak, Assistant Advocate General for the respondents present. The learned AAG requested for time to submit complete record of the appellant. Request accepted. To come up for preliminary hearing on 13.10.2014.


Member

10.
13.10.2014

Counsel for the appellant and Mr. Kabirullah Khattak, Add: Advocate General for the respondents present. The learned AAG ~~is~~ requested for time to contact the respondents for production of complete record of the appellant. To come up for preliminary hearing on 24.11.2014.


Member

11.
Reader Note:

24.11.2014

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 to 09.02.2015 for the same.


Reader

02.06.2014

~~Counsel for the appellant present and requested for adjournment to come up for preliminary hearing on 04.07.2014.~~

Member

7. 02.06.2014

Counsel for the appellant present. Preliminary arguments partly heard. The matter required further elucidation, therefore pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 04.07.2014.

Member

8. 04.07.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 02.09.2014.

Member

3.

04.12.2013

Clerk of counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 23.01.2014.


Member

4.

23.01.2014

No one is present on behalf of the appellant. To come up for preliminary hearing on 05.03.2014.


Member

5.

05.03.2014

Clerk of counsel for the appellant present and requested for adjournment as his counsel was busy in Daar-UI-Qaza, Swat. To come up for preliminary hearing on 16.04.2014.


Member

6.

16.04.2014


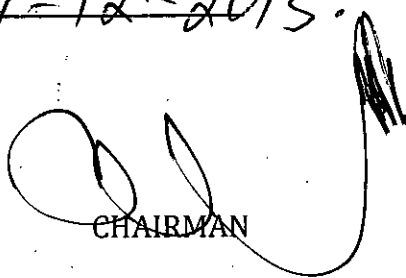
Clerk of counsel for the appellant present and requested for adjournment due to general strike of the Bar. To come up for preliminary hearing on 02.06.2014.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1301 /2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05/09/2013	<p>The appeal of Mr. Taj Gul resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-9-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>4-12-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Taj Gul Senior Clerk o/o the Agency Agriculture Officer Bajuar Agency received today i.e. on 21/08/2013 is incomplete on the following scores which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Addresses of respondent no. 4 to 15 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of impugned order is illegible and incomplete which may be completed and replaced by legible/better one.
- 3- Appeal may be page marked according to the index of the appeal.

No. 1177 /S.T,

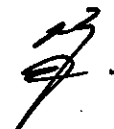
Dt. 23/8 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Peshawar.

Note:

*Sir, All objections have been removed
hence place before the court for hearing.*


5/9/2013.


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 1361 /2013

TAJ GUL VS AGRICULTURE DEPARTMENT

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1- 3.
2.	Condonation of Delay appli:	4.
3.	Appointment order	A	5.
4.	Promotion order	B	6- 7.
5.	Seniority lists	C & D	8- 11.
6.	Promotion order dt: 28.10.2010	E	12.13.
7.	Acting charge order	F	14.
8.	Departmental appeal	G	15-16.
9.	Vakalat nama	17.

APPELLANT
THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1301 /2013

1265
21-8-13

Mr. Taj Gul, Senior Clerk (BPS-09),
O/O Agency Agriculture Officer, Bajaur Agency.....**Appellant**

VERSUS

- 1- The Additional Chief Secretary FATA/ FATA Secretariat Warsak Road Khyber Pakhtunkhwa Peshawar.
- 2- The Director General Agricultural extension Khyber Pakhtunkhwa Peshawar.
- 3- The Director of Agriculture FATA Khyber Pakhtunkhwa Peshawar.
- 4- Faiz-ur-Rehman, Office Assistant o/o the Statistician CRS, Khyber Pakhtunkhwa Peshawar.
- 5- Abdur Rehman, Office Assistant o/o the District Officer of Agriculture, Lakki.
- 6- Wajid Ali, Senior Clerk o/o the District Officer of Agriculture, Mardan.
- 7- Allah Nawaz, Senior Clerk o/o the District Officer of Agriculture Bannu.
- 8- Said Rawan, Office Assistant o/o the District Officer of Agriculture, upper Dir.
- 9- Muhammad shah, Office Assistant o/o the Director Agriculture (FATA), Khyber Pakhtunkhwa Peshawar.
- 10- Hazrat Yousaf, Office Assistant o/o the DG's Office Mardan.
- 11- Mursaleen, Office Assistant o/o the Assistant Agriculture Officer Bajaur Agency.
- 12- Deedar Muhammad, Office Assistant o/o the District Officer of Agriculture Nowshera.
- 13- Murad Ali, Office Assistant o/o the Deputy Director Agriculture (FATA) Peshawar.
- Shafiullah, Junior Clerk o/o the District Officer Agriculture DI Khan.
- 15- Muhammad Aslam, Senior Clerk (ops) o/o the District Officer of Agriculture, DI Khan..... **Respondents**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 28.10.2010 WHEREBY JUNIORS TO THE APPELLANT HAVE BEEN PROMOTED TO THE POST OF ASSISTANT (BPS-14) BY SUPERSEEDING THE APPELLANT WITHOUT NO FAULT ON HIS PART AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

re-submitted to
and filed

5/9/13

PRAYER:

That on acceptance of this appeal the respondents may be directed to consider the appellant for promotion to the post of Assistant (BPS-14) from the date when appellant junior colleagues were promoted i.e. 28.10.2010 with all consequential benefits and seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1-** The appellant was appointed as junior clerk in the respondents Department vide order dated 15.5.1982. That right from appointment till date appellant has served the respondent department quite efficiently and up to the entire satisfaction of his superiors. Copy of appointment order is attached as annexure **A.**
- 2-** That after serving for more than seven years as junior clerk the appellant was promoted as Senior Clerk (BPS-09) on the recommendations of the Departmental selection committee vide order dated 1.9.1989. Copy of promotion order is attached as annexure **B.**
- 3-** That according to the seniority lists of 2010 and 2012 the appellant is much more senior to that of the private respondents but inspite of that the private respondents were promoted to the post of Assistant (BPS-14) vide order dated 28.10.2010 and the appellant was left out from that promotion with out any reason. That it is also very pertinent to mention that appellant has also served the respondent Department as Assistant (BPS-14) on acting charge basis for quite considerable time. Copies of the seniority lists and promotion orders are attached as annexure **C, D, E and F.**
- 4-** That feeling aggrieved appellant filed departmental appeal but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the departmental appeal is attached as annexure **E.**

GROUND:

- A-** That the impugned order dated 28.10.2010 is against the law, facts, norms of natural justice and materials on the record hence not tenable to be set aside.

- B- 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.
- C- That despite of having eligibility and seniority the respondent Department has not promoted the appellant to the post Assistant (BPS-14) which shows clear discrimination on the part of respondent Department.
- D- That the respondent Department acted in arbitrary and malafide manner by not promoting the appellant on regular basis on the post of Assistant (BPS-14).
- E- That appellant has got experience and having the requisite qualification and seniority for the post of Assistant (BPS-14), thus he is perfectly eligible to be promoted to the post of Assistant (BPS-14) on regular basis from the date when appellant juniors were promoted.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefor, humbly prayed that the appeal of the appellant may be accepted so for.

