

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT ABBOTTABAD

Service Appeal No. 775/2018

Date of Institution ... 24.05.2018

Date of Decision ... 21.07.2022

Muhammad Younas, Retired Executive District Officer/District Director, Agriculture, R/O Nagri Bala Tehsil and District Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Chief Secretary Peshawar and four others.

... (Respondents)

MR. RIZWANULLAH,
Advocate

--- For appellant.

MR. NASEER-UD-DIN SHAH,
Assistant Advocate General

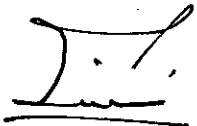
--- For respondents.

MR. KALIM ARSHAD KHAN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Briefly stated the facts necessary for disposal of the instant service appeal are that the appellant was recommended for promotion to the post of Executive District Officer Agriculture (BPS-19), vide recommendations of PSB in its meeting held on 17.02.2012, however formal order of promotion of the appellant was issued vide Notification dated 21.04.2012. The appellant submitted an appeal for condonation (Termination) of probation period and his promotion to BPS-20, which was denied. The appellant stood retired with effect from 02.04.2013 on attaining the age of superannuation. The appellant then filed Service Appeal No. 53/2015 before this Tribunal, which was dismissed vide judgment dated 16.08.2016. The same was challenged by the appellant through filing of CPLA before the august Supreme

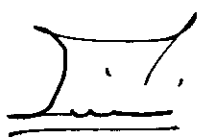


Court of Pakistan, however in order to approach the Governor in terms of Section 26 of the Civil Servants Act, learned counsel for the appellant opted not to press the petition, hence the same was dismissed being not pressed. The appellant then submitted appeal before the Governor Khyber Pakhtunkhwa Peshawar for condonation (termination) of probation period and promotion to BPS-20 with retrospective effect, however the same was not responded, hence the instant service appeal.

2. Respondents contested the appeal by way of submitting comments, wherein they refuted the assertions raised by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant was already serving on the post of BPS-19 in officiating capacity with effect from 01.07.2011 and upon his regular promotion to the said post on 21.04.2012, placing him on probation for further period of one year was not a mandatory requirement; that in similar nature cases, probation period had been condoned by the competent Authority, however the same relief was wrongly and illegally denied to the appellant, which is a grave violation of fundamental rights of the appellant as he has been treated with discrimination; that the appellant was recommended for promotion in the meeting of PSB held on 17.02.2012 but the competent Authority issued formal promotion notification of the appellant after delay on 21.04.2012, therefore, in view of numerous rulings of this Tribunal, the date of recommendation of the appellant for promotion i.e 17.02.2012 was required to have been considered for counting of probation period but the departmental Authority had wrongly and illegally considered the date of formal promotion of the appellant for the purpose of probation period and in the meanwhile the appellant stood retired; that the appellant was intentionally deprived of his promotion to BPS-20 as he was at serial No. 2 of the seniority list, while 03 vacant posts of BPS-20 were already available for promotion; that the relief already extended to other employees in similar nature cases was denied by the departmental Authority to the appellant and he was treated with discrimination. Reliance was

placed on PLD 2002 Supreme Court 46, 2010 SCMR 1466, 2013 SCMR 544, 2006 SCMR 1938, 2011 PLC (C.S) 07, 2010 SCMR 1933, PLD 2003 Supreme Court 724, 2002 SCMR 71, 2009 SCMR 01, 2022 SCMR 448, 2019 SCMR 998, 2018 PLC (C.S) 458, judgment dated 11.07.2017 passed by this Tribunal in Service Appeal No. 1387/2015 titled "Shafiqu-ur-Rehman Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others", judgment dated 31.12.2012 passed by this Tribunal in Service Appeal No. 386/2012 titled "Fazal Rabbi Versus Chief Secretary Government of Khyber Pakhtunkhwa Peshawar and others" and judgment dated 21.02.2013 passed by this Tribunal in Service Appeal No. 1358/2010 titled "Azam Khan Versus Government of Khyber Pakhtunkhwa through Secretary Establishment Department Peshawar etc.

 4. On the other hand, learned Assistant Advocate General for the respondents has contended that similar appeal filed by the appellant before this Tribunal has already been dismissed vide judgment dated 16.08.2016, which was challenged through filing of CPLA before august Supreme Court of Pakistan, however the same was also dismissed being not pressed, therefore, the appellant is legally debarred from filing of the instant service appeal; that the appellant was regularly promoted to BPS-19 with effect from 21.04.2012, who was legally required to remain on probation for a period of one year, however in the meanwhile, he stood retired with effect from 02.04.2013 on attaining the age of superannuation; that the appellant has been treated in accordance with relevant rules and no discrimination has been caused to him; that there exist no provision in the relevant rules, whereby the probation period of the appellant could have been terminated before its completion, therefore, the departmental appeal of the appellant was rightly not acceded to.

5. We have already heard arguments of learned counsel for the parties and have perused the record.

6. A perusal of the record would show that the controversy in question had already been agitated by the appellant through

filing of service appeal No. 53/2015 before this Tribunal, which was dismissed vide judgment dated 16.08.2016. The appellant challenged the judgment of this Tribunal through filing of CPLA before august Supreme Court of Pakistan, which was decided in terms reproduced as below:-

"Learned ASC for the petitioner argued the case at some length but when pointed out that he could approach the Governor of the province in terms of Section 26 of the Civil Servants Act in this behalf, he opted not to press this petition in order to approach the Governor. This petition is, thus dismissed as not pressed."

7. In our humble view, the judgment dated 16.08.2016 passed by this Tribunal is still intact as is apparent/evident from the above order of the august Supreme Court of Pakistan wherein nothing has been said about the judgment of this Tribunal dated 16.08.2016 rather when pointed out that the appellant could approach the Governor under Section-26 of the Civil Servants Act, 1973, in this behalf the appellant had not pressed the petition before the Hon'ble Supreme Court of Pakistan and accordingly his petition filed against the judgment of the Tribunal was dismissed, therefore, in view of the bar contained in Rule-23 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974, the appeal in hand filed by the appellant is not entertainable. Rule-23 of Khyber Pakhtunkhwa Service Tribunal 1974, is reproduced as below:-

"No entertainment of appeal in certain cases: No Tribunal shall entertain any appeal in which the matter directly and substantially in issue has already been finally decided by a court or a Tribunal of competent jurisdiction."

8. Consequently, the appeal in hand stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.07.2022



(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT ABBOTTABAD



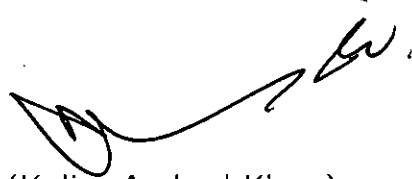
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

ORDER
21.07.2022

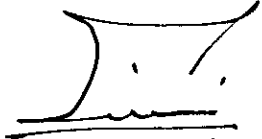
Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments have already heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.07.2022



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad





(Salah-Ud-Din)
Member (Judicial)
Camp Court Abbottabad

20th July, 2022

Appellant alongwith messrs Rizwanullah and Muhammad Arshad Khan Tanoli, Advocates present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Arguments heard, however order could not be dictated due to rush of work. Adjourned. To come up for order on 21.07.2022 before the D.B at Camp Court Abbottabad.


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

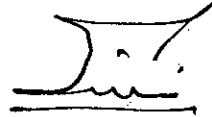
20.04.2022

Clerk of counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for appellant is busy before Hon'ble Peshawar High Court, Abbottabad Bench. Adjourned. Last opportunity given. To come up for arguments on 14.06.2022 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad



(Salah-Ud-Din)
Member (J)
Camp Court A/Abad

14.06.2022

Appellant in person present.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 20.07.2022 before D.B at Camp Court, Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

15.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 29.09.2021.



Reader

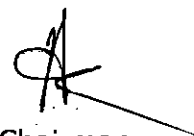
29.09.2021

Junior to counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Request for adjournment is made as learned counsel for the appellant is not in attendance. Case is therefore, adjourned to 18.01.2022 before the D.B at Camp court, Abbottabad



(Rozina Rehman)
Member(Judicial)
Camp Court, A/Abad



Chairman
Camp Court, A/Abad

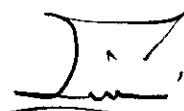
18.01.2022

Clerk of learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Abbottabad Bench. Adjourned. To come up for arguments on 20.04.2022 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court A/Abad



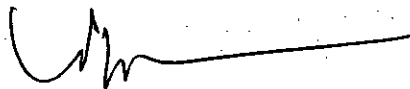
(Salah-ud-Din)
Member (J)
Camp Court A/Abad


20.10.2020

Representative of appellant on behalf of appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Due to general strike of the bar, case case is adjourned to 16.12.2020 for arguments, before D.B at Camp Court, Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

*Due to COVID-19 case is
adjourned to 17-03-2021*



Reah


17.03.2021

Junior to counsel for the appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Hafiz Muhammad Qasim Assistant for respondents present.

Former made a request for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court; granted. To come up for arguments on 15/06/2021 before D.B at Camp Court Abbottabad.

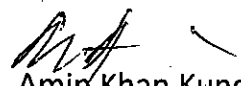

(Atiq Ur Rehman Wazir)
Member (E)
Camp Court, A/Abad


Rozina Rehman)
Member (J)
Camp Court, A/Abad

19.12.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith M/S Syed Sadiq Hussain Shah, SMS and Shamim, Section Officer for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 18.02.2020 for arguments before D.B at Camp Court Abbottabad.

(Hussain Shah)
Member
Camp Court Abbottabad


(M. Amin Khan Kundi)
Member
Camp Court Abbottabad


18-2-20

Due to covid ,19 case to come up for the same on 14/4/20 at camp court abbottabad.


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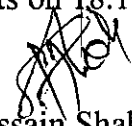
14-4-20


Due to summer vacation case to come up for the same on 10/20 at camp court abbottabad.


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17.09.2019

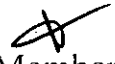
Appellant alongwith his counsel and Mr. Muhammiad Bilal Khan, Deputy District Attorney alongwith Mr. Shamim, Section Officer for the respondents present. Learned counsel for the appellant requested for adjournment. Case to come up for arguments on 18.11.2019 before D.B at Camp Court Abbottabad.



(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

18.11.2019


Clerk to counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammiad Khurshid, Supdt and Mr. Shamim, SO. for respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is indisposed. To come up for arguments on 19.12.2019 before D.B at Camp Court, Abbottabad.


Member


Member
Camp Court Abbottabad

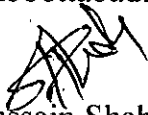
23.05.2019


Appellant in person and Mr. Muhammad Khurshid, Superintendent alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Representative of the department submitted written reply. Adjourned to 10.07.2019 for rejoinder and arguments before D.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

10.07.2019

Appellant in person Mr. Muhammad Bilal, Deputy District Attorney alongwith M/S Sadiq Hussain Shah, Deputy Director and Sajid, Superintendent for the respondents present. Appellant submitted rejoinder and requested for adjournment for arguments on the ground that his counsel is not available today. Adjourned to 22.08.2019 for arguments before D.B at Camp Court Abbottabad.



(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

22.08.2019

Appellant in person present. Mr. Muhammad Bilal, learned Deputy District Attorney alongwith Mr. Muhammad Shamim, SO for respondents present. Appellant seeks adjournment as his counsel has gone to the hospital to attend the patient. Adjourn. To come up for arguments on 17.09.2019 before D.B at Camp Court, Abbottabad.


Member


Member
Camp Court A/Abad

Service Appeal No. 775/2018

18.02.2019

Appellant alongwith his counsel present. Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney for the respondents requested for further adjournment. Last opportunity is granted. Adjourned. To come up for written reply/comments on 16.04.2019 before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

16.04.2019

Appellant with for the appellant present. Mr. Muhammad Bilal, DDA for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Adjourned as a last chance and subject to payment of cast of Rs. 1000/- which shall be borne by the respondents from their own pockets. Case to come up for written reply/comments on 23.05.2019 before S.B at camp court Abbottabad.



(Ahmad Hassan)
Member
Camp Court A/Abad


27.08.2018

Appellant in person and Mohammad Imran , Irshad So for the respondents present. Due to summer vacations, the case is adjourned .To come up for the same on 15.10.2018 at camp court Abbottabad.


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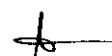
15.10.2018

Appellant in person present. M/S. Sajid Siddique, Agriculture Officer and Muhammad Irshad S.O (Litigation) alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply not submitted. Learned District Attorney requested for adjournment. Adjourned. To come up for written reply/comments on 17.12.2018 before S.B at camp court, Abbottabad.


Member
Camp Court, A/Abad

17.12 .2018




Appellant in person present. Mr. Sajid Saddique, Agriculture Officer alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply on behalf of the respondents not submitted. Requested for adjournment. Granted. Case to come up for written reply/comments on 18.02.2019 before S.B at camp court A/Abad.


(Ahmad Hassan)
Member,
Camp Court A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 775 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/06/2018	<p>The appeal of Mr. Muhammad Younas resubmitted today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5/6/18</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>29/6/18</u>.</p> <p style="text-align: center;"> CHAIRMAN</p>
2-	29.06.2018	<p>Appellant Muhammad Younas in person alongwith Mr. Mohamamd Arshad Khan Tanoli, Advocate on behalf of the appellant present and heard.</p> <p>Contends that though the Provincial Selection Board had recommended the appellant for promotion to Grade-19 but the department did not issue notification in time and so this period excluded from consideration during the promotion for Grade-20 whereas the department was bound to notify his promotion with the date of PSB meeting held on 17.02.2012.</p> <p>The points raised need consideration. The appeal is admitted to full hearing subject to legal objections if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.08.2018 before S.B at camp court, A/Abad.</p> <p style="text-align: right;"> Chairman Camp court, Abbottabad</p>


Appellant Deposited Security & Process Fee

The appeal of Mr. Muhammad Younas Retired EDO Agriculture Department received today i.e. on 24.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Page No. 75 to 77 of the appeal is illegible which may be replaced by legible/better one.

No. 1077 /S.T,

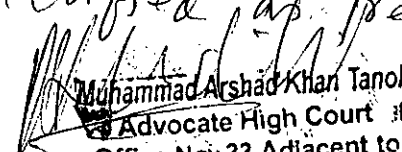
Dt. 24/5 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M. Arshad Khan Tanoli Adv. A. Abad.

Sir,

service appeal is re-submitted
duly rectified as required.


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abhottabad

M/6/18

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

Service Appeal No. 775 /2018

Muhammad Younas, Retired Executive District Officer / District Director,
Agriculture, resident of Nagri Bala Tehsil and District, Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 10	
2.	Copy of promotion order of the appellant	11	"A"
3.	Copy of minutes of the meeting of the PSB	12-15	"B"
4.	Copy of departmental appeal	16-18	"C"
5.	Copy of service appeal No.53/2015	19-23	"D"
6.	Copy of judgment of Service Tribunal	24-27	"E"
7.	Copy of judgment dated 01/01/2018 of Apex court	28	"F"
8.	Copy of the appeal of the appellant to the Governor as per directive of Apex Court	29-67	"G"
9.	Copy of judgment of Service Tribunal and judgment of Apex Court	68-89	"H"
10.	Wakalatanama	90	


...APPELLANT

Through

Dated: _____/2018


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

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

Service Appeal No. 775 /2018

Muhammad Younas, Retired Executive District Officer / District Director,
Agriculture, resident of Nagri Bala Tehsil and District, Abbottabad.

...**APPELLANT**
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 962

Dated 24-5-2018

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Peshawar.
2. Secretary Establishment, Peshawar.
3. Secretary Finance, Peshawar.
4. Secretary Agriculture, Life Stock & Cooperation Department,
Peshawar.
5. District Director Agriculture, Abbottabad.

...**RESPONDENTS**

Filed to - *[Signature]*

Registrar *24/5/18*

Re-submitted to -day
and filed.

[Signature]
Registrar

5/6/18

SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT AS PER SENIORITY LIST FOR
THE YEAR 2012 WAS PLACED AT SERIAL
NUMBER 2 FOR PROMOTION FROM BPS-19
TO BPS-20. THAT THE APPELLANT WAS

GRANTED PROMOTION FROM BPS-18 TO BPS-19 IN THE MEETING OF PSB HELD ON 17/02/2012. AND AS PER LAW, THE DEPTT WAS REQUIRED TO ISSUE FORMAL PROMOTION NOTIFICATION OF THE APPELLANT FROM THE DATE OF PSB I.E 17/02/2012 BUT THE FORMAL NOTIFICATION NO. SOE(AD)V-7/2011 WAS ISSUED ON 21/04/2012. AS A RESULT, THE NAME OF THE APPELLANT WAS NOT INCLUDED IN WORKING PAPER FOR PROMOTION FROM BPS-19 TO BPS-20 BY THE DEPTT DUE TO THE REASON THAT THE APPELLANT'S PERIOD OF PROBATION WAS NOT COMPLETED FROM 17/02/2012 WHICH IS ILLEGAL AND AGAINST THE LAW. THE PROBATION PERIOD OF THE APPELLANT W.E.F 17/02/2012 I.E THE DATE OF ISSUANCE OF MINUTES OF THE PSB IS TO BE TAKEN FOR PROFORMA PROMOTION. HENCE, THE APPELLANT IS ENTITLED FOR PROFORMA PROMOTION FROM BPS-19 TO BPS-20 W.E.F THE DATE HIS JUNIOR AND SIMILAR EMPLOYEES. THEREAFTER, AFTER FIXATION OF PAY,

09-04-2013
16-02-2013

PENSION AND COMMUTATION CASE IS TO BE REVISED.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO PROMOTE THE APPELLANT IN PROFORMA IN BPS-20 AND THEREFORE, PENSION AND COMMUTATION CASE OF THE APPELLANT MAY BE REVISED. IT IS FURTHER PRAYED THAT DIFFERENCE OF ARREARS OF PAY W.E.F 17/02/2013 TO 02/04/2013 AND THEREAFTER ARREAR OF PENSION ETC MAY ALSO BE GRANTED TO THE APPELLANT. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE UNDER THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED.

Respectfully Sheweth;-

The facts giving rise to the instant service appeal are as under;-

1. That the appellant was serving in the Agriculture Department as Executive District Officer/District Director Agriculture BPS-19. Copy of promotion order of the appellant is attached as Annexure "A"
2. That the appellant's case for promotion from BPS -18 to BPS-19 was placed before the PSB which was recommended/ approved for BPS-19 on 17/02/2012. Copy of minutes of the meeting of the PSB is attached as Annexure "B".
3. That as stated in Para-1 above, the respondents' department issued formal promotion order from BPS-18 to BPS-19 on 21/04/2012 which should have been issued w.e.f the date of approval by the PSB i.e 17/02/2012. Copy of notification is already attached as Annexure "A".
4. That there were 03 vacant posts of BPS-20 were lying vacant in the respondents' Department but the case of the appellant could not be included in working paper for

promotion from BPS-19 to BPS-20 by the department due to the reason that the probation period of one year had not yet been expired/ elapsed.

5. That the respondents' department with malafide intention counted period of probation of the appellant w.e.f the date of formal promotion order No. SOE(AD)V-7/2011 on 21/04/2012 instead of w.e.f the date of approval of PSB i.e 17/02/2012 which is discriminatory, against the law and the appellant is eligible for grant of proforma promotion from BPS-19 to BPS-20 for the purposes of pay and revised pension benefit.
6. That feeling aggrieved the appellant filed departmental appeal, to the concerned authorities for redressal of his grievances but the case of the appellant was not given due consideration and accommodation by the concerned authorities. Copy of departmental appeal is attached as Annexure "C".

7. That the appellant got retirement from service on superannuation on 02/04/2013, he filed service appeal before the KPK Service Tribunal. Copy of service appeal No.53/2015 is attached as Annexure "D".

8. That the Honourable Service Tribunal dismissed the petition of the appellant on merit. Copy of judgment of Service Tribunal is attached as Annexure "E". Therefore, appellant filed CPLA before Apex court wherein, the appeal of the appellant has been converted into departmental appeal and send the same to the Governor. Copy of judgment dated 01/01/2018 of Apex court is attached as Annexure "F". Copy of the appeal of the appellant to the Governor as per directive of Apex Court is attached as Annexure "G". But the Governor of KPK did not bother to reply to the appeal of the appellant so far. Therefore the instant service appeal is filed before this Honourable court.

Hence, the instant service appeal is filed inter-alia on the following grounds;-

GROUND:-

- (a) That similarly placed employees who were debarred from promotion to the next higher grade due to the reason that their period of probation was not completed. As stated above that the probation period of similarly placed employees was counted w.e.f the date of their formal PSB meeting which was less than the period prescribed in their appointment order. Hence, the said employees challenged their grievance in service Tribunal with the prayer that their probationary period should be taken into account w.e.f the date of their approval by PSB and not w.e.f the date of their formal promotion order. Therefore, service Tribunal as well as the Apex Court held that the probationary period for the purposes of promotion may be taken into account w.e.f the date of issuance of minutes of PSB and not from the date of issuance of formal

promotion orders. Copy of judgment of Service Tribunal and judgment of Apex Court are attached as Annexure "H".

- (b) That this fact may not be left to fade in oblivion that the appellant is entitled for proforma promotion and thereafter the pensionary benefits as per precedent case law.
- (c) That as per judgment reported 2009 SCMR-I when a point of law is decided in favour of a ~~Person~~^{Person} but the superior courts that must be made applicable to all the employees who are similarly placed. The respondents department is supposed to grant to the appellant proforma promotion in BPS-20 on the analogy of similarly placed employees, whose period of probation was counted for the next higher grade from the date of PSB and not from the date of formal promotion order.


- (d) That respondents' department has led the appellant to the place which is utterly unknown to the principle of jurisprudence, natural justice and fair play.

It is therefore, most respectfully prayed that on acceptance of the instant service appeal, the respondents may graciously be directed to promote the appellant in proforma in BPS-20 and therefore, pension and commutation case of the appellant may be revised. It is further prayed that difference of arrears of pay w.e.f 17/02/2013 to 02/04/2013 and thereafter arrear of pension etc may also be granted to the appellant. Any other relief which this Honourable tribunal deem appropriate under the circumstances of the case may also be granted.


...APPELLANT

Through

Dated: _____/2018


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

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

Service Appeal No. _____/2018

Muhammad Younas, Retired Executive District Officer / District Director,
Agriculture, resident of Nagri Bala Tehsil and District, Abbottabad.


...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary Peshawar & others.

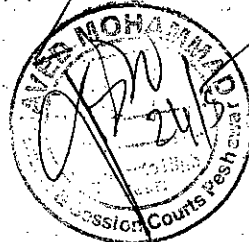
...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Younas, Retired Executive District Officer / District Director, Agriculture, resident of Nagri Bala Tehsil and District, Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

ATTESTED




DEPONENT

A

Annex "A"

DEPT. AGRICULTURE PESHAWAR

FAX NO. :0919210033

Apr. 24 2012 01:50PM P1



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

P-11

Dated Peshawar, the April 21, 2012

NOTIFICATION.

NO.SOE(AD)V-7/2011:- On the recommendations of the Provincial Selection Board, the competent authority is pleased to promote the following Officers of Agriculture Extension Department from BS-18 to BS-19 on regular basis with immediate effect. They will be on probation for a period of one year, except Sr.1 i.e till his retirement date:-

1. Mr. Nazimud-Din
2. Mr.Saadullah Khan
3. Mr.Amir Khan
4. Mr.Muhammad Younas

2. Consequent upon their promotion, they are hereby transferred/adjusted as under:-

S.NO	Name of Officer	From	To
1.	Mr.Nazimud - Din	Executive District Officer (Agriculture), Dir Lower (BS-19) (ops)	EDO (Agriculture), Dir Lower (BS-19)
2.	Mr.Saadullah Khan	Director Horticulture Headquarter BS-19 (In his own pay & scale)	Director Horticulture HQ Peshawar (BS-19)
3.	Mr.Amir Khan	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar (Ops)	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar
4.	Mr.Muhammad Younas	District Director Agriculture, Abbottabad (BS-19) (ops)	EDO (Agriculture) Abbottabad (BS-19)
5.	Mr.Muhammad Iqbal	Subject Matter Specialist Agronomy & Extension BS-18 o/o DDA, Abbottabad	District Director Agriculture Abbottabad BS-19 (ops)

Sd/-XXX
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Dir Lower, Nowshera and Abbottabad.
4. Officers concerned.
5. Personal file of the Officers.
6. Master file.

