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 District Director, Agriculture, R/O Nagri Bala Tehsil and Abbottabad.

VERSUS

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

(Respondents)

For appellant.

For respondents.

(Appellant)

MR.RIZWANULLAH, Advocate

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

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 of CPLA before Supreme Court filing august 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)

(KALIM ARSHAD KHAN) CHAIRMAN CAMP COURT ABBOTTABAD

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

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Service Appeal No. 775/2018

<u>O R D E R</u> 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

jtv.

(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.

5.5

(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.

AND A CAREFACTORY AND A CAREFACTORY

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.

1. A. S.

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

Reader

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



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)

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

Due to course case is adjourned to 17-03-2021

Real

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.

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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 $\frac{15}{00}/2021$ before D.B at Camp Court Abbottabad.

VW (Atig Ur Rehman Wazir)

(Atiq Ur Rehman Wazır 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 /4/4/2at camp court abbottabad.

120

14-4-24

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

17.09.2019

Appellant alongwith his counsel and Mr. Muhammad 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. Muhammad 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

Mèmber 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.

MA

(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.

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

15.10.2018

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	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
2-		order please.
2-		This' case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on $\frac{29}{16}$
		CHAIRMAN
29.0		Appellant Muhammad Younas in person alongwith Ir. Mohamamd Arshad Khan Tanoli, Advocate on behalf o
ellant I	h: th po G Peposited	Contends that though the Provincial Selection Board ad recommended the appellant for promotion to Grade-19 but the department did not issue notification in time and so this eriod excluded from consideration during the promotion for rade-20 whereas the department was bound to notify his comotion with the date of PSB meeting held on 17.02.2012.
irity &	ad	The points raised need consideration. The appeal is lmitted to full hearing subject to legal objections if raised by e respondents. The appellant is directed to deposit security d process fee within 10 days. Thereafter, notices be issued the respondents. To come up for written reply/comments on .08.2018 before S.B at camp court, A/Abad.

Chairman Camp court, Abbottabad

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.

Section Equip

Charles States and St.

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.

Sir,

REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

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

service appeal is re-submitted duly rectified ap frequired.

. . .

Advocate High Court a Office No: 33 Adjacent to Distt Bar Abhottabad

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

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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	"Е"	
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	63-89	"H"	
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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 Pakhtukhwa Service Tribunal

Diary No. 962

24-5-2018

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Peshawar.
- 2. Secretary Establishment, Peshawar.
- 3. Secretary Finance, Peshawar.
- 4. Secretary Agriculture, Line Stock & Cooperation Department, Peshawar.

5. District Director Agriculture, Abbottabad.

...RESPONDENTS

Re-submitted to -day and filed.

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 EPS-18 TO BPS-19 IN THE MEETING OF PSB HELD ON 17/02/2012. AND AS PER LAW, THE DEPTT WAS REOUIRED TO ISSUE FORMAL PROMOTION NOTIFICATION OF THE APPELLANT FROM THE DATE OF PSB LE BUT 1 17/02/2012 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 BE TAKEN TO FOR PROFORM 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,

v 2 02 2013 . [6- 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;-

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"

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".

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

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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.

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".

6.

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".

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;-

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GROUNDS;

(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".

That this fact may not be left to fade in oblivion that the appellant is entitled for proforma promotion and thereafter the pensionery benefits as per precedent case law.

That as per judgment reported 2009 SCMR-I when a point of law is decided in favour of a factor 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.

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(b)

(c)

(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.

Dated: /2018

Through

(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. \wedge

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.

VERSUS

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

SERVICE APPEAL

<u>AFFIDAVIT</u>

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.



ONEN₁

Hnnex Au

AGRICU RE PESHAWAR

FAX NO. :0919210033

Apr. 24 2012 01:50PM P1



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. Nażimud-Din
- 2. Mr:Saadullah Khan
- 3. Mr.Amir Khan
- Mr.Muhammad Younas

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

S.NO	Name of Officer	From	То]
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 ' orticulture HQ Peshawar (BS-19)	
3.	Mr.Amlr 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

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.

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mounts Office Anicollary

IN UNEXION IN PROVINCE PESHAW&

- 4. Officers concerned.
- 5. Personal file of the Officers.
- 6. Master file.

(MUHAMMAD ZAHID)

SECTION OFFICER-ESTT:

Advocate High Court Office No: 33 Adjacent to Dieth Bar Abbottabad



GOVERNMENT OF

Annesk "B.

1)_

KHYBER PAKHTUNKHWA

ESTABLISHMENT DEPARTMENT

(HRD WING)

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

Το,

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 16thApril, 2015 on the subject noted above and to forward herewith the requiste 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.

d/Khah/TBROU dvocate High Court Office No: 33 Adjacent Distt Bar Abbott

SECTION OFFICER (HRD-II)

GOVERNMENT OF KHYBER PAKTHUKHWA ESTABLISHMENT DEPARTMENT

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

То

The Section Officer (HRD-II), Government of Khyber Pakthukhwa, 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.

i N SAID) SECTION OFFICER (PSB)

Attested

Advocate High Court Cifice No 33 Adjacent to Cifice No 33 Adjacent to ITEM NO.3

CONFIDENTIAL



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 vacani 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 or 27.12.2011 and 07.02.2012 respectively. Hence four posts are lying vacant.

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".

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

	S.NO	NAME OF	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 wil be on probation till retirement.
		. Muh Of	Affected anniad Arshad Khan Jaholi Advocate High Court fice No: 33 Adjacent to Distt Bar Abbotton

	[CONFIDENTIAL P-15
	5.	Mr. Saadullah Khai	A fills 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.
			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.
	6	Mr. Abbas Khan	Not considered. He retired from service on 12.8.2011
	7	Mr. Amir Khan	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.
			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.
F)		Mr Muhammad Younas	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.
		: :	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.

Affestal

period of one year.

Muhanimad Arshad Khan Janoli Advocate High Court I Office No: 33 Adjacent to Dist: 3sr Abbottabad

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Tanoli Advocate High Court Office No 33 Adjacent to Disit Bar Abbottabad

Hooled

- The Honorable Chief Minister, Govt of Khyber Pakhtunkhwa.
- 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,

i ::

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

- I am an Agri Officer serving as Executive District Officer Agriculture Abbettabad in 8-19 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 nave 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 weif 02-04-2013.
- 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.
- 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, | 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 Knyber Pakhtunkhwa, please.
- The worthy Chief Secretary, Government of Khyber Pakhtunkhwa, please

Muhammad Hounas EDO Agriculture Abbollabad.

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

1. The Worthy Secretary to Government of Khyber Pakhtunkhwa for Agriculture Livestock and Cooperation Department.

1-17

2. The Director General Agriculture Extension; Khyber Rakhtunkhwa, Peshawar.

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

Dear Sir,

To,

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 Set

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

Yours sincerely,

MEHAMMAD YOUNAS EDO Agriculture Abbottabad.

Attested

Muhommad Alshad Khan Tanoli Advocate High Court II Office No: 33 Adjacent to

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Afferd

nad Khan Tenole

Advocate High Court Office No: 33 Adjacent to Distt Bar Abbottabad

The Honourable Chief Minister 1. Govt. of Khyber Pakhtunkhawa

The Worthy Chief Secretary 2. Govt. of Khyber Pakhtunkhawa.

APPEAL FOR PERFORMA PROMOTION TO GRADE-20 SUBJECT:

Respected Sir,

То

- That the petitioner was serving in Agriculture Department as Executive 1. 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.
 - 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.

4.

2.

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.

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 promotion to B-20 to get his benefits in pension and obliged performa as at the same time, said post was in existence.

Dated: 10-10-2014

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

Yours Sincerely, (Appellant)

ammad Younas Ex-Executive District Officer Agrículture, Abbottabad

Irshad Khan Tanoli 'Muham Kád Advocate High Court Office No 33 Adjacent to Dist 3or Abbottabad

Annex D, P-19

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No.53 /2015

Muhammad Younas

Versus

Government & others

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	/ / / /	<u></u>	

Through

Dated. 19.01.2015

ppellant Khow

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

BEFORE KPK SERVICE TRIBUNAL PESHAW

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

Wig. Poorst Arrison Fr Margar No

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Pakhtunkhi

. . . . Appellant

1-20

S.A. No. 53_

Versus

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

STREET STREET 12017 ATTESTED AMINER Khyber Pakhtunkhwa Service Tribunal, Peshawar

ovice Tribunal Act 1974 <u>APPEAL</u> NST ORDER NO. OFFICE SOR-3(E & -2/2012 AD)1 DATED 26.02.2013 ÓF **R.NO.1** WHEREBY PROBATION PERIOD OF APPELLANT WAS NOT TERMINATED FOR NO LEGAL REASON.

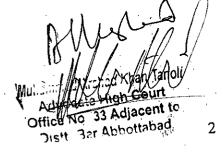
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Respectfully Sheweth;

Facts giving rise to the present appeal as under:-

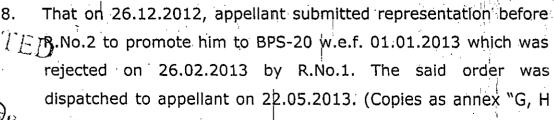
Allested

Muhaumad Arshad Ahar Janc. Advocate High Court Office No 33 Adjacent to District 3 of Abbottabad



V-21

- 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")
- 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")
- 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")



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flesh Hich Court Office No 33 Adjacent to 3 Distt Bar Abbottabad

1-22

- That appellant was retired from service on 22.03.2013 w.e.f 9. 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.
- That against the aforesaid order, appellant filed appeal No. 10. 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 pensionery benefits but without any response till date. (Copy as annex "J")

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

GROUNDS:

AMINER

vice Tribunal.

inducion of

- That appellant served the department for the last 38 years а. without any complaint.
- That 3 post of BPS-20 were lying vacant with the department b. which are still vacant.
- That appellant is at S.No.2 of the Seniority List and was eligible, с. qualified for promotion to BPS-20.
- That the department terminated probationary period of more d. than dozens of Civil Servants, so appellant was also entitled for the said benefit.

ATTESTE That the representation of appellant was rejected for no legal e. reason as on one hand, the department rejected condemnation of probation period not covered in the rules while on the other ar Pakhtunkhage period hand the department terminated probationary of numerous employees.

That similarly and equally placed persons be treated similarly and equally to avoid discrimination.

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Office No 33 Adjacent to

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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 pensionery benefits.

It is, therefore, most humbly played 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.

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Through

. Äppellant

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Kin

Saad Ullah Khan Marwat

())) ... Arbab Saiful Kamal

Miss Rubina Naz, Advocates.

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Alleste Muhammad Arshed Khan Tand Advocate High Court Office No 33 Adjacent tc

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No. Order or other proceedings with signature of Judge or Manstrate and Date of Order or that of parties where necessary. seed proceedings.

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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

2

1

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

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

Mr. Muhammad Younas son of Mir Hussain hereinafter referred 2. 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.

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Brief facts giving rise to the present appeal are that the appellant 3. 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

probation period and promotion to next higher pay scale which was Muhammad Arshad Good Taxoli

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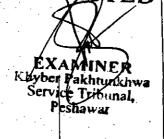
Advocate High Court Office No 33 Adjacent to

AWar

tabad 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.

Learned Senior Government Pleader argued that the appellant 5. 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.

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



ME.

According to Section 6 of Civil Servants Act, 1973 an initial 7. 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

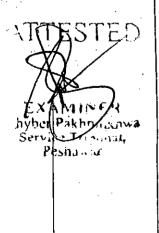
appointment of the appellant on promotion to BPS-19 was not made on probation. According to rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one 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.

24

avocate High Court fice No 33 Adjacent to 7-r Abbottabad

8.

Attested



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 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

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consigned to the record room.

Announced soft M. Azim Khom Afridi 16.08.2016 Chairman Chairman Boom Soft Abdul Latits Manufees



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IN THE SUPREME COURT OF PAKISTAN (APPELLATE JURISDICTION)

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)

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

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

For the respondent(s): N. R. 01.01.2018.

Date of Hearing:

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.

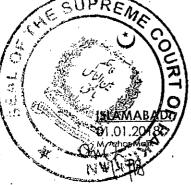
Learned ASC for the petitioner argued the case at some 2. length but when pointed out that he could approach the Governor of the Province in terms of Section 26 of the Civil Servants Act in this behalf, he opted not to press this petition in order to approach the Governor. This

tion is, thus, dismissed as not pressed.

Sd/-,JSd/-,J

Certified to be True Co

Annex-F



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	Court Associate
	Supreme Court of Pakistan
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Annex = S P-29

The Honorable Governor, Khyber Pakhtunkhwa, Peshawar

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

(CA)

"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/"/

frette ate High Court 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.

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).

fice Not 33 Adjacent to

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)

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.

V-3

- 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 on21-04.2012 (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.
- During the course of service in Grade BPS-19 realizing the 10. 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-VII/ 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 eguard the benefits of Civil Servants and remove the anomalies to icient Ic

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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).

dvocate High Court

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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:-

P-33

- To follow the procedural provision of Esta Code as narrated in Para <u>2 above</u> 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

Munammad 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

plloded ate High Court No 33 Adjacent to

ammad Younas EDO/DO Adriculture House # 30 Street # 08 Sir Syed Colony Mandian Abbottabad.