APPELLANT

Taj Gul
TAJ GUL

THROUGH:

N. M. Khattak
**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2013

TAJ GUL

VS

AGRICULTURE DEPARTMENT

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 far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND 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

TAJ GUL
THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE

OFFICE ORDER

4-5

Mr. Taj Gul S/O Akbar Azam of Village Kohai (Barang Area) Bajaur Agency hereby offered a temporary post of Junior Clerk in the National Pay Scale of Rs. 290-10-350/12-470-14-540 with usual allowance as admissible under the rule against the vacant post of Junior Clerk.

The post which is being offered to him is being sanctioned by the Govt; from time to time and is likely to be extended further. His employment in the Agriculture Department is purely temporary and his service will be terminated at fourteen days notice without any reason being assigned at any time irrespective of the fact that he is not holding a post other than the one to which he was originally appointed or on the payment of fourteen days salary in lieu of the notice.

1. He has to join duty at his own expences.
2. The offer is subject to the condition that he is domicile of N.W.F.P.
3. In case he wishes to resign at any time a fourteen days notice will be necessary or in lieu there of a fourteen days pay may be forfeited.
4. He will have to produce a medical certificate of fitness from the Civil Surgeon as required under the rules before joining his duty.
5. He will be governed by such rules and orders relating to leave, travelling allowance, medical attendance pay etc. as may be issued by Government for category of Government servants to which he belongs.
6. If he accepts the post on these conditions he should report for duty to the office of the Undersigned as soon as possible and produce original Certificate in connection with his qualification age etc.
7. The offer will be considered as cancelled if no reply is received by 18/5/82 or if he fail to report for duty upto the subscribed date.


Mr. Mohammad Fahim Khan;

Extra Asstt; Director of Agri;
Bajaur Agency at Khar.


No. 448-50 /EADA Dated Bajaur Khar the 11.5. /1982.

Copy forwarded to:-

1. Mr. Taj Gul S/O Akbar Azam of village Kohai (Baragg Area) Bajaur Agency.
2. The Estt; Clerk of this office.
3. The Agency Accounts Officer; Malakand;

ATTESTED For information & N/action, Please.

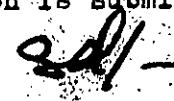



Extra Asstt; Director of Agri;
Bajaur Agency at Khar.

No. _____ /EADA;

Copy of the above is forwarded to The Director of Agriculture;

(FATA) N.W.F.P. Peshawar for favour of information with reference to his Memo; No. 2/30-Estt; 237/DA (FATA) dated 11/1/82 & No. 2/12-Estt; 581-85/DA (FATA) dated 26/1/82 with request that the office order in question is submitted for formal approval as desired please.



Extra Asstt; Director of Agriculture
Bajaur Agency at Khar.

B-6

DIRECTORATE OF AGRICULTURE(FATA), PESHAWAR.

OFFICE ORDER.

The following promotions, transfers and posting amongst the ministerial staff of FATA are hereby ordered with immediate effect in the public interest.

The promotion orders are purely temporary and the promotees are liable to reversion at any time without any notice.

<u>S.No.</u>	<u>Name and designation.</u>	<u>From</u>	<u>To</u>	<u>Remarks.</u>
1.	Mr.Momin Ali S/Clerk.	Extra Asstt: Director Agri: Kurram.	Extra Asstt: Director Agri: Mohmand.	Promoted as officiating Asstt: to Grade-11 and transferred to office of EADA Mohmand.
2.	Mr.Bakht Rawan J/Clerk.	EADA Bajaur	EADA Bajaur	Promoted as officiating S/ Clerk in grade-7.
3.	Mr.Sajjad Haider Junior Clerk.	DA(FATA)	ADA Orakzai	Promoted as officiating S/ Clerk in grade-7 and transferred to ADA Orakzai Agency.
4.	Mr.Taj Gul, Junior Clerk.	EADA Bajaur	EADA Kurram	Promoted as officiating S/ Clerk in grade-7 transferred to Kurram Agency.
5.	Mr.Gulab Hussain J/Clerk.	EADA Kurram.	EADA Kurram.	Promoted as officiating Senior Clerk in grade-7.
6.	Mr.Afzal Hussain, Senior Clerk.	EADA Bajaur	EADA Kurram.	Transferred to EADA Kurram vice, S.No.1
7.	Mr.Ghafar Ali, Junior Clerk.	EADA Bajaur	EADA Mohmand.	Transferred to office of EADA Mohmand.
8.	Mr.Abdur Rehman, J/Clerk.	DDA(FATA) DIKhan.	EADA North, Waziristan Agency Miranshah.	Promoted as Senior Clerk/Store Keeper in BPS-7 and posted against existing vacancy in the office of EADA North Waziristan Agency Miranshah.
9.	Mr.Abdul Majid, Junior Clerk.	EADA North Waz:Miranshah.	EADA South Waz:Agency Wana.	Promoted as Senior Clerk in grade-7 and posted against existing vacancy.
10.	Mr.Basharatullah, Crop Reporter,	ADA Orakzai,	DDA(FATA), DIKhan.	Posted as J/clerk against the post vacated by S.No.8.
11.	Mr.Abdul Latif, Junior Clerk.	EADA Mohmand.	DA(FATA), Peshawar.	Transferred and posted in Director of Agri:(FATA) office vide official at S.No.3 promoted and transferred

ATTESTED

[Signature]

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The officials at S.No. 1,3,4,6,8,9,10 are allowed 4 days joining time and officials at S.No.7 & 11 are allowed 2 days joining time.

The office order will be effective w.e.f. 1.9.1989.

Murad Ali
Director of Agriculture,
(FATA), Peshawar.

No. 3257-78 / DA(FATA), dt- 10/8/89

Copy forwarded to:-

- 1:- All Concerned.
- 2:- The Deputy Director of Agriculture, Tribal Areas, Peshawar.
- 3:- The Deputy Director of Agriculture (FATA) Dikhan Division Dikhan.
- 4:- The Extra Asstt: Director of Agriculture, Mohmand Agency at Ghallanai.
- 5:- The Extra Asstt: Director of Agriculture, Bajaur Agency at Khar.
- 6:- The Extra Asstt: Director of Agriculture, Kurram Agency at Parachinar.
- 7:- The Extra Asstt: Director of Agriculture, South Waziristan Agency at Wana.
- 8:- The Extra Asstt: Director of Agriculture, North Waziristan Agency at Miranshah.
- 9:- The Asstt: Director of Agriculture, Orakzai Agency at Kalaya.
- 10:- The Agency Accounts Officer, Bajaur Agency.
- 11:- The Agency Account Officer, Kurram Agency at Parachinar.
- 12:- The Agency Account Officer, Mohmand Agency at Ghallanai.
- 13:- The Agency Accounts Officer North Waziristan Agency Miranshah.
- 14:- The Agency Accounts Officer South Waziristan Agency at Wana.
- 15:- The Distt: Accounts Officer Dikhan.
- 16:- The Estt: Asstt: H.Q. Office.
- 17:- Pay Bill Clerk H.Q. Office,

for information and necessary action.

Mr Say Gul Deleker

Murad Ali
Director of Agriculture,
(FATA), Peshawar.

ATTESTED

Murad Ali.
10.8.1989.

[Signature]

DGA
5/5
64
E/14

3841-43

No. 2/22-Estt: _____/DA/FATA Dated Pesh: the 28-6/2010.