Attested

 Muhammad Shah Khan Tarlo
 Advocate High Court
 Office No: 33 Adjacent to
 Dist. Bar Abbottabad

378
 (MUHAMMAD ZAHID)
 SECTION OFFICER-ESTT:

Muhammad
 Assistant Accounts Officer
 To Director
 (Extension)K.P.K Province Peshawar



(B)

Annex "B"
R

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(HRD WING)

No. SO (HRD-II)/ED/1-10/2014 (RTI)/Muhammad Younas
Dated Peshawar the 29th April, 2015

To,

P-12

Mr. Muhammad Younas S/o Mir Hussain,
R/O P/O Box-No.44 GPO Abbottabad
Ex-District Director Agriculture Extension Abbottabad.

Subject: -

**PROVISION OF COPY OF PSB MINUTES MEETING REGARDING
NOTIFICATION NO. SOE(AD)V-7/2011 DATED 21/04/2012 OF
AGRICULTURE DEPARTMENT, KHYBER PAKHTUNKHWA UNDER
RTI ACT, 2013.**

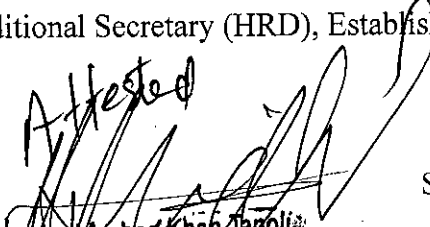
Reference to your application dated 16th April, 2015 on the subject noted above
and to forward herewith the requisite information as requested under **Right to Information Act,
2013.**

Encl: As above:


Additional Secretary (HRD) /
Public Information Officer (P.I.O)

Copy of the above is forwarded to:-

1. The Chief Information Commissioner, Government of Khyber Pakhtunkhwa, Right to Information Commission, 7th Floor, Tasneem Plaza, Near Benevolent Fund Building, 6th Saddar Road, Peshawar with reference to thier letter quoted above.
2. PA to Additional Secretary (HRD), Establishment Department.


Muhammad Arshad Khan Janjani
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbott

SECTION OFFICER (HRD-II)



GOVERNMENT OF KHYBER PAKHTUKHWA
ESTABLISHMENT DEPARTMENT

No. SO (PSB) ED/1-6/2015 /KC-176
Dated Peshawar, the 27.04.2015

To

The Section Officer (HRD-II),
Government of Khyber Pakhtukhwa,
Establishment Department

P-13

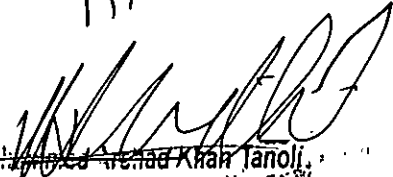
Subject: - PROVISION OF COPY OF PSB MINUTES MEETING REGARDING NOTIFICATION NO. SOE (D)V-7/2011 DATED 21.04.2012 OF AGRICULTURE DEPARTMENT, KHYBER PAKHTUNKHWA UNDER RTI ACT, 2013

I am directed to refer to your letter No. SO (HRD-II)/ED/1-10/2014 (RTI) Muhammad Younas dated 20.04.2015 on the subject and to forward herewith the minutes of PSB meeting held on 17.02.2012 regarding promotion of BS-18 officers of Agriculture Extension to the post of Executive District Officer Agriculture BS-19 as requested by Mr. Muhammad Younas Ex-District Director Agriculture Extension Abbottabad under RTI Act, 2013.

AP-03/K

(JAN SAID)
SECTION OFFICER (PSB)

Attested


Advocate High Court
Office No 33 Adjacent to
Abbottabad

CONFIDENTIAL

P-814

6

ITEM NO.3

AGRICULTURE DEPARTMENT
(Meeting of PSB held on 17.02.2012)

SUBJECT: PROMOTION OF BS-18 OFFICERS OF AGRICULTURE EXTENSION TO THE POST OF EXECUTIVE DISTRICT OFFICER AGRICULTURE BS-19.

Secretary Agriculture apprised the Board that due to death and retirement of officers, four (4) posts of Executive District Officer Agriculture BS-19 were vacant against which two officers, M/S Shafiq-ur-Rehman and Fazli Rabbi S.No.1 and 2 of the panel were already recommended by the PSB for promotion to the post of EDC Agriculture BS-19 by circulation on 19.12.2011 who have retired from service on 27.12.2011 and 07.02.2012 respectively. Hence four posts are lying vacant.

2. According to service rules, the post is required to be filled as under: -

"By promotion on the basis of seniority-cum-fitness from amongst the senior most BS-18 officers of the Agriculture Extension Department with five years service in BS-18 or 12 years service in BS-17 in Agriculture Extension Department".

3. The service record of the officer was discussed as follows: -

S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Shafiq-ur-Rehman	Stands promoted to BS-19 through circulation on 19.12.2011.
2.	Mr. Fazli Rabbi.	Stands promoted to BS-19 through circulation on 19.12.2012.
3.	Mr. Shadi Khan.	Not considered. He has since expired
4.	Mr. Nazimud-Din.	His date of birth is 02.05.1952. He joined government service on 13/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His PER for the period from 01/10/2004 to 31/12/2004 is not available which is six years old and prior to his promotion to BS-18. His remaining service record upto 2010 is generally good. The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis. He will be on probation till retirement.

Attested

Muhammad Arshad Khan Tahoni
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

5.	Mr. Saadullah Khan	<p>His date of birth is 24.05.1954. He joined government service on 13/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His PER for the period from 27.5.2002 to 15.9.2002 is not available which is nine years old prior to his promotion to BS-18. Secretary Agriculture produced his PER for the period from 1.1.2010 to 31.8.2010 to the Board, which was satisfactory. His remaining service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis. He will be on probation for a period of one year.</p>
6	Mr. Abbas Khan	Not considered. He retired from service on 12.8.2011
7	Mr. Amir Khan	<p>His date of birth is 01.05.1953. He joined government service on 14/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis against the post vacated by Mr. Shafiq-ur-Rehman who retired from service on 27.12.2011. He will be on probation for a period of one year.</p>
8	Mr. Muhammad Younas	<p>His date of birth is 03.04.1953. He joined government service on 15.01.1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis against the post vacated by Mr. Fazli Rabbi who retired from service on 07.02.2012. He will be on probation for a period of one year.</p>

[Handwritten signature]
Secretary
EDO

Attested
[Handwritten signature]
Muhammad Arshad Khan Jano
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abhottabad

Annex - e

P-16

Attended

Muhammad Younas Khan Janoli
Advocate High Court
Office No 33 Adjacent to
Dist Bar Abbottabad

- To:
1. The Honorable Chief Minister,
Govt of Khyber Pakhtunkhwa.
 2. The Chief Secretary,
Govt of Khyber Pakhtunkhwa.

Through: PROPER CHANNEL

Subject: APPEAL FOR CONDONATION (TERMINATION) OF PROBATION PERIOD AND PROMOTION TO NEXT HIGHER GRADE B-20

Respected Sir,

With profound veneration, I submit the following few lines for favorable consideration at your gracious end:-

1. I am an Agri Officer serving as Executive District Officer Agriculture Abbottabad in B-19 since 21-04-2012 in accordance with the Govt of Khyber Pakhtunkhwa Peshawar Notification No SOE(AD/V-7/2011 dated 21-04-2012 I have been placed on probation for a period of one year effective from 21-04-2012 uptill 20th April, 2013 (copy enclosed).
2. Currently I am working on superannuation and would retire from service w.e.f 02-04-2013.
3. Now there remain almost 3 months till my retirements from service. Fortunately there exist 3 posts of B-20 vacant in Agriculture Extension Department including FATA since July, 2012 against which no formal promotion of officers have been made.
4. As far my seniority in the cadre is concerned I stand at S No 2 of the seniority list of B-19 officers of the cadre (copy enclosed).
5. Keeping the above service scenario and my spotless, honest services rendered for 37-38 years in Agriculture Department, I feel myself justified for good gesture from Govt to have valuable incentive of getting another step promotion to B-20 just to get benefit in pension.

It is therefore, very earnestly requested that my remaining probation period (i.e. about 3 1/2 months) may kindly be condoned (terminated) and I may be considered for promotion to B-20 w.e.f 01-01-2013 on compassionate grounds so that I could get benefit in pension.

Thanking you

Yours sincerely,

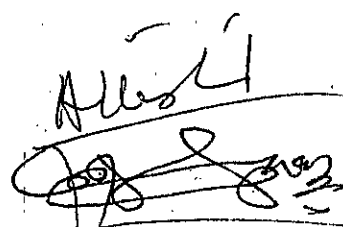


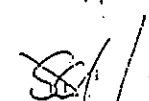
Muhammad Younas
EDO Agriculture Abbottabad.

Dated: 26-12-2012

Copy in Advance forwarded to :

1. The worthy Principal Secretary to Chief Minister, Government of Khyber Pakhtunkhwa, please.
2. The worthy Chief Secretary, Government of Khyber Pakhtunkhwa, please.




Muhammad Younas
EDO Agriculture Abbottabad.

P-17

No: 1077-78 /EDO, Agri Dated Abbottabad the 26-12-2012

To,

1. The Worthy Secretary to Government of Khyber Pakhtunkhwa for Agriculture Livestock and Cooperation Department.
2. The Director General Agriculture Extension; Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL FOR CONDONATION (TERMINATION) OF PROBATION REMAINING PERIOD (I.E. 3.5 MONTHS) AND PROMOTION TO NEXT HIGHER GRADE B-20

Dear Sir,

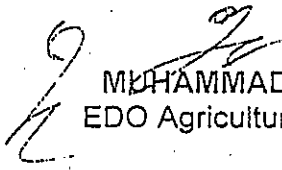
Kindly enclosed find herewith an appeal, in respect of Mr. Muhammad Younas, EDO Agriculture, Abbotabad with the request to forward the appeal to the Honorable Chief Minister, Khyber Pakhtunkhwa as well as to the Worthy Chief Secretary Government of Khyber Pakhtunkhwa for further necessary action, please.

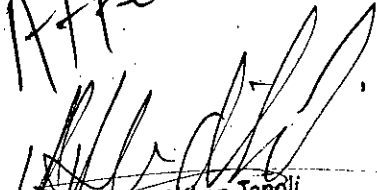
Thanking you.

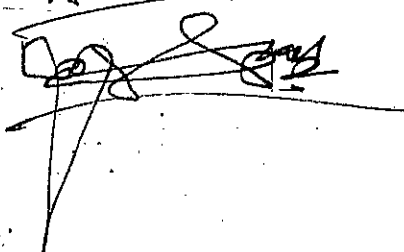
Enclosed: (02 Sets)

1. Appeal
2. Grade (BS) 19 Notification
3. Final Seniority List BS-19

Yours sincerely,


MUHAMMAD YOUNAS
EDO Agriculture Abbottabad.


Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist. Office Abbottabad

Attested


Annex ² C₂

P-18

Attested


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

To

1. The Honourable Chief Minister
Govt. of Khyber Pakhtunkhawa
2. The Worthy Chief Secretary
Govt. of Khyber Pakhtunkhawa.

SUBJECT: APPEAL FOR PERFORMA PROMOTION TO GRADE-20

Respected Sir,


1. That the petitioner was serving in Agriculture Department as Executive District Officer, Agriculture Abbottabad in BPS-19 since 21-04-2012. He was placed on probation for a period of one year till 20-04-2013.
2. That the Petitioner submitted representation (copy enclosed) before his Honour to terminate the probationary period and to award him B-20 in the department as similar other incumbents were treated as such. In the seniority list, petitioner was at serial No. 02 of BPS-19 Officers.
3. That on 02-04-2013, petitioner was retired from service in the change scenario, he was to be promoted to B-20 for benefit regarding performa promotion.
4. That at the same time, another incumbent Mr. Abdur Rashid being junior to me was promoted to B-20 and his probationary period was terminated.

It is, therefore, most humbly requested that the petitioner be given performa promotion to B-20 to get his benefits in pension and obliged as at the same time, said post was in existence.

Dated: 10-10-2014

Mailing Address
Muhammad Younas
P.O. Box No. 44
G.P.O, Abbottabad

Yours Sincerely,
(Appellant)


Muhammad Younas
Ex-Executive District Officer
Agriculture, Abbottabad

Attested
Muhammad Arshad Khan Tanoli
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist. Bar Abbottabad

Annex "D"

P-19

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 53 /2015

Muhammad Younas

Versus

Government & others

INDEX

S.No	Documents	Annex	P.No.
1.	Memo of Appeal		1-4
2.	Termination of probationary period, 22.04.2010	"A"	5-8
5.	Vacant post of BPS-20	"B"	9-11
6.	Rules, 20.04.2012	"C"	12-16
7.	Promotion to BPS-19, 21.04.2012	"D"	17
8.	Seniority List, 14.09.2012	"E"	18-19
9.	Retirement order,	"F"	20
10.	Representation, 26.12.2012	"G"	21-22
11.	Rejection order, 26.02.2013	"H"	23
12.	Receipt, 22.05.2013	"I"	24
13.	Representation, 10.10.2014	"J"	25

Dated. 19.01.2015

Through

Saad Ullah Khan Marwat
Appellant
Saad Ullah Khan Marwat
Saad Ullah Khan Marwat
Advocate.
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph:0300-5872676

P-20

BEFORE KPK SERVICE TRIBUNAL PESHAWAR



S.A No. 53 /2015

Muhammad Younas S/o Mir Hussain,
R/o Nagri Bala, Abbottabad, Ex - Executive
District Officer, Agriculture/District Director
Agriculture, Abbottabad. Appellant

~~42~~
19-12-15

Versus

1. Govt. of KPK, Establishment Department (Regulation Wing) through Secretary, Civil Secretariat, Peshawar.
2. Secretary, Govt. of KPK, Agriculture, Livestock & Cooperation Department, Peshawar.
3. Chief Secretary, Govt. of KPK, Peshawar.
4. Director General, Agriculture (Extension), KPK, Peshawar. Respondents

Attested
[Signature]
Muhammad Ishaq Khan Janc.,
Advocate High Court
Office No. 33 Adjacent to
Dist. Court Abbottabad

4/3-4 of Service Tribunal Act 1974

APPEAL AGAINST OFFICE ORDER NO. SOR-3(E & AD)1-2/2012 DATED 26.02.2013 OF R.NO.1 WHEREBY PROBATION PERIOD OF APPELLANT WAS NOT TERMINATED FOR NO LEGAL REASON.

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

Respectfully Sheweth:

Facts giving rise to the present appeal as under:-

~~[Signature]~~
19/11/2015
ATTESTED
~~[Signature]~~
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

1. That appellant served the department for the last 38 years with devotion in different capacities.
2. That on 22.04.2010, 24.05.2010 and 17.01.2013, the authority was pleased to terminate the probationary period of the incumbents mentioned in the orders therein for promotion to the next higher grades. (Copies as annex "A")
3. That on 10.03.2011, the department issued Notification wherein 3 posts of BPS-20 were shown vacant in the department. (Copy as annex "B")
4. That on 20.04.2012, the department circulated Notification wherein procedure for appointment, promotion, etc. was enumerated but such rules nowhere bore probationary period. (Copy as annex "C")
5. That on 21.04.2012, appellant was promoted to the post of EDO Agriculture BPS-19. His name was figured at S.No.4 of the said Notification. (Copy as annex "D")
6. That on 14.09.2012, Seniority List of the incumbents of BPS-19 was circulated wherein appellant was placed at S.No.2. (Copy as annex "E")
7. That finally on attaining the age of superannuation, appellant was retired from service on 22.03.2013 w.e.f. 02.04.2013. (Copy as annex "F")
8. That on 26.12.2012, appellant submitted representation before R.No.2 to promote him to BPS-20 w.e.f. 01.01.2013 which was rejected on 26.02.2013 by R.No.1. The said order was dispatched to appellant on 22.05.2013. (Copies as annex "G, H & I")

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

9. That appellant was retired from service on 22.03.2013 w.e.f 02.04.2013 on attaining the age of superannuation, so he first filed representation on 26.12.2012 before R. No. 2 to promote him to BPS-20 w.e.f 01.01.2013 which was rejected on 26.02.2013 by R. No. 1.
10. That against the aforesaid order, appellant filed appeal No. 1006/2013 for promotion to BPS-20 which is pending disposal before this Hon'ble Tribunal.
11. That on 10.10.2014, appellant submitted representation before R. No. 3 for award of proforma promotion to B-20 to get pensionary benefits but without any response till date. (Copy as annex "J")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:

- a. That appellant served the department for the last 38 years without any complaint.
- b. That 3 post of BPS-20 were lying vacant with the department which are still vacant.
- c. That appellant is at S.No.2 of the Seniority List and was eligible, qualified for promotion to BPS-20.
- d. That the department terminated probationary period of more than dozens of Civil Servants, so appellant was also entitled for the said benefit.
- e. That the representation of appellant was rejected for no legal reason as on one hand, the department rejected condemnation of probation period not covered in the rules while on the other hand the department terminated probationary period of numerpus employees.

ATTESTED

EXAMINER
Pakhtunkhwa
Service Tribunal
Peshawar

Ali
Muhammad Ali Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
District Bar Abbottabad

P-23

- f. That similarly and equally placed persons be treated similarly and equally to avoid discrimination.
- g. That order of rejection of representation of appellant is not based on legal footing rather on malafide and discrimination.
- h. That former appeal No. 1006/2013 was for promotion of appellant to B+20 as by then he was in service but when he was retired from service then the request became proforma promotion to B-20 for awarding him pensionary benefits.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 28.02.2013 of R.No.1 be set aside and respondents be directed to promote appellant to BPS-20 by termination the probationary period, with such other relief as may be deemed proper and just in circumstances of the case.

[Signature]
Appellant

Through

[Signature]
Saad Ullah Khan Marwat

Dated. 18.01.2015

[Signature]
Arbab Saiful Kamal

&

[Signature]
Miss Rubina Naz,
Advocates.

[Signature]
Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 19-08-2016
Number of Words 1600
Copying Fee 10/-
Urgent ✓
Total 10/-
Name of Copyiest [Signature]
Date of Completion of Copy 07-10-2016
Date of Delivery of Copy 07-10-2016

Muhammad Arshad Khan Jado
 Advocate High Court
 Office No-33 Adjacent to
 Dist. Court Abbottabad

Annex-E

P-24



No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
 CAMP COURT ABBOTTABAD**

APPEAL NO. 53/2015

Muhammad Younas Versus Government of Khyber Pakhtunkhwa
 through Secretary Establishment Department Civil Secretariat,
 Peshawar and 3 others.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

16.08.2016

Appellant with counsel and Mr. Muhammad Khan, AAO alongwith Mr. Muhammad Siddique, Senior Government Pleader for the respondents present.

2. Mr. Muhammad Younas son of Mir Hussain hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned order dated 26.2.2013 vide which probation period of appellant was not terminated on the request of the appellant.

3. Brief facts giving rise to the present appeal are that the appellant was promoted as Executive District Officer, Agriculture (BPS-19) on 21.04.2012 and was placed at S.No. 2 of the seniority list. The appellant stood retired from service w.e.f 02.04.2013 on attaining the age of superannuation. While serving as EDO, Agriculture (BPS-19) the appellant submitted appeal for condonation (termination) of

ATTESTED

[Signature]
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Muhammad Arshad Khan
 Advocate High Court
 Office No 33 Adjacent to
 Dist. Bar Association

probation period and promotion to next higher pay scale which was

Learned counsel for the appellant has argued that the appellant was entitled to promotion to BPS-20 as 3 posts of BPS-20 were created vide notification dated 10.03.2011 and rules for promotion for the said posts were also framed. That the appellant was serving against the post of BPS-19 in his own pay scale and was promoted on regular basis against the said post on 21.04.2012 and as such the probation period was not a mandatory requirement for the appellant. That in similar cases probation period had been condoned by the competent authority while the same was illegally declined to the appellant though he was entitled to alike treatment extended to similarly placed employees.

5. Learned Senior Government Pleader argued that the appellant was promoted to BPS-19 on 21.04.2012 and was placed on probation for a period of one year which had come to an end on 20.4.2013 while he stood retired from service w.e.f. 02.04.2013 i.e. prior to completion of probation and as such he was not entitled to promotion to a higher pay scale i.e. BPS-20.

6. We have heard arguments of learned counsel for the parties and perused the record.

7. According to Section 6 of Civil Servants Act, 1973 an initial appointment to a service or post, except adhoc appointment, shall be made on probation as may be prescribed while an appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed. It is not disputed before us that the

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EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

appointment of the appellant on promotion to BPS-19 was not made on probation. According to rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year and the appointing authority, if considers necessary, may extend the probation period for one year as may be specified at the time of appointment. On successful completion of probation period, the appointing authority shall, by specific order, terminate the probation provided that if no specific order is issued on the expiry of the first year probation period, the period of probation shall be deemed to have been extended for one year, and, on the expiry of extended period of probation, the period of probation shall be deemed to have been successfully completed.

8. The afore-stated provisions of law do not provide for termination of probation period at any earlier stage which, in case of appellant was one year from the date of his promotion. No doubt that on the basis of notification dated Peshawar the May 24, 2010, the competent authority had waived off the bar of one year probation period after the promotion of 17 Executive Engineers (BS-18) of Public Health Engineering Department for consideration of their promotion by the Provincial Selection Board to the rank of Superintending Engineer BS-19 but in support of the said order no rule or law was referred to by learned counsel for the appellant to observe that the said competent authority was vested with the discretion to waive off the mandatory provision of probation. A decision devoid of merit cannot be adopted as precedent for extending its benefits to similarly placed employees. Even otherwise

Attested

[Signature]
 Advocate High Court
 Office No 33 Adjacent to
 Abbottabad

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 Khyber Pakhtunkhwa
 Service Tribunal,
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the probationary period and extension thereof is the discretion of the competent authority and, therefore, such an authority can neither be refrained nor compelled to exercise authority vested in it by the law. We therefore hold that the appellant claim for termination of probation period before completion of one year is not in accordance with law and rules and as such we find no force in the instant appeal. The same is therefore dismissed leaving the parties to bear their own costs. File be consigned to the record room.

Announced 16.08.2016 *sdf-M. Azim Khan Afridi,*
Chairman

sdf-Abdul Latif,
Member

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 19-08-2016
 Number of Words 2000
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 Date of Completion of Copy 07-10-2016
 Date of Delivery of Copy 07-10-2016

[Signature]
 Muhammad Ishaq Khan Tanoli
 Advocate High Court
 Office No: 33 Adjacent to
 Distt Bar Abbottabad

Annex-F

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE EJAZ AFZAL KHAN,
MR. JUSTICE MAQBOOL BAQAR.

P-28

CIVIL PETITION NO. 3682 OF 2016.
(Against the judgment dated
16.08.2016 of the KPK Service Tribunal
passed in Appeal No.53 of 2015)

Muhammad Younas. ...Petitioner(s)
Versus
Govt. of KPK thr. Chief Secretary and others. ...Respondent(s)

For the petitioner(s): M. Asif Yousafzai, ASC

For the respondent(s): N. R.

Date of Hearing: 01.01.2018.

ORDER

Ejaz Afzal Khan, J.- This petition for leave to appeal has arisen out of the judgment dated 16.08.2016 of the Khyber Pakhtunkhwa Service Tribunal whereby it dismissed the prayer of the petitioner for reducing the period of probation.

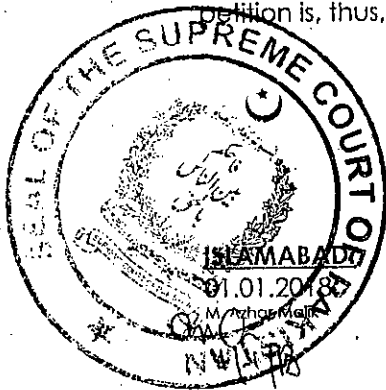
2. Learned ASC for the petitioner argued the case at some length but when pointed out that he could approach the Governor of the Province in terms of Section 26 of the Civil Servants Act in this behalf, he opted not to press this petition in order to approach the Governor. This

petition is, thus, dismissed as not pressed.

Sd/-, J

Sd/-, J

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4178
Court Associate
Supreme Court of Pakistan
Islamabad

GR No: 64/18 Civil/Criminal
Date of Presentation: 01-01-18
No of Words: 300
No of Folios: 3
Requisition Fee Rs: 5-00
Copy Fee in: 1-86
Court Fee Stamps: 6-86
Date of Completion of Copy: 4-1-18
Date of delivery of Copy: 5-1-18
Compared by/Prepared by: [Signature]
Received by: M-S. Khotail FOR

The Honorable Governor,
Khyber Pakhtunkhwa,
Peshawar.

Annex - 9

P-29

Subject:- APPEAL FOR CONDONATION (TERMINATION) OF PROBATION PERIOD / PROMOTION TO NEXT HIGHER GRADE (BPS-20) WITH RETROSPECTIVE EFFECT.