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

P-34

Dated Peshawar, the 10 /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 reorganization / 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.	B. Horticulturist HQ, BS -18		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.	DIKhan BS - 18	01	Regional Director Agriculture (South) FATA DIKhan, BS-19	101
14,	BS-17) (Sup)	01	Director Horticulture FATA, HQ BS -19	101
	Sub Total:	37	Sub Total:	1370
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sistant Accounts Officer

To Directo JExtension)K.P.J. Province Peshawar

Page 1 of 3

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	01		01
۰.		Vil	Deputy Director (Planning,	01
	(Supervisory)		Monitoring & Evaluation) HQ, BS -	
		ہ 1.	18	
2.	Agricultural Officer, BS-17	0'1	Deputy Director (Plant Protection)	01
			HQ, BS-18	
3.	Agricultural Officer, BS-17	01	Deputy Director (Horticulture) HQ	01
			BS-18	
4.	Deputy Director Agriculture	01	Deputy Director Agriculture	01
	(Information) BS-18		(Information) BS-18	
5.	Assistant Director (Coordination &	01	Deputy Director (Coordination &	01
	Public Relation), BS-17		Publication) BS-18	
	(Supervisory)	Ì.		
6.	Sr: Instructor Agri: Training	02	Sr: Instructor Agri: Training Institute,	02
÷ '	Institute, BS-18		BS-18	02
7. Jr: Instructor Agri: Training		02	Sr: Instructor Agri: Training Institute,	• 02
	Institute, BS-17 (Supervisory)	02		02
8.	Assistant Plant Protection Officer /	24	BS-18 Subject Matter Specialist (Plant	24
0.		24		24
<u> </u>	Agricultural Officers, BS - 17		Protection) BS-18	
9.	Assistant Agronomist / Agri:	16	Subject Matter Specialist (Agronomy	16
	Officers, BS -17		& Extension) BS -18	
10.	Assistant Horticulture Officer / Agri:	16	Subject Matter Specialist	16
	Officers, BS-17 (Supervisory)		(Horticulture) BS-18	
<u> 11.</u>	Agricultural Officers, BS-17	07	Deputy Director Farms BS-18	07
12.	Agency Agriculture Officer FATA,	07	Agency Officer Agriculture FATA,	07
	BS-18	1	BS-18	
13.	Assistant Horticulture Officer FATA	01	Regional Horticulture Specialist	01
	Peshawar, BS-17 (Supervisory)		(North) FATA, Peshawar, BS-18	
14.	Assistant Horticulture Officer FATA	01 !	Regional Horticulture Specialist	01
:	DIKhan, BS-17 (Supervisory)	i i	(South) FATA, D.I.Khan, BS-18	
15.		01	Deputy Director Agriculture	01
	BS-17 (Supervisory)		(Planning & Monitoring) FATA, HQ	
	·		BS-18	1
16.	Assistant Plant Protection Officer	01	Regional Plant Protection Officer	01
	FATA, Peshawar BS-17		(North) FATA, Peshawar, BS-18	
	(Supervisory)) ,,	
17.		01	Regional Plant Protection Officer	01
	FATA, BS-17 (Supervisory)		(South) FATA, D.I.Khan, BS-18	.
18		01	Deputy Director Agriculture	01
	Agriculture (E&M) FATA, BS-17		(Marketing) FATA, BS-18	
	(Supervisory)	1		
•	Sub Total:	85	Sub Total:	85
		1 00		1 03

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			
1	Agricultural Officers / Agricultural Officers (Female) and Instructors BS-17	124	Agricultural Officers / Instructors BS- 17	Posts 124	
2	2 Assistant Agriculture Information Officer, BS-17		Agriculture Officer (Public Relation & Publication) BS-17	01	
	Sub Total	125	Sub Total:	125	
	Grand Total A+B+C+D	3+37+85	5+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.

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M ands Officer Assistant agriculture To Directo JExtension)K.F.r. Province Poshawar

SECRETARY AGRICULTURE.

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Page 2 of 3

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

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Dated Peshawar, the #/ 3/2011

Copy forwarded for information and necessary action to:-

The Accountant General, Khyber Pakhtunkhwa, Peshawar.

The Additional Accountant General (PR), Peshawar.

All the District / Agency Accounts Officers in Khyber Pakhtunkhwa.

ANDI/EF

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

Dated Peshawar, the

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

Copy forwarded for information to:-

Secretary to Governor, Khyber Pakhlunkhwa, 1.

- PSO to Chief Minister, Khyber Pakhtunkhwa.
- PSO to Chief Secretary, Khyber Pakhtunkhwa.
- PS to Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar.
- PS to Minister for Agriculture, Khyber Pakhtunkhwa.

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

/3/2011

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

Dated Peshawar, the /3/2011

Copy forwarded for information to:-

- The Secretary to Government of Khyber Pakhtunkhwa, Finance Department with reference to his letter number quoted above.
- 2. The Secretary to Government of Khyber Pakhlunkhwa, Establishment Department.
- The Secretary Finance Department FATA Secretariat Warsak Road, Peshawar. 3.
- 4. Chief Planning Officer, Agriculture, Livestock & Cooperation Department.
- 5.
- The Director General, Agriculture (Extension), Khyber Pakhtunkhwa. The Director General, Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar. 6.
- 7. The Principal, Agricultural Training Institute, Peshawar,
- 8
- The Director Information, Khyber Pakhtunkhwa, Peshawar. All District Coordination's Officers in Khyber Pakhtunkhwa. 9
- 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.

Altertal

- and Officer Sistant A griculture To Directe [Extension]K.F.K. movince Peshawar

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

Allerete 'Monantmad Arshad Xhan Tanc... Advocate High Court Office No 33 Adjacent

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GOVERNMENT OF KHYBER PAKHTUNKHWA

36

Dated Peshawar, the 20/8/2011

NO. SOE (AD)23-19/20090 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:-

ORDER:

S. No	Name of officer	From	70	Downie
1.	Muhammad Tasleem	Project Direction Dates		Remarks
	85-19	Project Director, BADP	Director Field Operation HQ (BS-19)	Against
•		(85-19).	with additional charge of Director	-
			General, Agriculture (Extension),	vacant
2.			Khyber Pakhtunkhwa.	upgradeo
۷.	Shadi Khan	DOA, Tank (6S-18)	District Dispeter Again in	post.
	(BS-18)		District Director Agriculture	do
			(8S-19), Tank (in his own pay &	•
3.	Saadullah Khan	Horticulturist HQ (BS-18)	scale)	
į	(85-18)	(101 acotonist nQ (65-18)	Director Horticulture (BS-19), HQ,	do
-4.1	Muhammad Younas		Peshawar (ops).	uo
	(BS-18)	DOA, Abbottabad	District Director Agriculture	
- 1		(85-18)	(BS-19) Abbottabad (ops)	do
-5,-	Abdur Rashid	PPO HQ (BS-18)	Olectro Discladed (Ops)	
.	(BS-18).		Director Plant Protection HQ	do
6.	Ghulam Muhammad	DOA, Lakki Marwat	(BS-19) (ops).	·
ļ	(BS-18)	(BS-18)	District Director Agriculture, Lakki	do
7.1	Ishtiaq Ahmad		Marwat BS-19 (ops)	00
1	(BS-18)	DOA, Kohat (55-18).	District Director Agriculture, Kohat	
	Qayum Jan		BS-19 (ops),	do
		Sr. Instructor, ATI,	Vice Principal ATT (no cash	
n İ	(85-18).	(BS-18)	Vice Principal, ATI, (BS-19) (ops).	do
9.	Muhammad Saleem	DOA, Mardan (BS-18)		
	(BS-18)	, =====(05 10)	District Director Agriculture, Mardan	do
10, 1	Iftikhar Hussain	DOA Haray (DC as)	[103-14] (0ps).	
- 10	(BS-18)	DOA, Hangu (BS-18)	District Director Agriculture, Hangu	· · · · · · · · · · · · · · · · · · ·
illi	Muhammad Iqbal		(BS-19) ops.	do
		DOA, Haripur (BS-18)	SMS Agronomy and Extension	
	(BS-18)		(BS-18) o(o DDA Attain	do
	Muhammad Naseem	DOA, Battagram	(BS-18) o/o DDA, Abbottabad	
- i ((B <u>S-18)</u>	(BS-18)	District Director Agriculture,	do
13¦ F	azal Mabood	DDA (E&M) HQ	Battagram (BS-19) ops.	· · ·
	BS-18).	(BS-18).	Director Agriculture Marketing, HQ	do
14 F	lassan Taj		(BS-19) (ops).	00
	BS-16)	DOA, Swabi	District Director Agriculture, Swabi	
15 N	luzaffar Khan	(BS-18)	(BS-19) ops.	do
		DOA, Peshawar (BS-18)	District Director Agriculture,	
. i 9	BS-1B)		Pechawar (PC 10)	-do
16 Z	ainullah Shah	DOA, Bannu	Peshawar (BS-19) ops.	
	<u>85-18).</u>	(85-18).	District Director Agriculture, Bannu	-do
17 A	hmac Nawaz	DOA, DIKhan	(05-19) Ops.	
. (<u>BS-18)</u>		District Director Agriculture, DIKhan	dû
18T M	luhammad Israr	(BS-18)	<u>BS-19 (ops).</u>	
1	BS-18)	Senior Instructor, ATI,	Director Training / Training	
	Whatmand Territ	(BS-18)	Coordinator ATT (BS-19) ops.	-dc
	luhammad Imran	DOA, Kohistan	District Director Agriculture,	
	35-17) Sup.	(BS-18)	Kohistan (BS-19) ops.	do
U H	aq Nawaz	Asstt. Agronomist,	SMS Plant Protocilar	·
(6	35-17) Sug.	Abbottabad	SMS Plant Protection (BS-18) o/o	da
1.		(BS-17) Sup.	Distt. Director Agri: Mansehra	ļ
14 Zt	ulfiqar Ahmad	Waiting for posting,	(ops).	-
	<u>S-18)</u>	posung,	District Director Agri:, Haripur	do
	uhammad Khan		(BS-19) ops.	
		APPO, Mardan	SMS Plant Protection o/o Distt.	do
10	3S-17) Sup	(85-17) Sup.		