Copy alongwith copy of enclosure for n/action forwarded to:-

- 1-The Dy: Director of Agriculture, (FATA), Peshawar.
- 2-The Dy: Director of Agriculture, (FATA), D.I. Khan.
- 3-One copy for circulation amongst the Officials concerned of Headquarter office.

with n. put up today

DIRECTOR OF AGRICULTURE,

No. 1414-18 /DDA(FATA) Dated Peshawar the 20-7/2010.

Copy alongwith copy of enclosure forwarded to all Sub-Office in FATA Peshawar & Kchat Division for information.

Dy: Director of Agriculture,
(FATA), Peshawar.

20/7/10
828260-28-611

(9)

Final/Undisputed Seniority List of Senior Clerks of Agriculture Department Extension
Wing as Stood on 01.06.2010

S.No.	Name of Official	Qualification	Home District	Date of Birth	Date of Appointment	Date of Promotion as Sr. Clerk	Place of Present Posting	Remarks
1	Faiz ur Rehman	B.A	Swat	22.02.1951	07.02.1978	01.04.1993	DOA Kohistan	
2	Abdur Rahim	D.Com	Lakki	05.12.1957	18.10.1978	01.04.1988	DOA L/Marwat	
3	Allah Nawaz	D.Com	DIKhan	08.10.1953	19.10.1978	20.01.1998	DOA DIKhan	
4	Shah Nawaz	F.A	DIKhan	28.03.1956	19.10.1978	20.01.1998	SO Charsadda	
5	Yftikhar Hussain	Matric	DIKhan	01.08.1950	21.10.1978	18.10.1987	DOA DIKhan	
6	Shabir Ahmad	F.A	Abbottabad	01.01.1959	21.10.1978	31.05.1993	DOA A/Abad	
7	Said Rawan	Matric	Dir	15.01.1960	14.03.1979	01.12.1984	DOA Upper Dir	
8	Muhammad Shah	B.A	Charsadda	01.01.1957	17.06.1979	02.12.1989	AAO Khy.Agency	
9	Syed Rasool	Matric	DIKhan	20.06.1954	01.08.1979	20.01.1998	DOA DIKhan	
10	Maqbool Ahmad	Matric	DIKhan	02.06.1952	20.10.1978	26.01.2004	DOA DIKhan	
11	Hazrat Yousaf	Matric	Mardan	02.05.1952	16.06.1980	26.01.2004	DOA Mardan	
12	Mursaleen	Matric	Bajauar	22.09.1959	20.11.1980	01.10.1988	AAO Baj.Agency	
13	Dedar Muhammad	Matric	Nowshera	14.04.1960	20.12.1980	16.07.1987	DOA Nowshera	
14	Murad Ali	Matric	Mardan	26.03.1961	28.12.1980	26.01.2004	DOA Mardan	
15	Ali Jan	Matric	Swabi	04.10.1951	01.01.1981	26.01.2004	DOA Swabi	
16	Sher Badshah	Matric	Charsadda	01.03.1956	07.02.1981	29.09.1985	DA (FATA)	
17	Muhammad Ishan	Matric	Mardan	09.06.1961	21.02.1981	26.01.2004	DGA(E)	
18	Muhammad Ashtiq	Matric	Nowshera	28.03.1957	22.02.1981	26.01.2004	DGA(E)	
19	S.Ahmad Shah	F.A	Charsadda	12.08.1960	22.02.1981	26.01.2004	DOA Charsadda	
20	Dedar Muhammad	B.A	Swabi	15.03.1957	23.02.1981	26.01.2004	DGA(E)	
21	Muhammad Saeed	B.A	Peshawar	15.02.1961	01.03.1981	26.01.2004	DDA(F) Pesh	
22	Faqir Hussain	Matric	Peshawar	01.01.1962	01.03.1981	26.01.2004	DDA(F) Pesh	
23	Muhammad Havar	Matric	Malakand	04.05.1959	14.03.1981	18.12.2004	DOA Malakand	
24	Fazli Habib	B.A	Charsadda	15.01.1963	17.03.1981	01.10.1986	DOA Charsadda	
25	Mushtaq ul Haq	Matric	Peshawar	15.12.1951	18.03.1981	01.09.1987	DOA Peshawar	
26	Khan Zaman	Matric	Lakki	12.08.1961	19.03.1981	02.07.1985	ATI Peshawar	
27	Muhammad Sayar	Matric	Charsadda	02.02.1959	18.04.1981	01.09.1988	DA (FATA)	
28	Mohib Ullah	Matric	Swabi	05.03.1954	28.06.1981	18.12.2004	DOA Swabi	
29	Amir Nawaz	M.A	Peshawar	06.02.1962	13.07.1981	01.12.1988	DGA(E)	
30	Muhammad Yousaf	Matric	Charsadda	05.06.1950	15.07.1981	01.01.1989	DOA Peshawar	
31	Muhammad Qasim	F.A	Abbottabad	01.03.1962	18.08.1981	18.12.2004	DOA Mansehra	
32	Aman Ullah	F.A	DIKhan	01.07.1960	15.09.1981	01.08.1989	DOA DIKhan	
33	Ghulam Akbar	Matric	Charsadda	28.03.1960	03.12.1981	01.06.1988	DA (FATA)	
34	Islam Khan	F.A	Chitral	09.02.1964	13.02.1982	18.12.2004	DOA Chitral	
35	Yaqoub Nizar	B.A	Chitral	07.01.1961	15.02.1982	18.12.2004	SO Chitral	
36	Muhammad Hanayun	B.A	Charsadda	31.01.1960	12.04.1982	01.01.1990	Deput. to project	
37	Taj Gul	B.A	Bajauar	02.12.1959	15.05.1982	01.09.1989	AAO Baj.Agency	
38	Gulab Hussain	F.A	Bajauar	12.07.1962	02.06.1982	23.11.1990	AAO Kurram	
39	Saifur Rehman	Matric	DIKhan	10.04.1964	15.08.1982	20.01.1987	DDA(F) DIKhan	
40	Aibat Khan	Matric	Karak	10.01.1960	17.08.1982	17.07.1988	DOA Karak	
41	Abdur Kauf	D.Com	DIKhan	15.04.1960	06.10.1982	01.08.1989	DOA DIKhan	
42	Nawaz Khan	Matric	DIKhan	19.01.1963	14.10.1982	26.10.1989	DOA DIKhan	
43	Sabaz Ali	Matric	Karak	03.03.1963	03.02.1983	03.12.1988	DOA DIKhan	
44	Fazl ur Rehman	Matric	DIKhan	25.04.1960	25.04.1983	23.12.1986	DOA DIKhan	
45	Muhammad Ishtiaq	F.A	DIKhan	02.02.1961	25.04.1983	23.12.1986	DOA DIKhan	
46	Majeed Ullah	Matric	DIKhan	01.03.1965	08.06.1983	25.02.1987	DOA DIKhan	
47	Abdul Majeed	F.A	DIKhan	15.04.1964	01.09.1983	01.09.1989	DOA DIKhan	
48	Muhammad Ahmad	C.Com	Peshawar	10.12.1964	20.09.1983	20.10.1990	DGA(E)	
49	Abdur Rehman	M.A Islm	Lakki	06.11.1964	24.09.1983	01.09.1989	DOA L/Marwat	
50	Khalid Saifullah	Matric	Karak	10.06.1965	08.10.1983	03.12.1988	DOA Kohat	
51	Khalid Jabbar	F.A	Mardan	26.08.1961	01.04.1984	21.06.1987	PAT. Peshawar	
52	Tahir Mukhtar	B.A	Peshawar	13.06.1961	15.08.1984	03.12.1990	DGA(E)	
53	Syed Amin Saah	Matric	Peshawar	03.08.1964	17.11.1984	19.12.1988	DA (FATA)	
54	Saeed Ullah	F.A	Bannu	04.03.1964	25.03.1985	01.03.1991	DOA Bannu	
55	Sajjad Yousaf	B.A	Kohat	05.02.1958	05.02.1986	05.08.1989	DOA Kohat	