Respected Sir,

With profound veneration and humble submission I beg to lay down the following few lines with regard to my service career with reference to the Supreme Court of Pakistan decision dated 01-01-2018, for your kind consideration and sympathetic decision in the manner it deserves:.

The brief background and facts with precedents in respect of my case are as under:-

1. The Khyber Pakhtunkhwa Agriculture Department vide Notification No. SOE (AD) 23-19/2009 Dated 10-03-2011, upgraded / re-designated the posts of District Officers Agriculture (BPS-18) to District Director Agriculture (BPS-19).(copy enclosed as annex-I).

Owing to the above decision, the Provincial Government in the Agriculture Department appointed and adjusted me along with others against the re-designated post of District Director Agriculture (BPS-19) Abbottabad w.e.f. 01-07-2011. (copy enclosed as annex-II).

2. The Esta code vol-I 1987 S&GA Department NWFP (now KPK). Chapter-II Section 8 pages 456-457 provides as under:-

RULES OF PROBATION:

PROBATION

“(A)” “A person appointed to the service against a substantive vacancy shall retain on probation for a period of two years, if appointed by initial recruitment and for a period of one year if appointed otherwise.”

EXPLANATION-I

“Officiating service and service spent on deputation to a corresponding or a higher post / position may be allowed to count towards the period of probation.”

Attacked
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to

EXPLANATION-II

"If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment." (copy enclosed as annex -III).

3. According to the standing provisions / laid down procedure as contained in the Service Rules of N.W.F.P. (now KPK) as afore said, side lined "A" read with Para 1 above, I had been officiating against the higher, re-designated post of District Director Agriculture Abbottabad, (BPS-19) w.e.f. 01-07-2011 in terms of the Agriculture Department Notification No. SOE (AD) 23-19/2009 dated 20-08-2011. My probation period, therefore, started from 01-07-2011 until 30-06-2012.
4. In terms of provisions of the probation rules, I am deemed to have been confirmed on my post of District Director Agriculture (BPS-19) on 30-06-2012, after completion of one year of my probation.
5. It is worthwhile to mention here that the Provincial Government in the Agriculture Department made major irregularities / in justice in my case without keeping in view the provisions of rules, my seniority position and pleading the case of my promotion in the Provincial Selection Board (PSB).
 - (i) The PSB in its meeting held on 17-02-2012 cleared me for promotion to the post of District Director Agriculture (BPS-19) w.e.f. 17-02-2012, but the Agriculture Department issued Notification on 21-04-2012 placing me again on another probation of one year from the said date, violating the mandatory provisions of probation Rules and even the decision of the PSB meeting.
6. (i). While placing my case before the PSB, the Department should have clarified my position that I had earlier completed my probation period in the light of Agriculture Department Notification dated 20-08-2011 read with provisions of probation Rules (Para-2 above).
 - (ii) While appointing Mr. Abdul Rasheed, Director Plant Protection (BPS-19) as Director General Agriculture (Extension) in officiating capacity, the Agriculture Department first posted him as Director General Agriculture Extension through internal adjustment and then moved a summary to chief secretary in this regard on 12-09-2012. The then Secretary Agriculture recorded his comments for his justification that Mr. Abdul Rasheed was at S.No.2 of the seniority list as per the copy of summary enclosed (annex iv)

Attested
 Muhammad Akshad Khan Tanoli
 Advocate High Court
 Office No 33 Adjacent to
 Court No 2, Abbottabad

The situation was however otherwise. In the seniority list issued just after 2 days of the submission of summary, The Agriculture Department issued Notification with regard to my seniority declaring me (Muhammad Younas) at Sr.No.2 and Mr.Abdul Rasheed at Sr.No.3 (copy enclosed as annex-v). This shows the gross irregularity on the part of Director General Agriculture (Extension) and the then Secretary Agriculture which should have been avoided and clear picture should have been brought into the notice of the then Chief Secretary Khyber Pakhtunkhwa.

7. The Provincial Selection Board (PSB) KPK, in its meeting held on 17-02-2012 ordered for my promotion from BPS-18 to BPS-19 including others, keeping us on probation for a period of one year effective from 17-02-2012 up to 16-02-2013 (copy enclosed as-annex -vi).Due to delay on the part of Agriculture Department, the formal order / Notification took more than two months to be issued on 21-04.2012 (copy enclosed as annex- vii) and reckoned my date of probation from a belated date i.e. 21.04.2012. While issuing the notification, the Department ought to have mentioned the exact date of commencement of my probation as mentioned in the minutes of meeting of PSB held on 17-02-2012, and decision there of which even would have been contrary in the Probation Rules but the Department did not do it hence the said notification was literally defective, which needs to be modified by issuing a corrigendum.
8. Had this omission on the part of Agriculture Department as aforesaid, not been made, I would have completed my probation period on 16-02-2012 and would have been eligible for next higher promotion to (BPS-20) on 17-02-2013. On which date 3 post's of BPS-20 were available in substantive permanent capacity.
9. My bad luck (at the behest of Agriculture Department) was because of either not applying the Rules, or this late issuance of Notification having delay of more than two months, that I retired from service on 02-04-2013 and was not allowed to take benefits of promotion to next higher grade(BPS-20) which was my due right.
10. During the course of service in Grade BPS-19 realizing the injustice made by the Department in my case and others i.e. the issue of date of commencement of probation period was taken up with the Department vide my appeal dated 26-12-2012 (copy enclosed as annex-VIII) addressed to the Chief Minister, Chief Secretary & Secretary Agriculture, KPK, which was not taken care of / Considered in its true perspective. The Agriculture Department and especially the services / Establishment wing of S&GAD, who are the custodian to safeguard the benefits of Civil Servants and remove the anomalies to

Attested
 Muhammad Younas
 Advocate High Court
 Office No. 33 Adjacent to
 Bar Abbotabad

look to the individual hardships, even, did not attend to the genuine public servants grievance. It was so simple to consider my probation period from the date of decision of PSB i.e. 17-02-2012, rather more earlier and not from the date of issuance of later Notification dated 21.04.2012 and hence there would have been no case of individual hardship like this.

11. It is also worth mentioning that I submitted my above appeal on 26-12-2012, the decision by the Establishment Department was conveyed to the Agriculture Department on 26-02-2013 but my own Director General Agriculture Extension (Abdul Rasheed) (now retired) informed me on 22.05.2013 (Copy enclosed as annex-IX & X). The reason for delay was willful on his part because he was junior to me and was posted to higher post of Director General Agriculture (Extension) against merit.
12. After getting retired from service on superannuation w.e.f 02-04-2013 I then lodged an appeal before the KPK Services Tribunal with all supporting papers, The Services Tribunal endorsed, the views of Establishment Department and dismissed my appeal, simply on the grounds that no rule or Law supporting the condonation (Termination) of Probation period was brought forward.
13. After judgment of the Services Tribunal, I preferred an appeal to the Supreme Court of Pakistan which, after hearing the August Supreme Court opted to approach the Governor under section 24 Civil Servant Act for removing such difficulties, therefore, this appeal before your good self for same purpose. (a copy of the judgment is enclosed for perusal as annex-XI).
14. In this connection a precedent i.e. the judgment of Services Tribunal in Case of Mr. Fazal – Rabi Director Coordination Office of Director General Agriculture (Extension), whose promotion to BPS-19 was antedated and given retrospective effect i.e. from the date his case was cleared in PSB meeting as against the date of Notification which was issued later. The Government preferred appeal thereafter against Mr. Fazal Rabi in Supreme Court being time bard was also dismissed. (copy enclosed as annex-XII, XIII, XIV).
15. Based on the above precedent of Mr. Fazal Rabi Ex Director Coordination, office of DGA (Extension) one Mr. Shafiqur Rehman Ex-Executive District Officer Agriculture Extension Department District Swat is also allowed next higher grade (BPS-19) with retrospective effect i.e. from the date of PSB meeting (the copy of judgment of the Services Tribunal, KPK is enclosed as annex-XV).

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No- 33 Adjacent to

P-33

In view of the foregoing submissions, provision of Rules of probation, precedents and judgments of the Services Tribunal, KPK I request your honor to please intervene into my case and direct the Provincial Government (Agriculture Department) to take one of the following decisions:-

(i) To follow the procedural provision of Esta Code as narrated in Para **2 above** to consider termination of my probation period on 30-06-2012 thereby giving me promotion to next higher grade (BPS-20) w.e.f. 01-07-2012 being my due right on notional basis,

OR

(ii) To modify their Notification No. SOE (AD) V-7/2011 dated 21.04.2012 to the extent to give effect to my promotion to BPS-19 from 17-02-2012 i.e. the date on which date the PSB cleared/Promoted me to BPS-19.


(iii) To terminate my probation period of one year (effective from 17-02-2012 to 16-02-2013), allowing me promotion to next higher grade of BPS- 20, from 17-02-2013 by proforma promotion with all fringe benefits in view of the judgments of the Services Tribunal KPK as referred to in para, 14 & 15 above.

Hoping to receive a sympathetic action please.

with deep regards


Dated: 27-01-2018

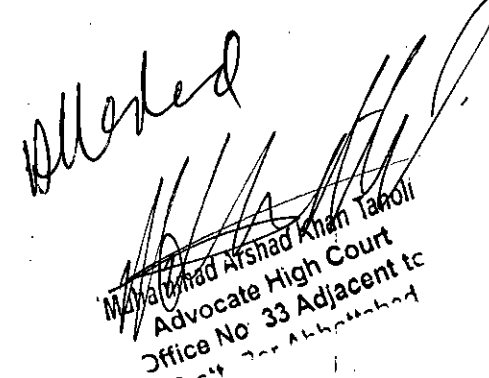
Obediently yours


Muhammad Younas
Ex-EDO/DO Agriculture
House # 30 Street # 08
Sir Syed Colony Mandian
Abbottabad.

Copy forward for sympathetic action to:-

1. The Worthy Chief Secretary Govt. of Khyber Pakhtun Khwa Peshawar Please.
2. The Worthy Secretary Agriculture, Live Stock & Co-Operation Department Govt. of Khyber Pakhtun Khwa Peshawar Please


Muhammad Younas
Ex-EDO/DO Agriculture
House # 30 Street # 08
Sir Syed Colony Mandian
Abbottabad.


Muhammad Afshad Khan Taholi
Advocate High Court
Office No. 33 Adjacent to
Distt. Court Abbottabad

P-34

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRI. LIVESTOCK & COOP. DEPARTMENT.

Dated Peshawar, the 12/3/2011

NOTIFICATION.

NO.SOE(AD)23-19/2009.- In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department letter No.FD/SO(FR)7-13/2010/Vol.II, dated 17/1/2011, the competent authority is pleased to accord sanction to the re-organization / up-gradation and re-designation of 250 posts of Agriculture Extension Wing of this Department at the ratio of 1 : 15 : 34 : 50 for placement in BS-20, 19, 18 and 17 respectively under the four tier Service Structure with immediate effect as given below:-

A. BS-20 @ 1% OF THE TOTAL STRENGTH, 2.50 OUT OF 250 POSTS:

S. NO.	Name of existing post and pay scale	No of Posts	New Name/ Re designation of the post under four tier formula, if any	No of Posts
1	Director General Agriculture Extension Department, Khyber Pakhtunkhwa, BS -20	01	Director General Agriculture Extension Department Khyber Pakhtunkhwa, BS-20	01
2	Principal, Agricultural Training Institute, BS -19	01	Principal, Agriculture Training Institute, Peshawar, BS -20	01
3	Director Agriculture Extension FATA, BS -19	01	Director General Agriculture Extension FATA BS -20	01
	Sub Total	03	Sub Total	03

B. BS-19 @ 15% OF THE TOTAL STRENGTH, 37.50 OUT OF 250 POSTS:

S. No.	Name of existing post and pay scale	No of Posts	New Name/ Re designation of the post under 04 tier formula, if any	No of Posts
1.	Project Director Barani Agriculture Dev, Project BS-19	01	Director Field Operation HQ, Khyber Pakhtunkhwa, BS-19	01
2.	Plant Protection Officers, BS -18	01	Director Plant Protection HQ, BS-19	01
3.	Horticulturist HQ, BS -18	01	Director Horticulture HQ BS-19	01
4.	Deputy Director of Agriculture HQ (Eco. & Marketing) BS -18	01	Director Agriculture Marketing HQ BS-19	01
5.	Agricultural Officer, BS - 17	01	Director Coordination, Planning & Monitoring HQ BS-19	01
6.	Subject Matter Specialist (Agronomy), BS -17 (Supervisory)	01	Director Model Farm Services Center, HQ (BS-19).	01
7.	Subject Matter Specialist (Extension), BS -17 (Supervisory)	01	Director Seed, HQ (BS-19).	01
8.	Senior Instructor ATI Peshawar, BS -18	01	Vice Principal, ATI BS -19	01
9.	Senior Instructor ATI Peshawar, BS -18	01	Director Training / Training Coordinator ATI, BS-19	01
10.	District Officers Agriculture BS -18	24	District Directors Agriculture BS-19	24
11.	Plant Protection Officer, FATA, BS-18	01	Director Plant Protection FATA, BS-19	01
12.	Deputy Director Agriculture FATA Peshawar, BS-18	01	Regional Director Agriculture (North) FATA, Peshawar BS-19	01
13.	Deputy Director Agriculture FATA, DIKhan BS -18	01	Regional Director Agriculture (South) FATA DIKhan, BS-19	01
14.	Assistant Horticulture Officer BS-17 (Sup)	01	Director Horticulture FATA, HQ BS -19	01
	Sub Total:	37	Sub Total:	37

[Signature]
Assistant Accounts Officer
To Director, Agriculture
(Extension) K.P.K. Province Peshawar

[Signature]
Advocate High Court
Office No 33 Adjacent to

P-35

C. BS-18 @ 34% OF THE TOTAL STRENGTH, 85 OUT OF 250 POSTS:

S. No.	Name of existing post and pay scale	No of Posts	New Name / Re designation of the post under four tier formula, if any	No of Posts
1.	Subject Matter Specialist, BS -17 (Supervisory)	01	Deputy Director (Planning, Monitoring & Evaluation) HQ, BS -18	01
2.	Agricultural Officer, BS-17	01	Deputy Director (Plant Protection), HQ, BS-18	01
3.	Agricultural Officer, BS-17	01	Deputy Director (Horticulture) HQ BS-18	01
4.	Deputy Director Agriculture (Information) BS-18	01	Deputy Director Agriculture (Information) BS-18	01
5.	Assistant Director (Coordination & Public Relation), BS-17 (Supervisory)	01	Deputy Director (Coordination & Publication) BS-18	01
6.	Sr: Instructor Agri: Training Institute, BS-18	02	Sr: Instructor Agri: Training Institute, BS-18	02
7.	Jr: Instructor Agri: Training Institute, BS-17 (Supervisory)	02	Sr: Instructor Agri: Training Institute, BS-18	02
8.	Assistant Plant Protection Officer / Agricultural Officers, BS - 17	24	Subject Matter Specialist (Plant Protection) BS-18	24
9.	Assistant Agronomist / Agri: Officers, BS -17	16	Subject Matter Specialist (Agronomy & Extension) BS -18	16
10.	Assistant Horticulture Officer / Agri: Officers, BS-17 (Supervisory)	16	Subject Matter Specialist (Horticulture) BS-18	16
11.	Agricultural Officers, BS-17	07	Deputy Director Farms BS-18	07
12.	Agency Agriculture Officer FATA, BS-18	07	Agency Officer Agriculture FATA, BS-18	07
13.	Assistant Horticulture Officer FATA Peshawar, BS-17 (Supervisory)	01	Regional Horticulture Specialist (North) FATA, Peshawar, BS-18	01
14.	Assistant Horticulture Officer FATA DIKhan, BS-17 (Supervisory)	01	Regional Horticulture Specialist (South) FATA, D.I.Khan, BS-18	01
15.	Assistant Publicity Officer FATA, BS-17 (Supervisory)	01	Deputy Director Agriculture (Planning & Monitoring) FATA, HQ BS-18	01
16.	Assistant Plant Protection Officer FATA, Peshawar BS-17 (Supervisory)	01	Regional Plant Protection Officer (North) FATA, Peshawar, BS-18	01
17.	Assistant Plant Protection Officer FATA, BS-17 (Supervisory)	01	Regional Plant Protection Officer (South) FATA, D.I.Khan, BS-18	01
18.	Extra Assistant Director Agriculture (E&M) FATA, BS-17 (Supervisory)	01	Deputy Director Agriculture (Marketing) FATA, BS-18	01
	Sub Total:	85	Sub Total:	85

D. BS-17 @ 50% OF THE TOTAL STRENGTH, 125 OUT OF 250 POSTS

S. No.	Name of existing post and pay scale	No of Post	New Name/ Re designation of the post under four tier formula, if any	No of Posts
1	Agricultural Officers / Agricultural Officers (Female) and Instructors BS-17	124	Agricultural Officers / Instructors BS-17	124
2	Assistant Agriculture Information Officer, BS-17	01	Agriculture Officer (Public Relation & Publication) BS-17	01
	Sub Total:	125	Sub Total:	125
	Grand Total A+B+C+D	3+37+85+125 =		250

Note:- Promotion against the up-graded and re-designated posts in the above mentioned service structure shall be made in accordance with the service rules to be framed in the light of the provisions of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989, by making necessary amendments in the service rules of the department notified vide No.SOE (AD)3 (2) 201/2007-08 dated 22/9/2008.

[Signature]
 Assistant Secretary
 To Director Agriculture
 (Extension) K.P. Province Peshawar

SECRETARY AGRICULTURE.

[Signature]
 Advocate High Court
 Office No 33 Adjacent to
 Dist. Court

35A

Endst.No.FD/SO(FR)7-13/2010/Vol.II

Dated Peshawar, the 27/3/2011

Copy forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Accountant General (PR), Peshawar.
3. All the District / Agency Accounts Officers in Khyber Pakhtunkhwa.

And
(AND) ~~EEB NAZ~~
SECTION OFFICER (FR)
FINANCE DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA.

Endst. No.SOE(AD)23-19/2009

Dated Peshawar, the 13/2011

Copy forwarded for information to:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. PSO to Chief Minister, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar.
5. PS to Minister for Agriculture, Khyber Pakhtunkhwa.

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

Endst. No.SOE(AD)23-19/2009

Dated Peshawar, the 13/2011

Copy forwarded for information to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department with reference to his letter number quoted above.
2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
3. The Secretary Finance Department FATA Secretariat Warsak Road, Peshawar.
4. Chief Planning Officer, Agriculture, Livestock & Cooperation Department.
5. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa.
6. The Director General, Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar.
7. The Principal, Agricultural Training Institute, Peshawar.
8. The Director Information, Khyber Pakhtunkhwa, Peshawar.
9. All District Coordination's Officers in Khyber Pakhtunkhwa.
10. All Executive Districts Officers (Agriculture) in Khyber Pakhtunkhwa.
11. All District Officers Agriculture, in Khyber Pakhtunkhwa.
12. The Manager, Government Printing Press, Khyber Pakhtunkhwa, Peshawar for publication in the next gazetteer.

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

A. H. S. P.

M. Nawaz
Assistant Accounts Officer
To Director Agriculture
(Extension) K.P.K. Province Peshawar

Dil Nawaz.

Arshad
M. Arshad Khan
Mohammad Arshad Khan Tanc.
Advocate High Court
Office No 33 Adjacent
Distt. for Abbottabad

P 36

M. A. Khan
 Advocate High Court
 Office No 33 Adjacent to
 1st Floor Abbottabad

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

Dated Peshawar, the 20/8/2011

ORDER:

NO. SOE (AD)23-19/2009

In pursuance of this Department notification of even number dated 10/3/2011, the competent authority is pleased to order the posting/transfer and adjustment of the following officers against the re-designated posts as a result of award of "Four Tier Service Structure" to the employees of Agriculture (Extension) Department with immediate effect in the interest of public service till further orders:-

S. No	Name of officer	From	To	Remarks.
1.	Muhammad Tasleem (BS-19)	Project Director, BADP (BS-19).	Director Field Operation HQ (BS-19) with additional charge of Director General, Agriculture (Extension), Khyber Pakhtunkhwa.	Against vacant upgraded post.
2.	Shadi Khan (BS-18)	DOA, Tank (BS-18)	District Director Agriculture (BS-19), Tank (In his own pay & scale)	--do--
3.	Saadullah Khan (BS-18)	Horticulturist HQ (BS-18)	Director Horticulture (BS-19), HQ, Peshawar (ops).	--do--
4.	Muhammad Younas (BS-18)	DOA, Abbottabad (BS-18)	District Director Agriculture (BS-19) Abbottabad (ops)	--do--
5.	Abdur Rashid (BS-18)	PPO HQ (BS-18)	Director Plant Protection HQ (BS-19) (ops).	--do--
6.	Ghulam Muhammad (BS-18)	DOA, Lakki Marwat (BS-18)	District Director Agriculture, Lakki Marwat BS-19 (ops)	--do--
7.	Ishtiaq Ahmad (BS-18)	DOA, Kohat (BS-18).	District Director Agriculture, Kohat BS-19 (ops).	--do--
8.	Qayum Jan (BS-18)	Sr. Instructor, ATI, (BS-18).	Vice Principal, ATI, (BS-19) (ops).	--do--
9.	Muhammad Saleem (BS-18)	DOA, Mardan (BS-18)	District Director Agriculture, Mardan (BS-19) (ops).	--do--
10.	Iftikhar Hussain (BS-18)	DOA, Hangu (BS-18)	District Director Agriculture, Hangu (BS-19) ops.	--do--
11.	Muhammad Iqbal (BS-18)	DOA, Haripur (BS-18)	SMS Agronomy and Extension (BS-18) o/o DDA, Abbottabad	--do--
12.	Muhammad Naseem (BS-18)	DOA, Battagram (BS-18)	District Director Agriculture, Battagram (BS-19) ops.	--do--
13.	Fazal Mabood (BS-18)	DDA (E&M) HQ (BS-18).	Director Agriculture Marketing, HQ (BS-19) (ops).	--do--
14.	Hassan Taj (BS-18)	DOA, Swabi (BS-18)	District Director Agriculture, Swabi (BS-19) ops.	--do--
15.	Muzaffar Khan (BS-18)	DOA, Peshawar (BS-18)	District Director Agriculture, Peshawar (BS-19) ops.	--do--
16.	Zainullah Shah (BS-18)	DOA, Bannu (BS-18).	District Director Agriculture, Bannu (BS-19) ops.	--do--
17.	Ahmad Nawaz (BS-18)	DOA, DIKhan (BS-18)	District Director Agriculture, DIKhan BS-19 (ops).	--do--
18.	Muhammad Israr (BS-18)	Senior Instructor, ATI, (BS-18)	Director Training / Training Coordinator ATI (BS-19) ops.	--do--
19.	Muhammad Imran (BS-17) Sup.	DOA, Kohistan (BS-18)	District Director Agriculture, Kohistan (BS-19) ops.	--do--
20.	Haq Nawaz (BS-17) Sup.	Asstt. Agronomist, Abbottabad (BS-17) Sup.	SMS Plant Protection (BS-18) o/o Distt. Director Agri: Mansehra (ops).	--do--
21.	Zulfiqar Ahmad (BS-18)	Waiting for posting.	District Director Agri, Haripur (BS-19) ops.	--do--
22.	Muhammad Khan (BS-17) Sup	APPO, Mardan (BS-17) Sup.	SMS Plant Protection o/o Distt. Director Agri. Mardan (BS-18) ops.	--do--