 P. 377 Pazii Maula (BS-17) Sup. Swat with district Director Agriculture, Swat (BS-17) Sup (BS-17) Sup (BS-18) ODA, Shangla (DA, Kanagla (BS-19) ops. ODA, Shangla (BS-19) ops. Idbal Hussian (BS-18) DOA, Shangla (BS-19) (ops.) Idbal Hussian (BS-18) DOA, Nowshera (BS-19) Ops. Shangla BS-19 (ops) with additional charge of EOC Agriculture, Director Agriculture, BS-19) (ops.) Stutan Hussain Shah (BS-18) DOA, Charsadda (BS-18) ops (BS-19) ops. Ehsanullah (BS-17) Sup. DOA, Charsadda (BS-18) ops (BS-19) ops. Khurshid Akbar (BS-17) Sup. Sup (BS-17) Sup. Javed Macbool Butt (Asst. Director (CaPR) (BS-17) Sup. Muhammad Iqbal (BS-17) Sup. // DDA (1). Muhammad Iqbal (BS-17) Sup. // DDA (1). Muhammad Iqbal (BS-17) Sup. // DDA (1). Muhammad Iqbal (BS-17) Sup. Mit Muhammad Sajawal Waiting for Posting with effect Agriculture, Mark (BS-19) ops. Making for Posting with effect (BS-19) ops. Mit Muhammad (BS-17) Pashawar. Making for Posting with effect (BS-19) ops. Sidciqu Muhammad (BS-17) DOA, Bannu (do
23 Fazii Maula (B5-17) Sup AHO, (B5-17) Sup. Swat with additional charge of DOA, Swat. District Director Agriculture, Swet (B5-19) ops. 24 Obaidullah (B5-17) Sup DOA, Shangla (B5-18) District Director Agriculture, Dir (B5-19) ops. 25 Idbal Hussian (B5-18) EDO Agri: Shangla (B5-19) (ops). District Director Agriculture, Shangla B5-19 (ops). 26 Sultan Hussain Shah (B5-17) Sup. DOA, Nowshera (B5-18) District Director Agriculture, Nowshera (B5-19) ops. 27 Ehsonuba. DOA, Charsadda (B5-18) ops District Director Agriculture, Nowshera (B5-19) ops. 28 Khurshid Akbar (B5-17) Sup ASStt: Agronomist HO, Kohat (B5-17) Sup. SMS Agronomy and Extension o District Director Agri. Nabottabad. 30 Javed Macbool Butt (B5-17) Sup. ASStt. Director (C&PR) (BS- 0ps). District Director Agri. Muhernmad Iqbal (B5-17) 31 Muhernmad Iqbal (B5-17) APPO, Malakand (B5-17) SMS Flant Protection (B5-18) op ops. 33 Naveed Iqbal (B5-17) APO, Malakand (B5-17) SMS Agronomy and Extension o District Director Agri. Malakanc (B5-18) ops. 34 Muhernmad Sajawal (B5-17) APPO, Malakand (B5-17) District Director Agri. Malakanc (B5-18) ops. 35 Mr. Muhammad Sajawal (B5-17) APO, Mansehra (B5-17) SMS Agronomy and Exten	do
23 Fazii Maula (B5-17) Sup AHO, (BS-17) Sup. Swat with additional charge of DOA, Swat. District Director Agriculture, Swet (B5-19) ops. 24 Obaidullah (B5-17) Sup DOA, Shangla (B5-18) District Director Agriculture, Dir (B5-19) ops. 25 Iqbal Hussian (B5-18) EDO Agri: Shangla (B5-19) (ops). District Director Agriculture, Shangla B5-19 (ops). 26 Sultan Hussain Shah (B5-17) Sup. DOA, Nowshera (B5-18) District Director Agriculture, Nowshera (B5-19) ops. 27 Ehsonubl. DOA, Charsadda (B5-18) ops District Director Agriculture, Nowshera (B5-19) ops. 28 Khurshid Akbar (B5-17) Sup ASStt: Agronomist HO, Kohat (B5-17) Sup. SMS Agronomy and Extension o District Director Agri. Nabottabad. 30 Javed Macbool Butt (B5-17) Sup. ASStt. Director (C&PR) (BS- 0ps. District Director Agri. Abbottabad. 31 Muhammad Iqbal (B5-17) Sup. APPO, Malakand (B5-17) Sup. District Director Agri. Abbottabad. 33 Naveed Iqbal (B5-17) Sup. APPO, Malakand (B5-17) Sup. District Director Agri. Mansehra (B5-17) Sup. 34 Muhammad Sajawal (B5-17) Sup. APPO, Malakand (B5-17) Sup. District Director Agri. Mansehra (B5-17) Sup. 35 Mr. Muhammad Sajawal (B5-17) APPO, Mansehra (B5-17) Sup. District Director Agri. Manseh	do
(B5-17) Sup additional charge of DOA, Swat. (B5-19) ops. 24 Obaidullah (B5-17) Sup DOA, Shangla (B5-18) District Director Agriculture, Dir Lower (B5-19) ops. 25 Iqbal Hussian (B5-18) EDO Agri: Shangla (B5-19) (ops). District Director Agriculture, Shangla B5-19 (ops) with addition charge of EDO' Agri. Shangla (B5-17) Sup. 26 Sultan Hussain Shah (B5-17) Sup. DOA, Charsadda (B5-18) ops District Director Agriculture, (B5-17) Sup. 27 Ehsanullah (B5-17) Sup. DOA, Charsadda (B5-18) ops District Director Agriculture, (B5-17) Sup. 28 Khurshid Akbar (B5-17) Sup. Asstt: Agronomist HO, Kohat (B5-17) Sup. SMS Agronomy and Extension o Distr. Director Agri. Swabi (B5- ops. 29 Nisar Ahmad (B5-17) Sup. APPO, Abbottabad (B5-17) Sup. SMS Plant Protection (BS-18) op o/o Distr. Director Agri. Abbottabad. 30 Javed Macbool Butt (B5-17) Sup. Asstt. Director (C&PR) (B5- ops. District Director Agri., Malakand (B5-17) Sup. 31 Muhammad Idpal (B5-17) APPO, Malakand (B5-17) Sup. District Director Agri. Malakand (B5-17) 33 Naveed Idpal (B5-17) APPO, Mansehra (B5-17) Sup. District Director Agri: Pesha (B5-17) 34 Kamal Din (B5-17) APPO, Mansehra (B5-17) Sup. District Director Agri: Pesha (B5-17) <td>do</td>	do
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29 Nisar Ahmad (BS-17) Sup APPO, Abbottabad (BS-17) Sup. SMS Plant Protection (BS-18) or o/o Dist. Director Agri. Abbottabad. 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. 31 Muhammad Iqbal (BS-17) Sup. APPO, Malakand (BS-17) Sup (BS-17) District Director Agri., Malakand (BS-17) 32 Wazir Ahmad (BS-17) AHO, Abbottabad (BS-17) District Director Agri. Malakand (BS-18) 33 Naveed Iqbal (BS-17) AHO, Abbottabad (BS-17) Sup. District Director Agriculture, Mansehra (BS-18) ops. 34 Kamal Din (BS-17) Asstt. Agronomy o/o DOA, Peshawar (BS-17) Sup. District Director Agriculture, Mansehra (BS-19) ops. 35 Mr. Muhammad Sajawal (BS-18) Walting for Posting with effect from 27/6/2011. Dy. Director (Planning, Monitori and Evaluation HQ (BS-18) aga vacant post (current side). 36 Fazal Rahman (BS-17) AAIO o/o DDA (I) BS-17 Peshawar. Agril. Officer (Public Relation & Publication o/o the DDA (I) Peshawar (BS-17). 37 Zahir Uilah Khan (BS-18) DOA, Karak (BS-18) ops District Director Agriculture, Karak. 38 Siddiqu Muhammad (BS-17) DOA, Karak (BS-18) ops District Director Agriculture, Karak. 39 Abid Kamal (BS-17)<	
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42 Sakhi Marjan APPO o/o DOA, Kohat (BS-17) SMS Plant Protection o/o Distt. (BS-17) Sup. Ops Director Agri., Kohat (BS-18) op	
43. Adalat Khan APPO o/o the DOA, Swat (BS- (BS-17) SMS Plant Protection o/o Distt. Director Agri., Swat (BS-18) op:	do 5.
44. Aamir Khan Agril: Officer o/o DOA, Dy. Director Farm, Rakh Zandar (BS-17) DIKhan (BS-17). DIKhan (BS-18) ops	nido
45, Muhammad Ismail Agril: Officer o/o DOA, Agril: Officer, Panyala o/o Distt. (B5-17) DIKhan (B5-17). Director Agri., DIKhan (B5-17).	
46. Abdul Haleem Agril: Officer o/o DOA, (B5-17) Dy. Director Farm Ratta Kulachi DIKban (BS-17). 47. Muhammad Irfan Agril: Officer o/o DOA, Agril: Officer o/o DOA, Dy. Director Farm Rakh Mangha	
47. Munammad Inan Agril: Officer 0/0 DOA, Dy. Diffector Farm Rakn Mangha (B5-17) DIKhan PIKhan (BS-18) ops. 48. Abdul Qayum AO (BS-17) o/o DOA, Mardan SMS Agronomy & Extension o/o	
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50	Muhammad Naeem	AO (BS-17) o/o DOA, Swabi	SMS Horticulture & Extension o/o	do
	(BS-17)		Distt. Director Agri., Swabi BS-18	
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j 51	Amir Khattam	AO (BS-17) 0/0 DOA, Swapi	SMS Plant Protection o/o Distt.	do
	(BS-17)		Director Agri., Swabi BS-18 (ops)	
57	Haji Muhammad	AO (BS-17) 0/0 DOA,	SMS Horticulture o/o Distt. Director	
24				00
· . ·	(BS-17)	Malakand	Agri., Malakand BS-18 (ops)	
53	Kishwar Ali	AO (BS-17) o/o DOA, Swat	SMS Horticulture o/o Distt. Director	do
	(BS-17)		Agri., Swat BS-18 (ops)	40
54	Muhammad Siddique	AO (BS-17) c/o DOA, Swat	SMS Agronomy & Extension o/o	do
	· (8S-17)		Distt. Director Agri., Swat BS-18	
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55	Masood ur Rehman	1 40 (00 17) - (- 004		· · · ·
55		AO (BS-17) 0/0 DOA,	SMS Agronomy & Extn. o/o Distt.	do
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56	Mukhtar ur Rehman	AO (BS-17) 0/0 DOA,		
. 50			SMS Horticulture o/o Distt. Director	clo
1	(B5-17)	Mansehra	Agrl., Abbottabad BS-18 (ops)	
57	Altaf-ur-Rehman	AO (85-17) 0/0 DOA,	Agril: Officer o/o Distt. Director	do
í	(BS-17)	Mansehra	Agri. Kohistan against the vacant	00
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•		· · · · · · · · · · · · · · · · · · ·	post.	
58.	Falsal Khurshid	AO (8S-17) o/o DOA, Swabi	Agricultural Officer (BS-17) o/o	·do
	(BS-17)			φ φ =-
	i the set of the set o	1	Distt. Director Agriculture,	·.
	· · · · · · · · · · · · · · · · · · ·		Mansehra.	
. 59.	Muhammad Tarig	AO (BS-17) 0/0 DOA,	Dy Director Farms, Haripur BS-18	do
	(BS-17)	Abbottabad		
		1 () I have a second se	(ops)	
60	Muhammad Tahir	AO (BS-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o	do
	(BS-17)		DDA, Battagram (ops).	
61	Tarig Mehmood	AO (8S-17) c/o DOA, Haripur	ENC Directorian (Ops).	
		AO (05-17) 0/0 DOA, Haripur	SMS Plant Protection BS-18 o/o	do
	(BS-17)		DDA, Haripur (ops).	
62.	Sajjad Ahmad	AO (BS-17)0/0 DOA, Haripur	SMS Horticulture o/o DDA, Haripur	do
	(BS-17)			00
			BS-18 (ops)	
i 63.	Yousaf Ali	AO (6S-17) o/o DOA, Hangu	SMS Plant Protection 8S-18 o/o	do
	(95-17)		Distt. Director Agri., Hangu (ops).	
64	Anwar Khan	AO (BS-17) o/o DOA, Tank	Disc. Director Agn., Hangu (Ops).	
		AO (05-17) 0/0 DOA, Tank	SMS Plant Protection BS-18 o/o	do
••••••	(BS-17)		Distt. Director Agri., Tank (ops).	
65.	Murad Ali	AO (BS-17), waiting for	Repatriated/posted SMS Plant	do
	(BS-17)	posting	Protoction of Diatt Disease As i	00
		Ferring	Protection o/o Distt. Director Agri.,	Ì
FC	Anglang King		Buner BS-18 (ops)	
00.	Asghar Knan	AO (85-17) o/o DOA, Buner	SMS Horticulture o/o Distt. Director	do
	(BS-17)		Agri., Buner BS-18 (ops)	
67.	Muhammad Uzair (8S-	10. additional shares of DOA		
- • 1	· · · · ·	AO additional charge of DOA,	Distt. Director Agri., Dir Upper	do
	17)	Dir Upper (BS-18)	BS-19 (ops)	
68,	Muhammad Saeed	Instructor, ATI (BS-17)	Senior Instructor, ATI, BS-18 (ops)	
1	(BS-17)		Comor monocor, Ari, D2-18 (Ops)	do
	Fazal Wahab	Juples Test		l
- ⁷ - 1		Junior Instructor ATI,	Instructor (BS-17)ATI, Peshawar	do
::_ {	(85-17)	(BS-17) Sup.	vice No. 68.	
-7C	Ehtisham	Agril: Officer (BS-17) 0/0		
	(BS-17)	DOA, Peshawar	Instructor (BS-17) ATT, Peshawar.	do
71	Muhammad Imran		and an an an and a second seco	· ·
· •		Agril: Officer (BS-17) o/o	SMS Horticulture (BS-18) ops o/o	do
	(BS-17)	DOA, Peshawar	Distt. Director Agri., Peshawar.	
72.	Aboul Nasir	Agril: Officer (BS-17) o/o	SMS Plant Protoction (DC 10)	•
i	(BS-17)	DOA, Charsadda	SMS Plant Protection (BS-18) ops	- <u>-d</u> o
	\	DUN, Charsadda	o/o Distt. Director Agri.,	1.
			Charsadda.	f
73.	Hidayat Ullah	Agril: Officer (BS-17) 0/0	SMS Horticulture BS-18 o/o Distt.	
· ·	(BS-17)		Ship Hordeurule DS-10 0/0 DISTE	do
74		DOA, Charsadda	Director Agri., Charsadda (ops)	
74	Khisro Nawaz Ahmad	CMP-II Project, Charsadda	Repatriated / posted as SMS	do
í	(BS-17)	w.e.from 1.7.2011.	Agronomy & Extn. BS-18 o/o Distt.	40 -
!			Disasta A di Cin Do-10 0/0 UIST.	l
75!	Mohammad Ghani	Andle Office the second	Director Agri., Charsadda (ops)	
11		Agril: Officer (BS-17) 0/0	SMS Agronomy & Extn. (BS-18)	do
	(BS-17)	DOA,, Karak	ops o/o Distt. Director Agri., Karak.	
		· · · · ·		1
	Khuda Yar	Aprily Officer (DC 17)		
.76		Agril: Officer (BS-17) o/o	SMS Agronomy & Extn. BS-18 o/o	do
76		DOA,, Bannu	Distt. Director Agri., Bannu (ops)	· . · ·
	(BS-17)			1
			SMS Plant Protection (PC 10) -/-	
	<u>(BS-17)</u> Gul Daraz	Waiting for posting	SMS Plant Protection (BS-18) o/o	do
	(BS-17)		SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki	do
77.	(BS-17) Gul Daraz (BS-18)	Waiting for posting	SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat.	do
77.	(BS-17) Gul Daraz (BS-18) Asif Saleem	Waiting for posting	SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat.	
77.	(BS-17) Gul Daraz (BS-18)		SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat. SMS Plant Protection (BS-18) o/o	do
77.	(BS-17) Gul Daraz (BS-18) Asif Saleem	Waiting for posting	SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat. SMS Plant Protection (BS-18) o/o Distt. Director Agril. Nowshera	
77.	(BS-17) Gul Daraz (BS-18) Asif Saleem	Waiting for posting	SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat. SMS Plant Protection (BS-18) o/o	

1 221 Jahr 2010		:	·			
79 Amanullah		AO, 0/0 DOA, D	(Khan	SMS Plant Protect	Ion (BS-18) ops	do
(BS-17)		(85-17)	·	o/o Distt. Director	Agri: DIKhan	
	· ·		,			,

Note:-

This order will be effective with effect from 1-7-2011 for the purpose of drawl of pay & allowances.

SECRETARY AGRICULTURE.

39

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.

(MUHAMMAD ZAHID) SECTION OFFICER - ESTT:

Dil Navyaz.

Kerte TANO Muhammat Advocate High Court Office No 33 Adjacent 1

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

FOR OFFICIAL USE

P-40

(Volume: I)

1987

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



tul.

Compiled and Published

By Services & General Administration Department

Government of N.W.F.P., Peshawar



Chapter 2

ich Court

office No

Section 8

一、自然公司请问题。

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

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

- 41

PROBATION RULES.

Probation

(1) A person appointd to the Service against a substan-tive 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.

ndur Manz undraam tahaa If the work or conduct of a member of the Service (2) during the period of probation has been unsatisfac-tory, 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 other-wise, revert him to his former post/position or if there is no such post/position dispense with his and services. and out out in

aded and managed a sale

(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

33 Adjacent to :**(b)** in case the has been appointed otherwise, revert him to his former post, position and if there be no such post/position/dispense with his Reserved and the services; or

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P. 42

Chapter 2

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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 is a converse sof the initial probationary period. 网络马克 主任 化合金合金

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 oders 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 appoint-

W WHEN AT DEPUTY

Explanation-Iff_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.

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) It a member of the Service fails to complete successtully any training or pass any departmental examina-tion prescribed under sub-rule (4) within such period for in such humber of attempts as may be prescribed High Courby Government the appointing authority may:-(a) ; (iniciase 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 services. with his $m \sim 63 m_{\odot}$ and the second states of the second 1 - S. 22 - 1 - 1

10.00 1 100

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

OUVERNIVIENT OF

KHYBER PAKHTUNKHWA

ESTABLISHMONT DEPARTMENT

(HRD WING)

12.43

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

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.

To,

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.

thestal Muchunned Arshad Khan

Advocate Fligh Coult Office No: 33 Adjacent to (MUHAMMAD ALI KHAN) SECTION OFFICER (HRD-II)

То

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NU:

GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

NO. SO (E-1)/E&AD/9-28/2015 Dated Peshawar, the May 28, 2015

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

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

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 of copy the approved summary, received from Agriculture Department, which is self explanatory as desired.

Yours faithfully

Encls. As above.

(MUHAMMAD AVED 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)

Atter Muhammad Arsbed Khen Tahoh

Office No 33 Adjacent to Distt 32r Abbottabad



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GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

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

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: <u>As above</u>

(MUHAMMAD SHERAZ) SECTION OFFICER-ESTT:

Endst. of even No. & Date.

Copy to P.S to Secretary Agriculture department.

PARTY OF WA

SECTION OFFICER-ESTT:

ffected Nytandiad Arshad Khan lané Advocate High Court Office No 33 Adjacent to Dist Bar Abhottahad

GOVERNMENT OF KHYBER PAKEITUNKHWA ACRECULTURE LIVESTOCH & COOPERATIVE DEPARTMENT

P-46

SUMMARY FOR THE CHIEF MINISTER, KHYBER PAKHTUNKHWA

ELECT PROPOSAL FOR POSTING/TRANSFER.