ATTESTED

S.No.	Name of Official	Qualification	Home District	Date of Birth	Date of Appointment	Date of Promotion as Sr. Clerk	Place of Present Posting	Remarks
56	Qasim Khan	B.A	SW Agency	11.11.1960	12.03.1986	16.01.1992	EADA Wana	--
57	Muhammad Shafi	Matric	DIKhan	03.03.1965	17.01.1987	16.01.1992	DOA Tank	--
58	Aurang Zeb	Matric	Karak	15.01.1965	11.07.1987	19.08.1989	DOA Karak	--
59	Abdul Qayaz	Matric	Karak	03.01.1967	11.07.1987	20.08.1989	DOA Hangu	--
60	Mahtab Khan	Matric	Karak	15.06.1968	12.07.1987	09.08.1989	DOA Karak	--
61	Muhammad Rafique	B.A	Swat	07.12.1955	10.03.1980	16.08.1990	DOA Swat	--
62	Muhammad Israr	F.A	Dir	15.02.1961	09.05.2001	18.11.2004	DOA Dir Lower	--
63	Khurshid Ali	M.A.	Swat	01.06.1964	08.02.1987	14.08.2006	DOA Shangla	--
64	Sayed Hakim	F.A	Buner	01.01.1951	22.03.1979	24.01.2009	Food Cell DA F	--
65	Fida Ali Shah	Matric	Buner	18.10.1950	09.09.1980	24.01.2009	DOA Buner	--
66	Salahud Din	Matric	Swat	01.04.1954	25.01.1981	24.01.2009	SO Swat	--
67	Muhammad Niaz	Matric	Manshra	20.08.1963	19.12.1981	24.01.2009	SO Manshra	--
68	Muhammad Ejaz	D.Com	Abbottabad	25.03.1961	01.04.1982	24.01.2009	SO Abbottabad	--
69	Jamshed Khan	B.A	Mardan	25.07.1957	16.06.1982	24.01.2009	SO Mardan	--
70	Bazed Khan	B.A	Buner	06.03.1963	02.11.1982	24.01.2009	PD Barani	--
71	Tariq Iqbal	B.A	Peshawar	15.10.1964	12.01.1983	24.01.2009	DA (FATA)	--
72	Zameen Hussain	B.A	Kurram	18.05.1964	01.03.1983	24.01.2009	AAO Kurram	--
73	Wajid Ali	Matric	Mardan	07.03.1962	07.03.1983	24.01.2009	DOA Nowshera	--
74	Sar Anjam	Matric	Charsadda	03.04.1964	14.04.1983	24.01.2009	AAO Khy Agency	--
75	Ghazanfar Hussain	Matric	DIKhan	18.01.1961	05.03.1980	25.01.2010	DOA DIKhan	--
76	Fazal Rehman	Matric	Swat	15.03.1954	25.01.1981	25.01.2010	SO Buner	--
77	Itebar Muhammad	FA	Swat	05.05.1968	10.02.1981	25.01.2010	DOA Swat	--
78	Jahangir Khan	FA	Peshawar	25.04.1963	05.03.1983	25.01.2010	DDA FATA Pesh	--
79	Raz Gul	Matric	Peshawar	15.09.1963	03.05.1983	25.01.2010	DA (FATA)	--
80	Sikandar Hayat	Matric	Mardan	30.12.1960	16.07.1983	25.01.2010	DOA Swabi	--
81	Badshahzada	Matric	Mardan	01.01.1964	09.08.1983	25.01.2010	DOA Nowshera	--
82	Iqbal Hussain	Matric	DIKhan	01.09.1959	04.10.1983	25.01.2010	DOA DIKhan	--
83	Jamil Ahmad	Matric	DIKhan	28.02.1965	27.10.1983	25.01.2010	DOA DIKhan	--

Director General Agriculture (Exn)
Khyber Pukhtunkhwa, Peshawar

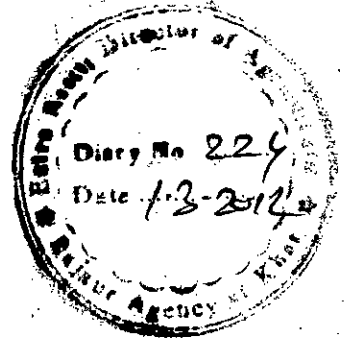
باجو

D-10

No.15/54-C/Estt/ 1793-1823 /DG
Dated Peshawar the 28/1 /2012

To

1. The Director of Agriculture (FATA) Peshawar.
2. The Principal, Agricultural Training Institute, Peshawar.
3. The Director Field Operation, HQ.
4. The Statistician, Crop Reporting Services, KPK, Peshawar.
5. The All-District Directors Agriculture (Extension) in Khyber Pakhtunkhwa.
6. The Dy. Director of Agriculture (FATA) Peshawar and DIKhan.



Subject: ✓ SENIORITY LIST OF SENIOR CLERKS AS IT STOOD ON 1.1.2012.

Memo

Enclosed herewith seniority list of Senior Clerks (BS-9) of Agriculture Extension Wing as it stood on 1.1.2012.

You are advised to circulate the same amongst Senior Clerks of your offices for further necessary action.

Encl: As above.

118
6-2-2012

DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA,
PESHAWAR

Endst: No. _____

Copy forwarded to the:

1. Mr. Amir Nawaz, Senior Clerk, HQ.
2. Mr. Mushtaq Ahmad, Senior Clerk, HQ.
3. Mr. Tahir Mukhtiar, Senior Clerk, HQ.
4. Syed Amin Shah, Senior Clerk, HQ.

*Seniority list
File
28/1/2012*

*Seniority list
file*

*DDA (FATA)
Peshawar*

6/2/12

*E/Asstt
Jed*

DIRECTOR GENERAL

*B.K.
Fateel*

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11

SENIORITY LIST OF SENIOR CLERKS OF AGRICULTURE DEPARTMENT (EXTENSION) WING AS IT
STOOD ON 01.01.2012.