23.	Fazli Maule (BS-17) Sup	AHO, (BS-17) Sup. Swat with additional charge of DOA, Swat.	District Director Agriculture, Swat (BS-19) ops.	--do--
24.	Obaidullah (BS-17) Sup	DOA, Shangla (BS-18)	District Director Agriculture, Dir Lower (BS-19) ops.	--do--
25.	Iqbal Hussain (BS-18)	EDO Agri: Shangla (BS-19) (ops).	District Director Agriculture, Shangla BS-19 (ops) with additional charge of EDO Agri. Shangla.	--do--
26.	Sultan Hussain Shah (BS-17) Sup.	DOA, Nowshera (BS-18)	District Director Agriculture, Nowshera (BS-19) ops.	--do--
27.	Ehsanullah (BS-17).	DOA, Charsadda (BS-18) ops	District Director Agriculture, Charsadda (BS-19) ops.	--do--
28.	Khurshid Akbar (BS-17) Sup	Asstt: Agronomist HO, Kohat (BS-17) Sup.	SMS Agronomy and Extension o/o Distt. Director Agri., Swabi (BS-18) ops.	--do--
29.	Nisar Ahmad (BS-17) Sup	APPO, Abbottabad (BS-17) Sup.	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri. Abbottabad.	--do--
30.	Javed Macbool Butt (BS-17) Sup	Asstt. Director (C&PR) (BS-17) Sup. o/o DDA (I).	Dy. Director (Coordination and Publication) o/o DDA (I) (BS-18) ops.	--do--
31.	Muhammad Iqbal (BS-17) Sup.	APPO, Malakand (BS-17) Sup	District Director Agri., Malakand (BS-19) (ops).	--do--
32.	Wazir Ahmad (BS-17)	AHO, Abbottabad (BS-17) Sup.	SMS Horticulture o/o the District Director Agri: Mansehra (BS-18) ops.	--do--
33.	Naveed Iqbal (BS-17) Sup.	APPO, Mansehra (BS-17) Sup.	District Director Agriculture, Mansehra (BS-19) ops.	--do--
34.	Kamal Din (BS-17)	Asstt. Agronomy o/o DOA, Peshawar (BS-17) Sup.	SMS Agronomy and Extension o/o the District Director Agri: Peshawar (BS-18) ops.	--do--
35.	Mr. Muhammad Sajawal Khan (BS-18)	Waiting for Posting with effect from 27/6/2011.	Dy. Director (Planning, Monitoring and Evaluation HQ (BS-18) against vacant post (current side).	--do--
36.	Fazal Rahman (BS-17)	AAIO o/o DDA (I) BS-17 Peshawar.	Agri. Officer (Public Relation & Publication) o/o the DDA (I) Peshawar (BS-17).	--do--
37.	Zahir Ullah Khan (BS-17)	DOA, Karak (BS-18)	SMS Plant Protection (BS-18) ops o/o District Director Agriculture, Karak.	--do--
38.	Siddiqui Muhammad (BS-18)	Waiting for posting.	Distt. Director Agriculture, Karak (BS-19) ops.	--do--
39.	Abid Kamal (BS-17)	DOA, Buner (BS-18) ops	District Director Agriculture, Buner (BS-19) ops.	--do--
40.	Hussein Ahmad (BS-17)	APPO o/o DOA, Bannu (BS-17) Sup. Ops	SMS Plant Protection o/o Distt. Director Agri: Bannu (BS-18) ops.	--do--
41.	Shams-ur-Rehman (BS-17)	APPO o/o DOA, Peshawar (BS-17) Sup. ops.	SMS Plant Protection o/o Distt. Director Agri. Peshawar (BS-18) ops.	--do--
42.	Sakhi Marjan (BS-17)	APPO o/o DOA, Kohat (BS-17) Sup. Ops	SMS Plant Protection o/o Distt. Director Agri., Kohat (BS-18) ops.	--do--
43.	Adalat Khan (BS-17)	APPO o/o the DOA, Swat (BS-17) ops	SMS Plant Protection o/o Distt. Director Agri., Swat (BS-18) ops.	--do--
44.	Aamir Khan (BS-17)	Agri: Officer o/o DOA, DIKhan (BS-17).	Dy. Director Farm, Rakh Zandani DIKhan (BS-18) ops	--do--
45.	Muhammad Ismail (BS-17)	Agri: Officer o/o DOA, DIKhan (BS-17).	Agri: Officer, Panyala o/o Distt. Director Agri., DIKhan (BS-17).	--do--
46.	Abdul Haleem (BS-17)	Agri: Officer o/o DOA, DIKhan (BS-17).	Dy. Director Farm Ratta Kulachi, DIKhan (BS-18) ops.	--do--
47.	Muhammad Irfan (BS-17)	Agri: Officer o/o DOA, DIKhan	Dy. Director Farm Rakh Manghan, DIKhan (BS-18) ops.	--do--
48.	Abdul Qayum (BS-17)	AO (BS-17) o/o DOA, Mardan	SMS Agronomy & Extension o/o Distt. Director Agri., Mardan BS-18 (ops).	--do--
49.	Muhammad Waseem (BS-17)	AO (BS-17) o/o DOA, Mardan	Dy. Director Farm, Jamra Farm, Mardan (BS-18) ops.	--do--

Muhammad Khurshid Khan
Advocate High Court
Office No. 33 Adjacent to

Altamash
 Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No 33 Adjacent to
 District Court Abbottabad

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50.	Muhammad Naeem (BS-17)	AO (BS-17) o/o DOA, Swabi	SMS Horticulture & Extension o/o Distt. Director Agri., Swabi BS-18 (ops)	--do--
51.	Amir Khattam (BS-17)	AO (BS-17) o/o DOA, Swabi	SMS Plant Protection o/o Distt. Director Agri., Swabi BS-18 (ops)	--do--
52.	Haji Muhammad (BS-17)	AO (BS-17) o/o DOA, Malakand	SMS Horticulture o/o Distt. Director Agri., Malakand BS-18 (ops)	--do--
53.	Kishwar Ali (BS-17)	AO (BS-17) o/o DOA, Swat	SMS Horticulture o/o Distt. Director Agri., Swat BS-18 (ops)	--do--
54.	Muhammad Siddique (BS-17)	AO (BS-17) o/o DOA, Swat	SMS Agronomy & Extension o/o Distt. Director Agri., Swat BS-18 (ops)	--do--
55.	Masood ur Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	SMS Agronomy & Extn. o/o Distt. Director Agri., Mansehra BS-18 (ops)	--do--
56.	Mukhtar ur Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	SMS Horticulture o/o Distt. Director Agri., Abbottabad BS-18 (ops)	--do--
57.	Altaf-ur-Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	Agri: Officer o/o Distt. Director Agri. Kohistan against the vacant post.	--do--
58.	Faisal Khurshid (BS-17)	AO (BS-17) o/o DOA, Swabi	Agricultural Officer (BS-17) o/o Distt. Director Agriculture, Mansehra.	--do--
59.	Muhammad Tariq (BS-17)	AO (BS-17) o/o DOA, Abbottabad	Dy Director Farms, Haripur BS-18 (ops)	--do--
60.	Muhammad Tahir (BS-17)	AO (BS-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o DDA, Battagram (ops).	--do--
61.	Tariq Mehmood (BS-17)	AO (BS-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o DDA, Haripur (ops).	--do--
62.	Sajjad Ahmad (BS-17)	AO (BS-17) o/o DOA, Haripur	SMS Horticulture o/o DDA, Haripur BS-18 (ops)	--do--
63.	Yousaf Ali (BS-17)	AO (BS-17) o/o DOA, Hangu	SMS Plant Protection BS-18 o/o Distt. Director Agri., Hangu (ops).	--do--
64.	Anwar Khan (BS-17)	AO (BS-17) o/o DOA, Tank	SMS Plant Protection BS-18 o/o Distt. Director Agri., Tank (ops).	--do--
65.	Murad Ali (BS-17)	AO (BS-17), waiting for posting	Repatriated/posted SMS Plant Protection o/o Distt. Director Agri., Buner BS-18 (ops)	--do--
66.	Asghar Khan (BS-17)	AO (BS-17) o/o DOA, Buner	SMS Horticulture o/o Distt. Director Agri., Buner BS-18 (ops)	--do--
67.	Muhammad Uzair (BS-17)	AO additional charge of DOA, Dir Upper (BS-18)	Distt. Director Agri., Dir Upper BS-19 (ops)	--do--
68.	Muhammad Saeed (BS-17)	Instructor, ATI (BS-17)	Senior Instructor, ATI, BS-18 (ops)	--do--
69.	Fazal Wahab (BS-17)	Junior Instructor ATI, (BS-17) Sup.	Instructor (BS-17) ATI, Peshawar vice No. 68.	--do--
70.	Ehtisham (BS-17)	Agri: Officer (BS-17) o/o DOA, Peshawar	Instructor (BS-17) ATI, Peshawar.	--do--
71.	Muhammad Imran (BS-17)	Agri: Officer (BS-17) o/o DOA, Peshawar	SMS Horticulture (BS-18) ops o/o Distt. Director Agri., Peshawar.	--do--
72.	Abdul Nasir (BS-17)	Agri: Officer (BS-17) o/o DOA, Charsadda	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri., Charsadda.	--do--
73.	Hidayat Ullah (BS-17)	Agri: Officer (BS-17) o/o DOA, Charsadda	SMS Horticulture BS-18 o/o Distt. Director Agri., Charsadda (ops)	--do--
74.	Khisro Nawaz Ahmad (BS-17)	CMP-II Project, Charsadda w.e.from 1.7.2011.	Repatriated / posted as SMS Agronomy & Extn. BS-18 o/o Distt. Director Agri., Charsadda (ops)	--do--
75.	Mohammad Ghani (BS-17)	Agri: Officer (BS-17) o/o DOA, Karak	SMS Agronomy & Extn. (BS-18) ops o/o Distt. Director Agri., Karak.	--do--
76.	Khuda Yar (BS-17)	Agri: Officer (BS-17) o/o DOA, Bannu	SMS Agronomy & Extn. BS-18 o/o Distt. Director Agri., Bannu (ops)	--do--
77.	Gul Daraz (BS-18)	Waiting for posting	SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat.	--do--
78.	Asif Saleem (BS-17)	AO, Nowshera (BS-17)	SMS Plant Protection (BS-18) o/o Distt. Director Agri. Nowshera (ops)	--do--

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79. Amanullah (BS-17)	AO, o/o DOA, DIKhan (BS-17)	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri: DIKhan	--do--
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Note:- This order will be effective with effect from 1-7-2011 for the purpose of drawl of pay & allowances.

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar with the request to circulate the same to all officers concerned.
2. The Director General, Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar.
3. The Principal, Agricultural Training Institute, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. The Additional Accountant General (PR) Sub-Office, Peshawar.
6. All the District / Agency Accounts Officers, in Khyber Pakhtunkhwa.
7. All Heads of the attached Department of Agriculture, Livestock & Cooperation Department.
8. The Chief Planning Officer, Agriculture, Livestock & Cooperation Department.
9. All Section Officers in the Agriculture Department.
10. The Manager, Government Printing Press, Peshawar.
11. The Director of Information Government of Khyber Pakhtunkhwa, Peshawar.
12. PS to Chief Minister, Khyber Pakhtunkhwa.
13. PS to Chief Secretary, Khyber Pakhtunkhwa.
14. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
15. Personal files of the officers concerned.

319
(MUHAMMAD ZAHID)
SECTION OFFICER - ESTT.

Dil Nazki

Attested
Muhammad ~~Shah~~ Khan Jado
Advocate High Court
Office No. 33 Adjacent t

P-40

FOR OFFICIAL USE

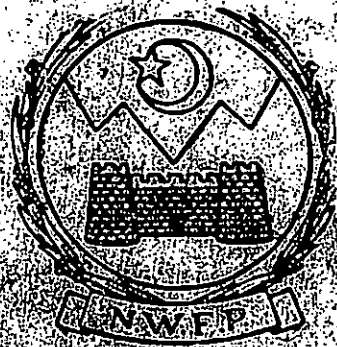
GOVERNMENT OF N.W.F.P.
ESTABLISHMENT CODE

(Volume: I)

1987

CODE OF LAWS, RULES AND INSTRUCTIONS RELATING
TO THE TERMS AND CONDITIONS OF THE
GOVERNMENT SERVANTS OF N.W.F.P.

Attested
Muhammad Asghar Khan Jado
Advocate High Court
Office No. 33 Adjacent



Compiled and Published

By

Services & General Administration Department
Government of N.W.F.P. Peshawar

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in accordance with these principles, should be taken up immediately.

(West Pak: S&GA Deptt. letter No. SOXVIII-3-1/64, dated 21.2.66).

PROBATION RULES

Probation—

- (1) A person appointed to the Service against a substantive vacancy shall retain on probation for a period of two years, if appointed by initial recruitment and for a period of one year, if appointed otherwise.

Explanation—Officiating service and service spent on deputation to a corresponding or a higher post/position may be allowed to count towards the period of probation.

- (2) If the work or conduct of a member of the Service during the period of probation has been unsatisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his services, if he has been appointed by initial recruitment, and if he has been appointed otherwise, revert him to his former post/position or if there is no such post/position dispense with his services.

- (3) On completion of the period of probation of a member of the Service, the appointing authority, may, subject to the provisions of sub-rule (4), confirm him in his appointment, or if his work or conduct has, in the opinion of such authority, not been satisfactory:—

- (a) in case he has been appointed by initial recruitment, dispense with his services; or
- (b) in case he has been appointed otherwise, revert him to his former post, position and if there be no such post/position/dispense with his services; or

Attested

[Signature]
 Advocate High Court
 Office No 33 Adjacent to

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(c) extend the period of probation by a period not exceeding two years in all and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation-I—If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

Explanation-II—If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment.

Explanation-III—A probationer who has satisfactorily completed his period of probation shall be confirmed with effect from the date of his continuous appointment in the Service in a substantive vacancy; provided that where the period of his probation has been extended under the provisions of clause (c) of this sub-rule, the date of confirmation shall subject to the other provisions of this rule, be the date on which the period of probation was last extended.

(4) No person shall be confirmed in the Service unless he successfully completes such training and passes such departmental examinations as may be prescribed by Government from time to time.

(5) If a member of the Service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4) within such period or in such number of attempts as may be prescribed by Government the appointing authority may—

(a) in case he has been appointed by initial recruitment, dispense with his services; or

(b) in case he has been appointed otherwise, revert him to his former post/position and if there be no such post/position dispense with his services.

RELAXATION OF SERVICE/RECRUITMENT RULES

I am directed to say that a provision has been made in all Service/Recruitment Rules that any or all these Rules

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Advocate's High Court
Office No. 33 Adjacent to



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(HRD WING)

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No. SO (HRD-II)/ED/1-10/2014 (RTI)/M.Younas
Dated Peshawar the 2nd June, 2015

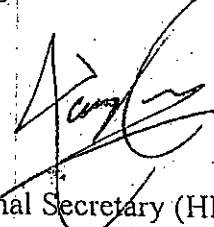
To,

Mr. Muhammad Younas S/o Mir Hussain,
R/O P/O Box-No.44 GPO Abbottabad
Ex-District Director Agriculture Extension Abbottabad.

Subject: - PROVISION OF COPY OF OF PROPOSAL AND SUMMARY THROUGH WHICH MR. ABDUR RASHID DIRECTOR (BS-19) PLANT PROTECTION HQ, PESHAWAR WAS TRANSFERRED AND POSTED AS DIRECTOR GENERAL AGRICULTURE EXTENSION KHYBER PAKHTUNKHWA UNDER RTI ACT, 2013.

Kindly refer to your application dated 15th May, 2015 on the subject cited above and to enclose herewith the requisite information as requested under Right to Information Act 2013.

Encls: As above.

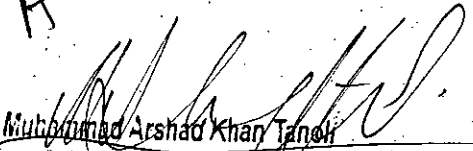

Additional Secretary (HRD) /
Public Information Officer (P.I.O)

Endst: No & date even.

Copy forwarded to:-

1. The Chief Information Commissioner, Government of Khyber Pakhtunkhwa, Right to Information Commission, 7th Floor, Tasneem Plaza, Near Benevolent Fund Building, 6th Saddar Road, Peshawar for information please.
2. PA to Additional Secretary (HRD) / Public Information Officer (P.I.O), Establishment & Administration Department.


(MUHAMMAD ALI KHAN)
SECTION OFFICER (HRD-II)

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

P-44

NO. SO (E-I)/E&AD/9-28/2015
Dated Peshawar, the May 28, 2015

To
The Additional Secretary (HRD Wing),
Establishment & Administration, Department.

SUBJECT: - PROVISION OF COPY OF PROPOSAL AND SUMMARY
THROUGH WHICH MR. ABDUR RASHID DIRECTOR BS-
19 PLANT PROTECTION HQ, PESHAWAR WAS TRANSFERRED
AND POSTED AS DIRECTOR GENERAL AGRICULTURE
EXTENSION KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to your letter No. SO(HRD-II)ED/1-10/2014
(RTI) Muhammad Younas dated 18-05-2015, and to enclose herewith a copy
of the approved summary, received from Agriculture Department, which is self
explanatory as desired.

Yours faithfully,

Encls. As above.

M. Javed Siddiqi
(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (E-I)

Endst: No & date as above

Copy of the above is forwarded for information Secretary Agriculture
Livestock & Cooperative Department, Khyber Pakhtunkhwa.

SECTION OFFICER (E-I)

7/1/6
2/6
A. K.

Attest
Muhammad Arshad Khan Janohi
Muhammad Arshad Khan Janohi
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

No. 01-6-15
Date: 01-6-15

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SOE(AD)21-67/2012
Dated Peshawar, the November 21, 2012

To

The Section Officer (E-I),
Government of Khyber Pakhtunkhwa,
Establishment Department

SUBJECT:- POSTING/TRANSFER

I am directed to enclose herewith a copy of summary duly approved by the competent authority with the request that necessary notification to the approved posting/transfer maybe issued at the earliest.

Encl: As above

(MUHAMMAD SHERAZ)
SECTION OFFICER-ESTT:

Endst. of even No. & Date.

Copy to P.S to Secretary Agriculture department.

SECTION OFFICER-ESTT:

*Recd. post copy
23/11*

by

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

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SUMMARY FOR THE CHIEF MINISTER, KHYBER PAKHTUNKHWA

SUBJECT: PROPOSAL FOR POSTING/TRANSFER.

The post of Director General, Agricultural Extension, Khyber Pakhtunkhwa came vacant on 19.7.2012 due to retirement of the incumbent of the post. This Department therefore, proposes the following posting/transfer in the public interest:-

No.	Name of Officer	From	To	Justification.
	Mr. Abdur Rashid (BS-19)	Director (BS-19), Plant Protection HQ, Peshawar.	Director General (BS-20) Agril. Extension, Khyber Pakhtunkhwa Peshawar against the vacant post (in his own pay & scale).	He is at S.No.2 of the seniority list of BS-19 officers and is due for promotion to the post of BS-20. He has sufficient experience and management skill and capacity for administering the vast setup of Agriculture Extension.

It is to inform that the above named officer has already been authorized to look after the post of Director General, Agriculture Extension, Khyber Pakhtunkhwa.

The proposal contained in para-1/ante is submitted for approval of the Chief Minister, Khyber Pakhtunkhwa being the competent authority.

Muhammad Afsar Khan
12/9/2012
(MUHAMMAD AFSAR KHAN)
SECRETARY AGRICULTURE

SECRETARY
KHYBER PAKHTUNKHWA

para 15. Recommended for approval 13.9.012

SECRETARY
KHYBER PAKHTUNKHWA

*Secretary
Ministry of Agriculture
Khyber Pakhtunkhwa*

(P.T.O)

Affected

Muhammad Iqbal Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
[unclear]

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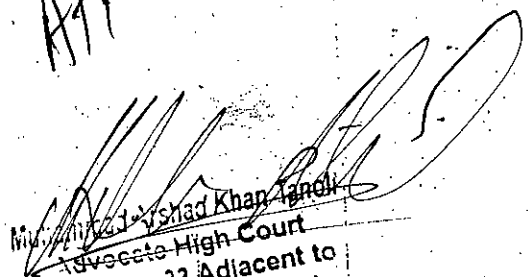
Please examine.



CHIEF SECRETARY
17/09.2012

SECRETARY ESTABLISHMENT

Attested



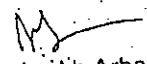
Mr. Yashad Khan
Advocate High Court
Office No 33 Adjacent to
Abbottabad

Next page

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Summary has been examined and observed as under:-

- (i) Officer of BS-19 has been proposed for transfer against higher post which is against the Government instructions.
 - (ii) Tenure of the officer at present post has not been mentioned nor his substitute has been provided.
7. Administrative Department may be asked to re-visit the summary and rectify the above observations.


 (Shahrukh Arbab)
 Secretary Establishment
 September 28, 2012

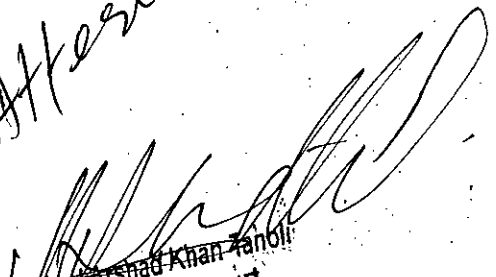
Chief Secretary
Khyber Pakhtunkhwa.

8. Please rectify.


 CHIEF SECRETARY
 26.09.2012

SIGNATURE

Attested


 Muhammad Arshad Khan Zaidi
 Advocate High Court
 Office No. 33 Adjacent to



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

P-49

SUMMARY FOR THE CHIEF MINISTER, KHYBER PAKHTUNKHWA

SUBJECT:- PROPOSAL FOR POSTING/TRANSFER

PARA-8/ANTE REFERS.

The officer of BS-19 has been proposed for transfer against higher post due to non-availability of BS-20 officer in the Agriculture (Extension) Department.

The officer is working as Director Plant Protection (BS-19) HQ Peshawar since 01.10.2010 and Mr. Qazi Fayaz-ul-Din Deputy Director Plant Protection HQ (BS-18) is hereby proposed as substitute for posting as Director Plant Protection in his own right at the same scale.

Para-3 read with paras 9-10/ante is resubmitted for approval please.

Muhammad Afsar Khan
12/11/2012
(MUHAMMAD AFSAR KHAN)
SECRETARY AGRICULTURE

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Ghulam Dastgir
(GHULAM DASTGIR)
CHIEF SECRETARY
15.11.2012

CHIEF MINISTER,
KHYBER PAKHTUNKHWA

12 Para 3

17-11-12
CHIEF MINISTER
KHYBER PAKHTUNKHWA

SECRETARY AGRICULTURE

19-11-12
Chief Secretary
Govt. of Khyber Pakhtunkhwa

Ahmed

Muhammad Ishaq Khan Janjani
Advocate High Court
Office No 33 Adjacent to
Distt. Bar Abbottabad



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

P- 50

DATED PESHAWAR, THE NOVEMBER 27, 2012

NOTIFICATION

NO.SO(E-I)E&AD/9-118/2012 The Competent Authority has been pleased to transfer Mr. Abdur Rashid (BS-19) Director, Plant Protection HQ, Peshawar and post him as Director General, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar, in his own pay & scale, against the vacant post, in the public interest, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. and even.

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperation Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary Establishment Department.
7. Officer concerned.
8. Manager, Govt Printing Press, Peshawar.

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT-I)

S.A Khattak/**

87-11-2012

Attest
M. Ashraf Chaudhary
AA

P-51

P-51



Attested
 Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No 33 Adjacent to
 Dist Bar, Abbottabad

GOVERNMENT OF
 KHYBER PAKHTUNKHWA
 AGRICULTURE LIVESTOCK & COOPERATIVE
 DEPARTMENT
 Dated Peshawar, the September 14, 2012

NOTIFICATION

NO. SOE(AD)III(2)391/2012. In pursuance of Section-8 (1) of NWFP Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of officers in BPS-19 of Agriculture Department (Extension Wing) Khyber Pakhtunkhwa, as stood on 1st July, 2012, is notified/circulated:-

S. No	Name of officer with academic qualifications	Date of Birth and domicile	Date of 1st entry in to Govt. service	Regular appointment/ promotion to present post			Present appointment	Remarks
				Date	BS	Method of Recruitment		
1.	Saadullah Khan, M.Sc. Agri: Soil Science.	24.5.1954 Bannu	13.1.1977 Agri: Officer	21.4.2012	19	By Promotion	Horticulturist HQ	
2.	Muhammad Younas, M.Sc. Hons: Agri: Chemistry	3.4.1953 Abbottabad	15.1.1977 Agri: Officer	21.4.2012	19	By Promotion	DOA, Abbottabad	
3.	Abdur Rashid, M.Sc. Hons: Agri: Plant Breeding & Genetics.	1.1.1954 Swat	21.1.1977 Agri: Officer	21.6.2012	19	By Promotion	Director PP HQ	
4.	Sadiq Hussain Shah, M.Sc. Agri: Soil Science.	14.11.1952 Mansehra	26.12.79 Agri: Officer	21.6.2012	19	By Promotion	EDO Agri: Haripur (ops)	
5.	Ishtiaq Ahmad, M.Sc. Agri: Soil Science.	12.2.1953 Kohat	26.12.79 Agri: Officer	21.6.2012	19	By Promotion	DOA, Kohat	
6.	S. Riaz Ahmad Shah, M.Sc. Hons: Agri: Agronomy.	14.7.1952 Mansehra	26.12.79 Agri: Asstt.	21.6.2012	19	By Promotion	EDO Agri: Mansehra	

Certified that the above list is final and undisputed.