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

•	1	
	То	Justification.
Mr.Abdur Ditector (B Råshid Plant Prote (fIS-19) HO, Peshar	ction 20) Agril: Extension,	He is at 5.46.2 of the sentority list of B5- 19 officers and is due for promotion to the post of B5-20. He has sufficient experience and management skill and capacity for administering the vast setup of Agriculture Extension.
It is to in orm th] at the above named officer h	as already been authorized to look
cost of Director Gener	al, Agriculture Extension, Ka	yber Pakhtunkhwa.
	contained in para-1/ante i Unknwa being the compete	s submitted for approval of the
		N Win h 12/9/2012
	(MUHAMMAD AFSAR KHAN)
THE FOR AGRICULT	URE Para 15 R	e Com pundo es el ::

MECRETARY MER PAKHTURAHWA

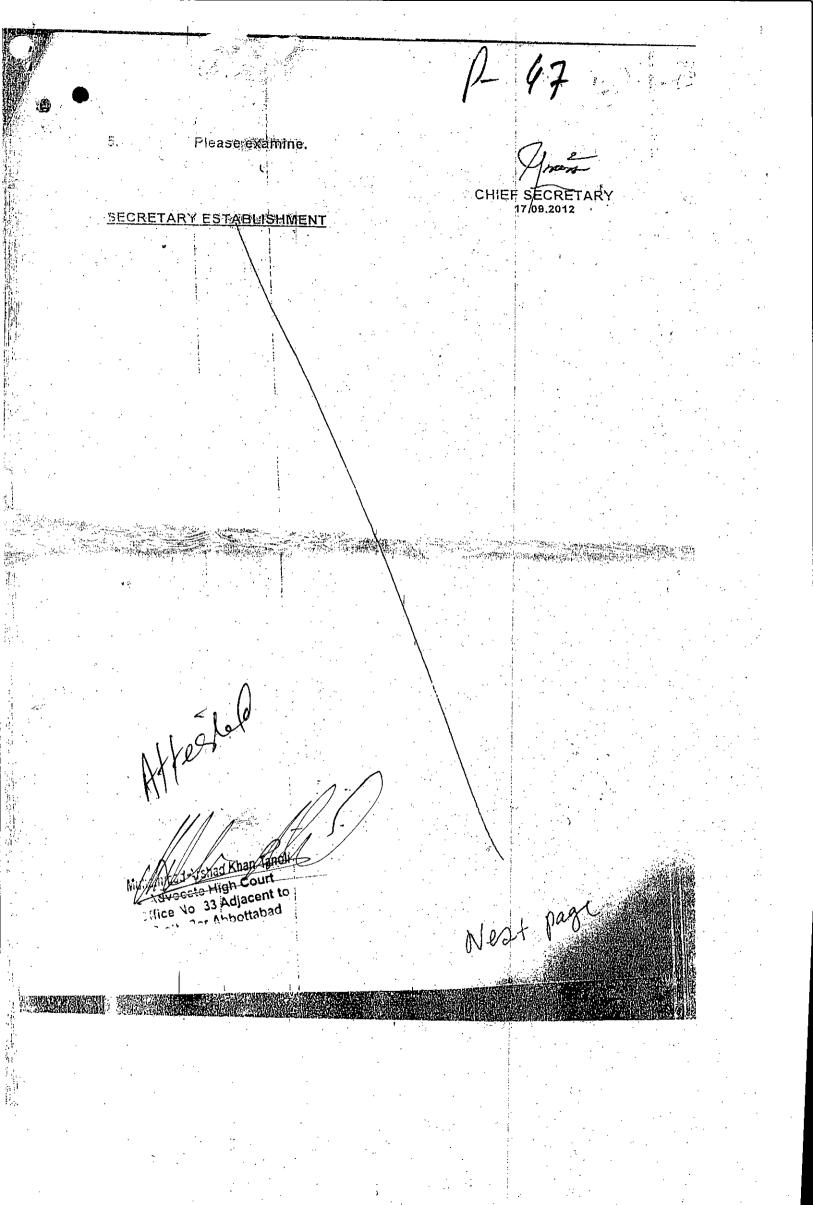
J 4753° ³⁴ Minist or a outer Knyber Patersonkrade

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Advocate High Court flice No 33 Adjacent to



Summary has been examined and observed as under-

Officer of BS-19 has been proposed for transfer against higher post which is against the Government instructions.

Tendre of the officer at present post has not be in mentioned nor his substitute has been provided. (ii)

Administrative Department may be asked to re-visit the summary 7. and rectily the above observations.

 \mathbb{N} (Shahrukh Arbab) Secretary Establishment September 26, 2012

a state and the second state of
Chief Sceretary Khyber Pakhtunkhwa.

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Please rectify.

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ECRETARY CHIEF 26.09.2012

Attested Mutanina Arshat Khan Janbi Advocate High Court

GOVERNMEN'T OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEFARTMENT

SUMMARY FOR THE CHIEF MINISTER, KHYBER PAKHTUNKHWA

PARA-8/ANTE REFERS.

States and the states of the s

The officer of BS-19 has been proposed for transfer against higher post

 The officer is working as Director Plant Protection (BS-19) HQ Peshawar ince 01.10.2010 and Mr.Qazi Fayaz-ul-Din Deputy Director Plant Protection HQ (BS-8) is hereby proposed as substitute for posting as Director Plant Protection in his own ay a scale.

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

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A fun V 12/1/20 D AFSAR KHAN) (MUHAMM SECRETAR AGRICULTURE

(GHULAM DASTGIR) CHIEF SECRETARY

15.11.2012

Approved and

P- 49

HIEF SECRETARY

<u>CHIEF MINISTER,</u> CHYBER PAKHTUNKHWA

> 1-1 - 11 - 12 CHIEF MINISTER SHYBER PAKHTUNKHWA

SECRETARY ABRICULTURE

\$ 14

11-12-Chief/Secretary

Govi: of Khyber Pzikhunthwe.

And TShar Khan danbli

Advocate High Court Office No: 33 Adjacent to Dist: 32t Abbottabad

GOVERNMENT OF KHYBER PAKHTUNKHWA **ESTABLISHMENT DEPARTMENT**

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:-

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

87-11-2 m

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

S A Khattak/**

hod charterly'

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

NOTIFICATION

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

Advocate High Cou

Jist Jar Ab

Name of officer with academic	Date of Birth	Date of 1st entry in				Present	•	Remarks
qualifications	and domicile	to Go vt. service	Date	BS	Method of Recruitment		:	
	24.5.1954	<u>13.1.1977</u>	21.4.2012	19	By Promotion	Horticulturist HQ	• ⁻	
M.Sc. Agri:, Soil Science.	Bannu	Agri: Officer		•			-	
a the second	3.4.1953	<u>15.1.1977</u> .	21.4.2012	19	By Promotion	DOA, Abbottabad	i	
M.Sc. Hons: Agri: Chemistry	Abbottabad	Agri: Öfficer		• •		•	<u>.</u>	•
· · · · · · · · · · · · · · · · · · ·	i <u>1.1.1954</u>	<u>21.1.1977</u>	21.6.2012	19.	-By-Promotion	Director PP HQ	!	
M Sc. Hons: Agri:	Swat	Agri: Office						•••
Sadio Hussain Shah	14.11.1952	<u>26.12.79</u>	21.6.2012	19	By Promotion	ÉDO' Agri: Haripur		•
M.Sc. Agri: Soil Science.	Mansehra	Agri: Officer		•		(ops)		
	12.2.1953	<u>26.12.79</u>	21.5.2012	19	By Promotion	DOA, Kohat	tere e	•
M.Sc. Agri: Soil Science.	Kohat	Agri: Officer				·	•••	•
-	14.7.1952	26.12.79	21.6.2812	<u>19</u>	By Promotion	EDO Agri:		
M.Sc. Hons: Agri: Agronomy.	Mansehra	Agri: Assit:				Mansehra		
	Name of officer with academic	Name of officer with academic qualificationsDate of Birth and domicileSaadullah Khan, M.Sc. Agri:, Soil Science.24.5.1954Muhammad Younas, M.Sc. Hons: Agri: Chemistry3.4.1953 AbbottabadAbdur Rashid, M.Sc. Hons: Agri: Plant Breeding & Genetics.1.1.1954 SwatSadiq Hussain Shah, M.Sc. Agri: Soil Science.14.11.1952 MansehraIshtiaq Ahmad, M.Sc. Agri: Soil Science.12.2.1953 Kohat	Name of officer with academic qualificationsDate of Birth and domicileDate of 4st entry in to Govt. serviceSaadullah Khan, M.Sc. Agri:, Soil Science.24.5.195413.1.1977M.Sc. Agri:, Soil Science.BannuAgri: OfficerMuhammad Younas, M.Sc. Hons: Agri: Chemistry3.4.195315.1.1977Abdur Rashid, M.Sc. Hons: Agri:1.1.195421.1.1977Abdur Rashid, M.Sc. Hons: Agri:1.1.195421.1.1977M.Sc. Hons: Agri: Plant Breeding & Genetics.SwatAgri: OfficerSadiq Hussain Shah, M.Sc. Agri: Soil Science.14.11.195226.12.79Ishtiaq Ahmad, M.Sc. Agri: Soil Science.12.2.195326.12.79M.Sc. Agri: Soil Science.KohatAgri: Officer	Name of officer with academic qualificationsDate of Birth and domicileDate of 4st entry in to Govt. serviceproSaadullah Khan, M.Sc. Agri:, Soil Science.24.5.195413.1.197721.4.2012M.Sc. Agri:, Soil Science.BannuAgri: Officer21.4.2012Muhammad Younas, M.Sc. Hons: Agri: Chemistry3.4.195315.1.197721.4.2012Abdur Rashid, M.Sc. Hons: Agri: Plant Breeding & Genetics.1.1.195421.1.197721.6.2012Sadiq Hussain Shah, M.Sc. Agri: Soil Science.14.11.195226.12.7921.6.2012Ishtiaq Ahmad, M.Sc. Agri: Soil Science.12.2.195326.12.7921.6.2012M.Sc. Agri: Soil Science.KohatAgri: Officer21.6.2012Sadiq Hussain Shah, M.Sc. Agri: Soil Science.14.7.195226.12.7921.6.2012S. Riaz Ahmad Snah, M.Sc. Agri: Soil Science.14.7.195226.12.7921.6.2012	Name of officer with academic qualificationsDate of Birth and domicileDate of 4st entry in to Govt. serviceRegular promotionSaadullah Khan, M.Sc. Agri:, Soil Science.24.5.195413.1.1977 Abotrabad21.4.201219Muhammad Younas, M.Sc. Hons: Agri: Chemistry3.4.195315.1.1977 Abbotrabad21.4.201219Abdur Rashid, M.Sc. Hons: Agri: Plant Breeding & Genetics.1.1.195421.1.1977 Swat21.6.201219Sadiq Hussain Shah, M.Sc. Agri: Soil Science.14.11.195226.12.7921.6.201219M.Sc. Agri: Soil Science.Mansehra Agri: Officer21.6.201219Sadiq Hussain Shah, M.Sc. Agri: Soil Science.12.2.195326.12.7921.6.201219M.Sc. Agri: Soil Science.KohatAgri: Officer1919S. Riaz Ahmad Snah, M.Sc. Riaz Ahmad Snah,14.7.195226.12.7921.6.201219	Name of officer with academic qualificationsDate of Birth and domicileDate of 4st entry in to Govt. serviceRegular appointment/ promotion to present postSaadullah Khan, M.Sc. Agri:, Soil Science.24.5.195413.1.197721.4.201219By PromotionMuhammad Younas, M.Sc. Agri: Chemistry3.4.195315.1.197721.4.201219By PromotionMuhammad Younas, M.Sc. Hons: Agri: Chemistry3.4.195315.1.197721.4.201219By PromotionAbbottabad M.Sc. Hons: Agri: Plant Breeding & Genetics.1.1.195421.1.197721.6.201219By PromotionSadiq Hussain Shah, M.Sc. 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Certified that the above list is final and undisputed.

SD/# CHIEF SECRETARY

Endst. No-and date even.

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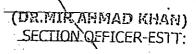
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Nuber High Count Advocate High Count Office No 33 Adjacent to Dist Tar Athend

- 1. Principal Secretary to Chief Minister, Knyber Pakhtunkhwa.
- 2. Director General, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.

1-52

- 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.



KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (HRD WING)

OVERDIVIENT OF

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 16thApril, 2015 on the subject noted above and to forward herewith the requiste information as requested under **Right to Information Act**, 2013.

Encl: As above:

1.

2.

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

Copy of the above is forwarded to:-

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.

PA to Additional Secretary (HRD), Establishment Department.

Htechok cate High Court No 33 Adjacent to

SECTION OFFICER (HRD-II)

GOVERNMENT OF KHYBER PAKTHUKHWA ESTABLISHMENII DEPARTMENT

© (PSB) ED/1-6/2015 /KC-176 Dated Peshawar, the 27.04.2015

54

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

Subject: -

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

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. Multanimad Younas Ex-District Difector Agriculture Extension Abbottabad under RTI Act, 2013.

JAN SAID)

SECTION OFFICER (PSB)

Attested Advocate High Court Office No 33 Adjacent to it and own

CONFIDENTIAL

P. 550

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 or 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".

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

en an	A GARAGE AND A CONTRACT OF A	
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. Na‡imud-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 propation till retirement.

Scate High Court flice No: 33 Adjacent

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e de la compañía de la	• .	· • •		· · · ·
• •	[······································	CONFIDENTIAL	
· · · · ·	5.	Mr. Saadullah Khar	His date of high is a	· .
	T		1 09-05-2009 No enquine in the promoted to BS-18 on	
			1 for the period from or seven gaunst nim. His PER	
ţ,			available which is pine which is pine which is not	· .
ļ.			BS-18. Secretary Agriculture produced his PER for the	•
		ļ ,	period from 1.1.2010 to 31.8.2010 to the Board, which was satisfactory. His remaining service	
			was satisfactory. His remaining service record upto 2010 is generally good.	· .
			The Board recommendation	
			The Board recommended the officer for promotion to the	· ·
i	6		post of EDO Agriculture BS-19 on regular basis. He will be on probation for a period of one year.	e al E
	6	Mr. Abbas Khan		
	7	Mr. Amir Khan	Not considered. He retired from service on 12.8.2011	
	. [·
	ļ		service on 14/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him	
			09-05-2009. No enquiry is pending against him. His	. '
	.		service record upto 2010 is generally good.	
			The Board recommended the	
			The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis against the post vacated by Mr. Shafig-ur-Rebmon	
			the post vacated by Mar of the other basis against l	
		t - July Harry	nom service on 27 12 2014	
	8 1 3 1	A AND A CONTRACT OF A SAME TO A A A A A A A A A A A A A A A A A A	period of one year.	· · ·
的觀測度沒有			His date of birth is 03.04.1953. He joined government	
理了			service on 15.01.1977. He was promoted to BS-18 on	
7774			09-05-2009. No enquiry is pending against him. His service record upto 2010 is generally good.	
		<i>k</i>	service record upto 2010 is generally good.	
	· · .	Г	The Board rosen	
, ,	· · · · ·	p	The Board recommended the officer for promotion to the loss of EDO Agriculture BS-19 on regular basis against he post vacated by Mr. Fazil Rabbi who	
		· · · · · · · · · · · · · · · · · · ·		•
		S	he post vacated by Mr. Fazli Rabbi who retired from ervice on 07.02.2012. He will be on probation for a	
· ·			eriod of one year.	
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OVERNMENT 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 Bound, 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:-

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

2. Consequent upon their promotion, they are hereby transferred/adjuste

5.80	Name of	From
i	Officer '	To
	Mr.Nazimud - Öin	Executive District Office
2.	Mr.Seedullah	Director Horiculture Value
	Khan Mr.Amir Khan	Director-Coordination "bld. Scale) Peshawar (BS-19)
	Mr. Muhammad	Monitoring HQ BS-19 Peshawar (Ops) District Director Agriculture, Abbottoring HQ BS-19 Peshawar Director Coordination, Planning & Monitoring HQ BS-19 Peshawar EDO (Agriculture)
52	Vounes Not Middlennmad	Subject Matter Speciality (ops)
		& Extension BS-18 o/o DDA, Abbottabad
·	•	tes
Endst. of.e	Ven No. & Data	SECRETARY AGRICULTURE

Sd/-)000 SECRETARY AGRICUL TÙRE

Endst. of even No. & Date.