S.No.	Name of Officials	Qualifications	Home District	Date of Birth	Date of 1 st appointment	Date of promotion as Senior Clerk	Place of present Posting	Remarks
1.	Mr. Shah Nawaz.	F.A.	DIKhan.	28.03.1956	19.10.1978	20.01.1998	DIKhan	--
2.	Mr. Shabir Ahmad	F.A.	Abbottabad	01.01.1959	21.10.1978	31.05.1993	DOA, A/Abad	--
3.	Syed Rasool	Matric	DIKhan	20.06.1954	01.08.1979	20.01.1998	DOA, DIKhan	--
4.	Mr. Faqir Hussain	Matric	Peshawar	01.01.1962	01.03.1981	26.01.2004	DDA(F) Pesh;	-- ✓
5.	Mr. Muhammad Hayat	Matric	Malakand	04.05.1959	14.03.1981	18.12.2004	DOA, Malakand	--
6.	Mr. Fazli Habib	B.A.	Charsadda	15.01.1963	17.03.1981	01.10.1986	DOA, Charsadda	--
7.	Mr. Khan Zaman	Matric	Lakki Marwat	12.08.1961	19.03.1981	02.07.1985	ATI, Peshawar	--
8.	Mr. Muhammad Sayar	Matric	Charsadda	02.02.1959	18.04.1981	01.09.1988	DA(ATA) Pesh;	-- ✓
9.	Mr. Muhib Ullah	Matric	Swabi	05.03.1954	28.06.1981	18.12.2004	DOA, Swabi	-- ✓
10.	Mr. Amir Nawaz	M.A.	Peshawar	06.02.1952	13.07.1981	01.12.1988	DGA(E)	--
11.	Mr. Muhammad Qasim	F.A.	Abbottabad	01.03.1962	18.08.1981	18.12.2004	SO, Mansehra	--
12.	Mr. Aman Ullah	F.A.	DIKhan	01.07.1960	15.09.1981	01.08.1989	DOA, DIKhan	--
13.	Mr. Ghulam Akbar	Matric	Charsadda	28.03.1960	03.12.1981	01.06.1988	DA(FATA) Pesh;	-- ✓
14.	Mr. Islam Khan	F.A.	Chitral	09.02.1964	13.02.1982	18.12.2004	DOA, Chitral	--
15.	Mr. Yaqoob Nizar	B.A.	Chitral	07.01.1961	15.02.1982	18.12.2004	SO, Chitral	--
16.	Mr. Muhammad Hamayun	B.A.	Charsadda	31.01.1960	12.04.1982	01.01.1990	DA(FATA) Pesh;	-- ✓
17.	Mr. Taj Gul	B.A.	Bajaur	02.12.1959	15.05.1982	01.09.1989	AAO, Baj. Agency	-- ✓
18.	Mr. Gulab Hussain	F.A.	Bajaur	12.07.1962	02.06.1982	23.11.1990	AAO, Kurram	-- ✓
19.	Mr. Saif ur Rehman	Matric	DIKhan	10.04.1964	15.08.1982	20.01.1987	DDA(F) DIKhan	-- ✓
20.	Mr. Aibat Khan	Matric	Karak	10.01.1960	17.08.1982	17.07.1988	DOA, Karak	--
21.	Mr. Abdur Rauf	D.Com	DIKhan	15.04.1960	06.10.1982	01.08.1989	DOA, DIKhan	--
22.	Mr. Nawaz Khan	Matric	DIKhan	19.01.1963	14.10.1982	26.10.1989	DOA, DIKhan	--
23.	Mr. Sabaz Ali	Matric	Karak	03.03.1963	03.02.1983	03.12.1988	DOA, DIKhan	--
24.	Mr. Fazi Ur Rehman	Matric	DIKhan	25.04.1960	25.04.1983	23.12.1986	DOA, DIKhan	--
25.	Mr. Muhammad Ishtiaq	F.A.	DIKhan	02.02.1961	25.04.1983	23.12.1986	DOA, DIKhan	--
26.	Mr. Majeed Ullah	Matric	DIKhan	01.03.1965	08.06.1983	25.02.1987	DOA, DIKhan	--
27.	Mr. Abdul Majeed	F.A.	DIKhan	15.04.1964	01.09.1983	01.09.1989	DOA, DIKhan	--
28.	Mr. Mushtaq Ahmad	C.Com	Peshawar	10.12.1964	20.09.1983	20.10.1990	DGA(E)	--
29.	Mr. Abdur Rehman	M.A.	Lakki Marwat	06.11.1964	24.09.1983	01.09.1989	DOA, L/Marwat	--

ATTESTED

30.	Mr. Khalid Saif Ullah	Matric	Karak	10.06.1965	08.10.1983	03.12.1988	DDA, Kohat	-	-
31.	Mr. Khalid Jabbar	F.A	Mardan	26.08.1961	01.04.1984	21.06.1987	PATI, Pesh;		
32.	Mr. Tahir Muhkhtar	B.A	Peshawar	13.06.1961	15.08.1984	03.12.1990	DGA(E)	-	-
33.	Mr. Syed Amin Shah	Matric	Peshawar	03.08.1964	17.11.1984	19.12.1989	DGA(E)		
34.	Mr. Saeed Ullah	F.A	Bannu	04.03.1964	25.03.1985	01.03.1991	DDA, Bannu		
35.	Mr. Sajjad Yousaf	B.A	Kohat	05.02.1958	05.02.1986	09.08.1989	DDA, Kohat	-	-
36.	Mr. Qasim Khan	B.A	SW Agency	11.11.1960	12.03.1986	16.01.1992	AAO, Wana	✓	✓
37.	Mr. Muhammad Shafi	Matric	DIKhan	03.03.1965	17.01.1987	16.01.1992	DDA, Tank.	-	-
38.	Mr. Aurang Zeb	Matric	Karak	15.01.1965	11.07.1987	19.08.1989	DDA, Karak.	-	-
39.	Mr. Abdul Qayaz	Matric	Karak	03.01.1967	11.07.1987	20.08.1989	DDA, Hangu.	-	-
40.	Mr. Mahtab Khan	Matric	Karak	15.06.1968	12.07.1987	09.08.1989	DDA, Karak.	-	-
41.	Mr. Muhammad Rafique	B.A	Swat	07.12.1955	10.03.1980	16.08.1990	DDA, Swat.	-	-
42.	Mr. Muhammad Israr	F.A	Dir	15.02.1961	09.05.2001	18.11.2004	DDA, Dir Lower.	-	-
43.	Mr. Khurshid Ali	M.A	Swat	01.06.1964	08.02.1987	14.08.2006	DDA, Shangla.	-	-
44.	Mr. Salah Ud Din	Matric	Swat	01.04.1954	25.01.1981	24.01.2009	SO, Swat.	-	-
45.	Mr. Muhammad Niaz	Matric	Mansehra	20.08.1963	19.12.1981	24.01.2009	SO, Mansehra.	-	-
46.	Mr. Muhammad Ejaz	D.Com	Abbottabad	25.03.1961	01.04.1982	24.01.2009	SO, Abbottabad.	-	-
47.	Mr. Jamshid Khan	B.A	Mardan	25.07.1957	16.06.1982	24.01.2009	SO, Mardan.	-	-
48.	Mr. Bazid Khan	B.A	Buner	06.03.1963	02.11.1982	24.01.2009	DDA, Buner.	-	-
49.	Mr. Tariq Iqbal	B.A	Peshawar	15.10.1964	12.01.1983	24.01.2009	DA, (FATA)Pesh	✓	✓
50.	Mr. Zameen Hussain	B.A	Kurram	18.05.1964	01.03.1983	24.01.2009	AAO, Kurram.	✓	✓
51.	Mr. Wajid Ali	Matric	Mardan	07.03.1962	07.03.1983	24.01.2009	DDA, Mardan.	-	-
52.	Mr. Sir Anjam	Matric	Charsadda	03.04.1964	14.04.1983	24.01.2009	AAO, Khyber.	✓	✓
53.	Mr. Ghazanfar Hussain	Matric	DIKhan	18.01.1961	05.03.1980	25.01.2010	DDA, DIKhan.	✓	✓
54.	Mr. Fazal Rahman	Matric	Swat	15.03.1954	25.01.1981	25.01.2010	SO, Buner.	-	-
55.	Mr. Itebar Muhammad	F.A	Swat	05.05.1968	10.02.1981	25.01.2010	DDA, Swat.	-	-
56.	Mr. Jahangir Khan	F.A	Peshawar	25.04.1963	05.03.1983	25.01.2010	DA, (FATA)Pesh	✓	✓
57.	Mr. Raz Gul	Matric	Peshawar	15.09.1963	03.05.1983	25.01.2010	DA, FATA Pesh.	✓	✓
58.	Mr. Sikakndar Hayat	Matric	Mardan	30.12.1960	16.07.1983	25.01.2010	DDA, Swabi.	-	-
59.	Mr. Badshah Zada	Matric	Mardan	01.01.1964	09.08.1983	25.01.2010	DDA, Nowshera.	-	-
60.	Mr. Iqbal Hussain	Matric	DIKhan	01.09.1959	04.10.1983	25.01.2010	DDA, DIKhan.	✓	✓
61.	Mr. Jamil Ahmad	Matric	DIKhan	28.02.1965	27.10.1983	25.01.2010	DDA, DIKhan.	✓	✓
62.	Mr. Jehanzeb	Matric	Peshawar	20.04.1960	04.11.1978	21.05.2011	AAO, Khy:Pesh:	✓	✓
63.	Mr. Sajjad Hussain	Matric	Peshawar	01.03.1964	03.12.1983	21.05.2011	Statistician, (CRS)	-	-
64.	Mr. Niaz Akbar	M.A	Peshawar	01.09.1961	01.01.1984	21.05.2011	DDA, (FATA) Pesh;	✓	✓