SD/ks
 CHIEF SECRETARY

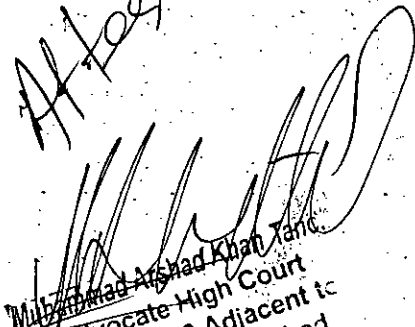
P-52

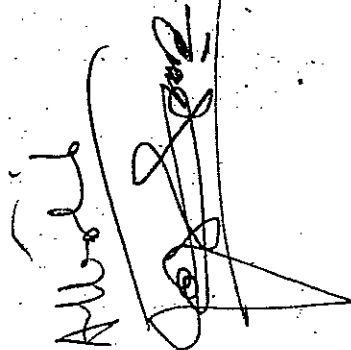
Encl. No. and date even.

Copy to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Director General, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary Establishment, Khyber Pakhtunkhwa.
5. PS to Secretary Agriculture, Livestock and Cooperative Department.
6. Officers concerned.
7. Manager, Government Printing Press, Peshawar.


(DR. MIR AHMAD KHAN)
SECTION OFFICER-ESTT:

Attest

Mirza Asghar Khan Jaro
Advocate High Court
Office No: 33 Adjacent to
Dist. Jir Abbottabad

Attest


GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(HRD WING)

P-53

No. SO (HRD-II)/ED/1-10/2014 (RTI)/Muhammad Younas
Dated Peshawar the 29th April, 2015

To,

Mr. Muhammad Younas S/o Mir Hussain,
R/O P/O Box-No.44 GPO Abbottabad
Ex-District Director Agriculture Extension Abbottabad.

Subject: PROVISION OF COPY OF PSB MINUTES MEETING REGARDING NOTIFICATION NO. SOE(AD)V-7/2011 DATED 21/04/2012 OF AGRICULTURE DEPARTMENT, KHYBER PAKHTUNKHWA UNDER RTI ACT, 2013.

Reference to your application dated 16th April, 2015 on the subject noted above and to forward herewith the requisite information as requested under Right to Information Act, 2013.

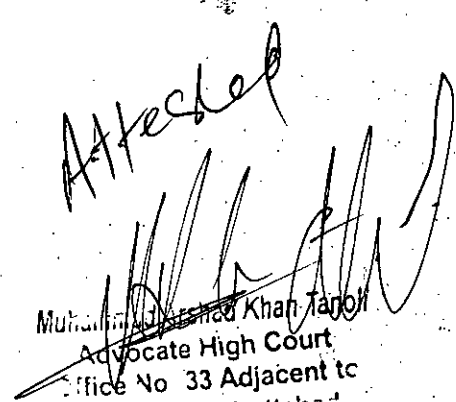
Encl: As above:


Additional Secretary (HRD) /
Public Information Officer (P.I.O)

Copy of the above is forwarded to:-

1. The Chief Information Commissioner, Government of Khyber Pakhtunkhwa, Right to Information Commission, 7th Floor, Tasneem Plaza, Near Benevolent Fund Building, 6th Saddar Road, Peshawar with reference to thier letter quoted above.
2. PA to Additional Secretary (HRD), Establishment Department.

SECTION OFFICER (HRD-II)

Attended

Muhammad Aslam Khan Jabori
Advocate High Court
Office No 33 Adjacent to
Abbottabad

GOVERNMENT OF KHYBER PAKHTUKHWA
ESTABLISHMENT DEPARTMENT

No. SO (PSB) ED/1-6/2015 /KC-176

Dated Peshawar, the 27.04.2015

P-59

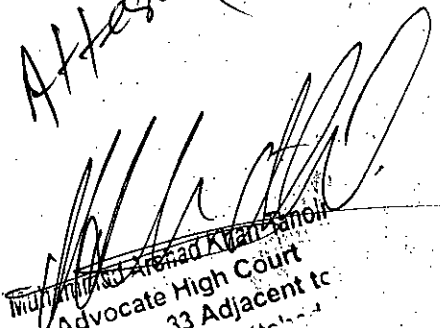
The Section Officer (HRD-II),
Government of Khyber Pakhtukhwa,
Establishment Department

Subject: - PROVISION OF COPY OF PSB MINUTES MEETING REGARDING NOTIFICATION NO. SOE (D)V-7/2011 DATED 21.04.2012 OF AGRICULTURE DEPARTMENT, KHYBER PAKHTUNKHWA UNDER RTI ACT, 2013

I am directed to refer to your letter No. SO (HRD-II)/ED/1-10/2014 (RTI) Muhammad Younas dated 20.04.2015 on the subject and to forward herewith the minutes of PSB meeting held on 17.02.2012 regarding promotion of BS-18 officers of Agriculture Extension to the post of Executive District Officer Agriculture BS-19 as requested by Mr. Muhammad Younas Ex-District Director Agriculture Extension Abbottabad under RTI Act, 2013.

P-03/k

(JAN SAID)
SECTION OFFICER (PSB)

Attended

Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

P. 55

CONFIDENTIAL

ITEM NO.3

AGRICULTURE DEPARTMENT
(Meeting of PSB held on 17.02.2012)

SUBJECT: PROMOTION OF BS-18 OFFICERS OF AGRICULTURE EXTENSION TO THE POST OF EXECUTIVE DISTRICT OFFICER AGRICULTURE BS-19.

Secretary Agriculture apprised the Board that due to death and retirement of officers, four (4) posts of Executive District Officer Agriculture BS-19 were vacant against which two officers, M/S Shafiq-ur-Rehman and Fazli Rabbi S.No.1 and 2 of the panel were already recommended by the PSB for promotion to the post of EDC Agriculture BS-19 by circulation on 19.12.2011 who have retired from service on 27.12.2011 and 07.02.2012 respectively. Hence four posts are lying vacant.

2. According to service rules, the post is required to be filled as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the senior most BS-18 officers of the Agriculture Extension Department with five years service in BS-18 or 12 years service in BS-17 in Agriculture Extension Department".

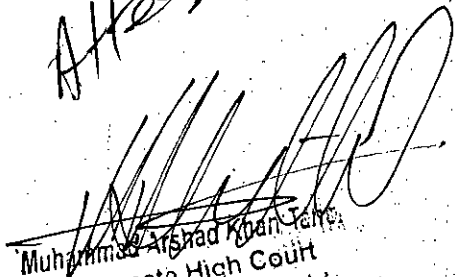
3. The service record of the officer was discussed as follows: -

S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Shafiq-ur-Rehman	Stands promoted to BS-19 through circulation on 19.12.2011.
2.	Mr. Fazli Rabbi.	Stands promoted to BS-19 through circulation on 19.12.2012.
3.	Mr. Shadi Khan.	Not considered. He has since expired
4.	Mr. Nazimud-Din.	His date of birth is 02.05.1952. He joined government service on 13/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His PER for the period from 01/10/2004 to 31/12/2004 is not available which is six years old and prior to his promotion to BS-18. His remaining service record upto 2010 is generally good. The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis. He will be on probation till retirement.

Attested
[Signature]
Advocate High Court
Office No: 33 Adjacent

5.	Mr. Saadullah Khan	<p>His date of birth is 24.05.1954. He joined government service on 13/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His PER for the period from 27.5.2002 to 15.9.2002 is not available which is nine years old prior to his promotion to BS-18. Secretary Agriculture produced his PER for the period from 1.1.2010 to 31.8.2010 to the Board, which was satisfactory. His remaining service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis. He will be on probation for a period of one year.</p>
6	Mr. Abbas Khan	Not considered. He retired from service on 12.8.2011
7	Mr. Amir Khan	<p>His date of birth is 01.05.1953. He joined government service on 14/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis against the post vacated by Mr. Shafiq-ur-Rehman, who retired from service on 27.12.2011. He will be on probation for a period of one year.</p>
8	Mr. Muhammad Younas	<p>His date of birth is 03.04.1953. He joined government service on 15.01.1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis against the post vacated by Mr. Fazli Rabbi who retired from service on 07.02.2012. He will be on probation for a period of one year.</p>

Attested


Muhammad Arshad Khan
Advocate High Court
Office No 33 Adjacent
Distt. Bar

P-57

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the April 21, 2012

NOTIFICATION

NO.SCE(AD)V-7/2011:- On the recommendations of the Provincial Selection Board, the competent authority is pleased to promote the following Officers of Agriculture Extension Department from BS-18 to BS-19 on regular basis with immediate effect. They will be on probation for a period of one year, except Sr.1 i.e.till his retirement date:-

1. Mr. Nazimud-Din
2. Mr. Saadullah Khan
3. Mr. Amir Khan
4. Mr. Muhammad Younas

2. Consequent upon their promotion, they are hereby transferred/adjusted as under:-

S.NO	Name of Officer	From	To
1.	Mr. Nazimud-Din	Executive District Officer (Agriculture), Dir Lower (BS-19) (ops)	EDO (Agriculture), Dir Lower (BS-19)
2.	Mr. Saadullah Khan	Director Horticulture Headquarter BS-19 (In his own pay & scale)	Director Horticulture HQ Peshawar (BS-19)
3.	Mr. Amir Khan	Director-Coordination, Planning & Monitoring HQ BS-19 Peshawar (Ops)	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar
4.	Mr. Muhammad Younas	District Director Agriculture, Abbottabad (BS-19) (ops)	EDO (Agriculture) Abbottabad (BS-19)
5.	Mr. Muhammad Iqbal	Subject Matter Specialist Agronomy & Extension BS-18 o/o DDA, Abbottabad	District Director Agriculture Abbottabad BS-19 (ops)

Sd/-XXX
SECRETARY AGRICULTURE

Attested
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Abbottabad

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Dir Lower, Nowshera and Abbottabad.
4. Officers concerned.
5. Personal file of the Officers.
6. Master file.

Ali
[Signature]

349
(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

To

1. The Honorable Chief Minister,
Govt of Khyber Pakhtunkhwa.
2. The Chief Secretary,
Govt of Khyber Pakhtunkhwa.

P-58

Through: PROPER CHANNEL

Subject: APPEAL FOR CONDONATION (TERMINATION) OF PROBATION PERIOD AND PROMOTION TO NEXT HIGHER GRADE B-20

Respected Sir,

With profound veneration, I submit the following few lines for favorable consideration at your gracious end:-


1. I am an Agri Officer serving as Executive District Officer Agriculture Abbottabad in B-19 since 21-04-2012 in accordance with the Govt of Khyber Pakhtunkhwa Peshawar Notification No SOE(AD/V-7/2011 dated 21-04-2012 I have been placed on probation for a period of one year effective from 21-04-2012 uptill 20th April, 2013 (copy enclosed).
2. Currently I am working on superannuation and would retire from service w.e.f 02-04-2013.
3. Now there remain almost 3 months till my retirements from service Fortunately there exist 3 posts of B-20 vacant in Agriculture Extension Department including FATA since July, 2012 against which no formal promotion of officers have been made.
4. As far my seniority in the cadre is concerned I stand at S No 2 of the seniority list of B-19 officers of the cadre (copy enclosed).
5. Keeping the above service scenario and my spotless, honest services rendered for 37-38 years in Agriculture Department, I feel myself justified for good gesture from Govt to have valuable incentive of getting another step promotion to B-20 just to get benefit in pension.

It is therefore, very earnestly requested that my remaining probation period (i.e. about 3^{1/2} months) may kindly be condoned (terminated) and I may be considered for promotion to B-20 w.e.f 01-01-2013 on compassionate grounds so that I could get benefit in pension.

Thanking you

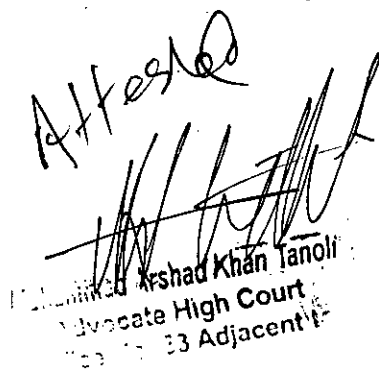
Yours sincerely,


Dated: 26-12-2012


Muhammad Younas
EDO Agriculture Abbottabad.

Copy in Advance forwarded to :

1. The worthy Principal Secretary to Chief Minister, Government of Khyber Pakhtunkhwa, please.
2. The worthy Chief Secretary, Government of Khyber Pakhtunkhwa, please.


Arshad Khan Tanoli
Advocate High Court
33 Adjacent


Muhammad Younas
EDO Agriculture Abbottabad.

No: 1077-78 /EDO, Agri Dated Abbottabad the 26-12-2012. P-59

To,

1. The Worthy Secretary to Government of Khyber Pakhtunkhwa for Agriculture Livestock and Cooperation Department.
2. The Director General Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL FOR CONDONATION (TERMINATION) OF PROBATION REMAINING PERIOD (I.E. 3.5 MONTHS) AND PROMOTION TO NEXT HIGHER GRADE B-20

Dear Sir,


Kindly enclosed find herewith an appeal, in respect of Mr. Muhammad Younas, EDO Agriculture, Abbotabad with the request to forward the appeal to the Honorable Chief Minister, Khyber Pakhtunkhwa as well as to the Worthy Chief Secretary Government of Khyber Pakhtunkhwa for further necessary action, please.

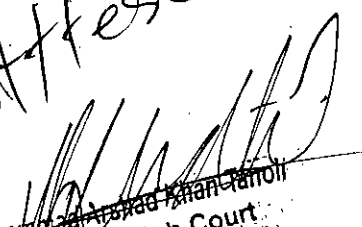
Thanking you.

Enclosed: (02 Sets)

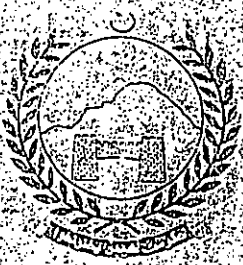
1. Appeal
2. Grade (BS) 19 Notification
3. Final Seniority List BS-19

Yours sincerely,


MUHAMMAD YOUNAS
EDO Agriculture Abbottabad.

Attested

Muhammad Younas
Advocate High Court
Office No 33 Adjacent to
Abbottabad

P-60



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
NO. SOR.III(E&AD)1-2/2012
Dated Peshawar the February 26, 2013.

To

The Secretary to Govt of Khyber Pakhtunkhwa
Agriculture, Livestock & Coop. Department.

Subject: APPEAL FOR CONDONATION (TERMINATION) OF PROBATION PERIOD AND PROMOTION TO NEXT HIGHER GRADE BS-20

Dear Sir,

I am directed to refer to the Agriculture department letter No: SOE(AD)21-174/2012 dated February 7, 2013 on the subject and to say that the probation period can not be terminated before successful completion of one year and there is no provision whatsoever for condonation of deficit period.

2. Therefore, the request of the officer for termination of probation period before completion of one year cannot be acceded to under the rules.

Yours faithfully,

(SHAIFUL AHMAD)
SECTION OFFICER (R-III)

Attested
[Signature]
Judge Khair Khan Jalloh
District High Court
No. 15-33 Adjacent to

A copy is forwarded to the Director General Agriculture Extension, Khyber Pakhtunkhwa Peshawar, for information and necessary action.

02-9

P-61

SECTION OFFICER-ESTT

23/9
28/3/13

M. Shad Khan
Muhammad Shad Khan Jahol
Advocate High Court
Office No 33 Adjacent
Distt 3rd Abb...

No.12/189/Estt/ 8035 /DG
Dated Peshawar: the 22/5 /2013

To:

Mr. Muhammad Younas,
Ex-District Director Agriculture, Abbottabad
P.O. Box No.44, GPO Abbottabad.

P-62


Subject:

APPEAL FOR CONDONATION (TERMINATION) OF PROBATION
REMAINING PERIOD (I.E.3.5 MONTHS) AND PROMOTION TO NEXT
HIGHER GRADE B-20

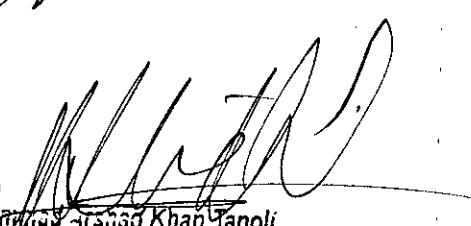
Memo:

Reference your application No. Nil dated 22.4.2013.

In this connection it is to inform that the competent authority i.e. Establishment Department Khyber Pakhtunkhwa had rejected your request for Condonation of probation period endorsed vide this office endst. No.4784-86 dated 22.3.2013. (Photo copy attached for ready reference).


DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWA

Attested


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

P-63

PRESENT:
MR. JUSTICE EJAZ AFZAL KHAN.
MR. JUSTICE MAQBOOL BAQAR.

CIVIL PETITION NO. 3682 OF 2016.
(Against the judgment dated
16.08.2016 of the KPK Service Tribunal
passed in Appeal No.53 of 2015)

Muhammad Younas. ...Petitioner(s)
Versus
Govt. of KPK thr. Chief Secretary and others. ...Respondent(s)

For the petitioner(s): M. Asif Yousafzai, ASC

For the respondent(s): N. R.

Date of Hearing: 01.01.2018.

ORDER

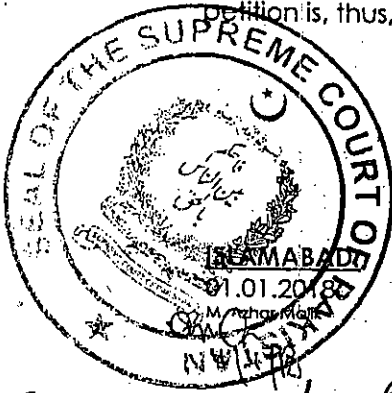
Ejaz Afzal Khan, J.- This petition for leave to appeal has arisen out of the judgment dated 16.08.2016 of the Khyber Pakhtunkhwa Service Tribunal whereby it dismissed the prayer of the petitioner for reducing the period of probation.

2. Learned ASC for the petitioner argued the case at some length but when pointed out that he could approach the Governor of the Province in terms of Section 26 of the Civil Servants Act in this behalf, he opted not to press this petition in order to approach the Governor. This petition is, thus, dismissed as not pressed.

Sd/-, J

Sd/-, J

Certified to be True Copy



4/1/18
Court Associate
Supreme Court of Pakistan
Islamabad

Attested
Advocate High Court
Office No. 33 Adjacent to
Islamabad

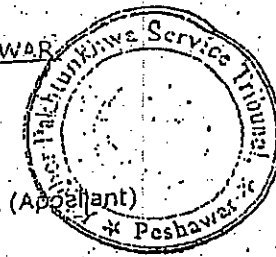
GR No: 64/18 Civil/Criminal
Date of Presentation: 01-01-18
No of Words: 300
No of Folios: 3
Requisition Fee Rs: 5-00
Copy Fee in: 1-86
Court Fee Stamps: 6-86
Date of Completion of Copy: 4/1/18
Date of delivery of Copy: 5/1/18
Compared by/Prepared by: [Signature]
Received by: M-S. Khotani FOR

63A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No: 386/2012

Fazal Rabbi, Director Coordination, Directorate General Agriculture (Extension) Peshawar.



VERSUS

1. Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
2. Secretary Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
3. Director General Agriculture (Extension) Khyber Pakhtunkhwa, Peshawar. (Respondents).
4. Secretary Establishment, Khyber Pakhtunkhwa, Peshawar. (Respondents).

S.No.	Date of Hearing	Order/other proceedings with signature of Judge/Magistrate
1	31.12.2012	<p>Appellant with counsel, and Mr. Sherafgan Khattak alongwith Muhammad Khan, Superintendent for the respondents present. Arguments heard and record perused.</p> <p>2. This appeal has been filed by the appellant Fazal Rabbi, under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the notification dated 12.1.2012, whereby the appellant has been promoted with immediate effect instead of 15.10.2010. It has been prayed that on acceptance of the appeal, the notification dated 12.1.2012 may be modified to the extent his promotion may be ante-dated w.e.f. 15.10.2010 instead of with immediate effect.</p> <p>3. The learned counsel for the appellant argued that the appellant was appointed as Agriculture Officer in the respondent department on 29.4.1974. On 15.10.2010 the respondent department held its PSB meeting for consideration promotion cases of the appellant alongwith others. He was considered fit for promotion but due to status quo order dated 28.4.2011, granted by this Tribunal in Execution Petition No. 3/2010 in Service Appeal No. 504/2008 in favour of Faham Dil, Senior Instructor. Later on the status quo was vacated and another PSB meeting was held on 18.10.2011 and the appellant was promoted from BPS-18 to BPS-19 with immediate effect instead of ante-dation of his promotion w.e.f. 15.10.2010. He further argued that the appellant was entitled to be promoted from the date of availability of the post under</p>

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33/20
Distt Bar Abbottabad

ATTESTED

EXHIBIT
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

63B

the law. In support of his arguments, the learned counsel for the appellant relied on 2006-SCMR-1938 and unreported judgment dated 24.5.2012 of the august Supreme Court of Pakistan in Civil Appeals.No. 860 to 861 of 2010. He stated that the appellant is also entitled to the same treatment under the law. He requested that the appeal may be accepted as prayed for.

4. The learned AAG argued that the case of appellant for promotion to BPS-19 was submitted to the Provincial Selection Board well in time but due to status quo order issued by this Tribunal in Execution Petition No. 3/2010, he could not be promoted. After vacation of status quo, he has been considered by the PSB and promoted vide notification dated 12.1.2012 with immediate effect. He requested that the appeal may be dismissed.

5. The Tribunal observes that the appellant while serving in BPS-18 in the respondent department was eligible for promotion to BPS-19. He was considered and found fit for promotion by the PSB in its meeting held on 15.10.2010. Due to status quo order granted in Execution Petition No. 3/2010, he could not be promoted. On vacation of status quo order, the appellant alongwith others, was again considered and found fit for promotion. The appellant was entitled for promotion with effect from 15.10.2010 under the law and in light of judgments as referred to above but vide notification dated 12.1.2012, he has been promoted with immediate effect. The Tribunal agrees with the arguments advanced by the learned counsel for the appellant.

6. In view of the above, the appeal is accepted and the respondents are directed to ante-date promotion of the appellant w.e.f. 15.10.2010. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
31.12.20:

Sd/- Syed Manzoor Ali Shah
Member

Sd/- Feroz Ullah Khan
Member

Director Plant Protection
Directorate General Agriculture
(Ext), Khayber Pakhtunkhwa
Peshawar

Muhammad Afshad Khan Jangi
Advocate High Court
Office No 33 Adjacent to
Distt. Govt. Abbottabad

Date of Presentation of Petition: 1-1-2013
Name: [illegible]

Certified to be true copy
E.A. Khaybar
Services Tribunal
Peshawar

630

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:
Mr. Justice Jawwad S. Khawaja
Mr. Justice Iqbal Hameedur Rahman
Mr. Justice Mushir Alam

Civil Petition No. 584-P of 2013
(Against the judgment dated
31.12.2012 of the Khyber Pakhtunkhwa
Service Tribunal, Peshawar passed in
Appel No. 886/2012)

Chief Secretary Govt. of KPK, etc. Petitioner(s)
Versus
Fazal Rabbi Respondent(s)

For the appellant(s): Mr. Naveed Akhtar, Addl. AG, KPK

For the respondent(s): N.R.

Date of hearing: 18.04.2014

ORDER

Jawwad S. Khawaja, J. This petition admittedly is barred by 226 days. It is unfortunate that the interests of the Province have not been adequately safeguarded. Other instances have also come to our notice where cases of the Province are not filed within time. An application for condonation of delay (CMA-877-P/13) has been submitted, but the same does not disclose any valid reason which would justify such an inordinate delay. The application is, therefore, dismissed. As a consequence, the civil petition is also dismissed on the ground of limitation.

Sd/- Jawwad S. Khawaja, J
Sd/- Iqbal Hameedur Rahman, J
Sd/- Mushir Alam, J



ISLAMABAD
18th April, 2014
M. Azhar Malik

Certified to be true Copy

[Signature]
20/4/14

Supreme Court of Pakistan
Islamabad

[Signature]
Muhammad Ishaq Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Association

6224/14
Civil Criminal
18-04-14
300
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1-88
6-88
2-5-14
2-5-14
Court

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

File as suggested
1326
KPK

For information only
N.R. submitted the
37



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the 25th August, 2015

P-64

NOTIFICATION.

NO. SOE (AD) V-7/2011/Ext.- In compliance with the judgment of Supreme Court of Pakistan dated 18/04/2014 in Civil Petition No.584-P of 2013 and Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 31/12/2012 in the Execution Petition No.47/2013 in the Appeal No.386/2012 and upon the recommendations of the Provincial Selection Board (PSB) and Government of Khyber Pakhtunkhwa, Finance Department, the competent authority is pleased to antedate promotion of Mr.Fazli Rabbi ex-Director Coordination/Planning and Monitoring (BS-19) HQ of Agriculture Extension Wing at Sr.No.2 of this department Notification of even number dated 12/01/2012 with effect from 15.10.2010 **instead of** with immediate effect.