- Copy forwarded for information and necessarily action to:-
- 1. The DG, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
 The District Accounts Officers Dir Lower, Nowshera and Abbottabad.
- 5. Personal file of the Officers.
- 6. Master Sle.

(MUHAMMAD ZAHID) SECTION OFFICER-ESTT

Fabili Advocate High Court Office No. 33 Adjacent to \cap

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

2. The Chief Secretary, Govt of Khyber Pakhtunkhwa.

Through: PROPER CHANNEL

Subject:

То

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:-

- 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

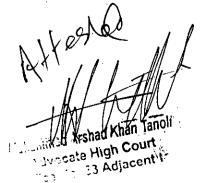
Yours sincerely,

Muhammad Younas EDO Agriculture Abbottabad.

Copy in Advance forwarded to :

Dated: 26-12-2012

- 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.

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

- 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,

Τo,

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 Set

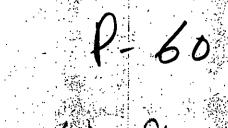
- 1. Appeal
- 2. Grade (BS) 19 Notification
- 3. Final Seniority List BS-19

Yours sincerely,

P-59

AMMAD YOUNAS EDO Agriculture Abbottabad.

Heedol Advocate High Court fice No 33 Adjacent ic



GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (REGULATION WING) NO SGR III(E&AD)12/2012 Dated Peshawar the February 26, 2013.

The Secretary Io Govt of Khyber Pakhtunkhwa, Agriculturer Livestock & Coop. Department.

To.

Dear Sir

Subject: APPEAL FOR GONDONATION (TERMINATION) OF PROBATION

am directed to refer to the Agriculture copartment 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 fulles.

ours faithfullyt 3₃₅ 17.25 ± -AHMAD) TION OFFICER(R-III)

flete -Inscate High Court 33 Adjacent IS

-(~~)<1-1/4/13 Dated Peshawar, the 832013 A copy is forwarded to the Director General Agriculture Extension, Khyber Pakhtunkhwa Peshawar, for inform tion and necessary action 09-SECTION OFFICER Office 2

No.12/189/Estt/ Dated Peshawar: the

/DG /2013

To:

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

6L

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

rest

Muh Andras Arsinad Khan Tanoli Advocate High Court IN THE SUPREME COURT OF PAKISTAN (APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE EJAZ AFZAL KHAN. MR. JUSTICE MAQBOOL BAQAR. P-63

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) <u>Versus</u> 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

Elaz 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.

Learned ASC for the petitioner argued the case at some 2. 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

PRESENTION IS, thus, dismissed as not pressed.

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Court Associate Supreme Court of Pakistan ts aniaba

REFORE THE KHYBER PAKHTUNKHWA

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shant)

Appeal No. 386/2012

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

VERSUS

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문학

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- Chief Secretary, Government of Knyber Pakhtunkhwa Peshawar.
 Secretary Agriculture, Livestock and Cooperative Department, Knyber Pakhtunkhwa, Peshawar.
 Director General Agriculture (Extension) Knyber Pakhtunkhwa, Peshawar.
 Secretary Establishment, Knyber Pakhtunkhwa, Peshawar. (Responden (Respondents).

4	Secretary Estai	blishment, Khyber Pakhtunkhwa, Peshawai. (Resps. eshawai.	
		Order/other proceedings with signature of Judge/Magistrate	45 · 7
S.No.	Date of	Order/other proceedings that as a	
1	Hearing		
1	2	Appellant with counsel, and Mr. Sherafgan Khattak	
<u>+</u>	31.12.2012	Appellant with coursel, and an another the	
	J1.12.2011	Khan Superintendent for the	• • •
	·	respondents present. Arguments heard and record perused.	
·		respondents present. Arguments heard and the	
1.	· · ·	2. This appeal has been filed by the appellant Fazal Rabbi,	
·]		2. This appeal has been filed by the opposite transformer Tribunal	
×. ,	1 •.	I a then the Khyper Pakitunkniva Service mountain	
· . · ·	· · · · ·	under Section date 12,1,2012, whereby the	• • •
{· ·		Act 1974 against the notification dated 12.1.2012, whereby the	
	¥ .		
		that on acceptance of the	•.
· · ·		appeal, the notification dated 12,1.2012 may be modified to	
		appeal, the notification dated 12.1.2012 may be mounted	ad Ire
		the extent his promotion may be ante-dated w.e.f. 15.10/201000	anata'
· .		Adv	No 27
		instead of with immediate effect. Office	·
		3. The learned counsel for the appellant argued that the	•
ľ		3. The learned counsel for the dependence officer' in the	• •
		appullant was appointed as Agriculture Officer. In the	:
		uncession department on 29.4.1974. On 15.10.2020 the	• • *
		respondent opportunity in REB meeting for consideration	•••
		respondent department held its PSB meeting for consideration	
		in a series of the populant alongwith others. He was	
		considered fit for promotion but due to status quo order dated	· .
1 1 1		considered fit for promotion que due to state ,	
	. Server	in Execution reduct hy this Tribunal in Execution reduct not	
	1 77	3/2010 in Service Appeal No. 504/2008 in favour of Faham Dil,	1
12		1 3/2010 III Scivice Appearance of and	
	O. T	Senior Instructor, Lateron the status quo was vacated and	{ }
	K - E	another PSB meeting was held on 18.10.2011 and the	1 4
- P.1		another PSB meeting was using on any and the second with	
ં વે લે		Killes alloct was promoted from BPS-18 to BPS-19 milli	1 .
Ter 1	Sie to -	immeriate effect instead of ante-dation of his promotion w.e.f.	
1	E BOD	immediate effect instead of ante-dation of the	1:
	31 4	is to 2010. He further argued that the appellant was endued	└ │ ⊷
· · · I	19-		- 1
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		to be promoted from the date of availability of the post under	j ·

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

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 S61 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 leanned 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 premotion by the PSB insits 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.

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Director Plant protoction Directorale Gureal Agriculture (Exi), Wiyber Juxhlunkhwa

Re a

Muhanda Afshad Khán (land) Advocate High Court Office No: 33 Adjacent to

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IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)

Present:

Mr. Justice Jawwad S. Khawdja Mr. Justice Iqbal Hemoedur Rahman Mr. Justice Mushir Alam

Civil Petition No.584-P of 2013 (Against the Judgmont dated 31.12.2012 of the Khyber Pakhtunkiwa Service Tribunal, Peahawar passed in Appeni No.336/2012)

Chief Secretary Gove of KPK etc. Versus

Petitioner(#) Respondent(s)

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

Por the respondent(s):

KPK SC ISE

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Date of hearing;

18.04.2014 ORDER

N.R.

Inwwad S. Khawala. I. 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 pleasy (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.Khawaju,J Sd/- Iqbal Hameedur Rahman,J Sd/- Mushir Alam,J

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ISIAMABAD 18th April 2014 M. Ashar Mulik

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ALLENNA SERVICE FILMS NE ARACHE NA HANIL 1.10 · . : Peshawar The hours of attendance in the court are the same the Always quote Case No. While making any correspond Nole: at the Hust Court except Sunday and Gazetted Hollday inking any corresponde è. C 121 يريم ا · ;; . cre d'ari (uper su and the 3 Al I selevand his I. HACK

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GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Dated Peshawar, the 25th Acryust, 2015

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 (B5-19) 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.

Endst. of even No. & Date.

Sd/-SECRETARY AGRICULTURE

- 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 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
- 7. PS to Secretary Agriculture, Khyber Pakhtunkhwa. 8. Personal file.

'AR KHAN) SECTION OFFICER-ESTT:

Heetek tod Arsthad Khan Yanon

Advocate High Court fice No: 33 Adjacent to BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL

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.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Ι. Peshawar and others. (Respondents)

MR. MUHAMMAD ZAFAR TAHIRKHELI, Advocate

MR. MUHAMMAD JAN, Deputy District Attorney

MR. NIAZ MUHAMMAD KHAN, MR. GUL ZEB KHAN

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN Arguments of the learned counsel for the parties heard and record perused.

EDFACTS

The bricf facts of this appeal are that the appellant was promoted to BPS-19 if 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.



(Appellant)

For appellant.

For respondents.

CHAIRMAN Advocate High Court Office No 33 Adjacent IC MEMBER

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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 Ati. 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

Advocate High Court

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 perty to the carlier 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 firibunal 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 enses 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.

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ZEB KITAN MEMBER

<u>ANNOUNCED</u> 11.07.2017

UIHAWMAD KHAN) Thesterd CHAIRMAN

Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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Appeal No. 386/2012

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

(Appellant)

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P.68

<u>VERSUS</u>

- 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).

Ŝ.No.	Date of	Order/other proceedings with signature of Judge/Magistrate
1	Hearing	
1	31.12.2012	Appellant with counsel, and Mr. Sherafgan Khattak
		alongwith Muhammad Khan, Superintendent for the respondents present. Arguments heard and record perused.
		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
# 1-		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.
		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
	1720	considered fit for promotion but due to status quo order dated
X		28.4.2011, granted by this Tribunal in Execution Petition No.
Care	المالة موقى (ا	3/2010 in Service Appeal No. 504/2008 in favour of Faham Dil,
r Politik Ice Nor	10.00 10.00 10.00	Senior Instructor. Lateron the status quo was vacated and
eshawa	imal,	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

Kh zi So 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.

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4. The leanrned 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.

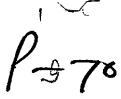
The Tribunal observes that the appellant while serving 5. in BPS-18 in the respondent department was eligible for promotion to BPS-19. He was considered and found fit for promotion by the PSB in its meeting held on 15.10.2010. Due to status quo order granted in Execution Petition No. 3/2010, he could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

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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. Versus	•••	Petitioner(s)
Fazal Rabbi	•••	Respondent(s)
For the appellant(s): Mr. N	aveed A	Akhtar, Addl. AG, KPK

Affester 1/ Muhammad Arshad Khan Yanoli

Advocate High Court Office No: 33 Adjacent to Distt Bar Abbottabad

Date of hearing:

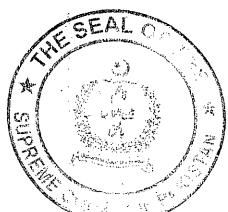
For the respondent(s):

18.04.2014

N. R.

ORDER

Jawwad S. Khawaja, I.- 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.



ISLAMABAD 18th April, 2014 M. Azhar Malik .

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

Certified Support The Copy Superintendent Supreme Court of Pakistan Islamabad

Annex-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL

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)

(Respondents)

<u>VERSUS</u>

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

MR. MUHAMMAD ZAFAR TAHIRKHELI, Advocate ---

MR. MUHAMMAD JAN, Deputy District Attorney.

For respondents.

For appellant.

MR. NIAZ MUHAMMAD KHAN, MR. GUL ZEB KHAN CHAIRMAN MEMBER

JUDGMENT

<u>NIAZ MUIIIAMMAD KHAN, CHAIRMAN.</u> Arguments of the learned counsel for the parties heard and record perused.

EDRACTS

2. The brief facts of this appeal are that the appellant was promoted to BPS-19 was a life 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.

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.

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CONCLUSION

After hearing the arguments of both the learned counsel for the parties and war 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

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P-73

AUIHAMMAD KHAN)

CHAIRMAN

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.

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(GUL ZEB KITAN)

ANNOUNCED 1.07.2017

18.9 No:11/83-KC/Estt/ Dated Peshawar: the

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

Subject:

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

Mamo:

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 Incressary action as per detail given below: -

PANEL OF OFFICERS

- 1. Mr. Saadullah Khan,
- 2. Mr. Amir Khan.
- 3. Mr. Muhammad Younis.
- 4. Mr. Abdur Rashid.
- 5. Mr. Sadig 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.

Affeslek

Muhaming Advocate High Court Chao Khan Tanol

Office No 33 Adjacent to Distt Bar Abbottabad

DIRECTOR GENERAL **GRICULTURE** (EXTENSION) KHYBER PAKHTUNKHWA. PESHAWAR

12/1/12

GOVERNMENT OF KEYBER PARATUNKHWA AGRICULTURE LEVESTOCK & COOPERATIVE

DEPARTMENT

P-75

SUMMARY FOR CHURP MUNISTER

SEALT APPEAL FOR CONDONATION (DEAMES VEIDA) OF PROBALLY: PERIOD PROMOTION TO NEXT DIGHER GRADE OS 200 MARKE RETROSPECTIVE FEFECT.

The set of the second this been submitted by Mr. Matamical Yormes, Error 1990. I Bis set depart the flor Officer Agriculture Sir Syen Colour Annalies Al nonated a NS-T S Delay D. Scherchel bein suited in the appeal.

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and has Comparent of the Esta Colle Volet. (92.7) Robert of Frederic dependences of the service against a substantive value net in retain carry total a substantive value of two years, if appointed by initial recruitment and for a period of 95% by the service explanation in has been laid down that or dependence at the service spectrum of dependence of the service spectrum of dependence of probably of a higher part of the service spectrum of the period of probably of a fight of the service of the s

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a play prominent data BS-19 on 17/02/2012 by the Provincial Selection Balance in the local grad for Production multilied the Same on 21/04/2012 playing perberroom and an enter a state of the provisions of probation rates and its and the state trious.