E-12

DIRECTORATE GENERAL AGRICULTURE EXTENSION KHYBER PAKHTUNKHWA PESHAWAR

OFFICE ORDER

On the recommendation of Departmental Promotion Committee, the competent authority is please to promote the following Senior Clerks BS-9 to the post of Office Assistant (BS-14) with immediate effect on regular basis, however, they will be on probation for the period of one year.

1. Faizur Rehman.
2. Abdur Rahim.
3. Allah Nawaz.
4. Shabir Ahmad.
5. Said Rawan.
6. Muhammad Shah.
7. Hazrat Yousaf.
8. Mursaleen
9. Deedar Muhammad.
10. Murad Ali.

Consequent upon above, the following posting / transfer are hereby ordered in the interest of public service

S.No.	Name	From	To
1.	Faizur Rehman.	Senior Clerk o/o the DOA, Kohistan	Office Assistant o/o the Statistician, CRS, Khyber Pakhtunkhwa, Peshawar against the vacant post.
2.	Abdur Rahim.	Senior Clerk o/o the DOA, Lakki	Office Assistant o/o the DOA, Lakki vice No.11.
3.	Allah Nawaz	Senior Clerk o/o the DOA, Dikhan	Adjusted against the vacant post Superintendent (ops) o/o the DOA, Banpu.
4.	Shabir Ahmad	Senior Clerk o/o the DOA, Abbottabad.	Office Assistant o/o the DDA (FATA) Peshawar against the vacant post.
5.	Said Rawan	Senior Clerk o/o the DOA, Upper Dir.	Office Assistant o/o the DOA, Upper Dir. against the vacant post.
6.	Muhammad Shah	Senior Clerk o/o the AAO, Khyber Agency.	Office Assistant o/o the DA (FATA) Khyber Pakhtunkhwa, Peshawar against the vacant post.
7.	Hazrat Yousaf	Senior Clerk o/o the DOA, Mardan.	Office Assistant o/o the DG's Office against the vacant post.
8.	Mursaleen	Senior Clerk o/o the AAO, Bajour Agency	Office Assistant o/o AAO, Bajour Agency against the vacant post.
9.	Deedar Muhammad	Senior Clerk o/o the DOA, Nowshera	Office Assistant o/o the DOA, Nowshera vice No.13.
10.	Murad Ali	Senior Clerk o/o the DOA, Mardan.	Office Assistant o/o the DDA (FATA) Peshawar against the vacant post.
11.	Shafiqullah	Junior Clerk working against the post of Office Assistant o/o DOA, Lakki	Jr Clerk o/o the DOA, Dikhan vice No.12.
12.	Muhammad Aslam	Junior Clerk o/o the DOA, Dikhan	Senior Clerk (ops) o/o the DOA, Dikhan vice No.3.
13.	Wajid Ali	Senior Clerk working against the post of Office Assit. o/o DOA, Nowshera.	Senior Clerk o/o the DOA, Mardan vice No.7.

Attested
19/11/10

13

Husain Dad Khan	Jr. Clerk o/o the DOA, Bannu.	Senior Clerk (ops) o/o the DOA, Lakki vice No.2.
15. Owais Khan	Jr. Clerk o/o the Statistical Officer (CRS) Kohat.	Jr. Clerk o/o the DOA, Bannu vice No.14.

Sd/- (GUL NAWAZ KHATTAKI)
 DIRECTOR GENERAL
 AGRICULTURE (EXTENSION)
 KHYBER PAKHTUNKHWA,
 PESHAWAR.

No. 15/21/Estt/ 13963-14065 DG Dated Peshawar: the 28/10 /2010

Copy forwarded to -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Addl. Accountant General (PR) Sub-Office, Peshawar.
3. The Director Agriculture (FATA) Khyber Pakhtunkhwa, Peshawar.
4. The Deputy Director of Agriculture (FATA) Peshawar.
5. The Statistician, Crop Reporting Services, Khyber Pakhtunkhwa, Peshawar.
6. The EDOs Agriculture, DiKhan, Bannu, Upper Dir, Lakki Marwat, Mardan, Nowshera, Kohistan and Abbottabad.
7. The District Officers Agriculture, DiKhan, Bannu, Upper Dir, Lakki Marwat, Mardan, Nowshera, Kohistan and Abbottabad.
8. The District Accounts Officers, DiKhan, Bannu, Upper Dir, Lakki Marwat, Mardan, Nowshera, Kohistan, Abbottabad & FATA.
9. The Agriculture Agency Officers, Khyber and Bajour Agency.
10. The Agency Accounts Officers, Khyber and Bajour Agency.
11. The Statistical Officer (CRS) Kohat & DiKhan.
12. The Assistant Accounts Officer, HQ.
13. The officials concerned.

For information and necessary action.

14. File No. 16/1/Estt/ for record.
15. Personal files of the officials concerned.

[Signature]
 DIRECTOR GENERAL

OFFICE OF THE DIRECTOR OF AGRICULTURE (EXTENSION) FATA, KHYBER PAKHTUNKHWA PESHAWAR

Endst.No.2/16-Estt./ 5690-92 DA(F) : Dated Peshawar the 4-11 /2010

Copy forwarded to:-

1. The Dy. Director of Agriculture (FATA), Peshawar.
2. The Agriculture Agency Officer, Bajour Agency at Khar. Miran Shah for information.
3. The Agriculture Agency Officer, Khyber Agency at Peshawar.

for information.

Attested

DIRECTOR AGRICULTURE (EXT)
 FATA, K.P.K PESHAWAR

***Agriculture Agency Officer
 Bajaur Agency At Khar**

Attested
[Signature]

F-14

DIRECTORATE OF AGRICULTURE (FATA) NWFP, PESHAWAR.