Sd/-

SECRETARY AGRICULTURE

Encls. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Chairman, Khyber Pakhtunkhwa Service Tribunal, Peshawar w/r to his notice dated 13/08/2015 in the Execution Petition 47/2013 in the Appeal No.386/2012 for information.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Budget Officer-VII, Government of Khyber Pakhtunkhwa, Finance Department w/r to his letter No.BOVII/FD/2-3/DGA(E)/2015-16 for information.
6. Officer concerned through DG, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.
7. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
8. Personal file.

(DILAWAR KHAN)
SECTION OFFICER-ESTT:

Muhammad Arshad Khan Tareen
Advocate High Court
Office No 33 Adjacent to
Peshawar

P-65

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 1387/2015

Date of Institution ... 14.12.2015

Date of Decision ... 11.07.2017



Shafiqur Rahman Ex-Executive District Officer
Agriculture Extension Department, District Swat.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar and others.

(Respondents)

MR. MUHAMMAD ZAFAR TAHIRKHELI,
Advocate

For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney.

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN

CHAIRMAN
MEMBER

Attested
[Signature]
Advocate High Court
Office No 33 Adjacent to
District Court Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:-

Arguments of the learned

counsel for the parties heard and record perused.

ATTESTED FACTS

[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

2. The brief facts of this appeal are that the appellant was promoted to BPS-19 in the year 2012 but he was entitled for promotion from the date when the post fell vacant (15.10.2010). The departmental appeal was filed on 08.09.2015 and when the said appeal was not decided within the statutory period the present appeal filed on 14.12.2015. The departmental appeal was decided during pendency of the present appeal on 03.02.2016, rejecting the departmental appeal of the appellant.

P-66

ARGUMENTS

3. The learned counsel for the appellant argued that another colleague of the appellant namely Fazle Rabi was given antedated promotion from 15.10.2010 and on the basis of rule of consistency involving similar point of law the appellant is also entitled for the same treatment. The learned counsel for the appellant in this respect relied upon a judgment entitled "*Hameed Akhtar Niazi Versus the Secretary, Establishment Division, Government of Pakistan and others*" reported as 1996-SCMR-1185.

4. On the other hand the learned Deputy District Attorney argued that the appellant was promoted in the year, 2012 but he preferred the departmental appeal in the year, 2015 which is clearly time barred. That no application for condonation of delay was preferred by the appellant to his departmental authority. That when the departmental appeal is time barred then the present appeal is also time barred. He also relied upon 2 judgments entitled "*Abdul Hameed Vs. Ministry of Housing and Works, Government of Pakistan Islamabad through Secretary and others*" reported as PLD 2008-Supreme Court-395 and "*Dilawar Ali and another Vs. General Manager Pakistan Railways, Lahore and others*" reported as 2006-PLC(C.S) 1034 wherein it is held that no antedated promotion can be given to a civil servant who has already retired from service.

CONCLUSION

After hearing the arguments of both the learned counsel for the parties and perusing the record this Tribunal reaches the conclusion that Mr. Fazle Rabi who was junior to the appellant and both were promoted on the same date, was given antedated promotion on the basis of a judgment dated 31.12.2012 of this Tribunal in service appeal No. 386/2012. In view of the judgments relied upon by the learned counsel for the appellant qua principle of consistency and fair play the present appellant should have been treated at par with said Fazle Rabi, though he was not a

Attested
 Muhammad Arshad Khan Tandon
 Advocate High Court
 Office No: 33 Adjacent to
 Bar Abhottabad

A-67

party to the earlier judicial proceedings. So far as the limitation is concerned it was the stance of the learned counsel for the appellant that limitation arose from the date of notification of Mr. Fazle Rabi dated 25.08.2015. This Tribunal is inclined to agree with the learned counsel for the appellant because the appellant has approached this Tribunal on the basis of treatment meted out to said Fazle Rabi though he was junior to the present appellant. This Tribunal therefore holds that the departmental appeal was well within time. The objection of the learned Deputy District Attorney regarding the retrospectivity of promotion after retirement as laid down in the quoted judgments of the august Supreme Court, this Tribunal is of the view that the present appellant seeks his antedated promotion on the basis of a judgment already delivered in Fazle Rabi case. Secondly the judgment pressed into service by the learned DDA covered antedated promotion but in the present case the appellant was already promoted. The appellant seeks that his promotion should have been from the date when the seat fell vacant. Therefore the facts of that reported cases are distinguishable from the facts of the present case.

6. As a result of the above discussion this Tribunal reaches the conclusion that the appellant is entitled for the relief as prayed for. The appeal is therefore, accepted. Parties are left to bear their own costs. File be consigned to the record room.

[Signature]
 (GUL ZEB KHAN)
 MEMBER

[Signature]
 (NIAZ MUHAMMAD KHAN)
 CHAIRMAN

Certified to be true copy
 MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

ANNOUNCED
 11.07.2017

[Signature]
 Attested
 Advocate High Court
 Office No 33 Adjacent to
 Peshawar

Annex H P. 68



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 386/2012

Fazal Rabbi, Director Coordination, Directorate General Agriculture (Extention) Peshawar.

(Appellant)

VERSUS

1. Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
2. Secretary Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
3. Director General Agriculture (Extension) Khyber Pakhtunkhwa, Peshawar.
4. Secretary Establishment, Khyber Pakhtunkhwa, Peshawar. (Respondents).

S.No.	Date of Hearing	Order/other proceedings with signature of Judge/Magistrate
1	2	3
	31.12.2012	<p>Appellant with counsel, and Mr. Sherafgan Khattak alongwith Muhammad Khan, Superintendent for the respondents present. Arguments heard and record perused.</p> <p>2. This appeal has been filed by the appellant Fazal Rabbi, under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the notification dated 12.1.2012, whereby the appellant has been promoted with immediate effect instead of 15.10.2010. It has been prayed that on acceptance of the appeal, the notification dated 12.1.2012 may be modified to the extent his promotion may be ante-dated w.e.f. 15.10.2010 instead of with immediate effect.</p> <p>3. The learned counsel for the appellant argued that the appellant was appointed as Agriculture Officer in the respondent department on 29.4.1974. On 15.10.2010 the respondent department held its PSB meeting for consideration promotion cases of the appellant alongwith others. He was considered fit for promotion but due to status quo order dated 28.4.2011, granted by this Tribunal in Execution Petition No. 3/2010 in Service Appeal No. 504/2008 in favour of Faham Dil, Senior Instructor. Lateron the status quo was vacated and another PSB meeting, was held on 18.10.2011 and the appellant was promoted from BPS-18 to BPS-19 with immediate effect instead of ante-dation of his promotion w.e.f. 15.10.2010. He further argued that the appellant was entitled to be promoted from the date of availability of the post under</p>

ATTESTED

[Signature]

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the law. In support of his arguments, the learned counsel for the appellant relied on 2006-SCMR-1938 and unreported judgment dated 24.5.2012 of the august Supreme Court of Pakistan in Civil Appeals No. 860 to 861 of 2010. He stated that the appellant is also entitled to the same treatment under the law. He requested that the appeal may be accepted as prayed for.

4. The learned AAG argued that the case of appellant for promotion to BPS-19 was submitted to the Provincial Selection Board well in time but due to status quo order issued by this Tribunal in Execution Petition No. 3/2010, he could not be promoted. After vacation of status quo, he has been considered by the PSB and promoted vide notification dated 12.1.2012 with immediate effect. He requested that the appeal may be dismissed.

5. The Tribunal observes that the appellant while serving in BPS-18 in the respondent department was eligible for promotion to BPS-19. He was considered and found fit for promotion by the PSB in its meeting held on 15.10.2010. Due to status quo order granted in Execution Petition No. 3/2010, he could not be promoted. On vacation of status quo order, the appellant alongwith others, was again considered and found fit for promotion. The appellant was entitled for promotion with effect from 15.10.2010 under the law and in light of judgments as referred to above but vide notification dated 12.1.2012, he has been promoted with immediate effect. The Tribunal agrees with the arguments advanced by the learned counsel for the appellant.

6. In view of the above, the appeal is accepted and the respondents are directed to ante-date promotion of the appellant w.e.f. 15.10.2010. Parties are left to bear their own costs. File be consigned to the record.

Announced *sd/-* *sd/-*
31.12.2012 (Farooqullah Khan) (S. Manzoor Ali Shah)
Member Member

Certified copy
Khyber Pakhtunkhwa
High Court
Peshawar

Annex-1
P-70

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Jawwad S. Khawaja —
Mr. Justice Iqbal Hameedur Rahman
Mr. Justice Mushir Alam

Civil Petition No.584-P of 2013
(Against the judgment dated
31.12.2012 of the Khyber Pakhtunkhwa
Service Tribunal, Peshawar passed in
Appeal No.386/2012)

Chief Secretary Govt. of KPK, etc. ... Petitioner(s)

Versus

Fazal Rabbi ... Respondent(s)

For the appellant(s): Mr. Naveed Akhtar, Addl. AG, KPK

For the respondent(s): N. R.

Date of hearing: 18.04.2014

ORDER

Jawwad S. Khawaja, J. This petition admittedly is barred by 226 days. It is unfortunate that the interests of the Province have not been adequately safeguarded. Other instances have also come to our notice where cases of the Province are not filed within time. An application for condonation of delay (CMA-877-P/13) has been submitted but the same does not disclose any valid reason which would justify such an inordinate delay. The application is, therefore, dismissed. As a consequence, the civil petition is also dismissed on the ground of limitation.

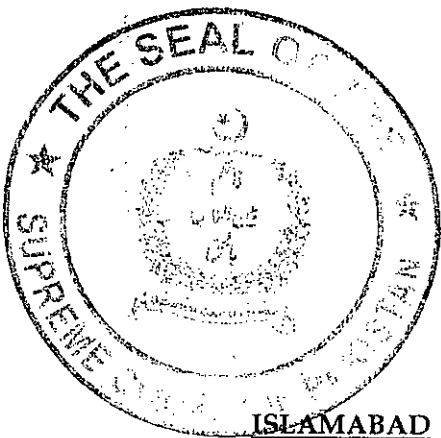
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Handwritten signature
Muhammad Arshad Khan Yaqoobi
Advocate High Court
Office No. 33 Adjacent to
Dist Bar Abbottabad

Sd/- Jawwad S.Khawaja,J
Sd/- Iqbal Hameedur Rahman,J
Sd/- Mushir Alam,J

Certified to be True Copy

Superintendent
Supreme Court of Pakistan
Islamabad

Handwritten signature
21-5-14



ISLAMABAD
18th April, 2014
M. Azhar Malik

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24/4/14

Annex - 9

P. 71

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 1387/2015

Date of Institution ... 14.12.2015

Date of Decision ... 11.07.2017



Shafiqur Rahman Ex-Executive District Officer
Agriculture Extension Department, District Swat.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar and others.

... (Respondents)

MR. MUHAMMAD ZAFAR TAHIRKHELI,
Advocate

For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney.

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN.-

Arguments of the learned

counsel for the parties heard and record perused.

ATTESTED FACTS

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

2. The brief facts of this appeal are that the appellant was promoted to BPS-19 in the year 2012 but he was entitled for promotion from the date when the post fell vacant (15.10.2010). The departmental appeal was filed on 08.09.2015 and when the said appeal was not decided within the statutory period the present appeal filed on 14.12.2015. The departmental appeal was decided during pendency of the present appeal on 03.02.2016, rejecting the departmental appeal of the appellant.

P-72

ARGUMENTS.

3. The learned counsel for the appellant argued that another colleague of the appellant namely Fazle Rabi was given antedated promotion from 15.10.2010 and on the basis of rule of consistency involving similar point of law the appellant is also entitled for the same treatment. The learned counsel for the appellant in this respect relied upon a judgment entitled "*Hameed Akhtar Niazi Versus the Secretary, Establishment Division, Government of Pakistan and others*" reported as 1996-SCMR-1185.

4. On the other hand the learned Deputy District Attorney argued that the appellant was promoted in the year, 2012 but he preferred the departmental appeal in the year, 2015 which is clearly time barred. That no application for condonation of delay was preferred by the appellant to his departmental authority. That when the departmental appeal is time barred then the present appeal is also time barred. He also relied upon 2 judgments entitled "*Abdul Hameed Vs. Ministry of Housing and Works, Government of Pakistan Islamabad through Secretary and others*" reported as PLD 2008-Supreme Court-395 and "*Dilawar Ali and another Vs. General Manager Pakistan Railways, Lahore and others*" reported as 2006-PLC(C.S) 1034 wherein it is held that no antedated promotion can be given to a civil servant who has already retired from service.

ATTESTED

CONCLUSION

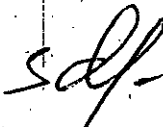
After hearing the arguments of both the learned counsel for the parties and perusing the record this Tribunal reaches the conclusion that Mr. Fazle Rabi who was junior to the appellant and both were promoted on the same date, was given antedated promotion on the basis of a judgment dated 31.12.2012 of this Tribunal in service appeal No. 386/2012. In view of the judgments relied upon by the learned counsel for the appellant qua principle of consistency and fair play the present appellant should have been treated at par with said Fazle Rabi, though he was not a

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

party to the earlier judicial proceedings. So far as the limitation is concerned it was the stance of the learned counsel for the appellant that limitation arose from the date of notification of Mr. Fazle Rabi dated 25.08.2015. This Tribunal is inclined to agree with the learned counsel for the appellant because the appellant has approached this Tribunal on the basis of treatment meted out to said Fazle Rabi though he was junior to the present appellant. This Tribunal therefore holds that the departmental appeal was well within time. The objection of the learned Deputy District Attorney regarding the retrospectivity of promotion after retirement as laid down in the quoted judgments of the august Supreme Court, this Tribunal is of the view that the present appellant seeks his antedated promotion on the basis of a judgment already delivered in Fazle Rabi case. Secondly the judgment pressed into service by the learned DDA covered antedated promotion but in the present case the appellant was already promoted. The appellant seeks that his promotion should have been from the date when the seat fell vacant. Therefore the facts of that reported cases are distinguishable from the facts of the present case.

6. As a result of the above discussion this Tribunal reaches the conclusion that the appellant is entitled for the relief as prayed for. The appeal is therefore, accepted. Parties are left to bear their own costs. File be consigned to the record room.

 (GUL ZEB KITAN)
MEMBER

 (NIAZ MUHAMMAD KHAN)
CHAIRMAN

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ANNOUNCED
11.07.2017

No. 11/83-KC/Estt/ 18.99 /DG
Dated Peshawar: the 30/1 /2012

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

P-74

Subject: WORKING PAPER REGARDING PROMOTION OF (BS-18) OFFICERS
TO (BS-19) POSTS OF AGRICULTURE EXTENSION DEPARTMENT.

Memo:

Eight (8) sets of working papers alongwith relevant documents in respect
the following (BS-18) officers to (BS-19) posts is enclosed herewith for information
of necessary action as per detail given below: -

PANEL OF OFFICERS

1. Mr. Saadullah Khan.
2. Mr. Amir Khah.
3. Mr. Muhammad Younis.
4. Mr. Abdur Rashid.
5. Mr. Sadiq Hussain Shah.
6. Mr. Muhammad Aslam Khan.
7. Mr. Ishtiaq Ahmad.
8. Syed Riaz Ahmad Shah.

LIST OF CONTENTS.

1. Working Paper.
2. Panel Form.
3. Panel Proforma.
4. Quantification Sheet.
5. Seniority List.

Attested
Muhammad Saad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

[Signature]
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA,
PESHAWAR

[Signature]
12/1/12

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

P-75

SUMMARY FOR CHIEF MINISTER

SECRET APPEAL FOR CONDONATION (TERMINATION) OF PROBATION PERIOD, PROMOTION TO NEXT HIGHER GRADE (BS-19) WITH RETROSPECTIVE EFFECT.

An appeal has been submitted by Mr. Muhammad Younis, District Officer Agriculture Sir Syed Colony Mandera Agricultural V&T District. The facts have been stated in the appeal.

Mr. Younis was posted against the upgraded post of District Officer Agriculture Abbottabad on 01/07/2011.

Chapter-II of the Esia Code Vol-I, 1982, Rules of Probation, 1982, applied to the service against a substantive vacancy maintained in the grade of two years, if appointed by initial recruitment and for a period of one year if appointed otherwise. In its explanation it has been laid down that "probation period and service spent on deputation to a corresponding or a higher post shall be counted towards the period of probation".

Mr. Younis was appointed as District Director Agriculture Abbottabad on 01/07/2011 and his probation started from 01/07/2011.

He was promoted to BS-19 on 17/02/2012 by the Provincial Selection Board Agriculture Department notified the same on 21/04/2012 placing him on probation for one year. He is claiming the provisions of probation rules and its relaxations.

Mr. Younis, Director Plant Protection (B-19) was appointed as District Officer Agriculture Extensor in officiating capacity through internal promotion.

A summary was moved on 12/09/2012 justifying his posting due to seniority in Serial No.2, while as per notified seniority list Mr. Abdul Rashid (B-19) was at SNo.3 and he was at SNo.2.

The PSB in its meeting on 17/02/2012 cleared him for promotion placing him on probation for one year upto 16/02/2013 but due to delay by the Agriculture Department the formal notification was issued on 21/04/2012 starting from the date of his appointment, the date of P&T authority to the probation period was not mentioned as effective according to be modified.

He was removed from service on 02/04/2013 without promotion when three regular posts were available.

Att. Gen.

AGRICULTURE
LIVESTOCK &
COOPERATIVE
DEPARTMENT
ISLAMABAD



GOVERNMENT OF KHYBER PAKHTUNKHWA
 AGRICULTURE LIVESTOCK & COOPERATIVE
 DEPARTMENT

P-76

The petitioners, who were probationers with effect from 17/02/2012, had their names considered separately by the Agriculture and Livestock Department, Government of Khyber Pakhtunkhwa, in pursuance of its decision on 26/02/2012. The petitioners were promoted to BS-19 with effect from 17/02/2012 after the expiry of their probation on 17/02/2012.

The petitioners filed a petition in the Service Tribunal in view of which their names were considered and their names were included in the list of probationers. Against the decision of the Service Tribunal an appeal was preferred in the Supreme Court of Pakistan and during the hearing opted for approaching the Governor under section 24 of the Civil Servants Act.

Quoting references of anticipation of promotion of two other officers of the department in pursuance of the court decision, the petitioners also requested to terminate their probation on 26/02/2012 giving him promotion to his next higher pay scale BS-20 or to consider his promotion from the date of the PMS as 17/02/2012 and terminate his probation w.e.f 17/02/2013 allowing him promotion to BS-20 w.e.f 17/02/2013 by proforma promotion in light of the court judgment.

The Hon'ble Supreme Court of Pakistan decided that (Annex-11)

"Learned ASC for the petitioners argued the case of this petition but when pointed out that he could approach the Governor of the Province in terms of Section 24 of the Civil Servants Act on his behalf, he opted not to press this petition in the Supreme Court. This petition is thus dismissed as to pressed".

Section-26 of the Civil Servants Act states that (Annex-11):

26. Rules:- (1) The Governor or any person authorized by the Governor in that behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

The officer was promoted to BS-19 but due to non-completion of his probation his case for promotion to BS-20 was not processed in spite of availability of post.

Ali Aslam
 Advocate High Court
 Office No. 33 Adjacent to

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

P-77

The following proposal is submitted for consideration and approval
of the Government of Khyber Pakhtunkhwa.

The Government of Khyber Pakhtunkhwa is requested to pass on the
proposal to the Government of Punjab for appropriate orders please.

(MUSHAMMAD ISHAK)
SECRETARY AGRICULTURE

P-77



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

SUMMARY FOR CHIEF MINISTER

Subject: APPEAL FOR CONDONATION (TERMINATION) OF PROBATION PERIOD PROMOTION TO NEXT HIGHER GRADE (BS-20) WITH RETROSPECTIVE EFFECT.

An appeal has been submitted by Mr. Muhammad Younas Ex-Executive District Officer / District Officer Agriculture Sir Syed Colony Mandian Abbottabad. (ANNEX-I). The Following have been stated in the appeal:

- i. He was posted against the upgraded post of District Director Agriculture (BPS-19) in own pay & scale on 01/07/2011.
- ii. As per Chapter II of the Esta Code Vol-I, 1987, Rules of Probation "A person appointed to the service against substantive vacancy shall retain on probation for a period of two years, if appointed by initial recruitment and for a period of one year if appointed otherwise" in its explanation it has been laid down that officiating service and service spent on deputation to a corresponding or a higher post/position may be allowed to count towards the period of probation.
- iii. He officiated the higher post of District Director Agriculture Abbottabad w.e.f. 01/07/2011 and his probation started from 01/07/2011.
- iv. He was promoted to BS-19 on 17/02/2012 by the Provincial selection Board but the Agriculture department notified the same on 21/04/2012 placing him on probation for one year, violating the provisions of probation rules and PSB recommendations.
- v. Mr. Abdul Rashid Director Plant Protection (BS-19) was appointed as Director General Agriculture Extension in officiating capacity through internal arrangement and then a summary was moved on 12/09/2012 justifying his posting due to his seniority at serial No.2, while as per notified seniority list Mr. Abdul Rashid was at S.NO 3 and he was at S.NO 2.
- vi. The PSB in its meeting 17/02/2012 cleared him for promotion placing all on probation for one year up to 16/02/2013 but due to delay by the Agriculture Department, the formal notification was issued on 21/04/2012 starting our probation from that date instead of the date of PSB contrary to the probation rules hence the notification was defective needing to be modified.

- vii. Due to delay in issuance of notification and not following the rules, he got retired from service on 02/04/2013 without promotion when three regular BS-20 posts were vacant.
- viii. He appealed against the probation issue on 26/12/2012, which was not considered genuinely by the Agriculture and Establishment Departments. The Establishment department conveyed its decision on 26/02/2013 which was endorsed by the DG Agriculture Extension on 22/05/2013 after his retirement willfully as he was senior to the sitting DG.
- ix. He lodged appeal in the Service Tribunal but views of Establishment department were endorsed and his appeal dismissed. Against the decision of the Service Tribunal, an appeal was preferred in the Supreme Court of Pakistan and during hearing opted for approaching the Governor under section-24 of the civil servant Act.
- x. Quoting references of the antedation of promotion of two other officers of the department in pursuance of the court decision, he has also requested to consider termination of his probation on 30/06/2012 giving him promotion to next higher pay scale BS-20 or consider his promotion from the date of the PSB i.e 17/02/2012 and terminate his probation w.e.f. 16/02/2013 allowing him promotion to BS-20 w.e.f. 17/02/2013 by proforma promotion in light of the court judgements.

2. The Hon'ble Supreme Court of Pakistan decided that (ANNEX-II)

"learned ASC for the petitioner argued the case at some length but when pointed out that he could approach the Governor of the province in terms of section 26 of the Civil servants Act in this behalf, he opted not to press the petition in order to approach the Governor. This petition is, thus dismissed as to not pressed".

Section -26 of the Civil Servant Acts states that (Annex-III):

26. Rules:- (I) The Governor or any person authorized by the Governor in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

3. The Officer was promoted to BS-19 but due to non-completion of his probation, his case for promotion to BS-20 was not processed inspite of availability of post.

77A

4. The request of the officer is submitted for consideration and appropriate decision in the matter by the competent authority.

5. Hon'ble Chief Minister, Khyber Pakhtunkhwa is requested to pass on the file to the Governor, Khyber Pakhtunkhwa for appropriate orders please.

(MUHAMMAD ISRAR)
SECRETARY AGRICULTURE

MINISTER FOR AGRICULTURE

SECRETARY ESTABLISHMENT

CHIEF SECRETARY

Mirshad Khan Tanoli
 Advocate High Court
 Office No. 33 Adjacent to
 Distt Bar Abbottabad

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GOVERNMENT OF KHYBER PAKHTUNKHWA
 AGRIL: LIVESTOCK & COOP: DEPARTMENT.

Dated Peshawar, the 12/13/2011

NOTIFICATION.