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GOVERNMENT OF KEYBER PARETUNKHWA ACRICULTURE LIVESPUCE & COOPERATIVE DEPARTMENT

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(1991), sinding 1965 In Jodgershipp and In the Service Tribund Lyr view to at the anti-income repairing of residents of the bistor particular inclusion of the detector of the Bress frabulation approximation was preserved in the Supreme Court of Problems and it coup hearing optical for approaching the Borenner under seation of the Caut Sur Sur of the bearing optical for approaching the Borenner under seation of the Caut Sur Sur of the Caut Sur

Quoting certainners of anticipation of prometion of such other other of the resolution department in pursuance of the court decision, is has also requested to resolution termination of his probablich and the office quiving hist promotion to the next have to pay scale BS-20 or to consider this promotion from the date of the PSB is 17/02/2012 and terminate his probablic wee, if 16/02/2013 allowing him promotion to BS-20 will 17/02/2013 by proformal promotion in light of the court judgments.

The Hon the Supremy Com, of Fideland decided that (Annea 11)

"Lighting ASC for the pellitones digned the sure of this she when pointed out don't to could approach the Governior of the stroyens in terms of Section its of the civil Sections detection field for option of the stroyens in terms of Section its strong with the transmission of the petition of the field for option of the press fills permanent to each construction to the variance. This petition of the dismission is to pressed."

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

26. Rules:- (1) The Covernor or , ny person authorized by the Covernor In a l behalf, may make such rules as apprected when we be necessary or expedient for carrying out the purposes of this de-

(3) Any rules, orders or instructions in respect of any terms and conditions of at civiliservirus daily made or isstaid by an ambority competent to make them one o there inductivity before the commencement of this Art shall, in 20 for as we is turio, we does ar instructions are not inconsistent with the provisions of this Act, be accuse to be futer made another this Art.

The other was promoted to DS-19 but due to non-completion of his post.

Ad/Geale High Court Office No 33 Adjacent to

DEPARTMENT

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Khyber Pakhunkhwa is requested to pass on the

(MUHAMMAD ISIAR) SECRETARY ACRICULTURE

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(75 4) GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

SUMMARY FOR CHIEF MINISTER

Subject: <u>APPEAL FOR CONDONATION (TERMINATION) OF</u> <u>PROBATION PERIOD PROMOTIONTO NEXT HIGHER</u> <u>GRADE (BS-20) WITH RETROSPECTIVE EFFECT.</u>

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.

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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.

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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.

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.

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

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

(MUHAMMAD ISRAR) SECRETARY AGRICULTURE

MINISTER FOR AGRICULTURE

SECRETAY ESTABLISHMENT

CHIEF SECRETARY

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Alledon Tanoli nan Hocale High Court Office No 33 Adjacent to Dist Jar Ahhallabad

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

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Dated Peshawar, the /2/3/2011 *

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 reorganization / 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.	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
No. 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

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

Page 1 of 3

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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.		01	Regional Horticulture Specialist (South) FATA, D.I.Khan, BS-18	01
15.	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 1
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
L	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		o of ost	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	1	24	Agricultural Officers / Instructors BS- 17	124
2	Assistant Agriculture Information Officer, BS-17		01	Agriculture Officer (Public Relation & Publication) BS-17	01
	Sub Total	1	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 Civit 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.

Page 2 of 3

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SECRETARY AGRICULTURE.

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

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Dated Peshawar, the/// 3/2011

Copy forwarded for information and necessary action to:-

The Accountant General, Khyber Pakhtunkhwa, Peshawar.

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

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

Dated Peshawar, the

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

Copy forwarded for information to:-

Secretary to Governor, Khyber Pakhtunkhwa. PSO to Chief Minister, Khyber Pakhtunkhwa

- PSO to Chief Secretary, Khyber Pakhtunkhwa.
- PS to Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar.
- PS to Minister for Agriculture, Khyber Pakhtunkhwa.

(SAKHI-UR-REHMAN) SECTION OFFICER ESTT:

/3/2011

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

Dated Peshawar, the /3/2011

Copy forwarded for information to:-

- The Secretary to Government of Khyber Pakhlunkhwa, Finance Department with reference to his letter number quoted above.

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

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

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

Dated Peshawar, the 20/8/2011

<u>ORDER:</u> NO. SOE (AD)23-19/2009.-

<u>NO. SOE (AD)23-19/2009.</u> 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.	Name of officer	From		Downwin
No	1	· · · · · · · · · · · · · · · · · · ·		Remarks.
1		Project Director, BADP	Director Field Operation HQ (BS-19)	Against
	8S-19	(BS-19).	with additional charge of Director	vacant
			General, Agriculture (Extension),	upgraded
2.	Chardt Ichan	·	Khyber Pakhtunkhwa	post.
	Shadi Khan (BS-18)	DOA, Tank (BS-18)	District Director Agriculture	
	(03-10)		(BS-19), Tank (in his own pay &	
3.	Saadullah Khan		scale)	
	(BS-18)	Horticulturist HQ (BS-18)	Director Horticulture (BS-19), HQ,	do
4			Peshawar (ops).	
/	(BS-18)	DOA, Abbottabad	District Director Agriculture	do
5		(BS-18)	(BS-19) Abbottabad (ops)	
:	(BS-18).	PPO HQ (BS-18)	Director Plant Protection HQ	do
6			(85-19) (ops).	
1 .	(BS-18)	DOA, Lakki Marwat	District Director Agriculture, Lakki	do
7.		(BS-18)	Marwat BS-19 (ops)	·
	(BS-18)	DOA, Kohat (85-18).	District Director Agriculture, Kohat	do]
8	Qayum Jan	Sr. Instructor, ATT,	BS-19 (ops),	
1 .	(BS-18).	(BS-18).	Vice Principal, ATI, (BS-19) (ops).	do
9	Muhammad Saleem	DOA, Mardan (BS-18)	Distal Distantiant in the second second	
1	(BS-18)		District Director Agriculture, Mardan	do
10.	Iftikhar Hussain	DOA, Hangu (BS-18)	(BS-19) (ops).	
	(BS-18)	(· · · · · · · · · · · · · · · · ·	District Director Agriculture, Hangu (BS-19) ops.	clo
11	Muhammad Igbal	DOA, Haripur (BS-18)	SMS Acrosses File	·····
	(BS-18)		SMS Agronomy and Extension	do
12	Muhammad Naseem	DOA, Battagram	(BS-18) o/o DDA, Abbottabad District Director Agriculture,	· · · · · · · · · · · · · · · · · · ·
	(B <u>S-18)</u>	(BS-18)	Battagram (BS-19) ops.	do
13	Fazal Mabood	DDA (E&M) HQ	Director Agriculture Marketing, HQ	
	(<u>BS-18)</u> .	(BS-18)	(BS-19) (ops).	do
_ 14	Hassan Taj	DOA, Swabi	District Director Agriculture, Swabi	do
	(85-18)	(BS-18)	(BS-19) ops.	~
. 15	Muzaffar Khan	DOA, Peshawar (BS-18)	District Director Agriculture,	do
	(BS-1B)		Peshawar (BS-19) ops.	00
10	Zainullah Shah	DOA, Bannu	District Director Agriculture, Bannu	do
17	(<u>BS-18)</u> .	(85-18).	(BS-19) ops.	
	Ahmac Nawaz (BS-18)	DOA, DIKhan	District Director Agriculture, DIKhan	
10	Muhammad Israr	(BS-18)	<u>BS-19 (ops).</u>	
10	(BS-1B)	Senior Instructor, ATI,	Director Training / Training	-do-
19	Muhammad Imran	(BS-18) DOA, Kohistan	Coordinator ATI (BS-19) ops.	
	(BS-17) Sup.	(BS-18)	District Director Agriculture,	do
20	Haq Nawaz	Asstt. Agronomist,	Kohistan (BS-19) ops:	· ······
	(BS-17) Sug	Abbottabad	SMS Plant Protection (BS-18) o/o Distt. Director Agri: Mansehra	da
		(BS-17) Sup.	(ops).	. 4.
. 21		Waiting for posting,	District Director Agri:, Haripur	do
	(<u>BS-1B</u>)		(BS-19) ops.	
22	Muhammad Khan	APPO, Mardan	SM5 Plant Protection o/o Distt.	do
	(8S-17) Sup	(6S-17) Sup.	Director Agri. Mardan (85-18) ops.	
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· :	23	Fazli Maula	AHO, (BS-17) Sup. Swat with	District Director Agriculture, Swat	
		(BS-17) Sup	additional charge of DOA,	(8S-19) ops.	
•••	24	Obaidullah	Swat . DOA, Shangla	District Director Agriculture, Dir	do
,	ì	(8S-17) Sup	(BS-18)	Lower (BS-19) cps.	
1					
	25:	Iqbal Hussian (BS-18)	EDO Agri: Shangla (BS-19) (ops).	District Director Agriculture,	·do
i	···		(05-13) (005).	Shangla BS-19 (ops) with additional charge of EDO' Agn. Shangla.	
1	26.	Sultan Hussain Shah	DOA, Nowshera (BS-18)	District Director Agriculture,	do
••		(BS-17) Sup.		Nowshera (BS-19) ops.	
Į	27	Ehsanullah (BS-17).	DOA, Charsadda (BS-18) ops	District Director Agriculture, Charsadda (BS-19) ops.	00
!	28.	Khurshid Akbar	Asstt: Agronomist HO, Kohat	SMS Agronomy and Extension o/o	do
· ·	ł	(BS-17) Sup	(BS-17) Sup.	Distt. Director Agri., Swabi (8S-18)	
j				ops.	
	· 29	Nisar Ahmad (BS-17) Sup	APPO, Abbottabad (BS-17) Sup.	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri.	dò
• •	·	30p	(03-17) 300.	Abbottabad.	× .
	30	Javed Macbool Butt	Asstt. Director (C&PR) (BS-	Dy: Director (Coordination and	do
		(B5-17) Sup	17) Sup. o/o DDA (I).	Publication) o/o DDA (I) (BS-18)	
		Muhammad Iqbal	APPO, Malakand (BS-17) Sup	ops. District Director Agri., Malakand	do
· · ·	. 31.	(BS-17) Sup.	AFFO, Malexalla (03-17) 500	(BS-19) (ops).	
•	32	Wazir Ahmad	AHO, Abbottabad (BS-17)	SMS Horticulture o/o the District	do
		(85-17)	Sup.	Director Agri: Mansehra (BS-18)	
•	22	Navood Ighal	APPO, Mansehra (BS-17) Sup.	ops. District Director Agriculture,	do
-	33.	Naveed Iqbal (BS-17) Sup.	APPO, Mansenra (BS-17) Sup.	Mansehra (BS-19) ops.	
· ·	34.	Kamal Din (BS-17)	Asstt. Agronomy o/o DOA,	SMS Agronomy and Extension o/o	do
			Peshawar (BS-17) Sup.	the District Director Agri: Peshawar	
·		Mr. Muhammad Sajawal	Walting for Posting with effect	(BS-18) ops. Dy. Director (Planning, Monitoring	do
	351	Khan	from 27/6/2011.	and Evaluation HQ (BS-18) against	
	· .	(BS-18		vacant post (current side).	
•	36.	Fazal Rahman	AAIO o/o DDA (I) 8S-17	Agril. Officer (Public Relation &	do
		(BS-17)	Peshawar.	Publication o/o the DDA (I) Peshawar (BS-17).	· . • • •
:	37.	Zahir Ullah Khan	DOA, Karak (BS-18)	SMS Plant Protection (B5-18) ops	·
	, .	(BS-17)		o/o District Director Agriculture,	
•	79	Siddigu Muhammad	Walting for posting.	Karak. Distt. Director Agriculture, Karak	do
	·	(BS-18)	waiting for posting.	(BS-19) ops.	
•	39	Abid Kamal (85-17)	DOA, Buner (BS-18) ops	District Director Agriculture, Buner	do
) 		(BS-19) ops. SMS Plant Protection o/o Distt.	do
	: : U	Hussein Ahmad (BS-17)	APPO o/o DOA, Bannu (BS- 17) Sup. Ops	Director Agri: Bannu (BS-18) ops.	
•	41	Shams-ur-Rehman	APPO o/o DOA, Peshawar	SMS Plant Protection o/o Distt.	do
	·. •	(BS-17)	(8S-17) Sup. ops	Director Agri. Peshawar (BS-18)	
• .	47	Sakhi Marjan	APPO 0/0 DOA, Kohat (8S-17)	SMS Plant Protection o/o Distt.	do
	· • • •	(BS-17)	Sup. Ops	Director Agri., Kohat (85-18) ops.	
•	43	Adaiat Khan	APPO o/o the DOA, Swat (BS-	SMS Plant Protection o/o Distt.	do
	• • • •	(BS-17) Aamir Khan	Agril: Officer o/o DOA,	Director Agrl., Swat (BS-18) ops. Dy, Director Farm, Rakh Zandani	do
	 	(BS-17)	DIKnan (BS-17).	DIKhan (BS-18) ops	
	1.45	Muhammad Ismail	Agril: Officer o/o DOA,	Agril: Officer, Panyala o/o Distt.	do
· .	• • • • • •	(BS-17)	DIKhan (BS-17). Agril: Officer o/o DOA,	Director Agri., DIKhan (BS-17). Dy. Director Farm Ratta Kulachi,	do
	40	6 Abdui Haleem (BS-17)	DIKhan (BS-17).	DIKhan (BS-18) ops.	
•	47	1: Muhammad Irfan	Agril: Officer o/o DOA,	Dy. Director Farm Rakh Manghan,	do
_		(BS-17)	DIKhan AO (BS-17) o/o DOA, Mardan	DIKhan (B5-18) ops. SMS Agronomy & Extension 0/0	do
٠.	48	3 Abdul Qayum (85-17)		Distt. Director Agri., Mardan BS-18	
	1.			(ops)	
·	40	1 'Yuhammad Waseem	AO (3S-17) o/o DOA, Mardan	Dy. Director Farm, Jamra Farm, Mardan (BS-18) ops.	do
•	·	(85-17)		a service and open	,
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	٠	A Affi	ce No 33 Adjacent to	₹ - (U	، بب
	50.	Muhammad Naeem رَ (8S-17)	ce No 33, <u>httphad</u> gr0 (85°17) 0/0 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, Swaol	SMS Plant Protection o/o Distt. Director Agri., Swabi BS-18 (ops)	do
	52;	Haji Muhammad (8S-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) c/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 (85-17)	AO (BS-17) o/o DOA, Mansehra	SMS Horticulture o/o Distt. Director Agri., Abbottabad B5-18 (ops)	do
	57.	Altaf-ur-Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	Agril: Officer o/o Distt. Director Agri. Kohistan against the vacant	do
	58.	Falsal Khurshid	AO (BS-17) o/o DOA, Swabi	post. Agricultural Officer (BS-17) o/o	do
		(BS-17)	4.	Distt. Director Agriculture, Mansehra.	
	59.	Muhammad Tariq (8S-17)	AO (BS-17) o/o DOA, Abbottabad	Dy Director Farms, Haripur BS-18 (ops)	do
	60.	Muhammad Tahir (BS-17)	AO (85-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o DDA, Battagram (ops).	do
	-61	Tariq Mehmood (BS-17)	AO (8S-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 OOA, Harlpur	SMS Horticulture o/o DDA, Haripur BS-18 (ops)	do
	:	Yousaf Ali (<u>95</u> -17)	AO (BS-17) o/o DOA, Hangu	SMS Plant Protection BS-18 o/o Distt. Director Agri., Hangu (ops).	do
	64.	Anwar Khan (85-17)	AO (8S-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 Knan (BS-17)	AO (BS-17) o/o DOA, Buner	SMS Horticulture o/o Distt. Director Agri., Buner 8S-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
	58.	Muhammad Saeed (BS-17)	Instructor, ATI (BS-17)	Senior Instructor, ATI, BS-18 (ops)	do
		Fazal Wahab (BS-17)	Junior Instructor ATI, (BS-17) Sup.	Instructor (8S-17)ATI, Peshawar vice No. 68.	do
F		Ehtisham (BS-17)	Agril: Officer (BS-17) o/o DOA, Peshawar	Instructor (BS-17) ATI, Peshawar.	do
		Muhammad Imran (BS-17)	Agril: Officer (BS-17) o/o DOA, Peshawar	SMS Horticulture (BS-18) ops o/o Distt. Director Agrl., Peshawar.	do
	72	Abdul Nasir (BS-17)	Agril: Officer (8S-17) o/o DOA, Charsadda	SMS Plant Protection (BS-18) ops o/o Distt. Director Agrl., Charsadda.	<u>d</u> o
.	73	Hidayat Ullah (BS-17)	Agril: Officer (85-17) 0/0 DOAn Charsadda	SMS Horticulture BS-18 o/o Distt. Director Agri., Charsadda (ops)	do
	74	(BS-17) (BS-17)	CMP-II Project, Charsadda w.e.from 1.7.2011.	Repatriated / posted as SMS Agronomy & Extn. BS-18 o/o Distt.	do
	75	Mohammad Ghani (65-17)	Agril: Officer (BS-17) o/o DOA,, Karak	Director Agri., Charsadda (ops) SMS Agronomy & Extn. (BS-18) ops o/o Distt. Director Agri., Karak.	do
}	,76	Khuda Yar (BS-17)	Agril: Officer (BS-17) o/o DOA,, Bannu	SMS Agronomy & Extn. BS-18 o/o Distt. Director Agri., Bannu (ops)	do
1.		Gul Daraz (85-18)	Walting for posting	SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat.	do
, . , .	i 78.	Asif Saleem (BS-17)	AO, Nowshera (BS-17)	SMS Plant Protection (BS-18) o/o Distt. Director Agril. Nowshera (ops)	do
	•	•	•. •	1	I. 1