ORDER

Mr. Taj Gul Senior Clerk Office of the Extra Assistant Director of Agriculture, Mohmand Agency at Ghalanai is hereby transferred and posted in the office of Extra Assistant Director of Agriculture, Bajaur Agency at Khar against a vacant post of office Assistant in the interest of public.

He will draw his pay and allowances etc against the post of Office Assistant.

This order will take effect from 1.6.95 (F.N)

Sd/- (MIAN ABDUL GHAFFAR)
DIRECTOR OF AGRICULTURE,
(FATA) NWFP, PESHAWAR.

No. 2656-62 /DA(FATA)

Dated Peshawar, the 7-6 /95

Copy of the above is forwarded for information and necessary action to the

- 1- Mr. Taj Gul Senior Clerk Office of the Extra Assistant Director of Agriculture, Mohmand Agency at Ghalanai.
- 2- The Extra Assistant Director of Agriculture, Mohmand Agency at Ghalanai.
- 3- The Extra Assistant Director of Agriculture, Bajaur Agency at Khar.
- 4- The Agency Accounts Officer, Mohmand Agency at Ghalanai.
- 5- The Agency Accounts Officer, Bajaur Agency at Khar.
- 6- The Superintendent, Establishment, H.Q. Office.
- 7- The Establishment Assistant H.Q. Office.

Mian Abdul Ghaffar
DIRECTOR OF AGRICULTURE,
(FATA) NWFP, PESHAWAR.

No. _____ /DA(FATA)

Dated Peshawar, the _____ /95

Copy forwarded to the Private Secretary to Minister for Agriculture NWFP, Peshawar.

ATTESTED

Sd/-
DIRECTOR OF AGRICULTURE,
(FATA) NWFP, PESHAWAR.

M

G-15

To

The Additional Chief Secretary FATA,
FATA No. 1415 - Shamar.

SUBJECT: **DEPA**

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R.SHEWETH:

- 1- That Agric Baja

appointment till date Department quite efficiently and up of his superiors.

- 2- That after serving for more than seven years as Junior Clerk the appellant was promoted as Senior Clerk (BPS-09) vide order dated 1.9.1989.
- 3- That later on the Director General Agriculture Extension Department has issued seniority list of Senior Clerks due to which junior to appellant has been ranked senior to appellant without any plausible reason vide order dated 1.2.2012. That feeling aggrieved from that disputed seniority list appellant filed representation but no reply has been received so far.
- 4- That on the said disputed seniority list the concerned authority promoted junior colleagues of the appellant has been promoted to the post of Assistant (BPS-14) and the appellant has been lift from that promotion despite of senior most employee of this department.
- 5- That feeling aggrieved appellant prefers this departmental appeal on the following grounds amongst the others.

GROUND:

- A- That not promoting the appellant on the post of Assistant (BPS-14) by the concerned Department is against the law, facts and norms of natural justice.

ATTESTED

[Signature]

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- B- That appellant has not been treated by the Agriculture Department in accordance with law and rules on the subject noted above and as such the Agriculture Department violated Article 4 and 25 of the Constitution of Pakistan 1973.
- C- That despite of having eligibility and seniority the respondent Department has not promoted the appellant to the post of Assistant (BPS-14) which shows clear discrimination on the part of concerned Department.
- D- That the Agriculture Department acted in arbitrary and malafide manner by not promoting the appellant on regular basis on the post of Assistant (BPS-14).
- E- That appellant has got experience and having the requisite qualification and seniority for the post of Assistant (BPS-14); thus he is perfectly eligible to be promoted to the post of Assistant (BPS-14) on regular basis from the date when appellant juniors were promoted.

It is therefore humbly prayed that on acceptance of this Departmental appeal the appellant may very kindly be promoted on regular basis to the post of Assistant (BPS-14) from the date when appellant juniors were promoted with all consequential benefits and seniority. Any other remedy which you r good self deems fit that may also be awarded in favor of the appellant.

Dated: 23/4/2013.

Appellant



Taj Gul, Senior Clerk (BPS-09),
O/o Agency Agricultural Officer,
Bajaur Agency

ATTESTED



VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2013

Taj Gul

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Agriculture Deptt

(RESPONDENT)
(DEFENDANT)

I/We Taj Gul

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2013

Taj Gul
CLIENT

13/01/2013
ACCEPTED
NOOR MOHAMMAD KHATTAK
(ADVOCATE)

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2002 P L C (C.S.) 1388

[Punjab Service Tribunal]

Justice (Retd.) Riaz Kayani, Chairman

MUHAMMAD HASNAIN SHAH

versus

INSPECTOR-GENERAL OF POLICE, MULTAN RANGE,
MULTAN and 27 others

Appeal No.3706 of 2000, decided on 4th December, 2001

(a) Civil Service----

----Promotion, confirmation and seniority---Civil servant was promoted to the rank of Officiating Sub-Inspector of Police, but was not confirmed on that post and was also placed below the co-civil servants in seniority list despite they were juniors to him ---Co-civil servants were confirmed and placed above civil servant in seniority list on ground that they had undergone upper class course earlier to the civil servant---Validity---Civil servant was punished for no fault of his own for not being nominated for upper class course alongwith co-civil servants---Civil servant had no adverse entry to his A.C.R. standing against him at relevant time---Representation and appeal filed by the civil servant against his grievance though were late, but in matters of promotion, pay and other emoluments, limitation would not foreclose his right accrued to him---Orders passed against the civil servant were set aside with direction to the Authority to confirm civil servant from the date when his juniors were so confirmed - and to grant ante-dated promotion to him.

(b) Limitation Act (IX of 1908)---

----Preamble---Limitation---Limitation Act, 1908 undoubtedly was penal in nature and rights accrued could not be taken away unless sufficient cause was shown---Technicalities of law, however, should not stand in the way of a person who had been singled out rather prosecuted without knowing as to crime or sin, he had committed.

Masud Ahmad Riaz for Appellant.

Khadim Hussain Sindhu, District Attorney for Respondents.

Date of hearing: 27th November, 2001.

JUDGMENT

Muhammad Hasnain Shah, Inspector, was appointed as A.S.-I. on 6-3-1982 and was confirmed in the said post on 12-8-1986 on which date he was also admitted to list 'E'. On 8-10-1986, Deputy Inspector-General of Police, Faisalabad Range, Faisalabad, terminated the probation of the appellant

as A.S.-I. and also removed him from list 'E'. Inspector-General of Police, Punjab, took suo motu notice of the steps taken by Deputy Inspector-General of Police, Faisalabad, and directed maintaining status quo ante, with the result that appellant was confirmed as A.S.-I. w.e.f. 2-8-1986 as well as admitted to list 'E' and was also promoted the rank of officiating Sub-Inspector w.e.f. 8-8-1988. Simultaneously, appellant was transferred to Multan Range in the year 1988. A seniority list was issued in which appellant was shown at serial No. 143-A followed by another seniority list of Sub-Inspectors w.e.f. 1-1-1987 in which the name of the appellant did not figure, however, respondents Nos.4 to 9 were shown senior to the appellant having been admitted to list 'E' w.e.f. 9-9-1986, on a date after the admission of the appellant to the said list, as a result of which respondents Nos.4 to 9 were confirmed as Sub-Inspectors w.e.f. 7-2-1990 vide order dated 17-2-1990 passed by Deputy Inspector-General of Police, Multan Range, Multan. Appellant made representation to respondent No. 1 on 15-1-1998. In reply respondent No. 1 vide his letter dated 25-2-1998 informed the appellant that his case was examined for grant of ante-date confirmation as Sub-Inspector w.e.f. 7-2-1990 but the same could not be accorded as he was undergoing upper class course which was a pre-requisite qualification for confirmation as Sub-Inspector. Appellant mentioned in his appeal that respondents Nos.4 to 9 have been deputed for upper class course in March 1989 whereas appellant was sent to upper class course on 23-9-1989 and completed the course in March, 1990, while he was serving in Multan Range. Grievance of the appellant was that confirmation of respondents No.4 to 9 as Sub-Inspectors w.e.f. 7-2-1990, while he was left in lurch, the respondents were admitted to list 'F' and promoted as officiating Inspectors from various dates occurring in the years 1991 and 1995. Appellant admitted that he was transferred to Sargodha Range at his own request vide order dated 27-1-1991, he was placed at the bottom of officiating Sub-Inspectors on the list of Sargodha Range. Being junior to all officiating Sub-Inspectors in Sargodha Range, he was confirmed as Sub-Inspector w.e.f. 12-8-1992 and in the seniority list of confirmed Sub-Inspectors of Sargodha Range, his name figured at Serial No.60, though he was entitled to be placed below Serial No.24 and above Serial No.25 as these persons were confirmed from various dates ranging between 9-10-1990 to 12-8-1992. Appellant was admitted to list 'F' on 27-3-1999 and promoted as Inspector w.e.f. 19-4-1999 making him junior to respondents Nos.4 to 11 by 8 years. Appellant submitted his representation to respondent No.2 on 19-3-1998, which was rejected and communicated to him on 25-11-2000. Order of respondent No. 1 dated 25-2-1998 and that of respondent No.2 dated 25-11-2000 have been challenged in this appeal.

2. Learned counsel for the appellant contended that the injustice to the appellant commenced at the time when he was not considered alongwith his batchmates to undergo upper class course to which they were admitted in March, 1989 and this is the starting point of his miseries. Taking his arguments to their logical conclusion, learned counsel stated that the only ground for not sending the Police Officer for upper course is that when he has an adverse entry in his ACR, as mandated in the Police Rules, 1934. To the contrary, it was urged that appellant has in his whole career not earned even a single adverse entry, particularly, till March, 1989, when respondents Nos.4 to 11 were sent to undergo the upper class course and without any rhyme or reason, his entry in the institution to undergo upper class course was delayed till 23-8-1989, which he passed in March, 1990.

3. Learned counsel for the appellant referred to an unreported judgment of the Hon'ble Supreme Court in Civil Petitions Nos.766-L of 1995 and 790-L of 1995 which took into consideration identical question of law; Respondent and petitioner, in the referred to case, before the apex Court were Junior Instructors in Government College of Technology. Respondent being senior to the petitioner was not

promoted to take the training course because the Principal was of the view that his class would be neglected without him. But on the other hand petitioner was allowed to proceed on training which made him qualified to be promoted in BS-17 on 18-6-1990. However, the case of the respondent was relegated on the ground that he did not complete the training which he did subsequently and obtained Diploma on 13-5-1991. Respondent claimed promotion and seniority asserting that if he had not been ignored earlier, without any fault of his, he would have also been promoted alongwith the petitioner. Punjab Service Tribunal who allowed the petition, observed as under:--

"There was no denying the fact that the appellant was senior to respondent No.3. He should have been deputed for the course by virtue of his seniority. It was not the respondent's case that his record was otherwise unsatisfactory rendering him unfit for getting the training. Conversely, when his record was clean and he was senior as well, he should have been given preference to all others for getting the training. He was detained by the Principal as he had none also to look after the relevant duties but this could not be a reason to traverse seniority of the appellant. Someone should have been brought in by transfer or by initial recruitment to fill the post temporarily. The reason for rendering his seniority ineffective was not sound. Late, however, he got the training and came eligible to be promoted. By virtue of seniority which was a vested right he had a genuine claim to be preferred to respondent No.3.

Accordingly, the appeal is allowed. The appellant is held entitled to be promoted as Inspector (BS-17) in preference to respondent No.3 even though the latter might have to be demoted."

Hon'ble Judges of the Supreme Court held that the respondent was handicapped to undergo the course/training because of refusal of - the Principal to allow him to proceed on such training but since he was entitled to undergo the training alongwith others, the Principal should have exercised the discretion in his favour and alternate arrangement should have been made. The appeal of the petitioner was dismissed and judgment of the Tribunal was upheld.

4. Another hurdle which has been created in the way of the appellant is that he got himself transferred to Sargodha and according to the policy of the Government, transfer with consent brings his seniority in his rank to the bottom. However, the mischief to the appellant was done before he opted for transfer to Sargodha in January, 1991 and events culminating in ignoring him for promotion as confirmed Sub-Inspector from 7-2-1990 would not stand in his way for seeking relief by his voluntary transfer to Sargodha Range. Appellant also quoted the case of Muhammad Sarwar v. Director Administration, FIA reported in 1998 SCMR 2409 a case more or less on the similar grounds. Learned District Attorney, raised a single objection about limitation and submitted that wrong was done to the appellant on 7-2-1990 according to his own showing but the representation which he made was in January, 1998 and according to the dictum of Hon'ble Supreme Court reported in 1998 SCMR 882, question of limitation could be seen by the appellate Court at any stage of the proceedings. It was urged that although appellant may have a good case on merit but having kept mum for 7/8 years, he cannot be allowed condonation there being no sufficient ground in his favour.

5. I have attended to the arguments of the respective counsels and have also gone through the record.

6. Appellant admittedly was punished for no fault of his for not being nominated for upper class course in March, 1989 alongwith other respondents. He had no adverse entry in his ACR standing against him name at that period of time. Ruling of the Hon'ble apex Court upholding the judgment of this Tribunal in Appeal No. 634 of 1991 clinches the issue. Subsequent event of getting himself transferred to

Sargodha and being placed at the bottom of officiating Sub-Inspectors list, would not stand in the way of the appellant as the mischief had completed itself in February, 1990 when juniors to the appellant were confirmed as Sub-Inspector.

7. Coming to the question of limitation, canvassed by the appellant, I am more prone in the instant case to do substantial justice, as head of the appellant was placed on the chopping block for no fault of his. Undoubtedly, Limitation Act is penal in nature and rights accrued cannot be taken away unless sufficient cause is shown. However, technicalities of law should not stand in the way of a person who has been singled out rather persecuted without knowing as to what crime or sin he has committed. Equities in his favour, far out-weight, his tardiness, to make representation against the injustice done to him. I am also fortified in my view by the judgment of the apex Court reported in PLD 1992 SC 825 that in matters of promotion, pay and other emoluments cause of action is recurring, limitation does not foreclose the right. Resultantly I accept the appeal, set aside the impugned orders and direct the respondents to confirm the appellant as Sub-inspector' w.e.f. 7-2-1990 when respondents; 14 to 11 his juniors were given the benefit of confirmation as Sub-Inspector. Respondent No.2 may consider granting ante-dated promotion to the appellant as officiating Inspector from the same dates as were allowed to the respondents alongwith consequential benefits flowing from the order to promotion.

H.B.T./64/PST

Appeal accepted.