NO.SOE(AD)23-19/2009.- In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department letter No.FD/SO(FR)7-13/2010/Vol.II, dated 17/1/2011, the competent authority is pleased to accord sanction to the re-organization / up-gradation and re-designation of 250 posts of Agriculture Extension Wing of this Department at the ratio of 1 : 15 : 34 : 50 for placement in BS-20, 19, 18 and 17 respectively under the four tier Service Structure with immediate effect as given below:-

A. BS-20 @ 1% OF THE TOTAL STRENGTH, 2.50 OUT OF 250 POSTS:

S. NO.	Name of existing post and pay scale	No of Posts	New Name/ Re designation of the post under four tier formula, if any	No. of Posts
1	Director General Agriculture Extension Department, Khyber Pakhtunkhwa, BS -20	01	Director General Agriculture Extension Department Khyber Pakhtunkhwa, BS-20	01
2	Principal, Agricultural Training Institute, BS -19	01	Principal, Agriculture Training Institute, Peshawar, BS -20	01
3	Director Agriculture Extension FATA, BS -19	01	Director General Agriculture Extension FATA BS -20	01
	Sub Total	03	Sub Total	03

B. BS-19 @ 15% OF THE TOTAL STRENGTH, 37.50 OUT OF 250 POSTS:

S. No.	Name of existing post and pay scale	No of Posts	New Name/ Re designation of the post under 04 tier formula, if any	No of Posts
1.	Project Director Barani Agriculture Dev; Project BS-19	01	Director Field Operation HQ, Khyber Pakhtunkhwa, BS-19	01
2.	Plant Protection Officers, BS -18	01	Director Plant Protection HQ, BS-19	01
3.	Horticulturist HQ, BS -18	01	Director Horticulture HQ BS-19	01
4.	Deputy Director of Agriculture HQ (Eco: & Marketing) BS -18	01	Director Agriculture Marketing HQ BS-19	01
5.	Agricultural Officer, BS - 17	01	Director Coordination, Planning & Monitoring HQ BS-19	01
6.	Subject Matter Specialist (Agronomy), BS -17 (Supervisory)	01	Director Model Farm Services Center, HQ (BS-19).	01
7.	Subject Matter Specialist (Extension), BS -17 (Supervisory)	01	Director Seed, HQ (BS-19).	01
8.	Senior Instructor ATI Peshawar, BS -18	01	Vice Principal, ATI BS -19	01
9.	Senior Instructor ATI Peshawar, BS -18	01	Director Training / Training Coordinator ATI, BS-19	01
10.	District Officers Agriculture BS -18	24	District Directors Agriculture BS-19	24
11.	Plant Protection Officer, FATA, BS-18	01	Director Plant Protection FATA, BS-19	01
12.	Deputy Director Agriculture FATA Peshawar, BS-18	01	Regional Director Agriculture (North) FATA, Peshawar BS-19	01
13.	Deputy Director Agriculture FATA, DIKhan BS -18	01	Regional Director Agriculture (South) FATA DIKhan, BS-19	01
14.	Assistant Horticulture Officer BS-17) (Sup)	01	Director Horticulture FATA, HQ BS -19	01
	Sub Total:	37	Sub Total:	37

Mirshad Khan Tanoli
 Assistant Accounts Officer
 To Director Agriculture
 (Extension) K.P.K. Province Peshawar

Attested

Muh. ~~Arshad Khan Janoli~~
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

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C. BS-18 @ 34% OF THE TOTAL STRENGTH, 85 OUT OF 250 POSTS:

S. No.	Name of existing post and pay scale	No of Posts	New Name / Re designation of the post under four tier formula, if any	No of Posts
1.	Subject Matter Specialist, BS -17 (Supervisory)	01	Deputy Director (Planning, Monitoring & Evaluation) HQ, BS - 18	01
2.	Agricultural Officer, BS-17	01	Deputy Director (Plant Protection), HQ, BS-18	01
3.	Agricultural Officer, BS-17	01	Deputy Director (Horticulture) HQ BS-18	01
4.	Deputy Director Agriculture (Information) BS-18	01	Deputy Director Agriculture (Information) BS-18	01
5.	Assistant Director (Coordination & Public Relation), BS-17 (Supervisory)	01	Deputy Director (Coordination & Publication) BS-18	01
6.	Sr. Instructor Agri: Training Institute, BS-18	02	Sr. Instructor Agri: Training Institute, BS-18	02
7.	Jr. Instructor Agri: Training Institute, BS-17 (Supervisory)	02	Sr. Instructor Agri: Training Institute, BS-18	02
8.	Assistant Plant Protection Officer / Agricultural Officers, BS - 17	24	Subject Matter Specialist (Plant Protection) BS-18	24
9.	Assistant Agronomist / Agri: Officers, BS -17	16	Subject Matter Specialist (Agronomy & Extension) BS -18	16
10.	Assistant Horticulture Officer / Agri: Officers, BS-17 (Supervisory)	16	Subject Matter Specialist (Horticulture) BS-18	16
11.	Agricultural Officers, BS-17	07	Deputy Director Farms BS-18	07
12.	Agency Agriculture Officer FATA, BS-18	07	Agency Officer Agriculture FATA, BS-18	07
13.	Assistant Horticulture Officer FATA Peshawar, BS-17 (Supervisory)	01	Regional Horticulture Specialist (North) FATA, Peshawar, BS-18	01
14.	Assistant Horticulture Officer FATA DIKhan, BS-17 (Supervisory)	01	Regional Horticulture Specialist (South) FATA, D.I.Khan, BS-18	01
15.	Assistant Publicity Officer FATA, BS-17 (Supervisory)	01	Deputy Director Agriculture (Planning & Monitoring) FATA, HQ BS-18	01
16.	Assistant Plant Protection Officer FATA, Peshawar BS-17 (Supervisory)	01	Regional Plant Protection Officer (North) FATA, Peshawar, BS-18	01
17.	Assistant Plant Protection Officer FATA, BS-17 (Supervisory)	01	Regional Plant Protection Officer (South) FATA, D.I.Khan, BS-18	01
18.	Extra Assistant Director Agriculture (E&M) FATA, BS-17 (Supervisory)	01	Deputy Director Agriculture (Marketing) FATA, BS-18	01
	Sub Total:	85	Sub Total:	85

D. BS-17@ 50% OF THE TOTAL STRENGTH, 125 OUT OF 250 POSTS

S. No.	Name of existing post and pay scale	No of Post	New Name/ Re designation of the post under four tier formula, if any	No of Posts
1	Agricultural Officers / Agricultural Officers (Female) and Instructors BS-17	124	Agricultural Officers / Instructors BS-17	124
2	Assistant Agriculture Information Officer, BS-17	01	Agriculture Officer (Public Relation & Publication) BS-17	01
	Sub Total:	125	Sub Total:	125
	Grand Total A+B+C+D	3+37+85+125 =		250

Note:- Promotion against the up-graded and re-designated posts in the above mentioned service structure shall be made in accordance with the service rules to be framed in the light of the provisions of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989, by making necessary amendments in the service rules of the department notified vide No.SOE (AD)3 (2) 201/2007-08 dated 22/9/2008.

SECRETARY AGRICULTURE.

Assistant Secretary

Assistant Secretary
To Director Agriculture
(Extension) K.P. Province Peshawar

Endst.No.FD/SO(FR)7-13/2010/Vol.II

Dated Peshawar, the 01/3/2011

Copy forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Accountant General (PR), Peshawar.
3. All the District / Agency Accounts Officers in Khyber Pakhtunkhwa.

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Andj

(ANDJEEB NAZ)

SECTION OFFICER (FR)
FINANCE DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA.

Endst. No.SOE(AD)23-19/2009

Dated Peshawar, the 13/2011

Copy forwarded for information to:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. PSO to Chief Minister, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar.
5. PS to Minister for Agriculture, Khyber Pakhtunkhwa.

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

Endst. No.SOE(AD)23-19/2009

Dated Peshawar, the 13/2011

Copy forwarded for information to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department with reference to his letter number quoted above.
2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
3. The Secretary Finance Department FATA Secretariat Warsak Road, Peshawar.
4. Chief Planning Officer, Agriculture, Livestock & Cooperation Department.
5. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa.
6. The Director General, Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar.
7. The Principal, Agricultural Training Institute, Peshawar.
8. The Director Information, Khyber Pakhtunkhwa, Peshawar.
9. All District Coordination's Officers in Khyber Pakhtunkhwa.
10. All Executive Districts Officers (Agriculture) in Khyber Pakhtunkhwa.
11. All District Officers Agriculture, in Khyber Pakhtunkhwa.
12. The Manager, Government Printing Press, Khyber Pakhtunkhwa, Peshawar for publication in the next gazetteer.

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

A. K. P.

[Signature]
Assistant Accounts Officer
To Director of Agriculture
(Extension) K.P.K. Province Peshawar

Dil Nawaz.

[Signature]
Muhammad Iqbal Khan Maroli
Advocate High Court
Office No 33 Adjacent to
[illegible]

Musleq
Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No 33 Adjacent to
 Dist. Bar Abbottabad

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

Dated Peshawar, the 20/8/2011

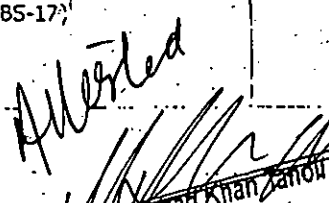
ORDER:

NO. SOE (AD)23-19/2009.-

In pursuance of this Department notification of even number dated 10/3/2011, the competent authority is pleased to order the posting/transfer and adjustment of the following officers against the re-designated posts as a result of award of "Four Tier Service Structure" to the employees of Agriculture (Extension) Department with immediate effect in the interest of public service till further orders:-

S. No	Name of officer	From	To	Remarks.
1.	Muhammad Tasleem (BS-19)	Project Director, BADP (BS-19).	Director Field Operation HQ (BS-19) with additional charge of Director General, Agriculture (Extension), Khyber Pakhtunkhwa.	Against vacant upgraded post.
2.	Shadi Khan (BS-18)	DOA, Tank (BS-18)	District Director Agriculture (BS-19), Tank (in his own pay & scale)	--do--
3.	Saadullah Khan (BS-18)	Horticulturist HQ (BS-18)	Director Horticulture (BS-19), HQ, Peshawar (ops).	--do--
4.	Muhammad Younas (BS-18)	DOA, Abbottabad (BS-18)	District Director Agriculture (BS-19) Abbottabad (ops)	--do--
5.	Abdur Rashid (BS-18)	PPO HQ (BS-18)	Director Plant Protection HQ (BS-19) (ops).	--do--
6.	Ghulam Muhammad (BS-18)	DOA, Lakki Marwat (BS-18)	District Director Agriculture, Lakki Marwat BS-19 (ops)	--do--
7.	Ishtiaq Ahmad (BS-18)	DOA, Kohat (BS-18).	District Director Agriculture, Kohat BS-19 (ops).	--do--
8.	Qayum Jan (BS-18)	Sr. Instructor, ATI, (BS-18).	Vice Principal, ATI, (BS-19) (ops).	--do--
9.	Muhammad Saleem (BS-18)	DOA, Mardan (BS-18)	District Director Agriculture, Mardan (BS-19) (ops).	--do--
10.	Iftikhar Hussain (BS-18)	DOA, Hangu (BS-18)	District Director Agriculture, Hangu (BS-19) ops.	--do--
11.	Muhammad Iqbal (BS-18)	DOA, Haripur (BS-18)	SMS Agronomy and Extension (BS-18) o/o DDA, Abbottabad	--do--
12.	Muhammad Naseem (BS-18)	DOA, Battagram (BS-18)	District Director Agriculture, Battagram (BS-19) ops.	--do--
13.	Fazal Mabood (BS-18)	DDA (E&M) HQ (BS-18)	Director Agriculture Marketing, HQ (BS-19) (ops).	--do--
14.	Hassan Taj (BS-18)	DOA, Swabi (BS-18)	District Director Agriculture, Swabi (BS-19) ops.	--do--
15.	Muzaffar Khan (BS-18)	DOA, Peshawar (BS-18)	District Director Agriculture, Peshawar (BS-19) ops.	--do--
16.	Zainullah Shah (BS-18)	DOA, Bannu (BS-18)	District Director Agriculture, Bannu (BS-19) ops.	--do--
17.	Ahmad Nawaz (BS-18)	DOA, DIKhan (BS-18)	District Director Agriculture, DIKhan BS-19 (ops).	--do--
18.	Muhammad Israr (BS-18)	Senior Instructor, ATI, (BS-18)	Director Training / Training Coordinator ATI (BS-19) ops.	--do--
19.	Muhammad Imran (BS-17) Sup.	DOA, Kohistan (BS-18)	District Director Agriculture, Kohistan (BS-19) ops.	--do--
20.	Haq Nawaz (BS-17) Sup.	Asstt. Agronomist, Abbottabad (BS-17) Sup.	SMS Plant Protection (BS-18) o/o Distt. Director Agri: Mansehra (ops).	--do--
21.	Zulfqar Ahmad (BS-18)	Waiting for posting.	District Director Agri, Haripur (BS-19) ops.	--do--
22.	Muhammad Khan (BS-17) Sup	APPO, Mardan (BS-17) Sup.	SMS Plant Protection o/o Distt. Director Agri. Mardan (BS-18) ops.	--do--

23	Fazli Maula (BS-17) Sup	AHO, (BS-17) Sup. Swat with additional charge of DOA, Swat.	District Director Agriculture, Swat (BS-19) ops.	--do--
24	Obaidullah (BS-17) Sup	DOA, Shangla (BS-18)	District Director Agriculture, Dir Lower (BS-19) ops.	--do--
25	Iqbal Hussain (BS-18)	EDO Agri. Shangla (BS-19) (ops).	District Director Agriculture, Shangla BS-19 (ops) with additional charge of EDO Agri. Shangla.	--do--
26	Sultan Hussain Shah (BS-17) Sup.	DOA, Nowshera (BS-18)	District Director Agriculture, Nowshera (BS-19) ops.	--do--
27	Ehsanullah (BS-17).	DOA, Charsadda (BS-18) ops	District Director Agriculture, Charsadda (BS-19) ops.	--do--
28	Khurshid Akbar (BS-17) Sup	Asstt. Agronomist HO, Kohat (BS-17) Sup.	SMS Agronomy and Extension o/o Distt. Director Agri., Swabi (BS-18) ops.	--do--
29	Nisar Ahmad (BS-17) Sup	APPO, Abbottabad (BS-17) Sup.	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri. Abbottabad.	--do--
30	Javed Macbool Butt (BS-17) Sup	Asstt. Director (C&PR) (BS-17) Sup. o/o DDA (I).	Dy. Director (Coordination and Publication) o/o DDA (I) (BS-18) ops.	--do--
31	Muhammad Iqbal (BS-17) Sup.	APPO, Malakand (BS-17) Sup	District Director Agri., Malakand (BS-19) (ops).	--do--
32	Wazir Ahmad (BS-17)	AHO, Abbottabad (BS-17) Sup.	SMS Horticulture o/o the District Director Agri. Mansehra (BS-18) ops.	--do--
33	Naveed Iqbal (BS-17) Sup.	APPO, Mansehra (BS-17) Sup.	District Director Agriculture, Mansehra (BS-19) ops.	--do--
34	Kamal Din (BS-17)	Asstt. Agronomy o/o DOA, Peshawar (BS-17) Sup.	SMS Agronomy and Extension o/o the District Director Agri. Peshawar (BS-18) ops.	--do--
35	Mr. Muhammad Sajawal Khan (BS-18)	Waiting for Posting with effect from 27/6/2011.	Dy. Director (Planning, Monitoring and Evaluation HQ (BS-18) against vacant post (current side).	--do--
36	Fazal Rahman (BS-17)	AATO o/o DDA (I) BS-17 Peshawar.	Agri. Officer (Public Relation & Publication o/o the DDA (I) Peshawar (BS-17).	--do--
37	Zahir Ullah Khan (BS-17).	DOA, Karak (BS-18)	SMS Plant Protection (BS-18) ops o/o District Director Agriculture, Karak.	--do--
38	Siddiqui Muhammad (BS-18)	Waiting for posting.	Distt. Director Agriculture, Karak (BS-19) ops.	--do--
39	Abid Kamal (BS-17)	DOA, Buner (BS-18) ops	District Director Agriculture, Buner (BS-19) ops.	--do--
40	Hussain Ahmad (BS-17)	APPO o/o DOA, Bannu (BS-17) Sup. Ops	SMS Plant Protection o/o Distt. Director Agri. Bannu (BS-18) ops.	--do--
41	Shams-ur-Rehman (BS-17)	APPO o/o DOA, Peshawar (BS-17) Sup. ops.	SMS Plant Protection o/o Distt. Director Agri. Peshawar (BS-18) ops.	--do--
42	Sakhi Marjan (BS-17)	APPO o/o DOA, Kohat (BS-17) Sup. Ops	SMS Plant Protection o/o Distt. Director Agri., Kohat (BS-18) ops.	--do--
43	Adalat Khan (BS-17)	APPO o/o the DOA, Swat (BS-17) ops	SMS Plant Protection o/o Distt. Director Agri., Swat (BS-18) ops.	--do--
44	Aamir Khan (BS-17)	Agri: Officer o/o DOA, DIKhan (BS-17).	Dy. Director Farm, Rakh Zandani DIKhan (BS-18) ops	--do--
45	Muhammad Ismail (BS-17)	Agri: Officer o/o DOA, DIKhan (BS-17).	Agri: Officer, Panyala o/o Distt. Director Agri., DIKhan (BS-17).	--do--
46	Abdul Haleem (BS-17)	Agri: Officer o/o DOA, DIKhan (BS-17).	Dy. Director Farm Ratta Kulachi, DIKhan (BS-18) ops.	--do--
47	Muhammad Irfan (BS-17)	Agri: Officer o/o DOA, DIKhan	Dy. Director Farm Rakh Manghan, DIKhan (BS-18) ops.	--do--
48	Abdul Qayum (BS-17)	AO (BS-17) o/o DOA, Mardan	SMS Agronomy & Extension o/o Distt. Director Agri., Mardan BS-18 (ops)	--do--
49	Muhammad Waseem (BS-17)	AO (BS-17) o/o DOA, Mardan	Dy. Director Farm, Jamra Farm, Mardan (BS-18) ops.	--do--

Attested

 Muhammad Arshad Khan
 Advocate High Court
 Office No. 33 Adjacent to

50.	Muhammad Naeem (BS-17)	AO (BS-17) o/o DOA, Swabi	SMS Horticulture & Extension o/o Distt. Director Agri., Swabi BS-18 (ops)	--do--
51.	Amir Khattam (BS-17)	AO (BS-17) o/o DOA, Swabi	SMS Plant Protection o/o Distt. Director Agri., Swabi BS-18 (ops)	--do--
52.	Haji Muhammad (BS-17)	AO (BS-17) o/o DOA, Malakand	SMS Horticulture o/o Distt. Director Agri., Malakand BS-18 (ops)	--do--
53.	Kishwar Ali (BS-17)	AO (BS-17) o/o DOA, Swat	SMS Horticulture o/o Distt. Director Agri., Swat BS-18 (ops)	--do--
54.	Muhammad Siddique (BS-17)	AO (BS-17) o/o DOA, Swat	SMS Agronomy & Extension o/o Distt. Director Agri., Swat BS-18 (ops)	--do--
55.	Masood ur Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	SMS Agronomy & Extn. o/o Distt. Director Agri., Mansehra BS-18 (ops)	--do--
56.	Mukhtar ur Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	SMS Horticulture o/o Distt. Director Agri., Abbottabad BS-18 (ops)	--do--
57.	Altaf-ur-Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	Agri: Officer o/o Distt. Director Agri. Kohistan against the vacant post.	--do--
58.	Faisal Khurshid (BS-17)	AO (BS-17) o/o DOA, Swabi	Agricultural Officer (BS-17) o/o Distt. Director Agriculture, Mansehra.	--do--
59.	Muhammad Tariq (BS-17)	AO (BS-17) o/o DOA, Abbottabad	Dy Director Farms, Haripur BS-18 (ops)	--do--
60.	Muhammad Tahir (BS-17)	AO (BS-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o DDA, Battagram (ops)	--do--
61.	Tariq Mehmood (BS-17)	AO (BS-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o DDA, Haripur (ops)	--do--
62.	Sajjad Ahmad (BS-17)	AO (BS-17) o/o DOA, Haripur	SMS Horticulture o/o DDA, Haripur BS-18 (ops)	--do--
63.	Yousaf Ali (BS-17)	AO (BS-17) o/o DOA, Hangu	SMS Plant Protection BS-18 o/o Distt. Director Agri., Hangu (ops)	--do--
64.	Anwar Khan (BS-17)	AO (BS-17) o/o DOA, Tank	SMS Plant Protection BS-18 o/o Distt. Director Agri., Tank (ops)	--do--
65.	Murad Ali (BS-17)	AO (BS-17), waiting for posting	Repatriated/posted SMS Plant Protection o/o Distt. Director Agri., Buner BS-18 (ops)	--do--
66.	Asghar Khan (BS-17)	AO (BS-17) o/o DOA, Buner	SMS Horticulture o/o Distt. Director Agri., Buner BS-18 (ops)	--do--
67.	Muhammad Uzair (BS-17)	AO additional charge of DOA, Dir Upper (BS-18)	Distt. Director Agri., Dir Upper BS-19 (ops)	--do--
68.	Muhammad Saeed (BS-17)	Instructor, ATI (BS-17)	Senior Instructor, ATI, BS-18 (ops)	--do--
69.	Fazal Wahab (BS-17)	Junior Instructor ATI, (BS-17) Sup.	Instructor (BS-17) ATI, Peshawar vice No. 68.	--do--
70.	Ehtisham (BS-17)	Agri: Officer (BS-17) o/o DOA, Peshawar	Instructor (BS-17) ATI, Peshawar.	--do--
71.	Muhammad Imran (BS-17)	Agri: Officer (BS-17) o/o DOA, Peshawar	SMS Horticulture (BS-18) ops o/o Distt. Director Agri., Peshawar.	--do--
72.	Abdul Nasir (BS-17)	Agri: Officer (BS-17) o/o DOA, Charsadda	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri., Charsadda.	--do--
73.	Hidayat Ullah (BS-17)	Agri: Officer (BS-17) o/o DOA, Charsadda	SMS Horticulture BS-18 o/o Distt. Director Agri., Charsadda (ops)	--do--
74.	Khisor Nawaz Ahmad (BS-17)	CMP-II Project, Charsadda w.e. from 1.7.2011.	Repatriated / posted as SMS Agronomy & Extn. BS-18 o/o Distt. Director Agri., Charsadda (ops)	--do--
75.	Mohammad Ghani (BS-17)	Agri: Officer (BS-17) o/o DOA, Karak	SMS Agronomy & Extn. (BS-18) ops o/o Distt. Director Agri., Karak.	--do--
76.	Khuda Yar (BS-17)	Agri: Officer (BS-17) o/o DOA, Bannu	SMS Agronomy & Extn. BS-18 o/o Distt. Director Agri., Bannu (ops)	--do--
77.	Gul Daraz (BS-18)	Waiting for posting	SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat.	--do--
78.	Asif Saleem (BS-17)	AO, Nowshera (BS-17)	SMS Plant Protection (BS-18) o/o Distt. Director Agri. Nowshera (ops)	--do--

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79/ Amanullah (BS-17)	AO, o/o DOA, DIKhan (BS-17)	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri: DIKhan	--do--
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Note:- This order will be effective with effect from 1-7-2011 for the purpose of drawl of pay & allowances.

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar with the request to circulate the same to all officers concerned.
2. The Director General, Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar.
3. The Principal, Agricultural Training Institute, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. The Additional Accountant General (PR) Sub-Office, Peshawar.
6. All the District / Agency Accounts Officers, in Khyber Pakhtunkhwa.
7. All Heads of the attached Department of Agriculture, Livestock & Cooperation Department.
8. The Chief Planning Officer, Agriculture, Livestock & Cooperation Department.
9. All Section Officers in the Agriculture Department.
10. The Manager, Government Printing Press, Peshawar.
11. The Director of Information Government of Khyber Pakhtunkhwa, Peshawar.
12. PS to Chief Minister, Khyber Pakhtunkhwa.
13. PS to Chief Secretary, Khyber Pakhtunkhwa.
14. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
15. Personal files of the officers concerned.

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(MUHAMMAD ZAHID)
SECTION OFFICER - ESTT.

DI Nazim

Muhammad Zahid Khan
Muhammad Zahid Khan
Advocate High Court
Office No. 33 Adjacent to
Distt. Court Peshawar



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the April 20, 2012.

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NOTIFICATION

No. SOE(AD)2(2)429/2011.- In pursuance of the provisions contained in sub-rule (2) of rule 9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1980 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 Extension Wing of the Agriculture Department.