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		1.0	'
79 Amanuliah (BS-17)	AO, o/o DOA, DIKhan (85-17)	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri: DIKhan	do-
Note:- This of drawl	rder will be effective with eff of pay & allowances.	ect from 1-7-2011 for the purpose of	
	or hay a promotices.		· · .
		SECRETARY AGRICULTURE.	
Endst. of even No. 8	4 Date		
	ed for information and neces		n Est Second
mun me requ	est to circulate the same to a	on), Khyber Pakhtunkhwa, Peshawar all officers concerned	
2. The Director (Peshawar.	General, Agriculture (Extensi	on) FATA, Khyber Pakhtunkhwa,	· · ·
3. The Principal,	Agricultural Training Institut	te, Khyber Pakhtunkhwa, Peshawar.	
5. The Additiona	nt General, Khyber Pakhtuni Il Accountant General (PR) S	ub-Office Peshawar	÷ .* .
7. All Heads of E	t / Agency Accounts Officers he attached Department of A	s, in Khyber Pakhtunkhwa. Agriculture, Livestock & Cooperation	
8. The Chief Plan	nning Officer, Agriculture, Liv	vestock & Cooperation Doop tmont	
St. Mil Section Of	ficers in the Agriculture Depa Government Printing Press,	artment.	
11. The Director (of Information Government of	F Khyber Pakhtunkhwa Dochawar	•
13.PS to Chief Se	cretary, Khyber Pakhtunkhwa	/a.	
14,PS to Secretar	y Agriculture, Khyber Pakhta of the officers concerned.	Inkhwa.	
		1374	•
	Λ	(MUHAMMAD ZAHID) SECTION OFFICER - ESTT:	
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Section 2. Section 2.

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GOVERNMENT OF KHYBER PARITUNKHWA 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 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all notifications issued in this behalf to the extent of Agriculture Extension Wing, the Agriculture, Livestock and Cooperation Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to this Notification, which shall be applicable to the posts mentioned in column 2 of the said Appendix in the Directorate of Extention Wing of the Agriculture Department.

APPENDIX

PART-I

PROFESSIONAL STAFF

ł		<u>17/((1-</u>	- <u></u>	Mail Arstadtenen 1211-
		PROFESSION.	AL STAFF	
1.				Advocate Aight Method of recruitment. Office No: 33 Adjacent
	· · · · · · · · · · · · · · · · · · · ·			
Ş.	Nomenclature of post.	Qualification for	Age limit.	Method of recruitment. Office No. Sor Children Sor Children Sort
No		appointment by		Distr
	· · ·	initial recruitment.		
	2	3	4	5
- J.)	Director General,		·	By promotion, on the basis of
1	Agriculture (Extension)		5	seniority-cum-fitness, from amongst
	Khyber Pakhturikhwa /] .	the Officers (BPS-19) of the
1	Director General."			Agriculture Extension Wing having
	Agriculture (Extension)			M.Sc Agriculture on
	FATA / Principal;		1	B.Sc Degree in Agriculture from a
	Agricultural Training		1	recognized Agriculture University.
	Institute, Peshawar			
· ·	(BPS-20).		i	
2.	Directors Field Operation			By promotion, on the basis of j
1 ² '	/ Plant Protection /			seniority-cum-fitness, from amongst
	Horticulture / Agriculture			the Officers (BPS-18) of the
	Marketing / Coordination.			Agriculture Extension Wing with
	Planning and Monitoring /		· ·	seven years service in BS-18 or 12
			·	
1	Model Farm Services	•		years service in BS-17 and above
	Centre / Seed / Training			having M.Sc Agriculture or
	and Training Coordinator	· · · ·		B.Sc Degree in Agriculture from a
	Agriculture Training			recognized Agriculture University.
	Institute / Director		1	
	Agriculture / District		1	
1	Directors Agriculture /		1	
1	Vice Principal, Agriculture			
	Training Institute and			
	Executive District Officer			
	Agriculture (BPS-19).		· .	
3	Deputy, Directors	· · · · ·		By promotion, on the basis of
	(Planning, Monitoring and			seniority cum filness, from amongst
	Evaluation) / Plant	•		the BS-17 Agricultural officers /
	Protection / Horticulture /	,	1	Instructor/Agriculture Officer Public
ł	Acriculture Marketing	· · ·		Relation and Publication of
	/Agriculture(Information)		Ì	Agriculture Extension Wing with five
ł	/ Coordination and	1 ·		years' service as such, having M.Sc
			1	Agriculture or B.Sc Degree in
	Publication /Senior		i	Agriculture from a recognized
	Instructors, Agriculture			Agriculture University
	Training Institute /subject			Agricollule Oniversity.
	Matter Specialists Plant			
	Protection/Agronomy and	j		
1	Extension / Horticulture /	1	1	
· · · ·	Plant Protection Officers		i	1 11
1	Deputy. Director Farms /			1 Contraction
	Agency Officers		i	
	Agriculture and		i 1.	
	Horticulture Specialists		·[·	
I.	(6PS-18).	····		

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			н. 19	
	•			
4	Agriculture Officers /	At least 2 nd Division M.Sc/	21 10 32	a). Twenty-live percent by
· ·	Agriculture Officers	B.Sc (Hons) Degree in	years.	promotion, on the basis of
	Public Relation and	Agriculture from a		seniority cum fitness, from
	Publication and	recognized Agricultural University.		amongst the holders of the post of
	Instructors (BPS-17).	l Oniversity.		Agricultural Inspectors with at
·				least fifteen years service as Agricultural Inspector and Field
				Assistant; and
				b). seventy-five per centreby initiat
5.	Instructor Islamiyat	Mahi Carlina O		recruitment.
Ĩ.	(BPS-16).	Molvi Fazil or Sanadul Faraghat from Wafaqi	21 to 32	By initial recruitment.
		Madrasa or equivalent	years,	
	, ,	sanad from a recognized		
6	Equipment Engineers	religious institution		
Ĩ	(BPS-16).	(a) Secondary School Certificate from a	18 to 28	By initial recruitment.
		recognized Board; and	years.	
		(b) Diploma in Electronics		
		from a recognized		
		Polytechnic Institute or College of Technology		
1.		with two years	· · .	
	,	experienced of Audio	į .	
ŀ		Video.equipment]	
	· •	installation maintenance		
		and repair with sufficient knowledge of handling		
_	la anti i stan anna an i	such equipment		
· .	Artists (BPS-11).	(a) Secondary School	18 lo 28	By initial recruitment.
		Certificate from a recognized Board; and	years.	
	· · ·	(b) Diploma or certificate in	·	
•		fine art from a recognized institute		
· .		with two years		Attestal
••		experience of	;	ALLOSON
8	Electricians	(a) Secondary School		
	(BPS-11).	Certificate from a	18 lo 28 years.	By initial recruitment
		recognized Board; and		
		(b) Diploma in Electrical from a recognized	Ì	
	•••	Institute with	*	Myran nad Arshad Khan Tar
		·appropriate technica		Advocate High Court
1		knowledge of repairs, maintenance and		Office No 33 Adjacent
		handling of Electric		Diett Dar ALLatel
•••		Supply / Lines /		
9	Penal Operators	equipment.		
	(BPS-11).	(a) Secondary School Certificate from a	18 10 28	By initial recruitment.
		recognized Board; and	years.	
		(b) Diploma in Electronics		
		from a recognized Institute with sufficient	1 .	
		knowledge of handling		
		console / audio video		
•		equipment and its		2.1.7
		repair and maintenance.		VII I I I I I I I I I I I I I I I I I I
10	Physical Instructors	Secondary School	18 lo 28	10 m m m m m m m m m m m m m m m m m m m
	(BS-11).	Certificate from a	years,	By initial recruitment,
	· ·	recognized Board with		
		junior Diploma in physical education or Ex-Service		
'i	•	man who hold Secondary		
l /		School Certificate and	1	
\ .		served the defence force		
	· · · · · · · · · · · · · · · · · · ·	for at least five years as non-commission officer.		
11	Photographers	(a) Secondary School	18 lo 28	Destates a final destate and the second
	(BS-11).	Certificate from a	years.	By initial recruitment.
Ì,		(b) Certificate in		
Ĺ.		pholography from a		
1	and the second secon		1	

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					with three years experience in portrait /		
	· · .		• .		landscape pholography		
		• `	· .		with appropriate		
				1	knowledge and practice		
	1				of commercial		lin l
	ł	1		1	pholography.		
·	12	Vid	eo Camera	À l			By initial recruitment.
			erators	Sec		years.	
		(B	PS-10).	Cer	tificate from a ognized Board with four		
		.		l rec	ars experience in.		
•••				Ou	tdoor Photography.	·, [·	
		1.			cumentary, Editing and	··	- 「「「「「「「「「」」」」 - 「「」「「」」 - 「」 - 「」 - 「
•				Co	mmercial.	18 10 28	By initial recruitment.
	13		ist-cum-	Dip	oloma in Arts from a cognized Institute of Arts	years.	
	1		otographers	· rec	h sufficient experience in	Velia	- 이상 이 이 이 이 이 이 이 이 이 가 있는 것이 아니 아니 아이
	· ·	, (6)	SPS-9).		otography.		
÷	14	An	riculture Inspectors				By promotion, on the basis of seniority-cum-fitness, from
. • •	· "		PS-9)				amongst Field Assistants with at
	1			1.			least five years service as such.
	1			10) At least 2 nd Division in	"18 to 28	By initial recruitment.
	15	1	eld Assistants. PS-6).	. 16	Secondary School	years.	
	1.				Certificate with science		
		:			from a recognized		A n l po l n b
		1.			Board; and) Certificate of passing	•	Affester
	ŀ		;		two years training		ATT A AND A
					course from Adricultural	•	
					Training Institute	18 10 28	By initial recruitment.
•	16		tock Assistants	(6	Secondary School	years.	
÷		10	3PS-6).		Certificate with science		h k the
• •		i.			from a recognized	•	
÷			· 1		Board; and		Multantinsd/Arsthatt Khan Tar
::	· ·	ł			b) Certificate of passing		Advocate High Court
		.			two years training course from Agricultural	· .	Office No 33 Adjacent
•			· · · · · · · · · · · · · · · · · · ·		Training Institute.		Distt . 3ar Abbotteher
	1.	7 1	Laboratory Assistar	nts /	At least 2 nd Division in	18 to 28	(a) Filty percent by promotion.
•			(BPS-6).		Secondary School	years.	on the basis of seniority-
•	· .			· (Certificate with science	1	cum-filness, from amongst Laboratory Altendants with
			•	- 1	from a recognized Board.	1	three years service as such.
							having Secondary School
				1	• • •	1	Certificate with science from
			•	·			a recognized Board; and
	•		• .			ļ ,	(b) Fifty percent by initial
	ļ	1			- · · · ·		By initial recruitment.
		18	Pharmacy .		Secondary School		
	ļ		Technicians (BPS-0).		Certificate from a second vitin	1	
		·	(an ora).	.	Dispenser Certificate from		
	ł		•		Health Department.	۳ • • • • • • • • • • • • • • • • • • •	
•	•	19	Heavy Duty Driver		Experience in driving	18 to 40	
	•	1	(BPS-6).	.	having heavy vehicle	years.	171
		20	Driver-Cum-Opera		driving lincence. Middle pass having heavy	18 to 4	0 By promotion, on the basis of
		20	(BPS-6).		Motor driving lincence and	years.	
					experience in handling		amongst the vehicle drivers with
	•		-		projector.		three years experience.
	. 1	21	Projectionist-cum	• •	Literate possessing a valid driving lincence and having	18 to 3 years.	
			Drivers (BS-6).		three years experience in a		
					relevant field.	Ì.	
					Note:- preference will be		
					given to the holders of		
		~~			certificate in film projection.	·	By transfer from amongst Fitter
	i	2.2	Mechanics (BPC 5)		· · ·		with three years service as such
	· }	23	Fillers		Middle pass certificate from	1 8 10 2	
	ľ		(BPS-5).		a recognized Institute.	years	
	i	24	Budders	•	Meddle pass with	15 to 4	
	. 1	-1-	(BPS-5). Electricians		experience in budding.	years 13 to 4	
	ļ	25	(BPS-5).	•	Secondary School	years	
	I		T. Maria anti-	• •			n de la companya de l Na companya de la comp
				•	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·

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	i	· · · · · · · · · · · · · · · · · · ·	recognized Board with			- 1		••• • ••• ••••		:
		l t	certificate as Electrician.		· .			· · · ·		
	26	Tractor Drivers	Having tractor driving	•••	18 to 40	By initial r	ecruitment,			
		(BPS-5).	lincence with two years		• years.		i in i	•		2
:	۰.		experience in handling Tractor.		. •			1	l	÷
	27	Vehicle Drivers	Experience in Driving with	ьİ	18 10 40	Buintini				
		(BPS-4).	light véhicle driving		years.	by minarr	ecruitment.			ć
	- 60		lincence.							
	28	Thresher Operators	Middle pass one year	1	18 10 40	By Initial r	ecruitment.	1 * 1 * * * * * * * * * * * * * * * * *		7
•'			experience in the Thresh Operator.	er	years.	1· .				1
• .	29	Tube Well Operators	Two years experience in	·· -	18 10 45	By initial				r .
	! 	(BPS-1).	the operating tube wells.	ŀ	years.	by million	ecruitment,	· ·		
	30	Tractor Cleaners /	One year experience as	· [18 10 45	By initial r	ecruitment,	· · . ·	1 ()	1
•		Helpers of Driver	Cleaner.	1	years.			e di la	here.	1
	31	(BPS-1). Malies	Experience in flower culti			·		$\Delta \mathcal{U}_{\mathcal{L}}$	all	N.
		(BPS-1).	and horticulture.	ure .	18 io 45 years.	By initial r	ecruitment,	IM	l ·	
:	32 -	Carpenters	Five years experience as	·	18 to 45	By initial r	ecruitment.	· · · / D · · · ·	il	÷
1	22	(BPS-1).	carpenter.	· ·	years.				1/1/.	
:	33	Field Workers / Cook / Depot Colies /	Experience in the relevan	nt	18 to 45	By initiat r	ocruitment		A TAVIE	
		Laboratory	neid.	•	years,	ŀ		Aug	Tano	
4		Attendants / Mess					Multanthan	Arshad Khan		
:	• •	Boys & Sweeper (BPS-1).			,		. VA duad	ATA HIGH VY	CTT-	;
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ŕ	34	Assistant Accounts			- B	y promotion,	on the basis	of		
		Officers (BPS-17).				eniority- cum	-fitness_from	n amonost	ŀ•.	
	:		• •		in in	e holders of	the posts of	· •	1 - 2	
	. :					dministrative uperintende	e Officers /		ł	
	35	Administrative	and and a set of a set of a set of a set of a set of a set of a set of a set of a set of a set of a set of a se	• •	-	By transfer fr	om amongsl	lhe	j . I	
		Officers (BPS-16),	· · ·		S	uperintende	nts".	l i	·	
	36	Superintendents	·····		- a)). Ninety per	rcent by pror	notion, on	1	
		(BPS-16).	· . · ·		{h	ie basis of si	eniority- cum	-filness.]	
		a 11		. 	·	om amongst f Assistanti	the holders Accountants	of the posts	í	,
	i	•	· · · ·	}	ye	ears service	as mich; and			
.				÷ ا	- Ь), len percen	It by promotio	on on the	ļ.	
					bi bi	asis of senio	rity- cum-fith	ess, from		
1					· 0	enior Scale ears service	Stenographe	rs with five		
ĺ	37	Senior Scale	••	· .	<u> </u>		on the basis	s of		
		Stenographers		ĺ	s	eniority-cum	-fitness, from	amonest		
	l	(BS-15).	· · ·		Ju	unior Scale.	Steriographo	ers /		
	.		· · ·			omputer Op ervice as suc	erators with	three years		
· -	38	Assistants /	At least 2 nd Division	18 1	to 28 (a), Seventy-fiv	e percent by r	romotion, on		
Ì		Accountants (BPS-14).	Bachelor's Degree from	ye.	ars, 1 ln	ie basis of ser	hiority-cum-htm	iess kom		
i			a recognized University.	ļ	្រោ	ireelyears sor	/ Seniors Cle vice as such;	and		
			•	ŀ	(0	 twenty-five cruitment, 	percent by inj	lial		
	39	Junior Scale	(a). Secondary School	181		y initial recru	litment			
		Slenographers (BPS-12)	Certificate or an		ars.	,	i i			
		(61-3-12).	equivalent qualification from a recognized	į			• .*.	1		
			Board; and	l	1					
ļ		· · ·	(b), a speed of eighty	i .] •			2	Ľ.	
			words per minute in shorthand in English and	· ·	· [•.	. ·		M	· · ·	
Í		· · ·	thirty-five words per	.				•		
Ì			minute in typing.							
	40	Computer Operators (BS-12).	At least 2 nd Division		to 28 B	y initial recru	iltment.		•	• .
[(00-12).	Bachelor's Degree from	yea	ars.	•	•	•		
		• .	a recognized university with one year diploma in				÷			
		ا	Information Technology					I		
1	41	Video Camera	At least 2 nd Division	18:	0 28 B	initial recru	ilment	•••		
•	ĺ	Operator (BPS-10).	Secondarý School		ars.				•••••••••••••••••••••••••••••••••••••••	
	·	,	Certificate with two			· .:				•
1	ļ		years experience in Outdoor Seismugraph			,				
			, service and the service of the ser		ł	·		.		-
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Advocate High Court

Office No: 33 Adjacent to

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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 Depott (BPS-5). 43 Senior Auditors (BPS-5). (a). Secondary School Cortificate or an equivalent qualification from a recognized Board; and (b). a speed of thirty words per minute in typing. 18 to[28] (a). Secondary School Cortificate or an equivalent qualification from a recognized Board; and 18 to 28 years. By promotion, on the basis of seniority-cum-fitness, from amongst Junior Auditors with Wo years service as such. 45 Junior Auditors (BPS-6). Secondary School Certificate or an equivalent qualification from a recognized Board; and 18 to 28 years. By initial recruitment 46 Store Keepersr/Time Keepers and Deport keepers (BPS-5). Secondary School from a recognized Board; 18 to 28 years. By initial recruitment 47 Calligraphers (BPS-5). Friferably literate. 18 to 42 years. By initial recruitment 48 Naib Oasids (BPS-1). Preferably literate. 18 to 45 years. By initial recruitment. 49 Naib Oasids (BPS-1). Preferably literate. 18 to 45 years. By initial recruitment. 49 Naib Oasids (BPS-1). Having experienced in vears. 18 to 45 years. By initial recruitment.		· I .					
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SÉCRETARY ጉል ርር VERNMENT OF THE KHYNGE PA KIITUNKIINA.

COOP: DEPARTMENT. LIVESTOCK $\Lambda N1$

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Copy forwarded for information and necessary action to: --

The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.

The Secretary to Govt. of Khyper 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 Distrlict Officers (Agriculture), Khyber Pakhtunkhwa. The Secretary to Governor, Khyber Pakhtunkhwa.
- The PSO to Chief Minister, Khyber Pakhtunkhwa. 8,
- The PSO to Chief Secretary, Khyber Pakhtunkhwa. 9.
- 10.
- The PS to Additional Chief Secretary, FATA, Warsak Road, Peshawar. The PS to Minister for Agriculture, Khyber Pakhtunkhwa, 11.
- 12.

The Director General, Agricultural (Extension), Khyber Pakhtunkhwa, Peshawar The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested that 13.

- printed (preferable gazette) copies of the notification as and when published may be furnished to this Department, E&A and Law Department along with details of gazette in which is
- 14 PS to Secretary Agriculture.

Muhanutarshad Khan Tanoli Advocate High Court Office No. 33 Adjacent to Distt ' 3ar Abbettabad

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GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE ENVESTOCK & COOPERATI DEFARTMENT

Dated Peshawar, the September 14, 2012

SD/x CHIEF SECRETARY

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

 	1 On 1 July, 2012, is figured and	Date of Birth	Date of 1st entry in	pr	Regular ornotior	appointment/ to present post	Present	Remarks	-
No	Name of officer with academic qualifications	and domicile	to Govt. service	Date	BS	Method of Recruitment			•
· · · · ·	Saadullah Khan,	24.5.1954	13.1.1977	21.4.2012	19	By Promotion	Horticulturist HQ		-
1.	M.Sc. Agri:, Soil Science.	Bannu .	Agri: Officer		· · · ·		DOA, Abbottabad	· · · · · · · · · · · · · · · · · · ·	;
	Mubammad Younas,	<u>3.4.1953</u>	<u>15.1.1977</u> Agri: Öfficer	21.4.2012	; 19 !	By Promotion	DOA, ADDOLLADAD		
	M.Sc. Hons: Agri: Chemistry	Abbottabad	<u>21.1.1977</u>	21.6.2012	19	By Promotion	Director PP HQ	1]
3.	Abdur Rashid, M.Sc. Hons: Agri:	Swat	Agri: Officer		ļ			<u> </u>	
	Plant Breeding & Genetics. Sadiq Hussain Shah,	14.11.1952	26.12.79	21.6.2012	19	By Promotion	EDO`Agri: Haripur (ops)	:	•
:	M.Sc. Agri: Soil Science.	Mansehra	<u>26.12.79</u>	: 1.21.5.2012	19	By Promotion	DOA, Kohat	· · · · · · · · · · · · · · · · · · ·	:
5.	Isntiaq Ahmad, M.Sc. Agri: Soil Science.	Kohat	Agri: Officer			· · · · · · · · · · · · · · · · · · ·	;	÷	
	S. Riaz Ahmad Shah,	14.7.1952	26.12.79	+21.6.2612	19 ·	By Promotion	EDO Agri: Mansehra	•••	· .
: 0.	M.Sc. Hons: Agri: Agronomy.	Mansehra.	Agri: Assit:	<u> </u>	<u>.</u>	·			

Certified that the above list is final and undisputed.

Endst. No. and date even Copy to the:-

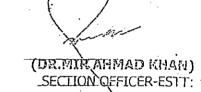
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- 1. Principal Secretary to Chief Minister, Knyber Pakhtunkhwa.
- Director General, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.
 PS to Chief Secretary, Khyber Pakhtunkhwa.

- PS to Secretary Establishment, Khyber Pakhtunkhwa.
 PS to Secretary Agriculture, Livestock and Cooperative Department.
 Officers concerned.

Advocate

7. Manager, Government Printing Press, Peshawar.



وكالت نام كور<u>ٹ</u> فيس Tribunal KPIC Poshawar Service - phi Gove of Icpic Mohat Youmas Petitione Service Appeal نوعية مقدمه: باعث خريراً نکه مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروٹی و جواب دہی کل کاروائی متعلقہ آں مقام Atd Mohd Arshad Ichan Tanali Adv He DTD کودکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کوکر نے راضی نامہ دتقر رثالث و فیصلہ برحلف ودینے اقبال دعویٰ اور بصورت دیگر ڈگری 🖕 کرانے اجراء دصولی چیک روپیہ دعرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل پاکسی جزوی کا روائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کواپنے ہمراہ اپن بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختہ مجھ کومنظور دقبول ہوگا۔ دوران مقدمہ جوخر چہ دہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایارقم وصول کرنے کا بھی اختیار ہوگا۔اگرکوئی پیشی مقام دورہ پر ہویا حدے باہر ہونو دکیل صاحب موصوف پابند ہوں گے کہ پیردی مقدمہ مذکورہ کریں اور اگر مختار مقرر کر دہ میں کوئی جز و بقایا ہوتو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے ۔ نیز درخواست بمراد استجارت ناکش بصیغہ مفلسی کے دائر کرنے ادراس کی پیروی کا بھی صاحب موصوف کوا ختیار ہوگا۔ لہذاد کالت نام تحریر کردیا تا کہ سندر ہے۔ المرقوم ccelo قاص فوٹوسٹیٹ کچہری(ایبٹ آباد)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT ABBOTTABAD

Appeal No 775/2018

Muhammad Younas

<u>VERSUS</u>

Chief Secretary Govt. of Khyber Pakhtunkhwa & others

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DEPONENT

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

<u>VERSUS</u>

- 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.

<u>ON FACTS</u>

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

Para-6

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 of The appellant is not eligible for grant of proforma promotion from BS-19 to BS-20.

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.

<u>GROUNDS</u>

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

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

PESHAWA

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT PESHAWAR

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

مریخ DISTRICT DIRECTOR AGRICULTURE ABBOTTABAD

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, CAMP COURT ABBOTTABAD

Appeal No 775/2018

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

<u>Appellant</u>

<u>VERSUS</u>

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 Parawise 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

DISTRICT DIRECTOR AGRICULTURE

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NOTIFICATION.		La Lation Board, the	I	
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Department from BS-18	event Sr.1 Le till his retirement	date:-	· · · ·	· 公 · · · · · · · · · · · · · · · · · ·
probation for a period of	to BS-19 on regular occurs one year, except Sr.1 i.e till his retirement	•		
• Mr Nažir	nud-Din		i	
2 Mr.Saadu	llan Khan	· .	!	
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	on their promotion, they are hereby transfer	red/adjusted as under:-		
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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
- 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 or probation.

Rich (15) anninder vide Notification No. SOR-W (ENAD)1-3/2009 Not-Will alt 16/2/2010 Fill No. (2) If no e initial probation intended, and period or to sub-section Act, 1973, b

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GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Dated Peshawar, the March 14, 2013

DOTIFICATION

(H2-20E(4D)/21-174/2013/EW:-In terms of provisions of Rule-20 of the Explore Pathtunkhwa Civil Servants Revise Leave Rules, 1981 and instructions contained there under issued from time to time, sanction is hereby accorded to the encashment of theory Preparatory to Retirement, equal to 365-days pay w.e.f 03-04-2012 to 02-03-2012 in favour of Mr. Muhammad Younas, District Director Agriculture, schellabad.

In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act (1921), the officer shall stand retired from service with effect from 02-04-2013 (A.N) on (4.1) on (4.1) of the age of superannuation.

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Copy for information and necessary action to the:-

Subjection General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar w/r to Subjection No: 12/189/Estt/4047/DG dated: 07-03-2013.

- De District Comptroller of Accounts, Abbottabad.
- .) Officer concerned.

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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

edings.

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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