Attested
[Signature]
Advocate High Court
Office No. 33 Adjacent
Distt Bar

APPENDIX
PART-I
PROFESSIONAL STAFF

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

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4	Agriculture Officers / Agriculture Officers Public Relation and Publication and Instructors (BPS-17).	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 recruitment.
5	Instructor Islamiyat (BPS-16).	Molvi Fazil or Sanadul Faraghat from Wafaqi Madrasa or equivalent sanad from a recognized religious institution.	21 to 32 years.	By initial recruitment.
6	Equipment Engineers (BPS-16).	(a) Secondary School Certificate from a recognized Board; and (b) Diploma in Electronics from a recognized Polytechnic Institute or College of Technology with two years experienced of Audio Video equipment installation maintenance and repair with sufficient knowledge of handling such equipment.	18 to 28 years.	By initial recruitment.
7	Artists (BPS-11).	(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 commercial art.	18 to 28 years.	By initial recruitment.
8	Electricians (BPS-11).	(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 / equipment.	18 to 28 years.	By initial recruitment.
9	Penal Operators (BPS-11).	(a) Secondary School Certificate from a recognized Board; and (b) Diploma in Electronics from a recognized Institute with sufficient knowledge of handling console / audio video equipment and its repair and maintenance.	18 to 28 years.	By initial recruitment.
10	Physical Instructors (BS-11).	Secondary School Certificate from a recognized Board with junior Diploma in physical education or Ex-Service man who hold Secondary School Certificate and served the defence force for at least five years as non-commission officer.	18 to 28 years.	By initial recruitment.
11	Photographers (BS-11).	(a) Secondary School Certificate from a recognized Board; and (b) Certificate in photography from a	18 to 28 years.	By initial recruitment.

Attested

Muhammad Arshad Khan Tar
Advocate High Court
Office No 33 Adjacent
Distt. Jhelum

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23/1

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12	Video Camera Operators (BPS-10).	with three years experience in portrait / landscape photography with appropriate knowledge and practice of commercial photography. At least 2 nd Division Secondary School Certificate from a recognized Board with four years experience in Outdoor Photography, Documentary, Editing and Commercial.	18 to 28 years.	By initial recruitment.
13	Artist-cum-Photographers (BPS-9).	Diploma in Arts from a recognized Institute of Arts with sufficient experience in photography.	18 to 28 years.	By initial recruitment.
14	Agriculture Inspectors (BPS-9).			By promotion, on the basis of seniority-cum-fitness, from amongst Field Assistants with at least five years service as such.
15	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.	18 to 28 years.	By initial recruitment.
16	Stock 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.	18 to 28 years.	By initial recruitment.
17	Laboratory Assistants (BPS-6).	At least 2 nd Division in Secondary School Certificate with science from a recognized Board.	18 to 28 years.	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Laboratory Attendants with three years service as such, having Secondary School Certificate with science from a recognized Board; and (b) Fifty percent by initial recruitment.
18	Pharmacy Technicians (BPS-9).	Secondary School Certificate from a recognized Board with Dispenser Certificate from Health Department.		By initial recruitment.
19	Heavy Duty Driver (BPS-6).	Experience in driving heavy vehicle driving licence.	18 to 40 years.	By initial recruitment.
20	Driver-Cum-Operator (BPS-6).	Middle pass having heavy Motor driving licence and experience in handling projector.	18 to 40 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the vehicle drivers with three years experience.
21	Projectionist-cum-Drivers (BS-6).	Literate possessing a valid driving licence and having three years experience in a relevant field. Note:- preference will be given to the holders of certificate in film projection.	18 to 32 years.	By initial recruitment.
22	Mechanics (BPS-5).			By transfer from amongst Fitter with three years service as such.
23	Filters (BPS-5).	Middle pass certificate from a recognized Institute.	18 to 28 years.	By initial recruitment.
24	Budders (BPS-5).	Middle pass with experience in building.	18 to 40 years.	By promotion from amongst Field Workers / Matics and Attendants.
25	Electricians (BPS-5).	Secondary School Certificate from a	18 to 40 years.	By initial recruitment.

Attended

Muhammad Arshad Khan Jar
Advocate High Court
Office No 33 Adjacent
Distt. Jar Abbottabad

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87A

26	Tractor Drivers (BPS-5).	recognized Board with certificate as Electrician. Having tractor driving licence with two years experience in handling Tractor.	18 to 40 years.	By initial recruitment.
27	Vehicle Drivers (BPS-4).	Experience in Driving with light vehicle driving licence.	18 to 40 years.	By initial recruitment.
28	Thresher Operators (BPS-3).	Middle pass one year experience in the Thresher Operator.	18 to 40 years.	By initial recruitment.
29	Tube Well Operators (BPS-1).	Two years experience in the operating tube wells.	18 to 45 years.	By initial recruitment.
30	Tractor Cleaners / Helpers of Driver (BPS-1).	One year experience as Cleaner.	18 to 45 years.	By initial recruitment.
31	Malies (BPS-1).	Experience in flower culture and horticulture.	18 to 45 years.	By initial recruitment.
32	Carpenters (BPS-1).	Five years experience as carpenter.	18 to 45 years.	By initial recruitment.
33	Field Workers / Cook / Depot Colies / Laboratory Attendants / Mess Boys & Sweeper (BPS-1).	Experience in the relevant field.	18 to 45 years.	By initial recruitment.

Muhammad Arshad Khan Tano
 Advocate High Court
 Office No. 33 Adjacent to
 Distt Bar Abbottabad

PART-II
MINISTERIAL STAFF

34	Assistant Accounts Officers (BPS-17).			By promotion, on the basis of seniority- cum-fitness, from amongst the holders of the posts of Administrative Officers / Superintendents.
35	Administrative Officers (BPS-16).			"By transfer from amongst the Superintendents".
36	Superintendents (BPS-16).			a). Ninety percent by promotion, on the basis of seniority- cum-fitness, from amongst the holders of the posts of Assistant/ Accountants with five years service as such; and b). ten percent by promotion, on the basis of seniority- cum-fitness, from Senior Scale Stenographers with five years service as such.
37	Senior Scale Stenographers (BS-15).			By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers / Computer Operators with three years service as such.
38	Assistants / Accountants (BPS-14).	At least 2 nd Division Bachelor's Degree from a recognized University.	18 to 28 years.	(a). Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from Senior Auditors / Seniors Clerks with three years service as such; and (b). twenty-five percent by initial recruitment.
39	Junior Scale Stenographers (BPS-12).	(a). Secondary School Certificate or an equivalent qualification from a recognized Board; and (b). a speed of eighty words per minute in shorthand in English and thirty-five words per minute in typing.	18 to 28 years.	By initial recruitment.
40	Computer Operators (BS-12).	At least 2 nd Division Bachelor's Degree from a recognized university with one year diploma in Information Technology.	18 to 28 years.	By initial recruitment.
41	Video Camera Operator (BPS-10).	At least 2 nd Division Secondary School Certificate with two years experience in Outdoor Seismograph	18 to 28 years.	By initial recruitment.

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42	Senior Clerks (BPS-9).	Documentary Editing and Commercial.			By promotion, on the basis of seniority-cum-fitness, from amongst Junior Clerks / Time Keepers / Store Keepers and Depot Keepers with two years service as such.
43	Senior Auditors (BPS-8).				By promotion, on the basis of seniority-cum-fitness, from amongst Junior Auditors with two years service as such.
44	Junior Clerks (BPS-7).	(a). Secondary School Certificate or an equivalent qualification from a recognized Board; and (b). a speed of thirty words per minute in typing.	18 to 28 years.		(a) Thirty-three percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of all Class-IV posts provided that they possess secondary school certificate with two years service as such; and (b) Sixty-seven percent by initial recruitment.
45	Junior Auditors (BPS-6).	Secondary School Certificate or an equivalent qualification from a recognized Board;	18 to 28 years.		By initial recruitment.
46	Store Keepers/Time Keepers and Depot keepers (BPS-5)	Secondary School Certificate or an equivalent qualification from a recognized Board.	18 to 28 years.		By initial recruitment.
47	Calligraphers (BPS-5).	Three years experience in the art of calligraphy.	18 to 32 years.		By initial recruitment.
48	Daftaries (BPS-2).	Middle Pass.	18 to 45 years.		By promotion, from amongst Naib Qasids who are middle passed.
49	Naib Qasids (BPS-1).	Preferably literate.	18 to 45 years.		By initial recruitment.
50	Chowkidars and Security Guards (BPS-1).	Having experienced in watch and ward duty.	18 to 45 years.		By initial recruitment.

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

Handwritten signature

Enclt. of even No. & Date.

Copy forwarded for information and necessary action to: ..

- The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
- 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.
- The Accountant General, Khyber Pakhtunkhwa.
- The All District Coordination Officers, Khyber Pakhtunkhwa.
- The All Executive District Officers (Agriculture), Khyber Pakhtunkhwa.
- The Secretary to Governor, Khyber Pakhtunkhwa.
- The PSO to Chief Minister, Khyber Pakhtunkhwa.
- The PSO to Chief Secretary, Khyber Pakhtunkhwa.
- The PS to Additional Chief Secretary, FATA, Warsak Road, Peshawar.
- The PS to Minister for Agriculture, Khyber Pakhtunkhwa.
- 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 published.
- PS to Secretary Agriculture.

Muhammad Arshad Khan Tano, Advocate High Court, Office No: 33 Adjacent to...

Handwritten signature

379 (MUHAMMAD ZAHID) OFFICER, E&A

Attested
Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No. 33 Adjacent to
 Distt Bar Abbottabad

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GOVERNMENT OF
 KHYBER PAKHTUNKHWA
 AGRICULTURE-LIVESTOCK & COOPERATIVE
 DEPARTMENT

Dated Peshawar, the September 14, 2012

NOTIFICATION

NO. SOE(AD)III(2)391/2012. In pursuance of Section-8 (1) of NWFP Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of officers in BPS-19 of Agriculture Department (Extension Wing) Khyber Pakhtunkhwa, as stood on 1st July, 2012, is notified/circulated:-

S. No	Name of officer with academic qualifications	Date of Birth and domicile	Date of 1st entry in to Govt. service	Regular appointment/ promotion to present post			Present appointment	Remarks
				Date	BS	Method of Recruitment		
1.	Saadullah Khan, M.Sc. Agri: Soil Science.	24.5.1954 Bannu	13.1.1977 Agri: Officer	21.4.2012	19	By Promotion	Horticulturist HQ	
2.	Muhammad Younas, M.Sc. Hons: Agri: Chemistry	3.4.1953 Abbottabad	15.1.1977 Agri: Officer	21.4.2012	19	By Promotion	DOA, Abbottabad	
3.	Abdur Rashid, M.Sc. Hons: Agri: Plant Breeding & Genetics.	1.1.1954 Swat	21.1.1977 Agri: Officer	21.6.2012	19	By Promotion	Director PP HQ	
4.	Sadiq Hussain Shah, M.Sc. Agri: Soil Science.	14.11.1952 Mansehra	26.12.79 Agri: Officer	21.6.2012	19	By Promotion	EDO Agri: Haripur (ops)	
5.	Ishtiaq Ahmad, M.Sc. Agri: Soil Science.	12.2.1953 Kohat	26.12.79 Agri: Officer	21.6.2012	19	By Promotion	DOA, Kohat	
6.	S. Riaz Ahmad Shah, M.Sc. Hons: Agri: Agronomy.	14.7.1952 Mansehra	26.12.79 Agri: Asstt.	21.6.2012	19	By Promotion	EDO Agri: Mansehra	

Certified that the above list is final and undisputed.

SD/
 CHIEF SECRETARY

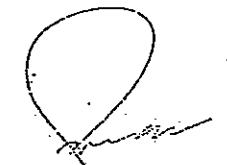
Mir Ahmad Khan
Advocate High Court
Office No 33 Adjacent to

P-89

Encl. No. and date even

Copy to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Director General, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary Establishment, Khyber Pakhtunkhwa.
5. PS to Secretary Agriculture, Livestock and Cooperative Department.
6. Officers concerned.
7. Manager, Government Printing Press, Peshawar.



(DR. MIR AHMAD KHAN)
SECTION OFFICER-ESTT.

Mir Ahmad Khan
Mir Ahmad Khan

کورٹ فیس

وکالت نامہ

Service Tribunal KPTC Peshawar بعدالت

Mehtab Younas عنوان: Govt of KPTC بنام

Relatives منجانب:

Service Appeal نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

Adv Mehtab Arshad Ishaq Tanzeel Adv

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جگہ تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

Accepted
M. Arshad
Ishaq Tanzeel
Adv

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD**

Appeal No 775/2018

Muhammad Younas

VERSUS

Chief Secretary Govt. of
Khyber Pakhtunkhwa &
others

INDEX

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DEPONENT

(11)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, CAMP
COURT ABBOTTABAD**

Appeal No 775/2018

Mr. Muhammad Younas
Rtd Executive District Officer/
District Director Agri. Abbottabad

Appellant

VERSUS

- 1- Chief Secretary to Government of Khyber
Pakhtunkhwa, Peshawar
- 2- Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department (Regulation Wing)
Peshawar
- 3- Secretary to Government of Khyber Pakhtunkhwa
Finance Department Peshawar
- 4- Secretary to Government of Khyber Pakhtunkhwa
Agriculture Livestock & Cooperative
Department Peshawar
- 5- District Director Agriculture Abbottabad

Respondents

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1, 2, 3, 4 & 5

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTIONS

- 1- That the appellant has got no locus standi to file the instant appeal.
- 2- That the appeal is not maintainable in its present form and liable to be dismissed.
- 3- That the appellant has no cause of action to file the instant appeal.
- 4- That the appellant has deliberately concealed the material fact from this Hon'ble Services Tribunal.
- 5- That the appellant has not come to this Hon'ble Service Tribunal with clean hand.
- 6- That the appellant has already retired from Service on Superannuation.
- ✓ 7- That this Honorable Tribunal dismissed similar appeal of the appellant on 16.08.2016.
- 8- That the appeal is time barred.

ON FACTS

- Para-1 Correct.
- Para-2 Correct.
- Para-3 Correct to the extent that the Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department issued Notification of promotion of the appellant from BS-18 to BS-19 on regular basis with condition of probation period of one year with effect from 21.04.2012 vide Notification No SOE(AD) V-7/2011 dated 21.04.2012 (Annex-A).

- Para-4 Correct to the extent that before the circulation of new Service Recruitment rules of Agriculture Extension Department 2012, the Government of Khyber Pakhtunkhwa amended in Para-15(1) person appointed to posts by initial recruitment, promotion or transfer shall be on probation for the period of one year was issued vide Notification No SOR-VI/E & AD/1-3/2009 Vol-VIII dated 16.02.2010 **(Annex-B)**. The appellant was promoted from BS-18 to BS-19 post on regular basis with effect from 21.04.2012 and not completed probation period of one year and he was retired from service with effect from 02.04.2013 on attaining the age of superannuation vide Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department Notification No SOE(AD)/21-174/2013/EW dated 14.03.2013 **(Annex-C)**. After Retirement, the appellant filed appeal No 53/2015 against the Respondents Department in this Honorable Tribunal Bench Abbottabad with the pray that the Respondents directed to promote the appellant BS-20 by termination the probationary period. The Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad dismissed the appeal of the appellant on 16.08.2016 **(Annex-D)**.
- Para-5 Incorrect. The promotion order from BS-18 to BS-19 post of the appellant issued by the competent authority according to the Government Policy/Rules which is not discriminatory and against the Law. The appellant is not eligible for grant of proforma promotion from BS-19 to BS-20.
- Para-6 Correct to the extent that the appeal for condonation (Termination) of probation remaining period i.e 3.5 months and promotion to the next higher Grade BS-20 of the appellant was rejected on the ground that the probation period can not be terminated before successful completion of one year and there is no provision whatsoever of condonation of deficit period vide Government of Khyber Pakhtunkhwa, Establishment Department, (Regulation Wing) No SOR.III(E & AD) 1-2/2012 dated 26-02-2013 and informed the appellant vide letter No 12/189/Estt/8035/DG dated 22.05.2013 **(Annex- E & F)**.
- Para-7 Correct to the extent that after Retirement, on Superannuation, the appellant filed appeal No 53/2015 against the Respondents Department in this Honorable Tribunal Bench Abbottabad with the pray that the Respondents Department directed to promote the appellant to BS-20 and by termination the probationary period. The Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad dismissed the appeal of the appellant on 16.08.2016 already annex as Annexure D.
- Para-8 Correct to the extent that no notice what so ever has been received from Honorable Supreme Court of Pakistan Islamabad to the Respondents so for hence needs no comments.

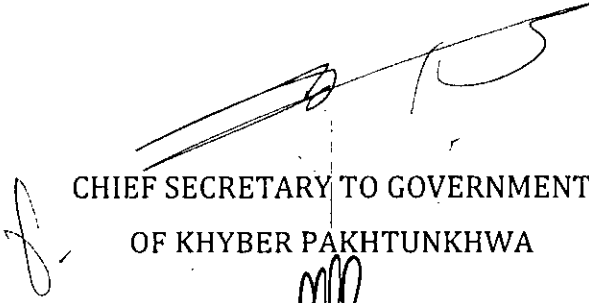
GROUNDS


3

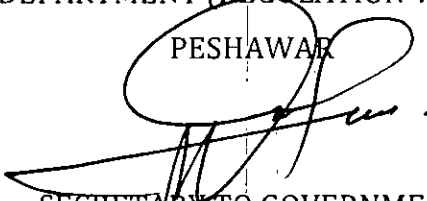
- Para-a Incorrect. Every Department has their own rules etc, hence reliance upon other Department is not tenable in the eyes of Law. It is further submitted that the appeal of the appellant was rejected on the ground that the probation period cannot be terminated before successful completion of one year and there is no provision what so ever of condonation of deficit period.
- Para-b Incorrect. According to the rules the appellant is not entitled for proforma Promotion.
- Para-c Incorrect. As explain in Para- a of the ground.
- Para-d The appellant was treated according to Law.


It is hereby humbly prayed that on acceptance of the instants comments, the appeal of the appellant may kindly be dismissed.

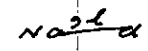
RESPONDENTS


CHIEF SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA


SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA, ESTABLISHMENT
DEPARTMENT (REGULATION WING)


PESHAWAR
SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT PESHAWAR


SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA AGRICULTURE
LIVESTOCK & COOPERATIVE DEPARTMENT
PESHAWAR


DISTRICT DIRECTOR AGRICULTURE
ABBOTTABAD

4/16

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, CAMP
COURT ABBOTTABAD**

Appeal No 775/2018

Mr. Muhammad Younas
Rtd Executive District Officer/
District Director Agri. Abbottabad

Appellant

VERSUS

1- Chief Secretary to Government of Khyber
Pakhtunkhwa, & four others.

Respondents

COUNTER AFFIDAVIT

We the undersigned hereby solemnly declare / affirm that the contents of the Para-wise reply / comments are true and correct to the best of our knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

RESPONDENTS

CHIEF SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA, ESTABLISHMENT
DEPARTMENT (REGULATION WING) PESHAWAR

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT PESHAWAR

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA AGRICULTURE
LIVESTOCK & COOPERATIVE DEPARTMENT
PESHAWAR

na20d
DISTRICT DIRECTOR AGRICULTURE
ABBOTTABAD



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the April 21, 2012

NOTIFICATION.

NO.SOE(AD)V-7/2011:- On the recommendations of the Provincial Selection Board, the competent authority is pleased to promote the following Officers of Agriculture Extension Department from BS-18 to BS-19 on regular basis with immediate effect. They will be on probation for a period of one year, except Sr.1 i.e till his retirement date:-

1. Mr. Nazimud-Din
2. Mr. Saadullah Khan
3. Mr. Amir Khan
4. Mr. Muhammad Younas

2. Consequent upon their promotion, they are hereby transferred/adjusted as under:-

S.NO	Name of Officer	From	To
1.	Mr. Nazimud - Din	Executive District Officer (Agriculture), Dir Lower (BS-19) (ops)	EDO (Agriculture), Dir Lower (BS-19)
2.	Mr. Saadullah Khan	Director Horticulture Headquarter BS-19 (In his own pay & scale)	Director Horticulture HQ Peshawar (BS-19)
3.	Mr. Amir Khan	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar (Ops)	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar
4.	Mr. Muhammad Younas	District Director Agriculture, Abbottabad (BS-19) (ops)	EDO (Agriculture) Abbottabad (BS-19)
5.	Mr. Muhammad Iqbal	Subject Matter Specialist Agronomy & Extension BS-18 o/o DDA, Abbottabad	District Director Agriculture Abbottabad BS-19 (ops)

Sd/-XXX
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Dir Lower, Nowshera and Abbottabad.
4. Officers concerned.
5. Personal file of the Officers.
6. Master file.

Assistant Accounts Officer
To Director
(Extension) K.P.K. Province Peshawar

(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

Attested
Muhammad Shah Khan Tanioli
Advocate High Court
Office No: 33 Adjacent to
Dist. Bar Abbottabad

Amend B

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14. **Adhoc Appointment:-**(1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on adhoc basis for a period not exceeding six months by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding six months, may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

PART-V

PROBATION AND CONFIRMATION

15. **Probation:-**(1) A person appointed to a post on regular basis shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise; provided that if his work or conduct during the period of probation has, in the opinion of the appointing authority, not been found satisfactory, the appointing authority may, notwithstanding that the period of probation has not expired-

- (a) dispense with his service, if he has been appointed by initial recruitment; or
- (b) revert him to his former post, if he has been appointed otherwise, or if there be no such post, dispense with his services; or
- (c) extend the period of probation for a period not exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation:- Officiating service or service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

*Rule (15) amended vide Notification No. SOR-VI (ENAD)-3/ACE/PT-VIII dt 16/2/2010
File No.*

(2) If no c...
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GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

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Annex-C

Dated Peshawar, the March 14, 2013

NOTIFICATION

NO. 208(40)/21-174/2013/EW:- In terms of provisions of Rule-20 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 and instructions contained therein issued from time to time, sanction is hereby accorded to the encashment of leave Preparatory to Retirement, equal to 365-days pay w.e.f 03-04-2012 to 02-04-2013 in favour of Mr. Muhammad Younas, District Director Agriculture, Abbottabad.

In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act 1972, the officer shall stand retired from service with effect from 02-04-2013 (A.N) on attaining the age of superannuation.

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SECRETARY AGRICULTURE

Copy of even No. & Date.

Copy for information and necessary action to the:-

- 1. Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar w/r to no letter No: 12/189/Estt/4047/DG dated: 07-03-2013.
- 2. District Comptroller of Accounts, Abbottabad.
- 3. Officer concerned.
- 4. PS to Secretary Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
- 5. File No. 75

(MUHAMMAD SHERAZ)
SECTION OFFICER-ESTT:

Copy for
2013/13

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20/3/13

Edent no 12/189 Estt/4047/DG dated 07-03-2013

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20/3/13

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 Date of
 Order or
 Proceedings.

Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT ABBOTTABAD

APPEAL NO. 53/2015

Muhammad Younas Versus Government of Khyber Pakhtunkhwa
 through Secretary Establishment Department Civil Secretariat,
 Peshawar and 3 others.

JUDGMENT

16.08.2016

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

Appellant with counsel and Mr. Muhammad Khan, AAO
 alongwith Mr. Muhammad Siddique, Senior Government Pleader for
 the respondents present.

2. Mr. Muhammad Younas son of Mir Hussain hereinafter referred
 to as the appellant has preferred the instant service appeal under Section
 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against
 impugned order dated 26.2.2013 vide which probation period of
 appellant was not terminated on the request of the appellant.

3. Brief facts giving rise to the present appeal are that the appellant
 was promoted as Executive District Officer, Agriculture (BPS-19) on
 21.04.2012 and was placed at S.No. 2 of the seniority list. The
 appellant stood retired from service w.e.f 02.04.2013 on attaining the
 age of superannuation. While serving as EDO, Agriculture (BPS-19)
 the appellant submitted appeal for condonation (termination) of

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probation period and promotion to next higher pay scale which was declined.

4. Learned counsel for the appellant has argued that the appellant was entitled to promotion to BPS-20 as 3 posts of BPS-20 were created vide notification dated 10.03.2011 and rules for promotion for the said posts were also framed. That the appellant was serving against the post of BPS-19 in his own pay scale and was promoted on regular basis against the said post on 21.04.2012 and as such the probation period was not a mandatory requirement for the appellant. That in similar cases probation period had been condoned by the competent authority while the same was illegally declined to the appellant though he was entitled to alike treatment extended to similarly placed employees.

5. Learned Senior Government Pleader argued that the appellant was promoted to BPS-19 on 21.04.2012 and was placed on probation for a period of one year which had come to an end on 20.4.2013 while he stood retired from service w.e.f. 02.04.2013 i.e. prior to completion of probation and as such he was not entitled to promotion to a higher pay scale i.e. BPS-20.

6. We have heard arguments of learned counsel for the parties and perused the record.

7. According to Section 6 of Civil Servants Act, 1973 an initial appointment to a service or post, except adhoc appointment, shall be made on probation as may be prescribed while an appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed. It is not disputed before us that the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar