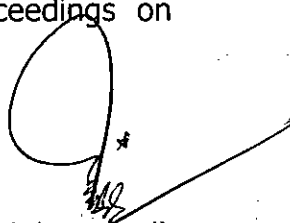


25.01.2022

Clerk of counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: Advocate General for respondents present.

Former requests for adjournment due to general strike of the bar. Adjourned. To come up for further proceedings on 14.03.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

14.03.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09.06.2022 for the same as before.

  
Reader.

09.06.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Asad-ud-Din Asif Jah, Superintendent for respondents present.

Representative of the respondent department submitted Notification No. SOE(AD)21-226/80/Sardar Ali/490 dated 28.03.2022 which is placed on file and stated that the department has implemented the judgement of this Tribunal conditionally subject to CPLA. Therefore, the instant petition is disposed off. File be consigned to record room.

  
(Farzeha Paul)  
Member (E)

07.12.2021

Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Asad Ud Din Asif Jan, Supdt for respondents present.

Learned AAG requested for short adjournment and committed at the bar that implementation report will be submitted on the next date. Adjourned. To come up for further proceedings on 14.12.2021 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)


14.12.2021

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Jalal Ud Din, Director Marketing for respondents present.

Representative of the respondents submitted letter dated 10.12.2021 addressed to the Section Officer (Estt) Agriculture Livestock and Coop. Department which is placed on file. A copy of the same is also handed over to the appellant. Representative of the respondents seeks time to submit proper implementation report on the next date. Adjourned. To come up for further proceedings on 25.01.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

Annex: "C" 15

 Ph: 091-9223488 Fax: 091-9212556	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA</b> <b>TRANSPORT &amp; MASS TRANSIT DEPARTMENT</b> <small>(Mian Rashid Hussain Shaheed Memorial Block, Civil Secretariat Peshawar Khyber Pakhtunkhwa)</small>
	No. SO (Lit)/TD/16-2/2020/Imran Khan / 1661-05 Dated: 15-03-2021

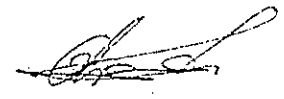
To,

Mr.Imran Khan,  
Naib Qasid (BPS-03)  
Office of the Secretary  
Regional Transport Authority  
Bannu.

Subject: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 14.12.2020 WHEREBY THE APPELLANT MR.IMRAN KHAN N/Q (BS-03) WAS ILLEGALLY TRANSFERRED FROM REGIONAL TRANSPORT AUTHORITY BANNU TO REGIONAL TRANSPORT AUTHORITY DIKHAN.**

I am directed to refer to your departmental appeal No.Nil dated 26.12.2020 on the subject noted above and to state that one Mr. Islam Bahadur was transferred from D.I Khan to Bannu against your place in light of order dated 10/6/2019 passed by the Peshawar High Court Bannu Bench in W.P No.50-B/2019 as well as COC No.161-B/2020. In continuation of your departmental appeal, you have personally being heard by the competent authority (Secretary Transport) on 11/3/2021 in his office.

In light of above, therefore you are directed to continue your duties at Regional Transport Authority DIKhan and your departmental appeal is regretted please.



SECTION OFFICER (LIT)

**Endst. No. & Date Even**

A copy for information to the:

1. Section Officer (Estb) TMTD Peshawar.
2. Section Officer (Admn) TMTD Khyber Pakhtunkhwa.
3. The Assistant Director (Legal) Directorate of Transport Peshawar w/r to his letter No.Dir/TPT/AD(L)/2026-29 dated 28.01.2021.
4. PS to Secretary, Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
5. Master File.



SECTION OFFICER (LIT)

DPA

09.06.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Asad-ud-Din Asif Jah, Superintendent for respondents present.

Representative of the respondent department submitted Notification No. SOE(AD)21-226/80/Sardar Ali/490 dated 28.03.2022 which is placed on file and stated that the department has implemented the judgement of this Tribunal conditionally subject to CPLA. Therefore, the instant petition is disposed off. File be consign<sup>ed</sup> to record room.

(Fareeha Paul)  
Member (E)



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

Dated Peshawar, the 28<sup>th</sup> March, 2022

**NOTIFICATION**

**NO. SOE(AD)21-226/80/Sardar Ali: 1490** In light of Khyber Pakhtunkhwa, Service Tribunal, Peshawar Judgment dated 28.09.2020 and in supersession of this Department's notification dated 06.09.2017, the Competent Authority is pleased to convert the minor penalty of "withholding of promotion for two years as well as withholding of two increment" into "CENSURE" subject to the decision of CPLA filed by the Govt. of Khyber Pakhtunkhwa, in respect of Mr. Sardar Ali, Ex-District Director Agriculture (BS-18), Tank.

SD/-  
**SECRETARY AGRICULTURE**

**Endst. of Even No. & Date:**

**Copy forwarded for information and necessary action to:**

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer, Tank.
3. P.S to Chief Secretary, Khyber Pakhtunkhwa.
4. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
5. Officer concerned.
6. Master File.

**SECTION OFFICER-ESTT:  
AGRICULTURE DEPARTMENT**

S/E PL  
31/3/22  
E/L PL  
31/3/22

363  
31/3/22

General Diary  
No. 1830  
Date 31/3/22  
Directorate Agriculture  
EXT. KPK Peshawar

22.09.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith Numan Khalil, Assistant Litigation for the respondents present.

Learned counsel for the petitioner is not in attendance. Petitioner requests for adjournment. Request is accorded. Case to come up for further proceedings on 27.10.2021 before S.B.

  
Chairman

27.10.2021

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Numan Khalil, Assistant Litigation for respondents present.

Vide order dated 09.06.2021 it was observed that no suspension order of the judgment is in filed in pursuance of filing of CPLA No.533-P/2020. The respondents are required to implement the judgment of this Tribunal subject to the decision of CPLA. The respondents filed the implementation report on 02.09.2021 and reply of the same has been submitted today by the petitioner. The petitioner in his reply has emphasized about his entitlement for promotion to BS-19 who because of the penalty was not promoted while his juniors were promoted. Obviously, the penalty pertaining to the withholding of the promotion and increments was converted into censure with all back benefits. Needless to say that promotion to the Higher grade is also included in the back benefits. The respondents despite direction for conditional implementation of the judgment are failing in doing the needful. They are strictly directed to implement the judgment as to the back benefits including promotion subject to decision of CPLA. Adjourned. To come up for implementation report on 07.12.2021 before S.B.

  
Chairman

EP 26/21

29.07.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Nauman, Senior Clerk for the respondents.


Respondents despite clear direction about issuance of conditional implementation report, has not done the needful. They are strictly directed to do the needful positively before next date. Case to come up on 02.09.2021 before S.B.

  
Chairman

02.09.2021

Mr. Muhammad Saddique, Advocate, Junior of learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Noman, Litigation Assistant for respondents present.

Representative of the respondents submitted implementation report which is placed on file. Copy of the same is also handed over the learned counsel for the petitioner. Adjourned. To come up for further proceedings before the S.B on 22.09.2021.

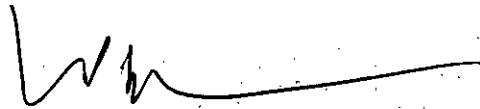
  
(MIAN MUHAMMAD)  
MEMBER (E)

05.04.2021

Petitioner in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Nouman Junior Clerk for respondents present.

Implementation report not submitted. Representative of respondents requested for time to submit implementation report.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned to 09.06.2021 before S.B.



(Atiq Ur Rehman Wazir)  
Member (E)

09.06.2021

Petitioner alongwith counsel and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG stated that the respondents have filed CPLA No. 553-P/2020 before the August Supreme Court of Pakistan, but no suspension order of the judgment is in field. The respondents are directed to implement the judgment of this Tribunal subject to decision of CPLA. To come up for compliance report on 29.07.2021 before S.B.



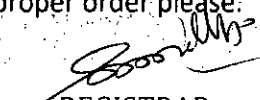


Chairman



FORM OF ORDER SHEET

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

Execution Petition No. 26 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.01.2021	<p>The Execution Petition submitted by Mr. Sardar Ali through Mr. Muhammad Asif Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2- This Execution Petition be put up before S. Bench on <u>12/02/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>12.02.2021</p> <p>Nemo for petitioner.</p> <p>Notice be issued to petitioner/counsel and respondents for 05.04.2021 for implementation, before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Execution No. 26 /2021  
in Appeal No. 60/2018

Sardar Ali, Ex-District Director,  
Agriculture Extension, District Tank..... Appellant

**Versus**

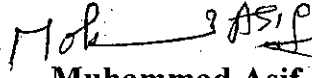
Govt. of K.P Khyber through Chief Secretary and another..... Respondents

**I N D E X**

S.No.	Description of documents.	Annexure	Pages.
1	Implementation application with affidavit.		1-2
2	Photocopy of the decision dt.28.09.2020	A	3-9
3	Photocopy of the application dated 24.11.2020	B	10
4	Wakalatnama.		11

  
Petitioner

Through



**Muhammad Asif**

Advocate,

Supreme Court of Pakistan

Off: 214 Syed Ahmad Ali Building  
near Taj Autos, Sunehri Masjid  
Road, Peshawar Cantt.

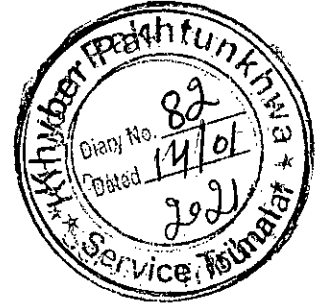
Cell: 0302-8885187

Off: 091-5279292

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Execution No. 26 /2021  
In  
Appeal No.60/2018



Sardar Ali, Ex-District Director,  
Agriculture Extension, District Tank..... Appellant

**Versus**

- 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Secretary, Govt. of Khyber Pakhtunkhwa Agriculture Department, Civil Secretariat, Peshawar..... Respondents

**Application for a direction to respondents to  
implement the decision of this Hon'ble Tribunal  
dated 28.09.2020 in its letter and spirit.**

*Respectfully Sheweth;*  
Petitioner submits as under:

- 1) That petitioner was serving as District Director in the respondent-department.
- 2) That vide order dated 06.09.2017 passed by Chief Minister, KPK, petitioner was awarded minor penalties of withholding of promotion for two years as well as withholding of two increments.
- 3) That petitioner on 16.10.2017 filed review petition which was not accepted on 20.12.2017.
- 4) That petitioner filed an appeal before this Hon'ble Tribunal in which notice was issued to respondents.
- 5) That respondents appeared and filed the reply. However, after hearing the arguments the following orders were passed

“the upshot of what has been discussed in the  
foregoing paras the appeal of the appellant is partially

accepted and the impugned orders dated 06.09.2017 and 20.12.2018 are modified to the extent that the minor penalty of withholding of promotion for two years as well as withholding of two increments and converted into minor penalty of "censure" with all back benefits.

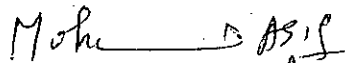
(Photocopy of the decision is Annexure "A").

- 6) That petitioner on 24.11.2020 moved an application to respondents for the implementation of the decision of this Hon'ble Tribunal. (Photocopy of the application is Annexure "B")
- 7) That more than 42 days have been passed but uptil now the respondents have not implemented the decision rather has orally refused to implement the same.

It is, therefore, requested that directions may kindly be issued to respondents for the implementation of the decision dated 28.09.2020 passed by this Hon'ble Tribunal.

  
Petitioner

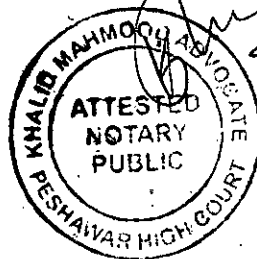
Through

  
**Muhammad Asif**  
Advocate,

Supreme Court of Pakistan  
Off: 214 Syed Ahmad Ali Building  
near Taj Autos, Sunehri Masjid  
Road, Peshawar Cantt.  
Cell: 0302-8885187  
Off: 091-5279292

**AFFIDAVIT**

I, do hereby affirm and declare as instructed by my client that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



13-1-21

  
Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 60 /2018

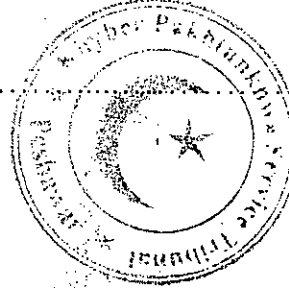
Annex A

3

Sardar Ali  
District Director  
Agriculture Extension, District Tank

Appellant

Versus



Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 44

Dated 16-1-2018

1. The Govt. of Khyber Pakhtunkhwa  
through Chief Secretary,  
Civil Secretariat, Peshawar.

2. The Secretary  
to Govt. of Khyber Pakhtunkhwa  
Agriculture Department,  
Civil Secretariat, Peshawar.

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORIGINAL ORDER DATED 06.09.2017 ENDORSED ON 18.09.2017 WHEREBY THE APPELLANT WAS AWARDED MINOR PENALTY OF WITHHOLDING OF PROMOTION FOR TWO YEARS AS WELL AS WITHHOLDING OF TWO INCREMENTS FOR TWO YEARS AGAINST WHICH APPELLANT FILED REVIEW PETITION ON 16.10.2017 BEFORE THE COMPETENT AUTHORITY WHICH WAS UNLAWFULLY REGRETTEED VIDE IMPUGNED APPELLATE ORDER DATED 20.12.2017 WHICH WAS COMMUNICATED TO APPELLANT ON 05.01.2018.

*Mudat Jay*  
*Registrar*  
16/1/18

PRAYER:

On acceptance of the instant appeal, the impugned original order dated 06.09.2017 and the impugned appellate order dated 20.12.2018 may graciously be brushed aside and the penalty imposed upon appellant be withdrawn with all back benefits.

ATTESTED

ATTESTED

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

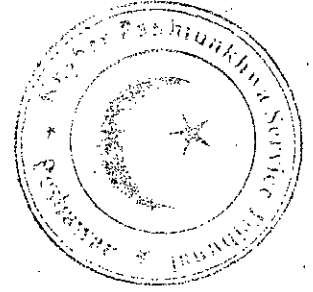
4

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

**Service Appeal No. 60/2018**

Date of Institution ... 16.01.2018

Date of Decision ... 28.09.2020



Sardar Ali, District Director Agriculture Extension, District Tank

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary,  
Civil Secretariat, Peshawar and another.

... (Respondents)

Mr. KHALED RAHMAN,  
Advocate

MR. RIAZ AHMAD PAINDAKHEIL,  
Assistant Advocate General

MUHAMMAD JAMAL KHAN  
MIAN MUHAMMAD

For appellant.

For respondents.

MEMBER (Judicial)

MEMBER (Executive)

**JUDGMENT:**

**MUHAMMAD JAMAL KHAN, MEMBER:-** Through the instant Service Appeal submitted under Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974, varies of impugned order dated 06.09.2017 passed by Chief Minister Khyber Pakhtunkhwa, appellant was awarded minor penalty of withholding of promotion for two years conjointly holding in abeyance two increments for two years, filing of petition for review on 16.10.2017 which did not materialize calling in question the order so passed by the appellate authority dated 20.12.2017.

2. While acting as District Director Agriculture Tank he was served with charge sheet and statement of allegations vide letter dated 23.03.2016, four charges were leveled against the appellant followed by an irregular inquiry being conducted in a cursory

**ATTESTED**

manner serving him with a questionnaire which was responded. The inquiry officer in his respective inquiry report submitted that two charges were partially proved resulting into recommending minor penalty while the rest of the charges were not proved. He was served with show-cause notice vide letter dated 13.03.2017 wherein major penalty of removal from service was proposed. Appellant responded the show-cause notice explaining his position once again and requesting the authority for providing a chance of personal hearing. While explaining his position during the course of personal hearing the authority found the appellant innocent but by virtue of order dated 06.09.2017 endorsed on 18.09.2017 double punishment was imposed followed by departmental appeal however, the same did not yield vide letter dated 20.12.2017 communicated on 05.01.2018.

3. Respondents were summoned and on attendance they submitted reply controverting the claim of appellant by raising of various objections of legal and factual nature such as no locus standi, maintainability, cause of action, concealment of material facts etc.

4. We have heard arguments of the learned counsel representing appellant and also heard the Assistant Advocate General and gone through record with their valuable assistance in view of which our findings are recorded in the following paras.

5. Learned counsel for the appellant while strenuously arguing submitted that no regular inquiry as per the mandate of law was conducted nor the authority adhered to tenets and cannon of rules by get recording statement of appellant nor any documentary evidence was taken into possession in full view of appellant nor he was provided with any opportunity of cross-examination thus the penalty so imposed has not sanctity in the eyes of law as there is no legal sanction behind such a whimsical order. The learned counsel added that during the course of personal hearing appellant has rightly explained all his position to the authority who found the appellant innocent but even then he was awarded double punishment, that such an act is violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973 that earlier a four members inquiry committee investigated into the matter and they found the performance of the appellant satisfactory rather he was appreciated. He continued that District Tank is a big wheat producing district having an estimated arable land of 9225 Hectors during the year 2014-15, that due to completion of Gomal Zam Dam Project and availability of water

ATTESTED

6

resources more cultivatable area in District Tank came under the command of water canals and according to the Crop Reporting Services Khyber Pakhtunkhwa the Wheat cultivated area increased to 14095 Hectors therefore, the demand was made according to the real requirement of the District which was incorporated in revised PC-1. The increase and decrease in demand was not restricted to District Tank alone but it was for all the Districts of Khyber Pakhtunkhwa. The salient objective of the project was to overcome the Wheat grains deficiency by growing sufficient wheat Crop for availability of the wheat requirements to the province. Initially land holding criteria of 1-5 Acres was specified through a summery moved to the Chief Minister, Khyber Pakhtunkhwa however, the P&D department on the same summery reduced it to 1-3 Acres. It was observed by the Agriculture Department on the same summery that the size of land data 1-3 Acres is neither available with the Agriculture Extensions Department nor with the Bureau of Statistic and for availability of correct figures a time span of one year was required for multi faceted enterprise. A bulging issue surfaced that during the enforcement of the project with respect to District Kohistan, Torghar, Chitral, Dir (Lower) and Dir (Upper) where the land has not been settled by the Revenue Department which was highlighted during the course of meeting held on 02.10.2015, that there was no immediate solution to implement the land holding criteria exactly as PC-1 in these districts however, the issue was temporarily resolved by asking Deputy Commissioners and District Nazims to cooperate and settle the same at the spot. When the implementation of the project commenced it was observed that in District Tank size of three acres of arable wheat growth area did not exist. This fact was brought into the notice of high-ups which resulted into an increase in the size of land to 1-12.5 acres in a meeting dated 02.10.2015 and the farmers having the aforesaid cultivated area were held entitled to apply for the supply of free seed instead of original limit of 1.3 acres and so the appellant acted according to the instructions. In a PDWP meeting held on 13.10.2015 it was decided that land holding of the farmers possessing 1-12.5 acres will be studied by the department as initially the land holding limit was set for 1-3 acres of approximate beneficiaries 326000/- but that was not communicated to the field offices which has been highlighted in the minutes of the meeting held in the office of Deputy Commissioner D.I.Khan on 03.11.2015 wherein it was reiterated that farmers having 8 canals minimum and maximum of 100 canals of Agriculture land is entitled for the program. In the

**ATTACHED**

**ATTACHED**

Deputy Commissioner  
District Tank  
Khyber Pakhtunkhwa



whole scenario neither criteria of the project nor other instructions whatsoever including copy of PC-1 was circulated to any field office. Repetitive request of Agriculture Department also confirmed that instructions have been circulated verbally and confined to meetings and nothing was reduced into writing. Since the criteria was not viable sans any pragmatic approach that government modified the criteria for the second year in the PDWP meeting held on 04.10.2016 by increasing the land holding to 1-12.5 acres for the second year of the project and while concurring with this strong notion, the allegations leveled were partially dropped by the inquiry officer. As regards allegation no. 3<sup>rd</sup> the requisite criteria was fulfilled by conforming to the requirements set by the department, the applications moved were duly signed by the Kissan Counselor, Halqa Patwari bearing their seal of verification of the set of the owners or cultivating occupants and in turn verified by the Gardawar Circle and no anomaly was found. That while keeping all these facts in view since the charges were leveled without any substance therefore, appellant should have been exonerated but he was awarded penalty which is not sustainable in the eyes of law.

COUNSELLOR

*[Handwritten Signature]*  
 Kissan Counselor  
 Halqa Patwari  
 District Gardawar

6. On the other hand, the learned Assistant Advocate General for the respondents submitted that the government of Khyber Pakhtunkhwa Launched three years program titled "Insaf Food Security Program" according to which small farmers were held entitled to be supplied wheat seed free of cost to ensure food security in the province. The scheme was successful and the beneficiaries were provided certified wheat seed. The efforts so made were lauded throughout the province except for complaint of violating criteria, management and abuse of power in District Tank. The matter was probed by the Provincial Inspection Team and monitoring wing of Planning and Development Department and the Agriculture Department constituted internal inquiry team which submitted its report, the executing authority of the project submitted monitoring report pointing to certain irregularities and biotin violation of the prescribed procedure. The criteria given in PC-1 has not been followed and the seed was distributed to non deserving farmers in violation thereof particularly land holding criteria for selection of beneficiaries i.e cultivated land of 1-3 Acres as per approved PC-1 draft was infringed. Appellant demanded 16000 bags of certified wheat seed from Director General Agriculture Extension Khyber Pakhtunkhwa for free distribution under "Insaf Food Security Program" which was much higher of original demand of 5600 bags. A show-cause notice was issued

**ATTESTED**  
*[Handwritten Signature]*

*[Handwritten Signature]*

vide letter dated 13.03.2017 wherein a major penalty of removal from service was proposed however, after personal hearing the competent authority in the light of charges and evidence on record, the explanation of appellant, minor penalty was imposed. Review filed in this regard was not entertained having no merits under Rule-17 (2) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The disciplinary proceedings rightly culminated into awarding of subject punishment.

7. In the light of lengthy arguments addressed by the learned counsel for the appellant and learned Assistant Advocate General and the available record on file abundantly clarified the fact that original demand for the supply of certified seed to the farmers as per PC-1 was 5600 bags of wheat as per criteria of 1-3 acres of land holders or cultivators of land which was enhanced and a demand for retrieval of 16000 bags was made under compelling circumstances. An officer holding responsible post as in the case of appellant ordinarily cannot on his own initiative, venture on a dare devil undertaking of the kind in hand unless and until the involvement or consequent intervention of the higher-ups is made which is reflected in the inquiry report where reference to the involvement of the higher authority have been given eminently. Although the findings so made are not based on any documentary proof the extraction of which would ordinarily be an uphill task for a civil servant however, credibility has to be attached to a strong notion of unimpeached and unsullied character. Nevertheless, while sticking to the principles despite exertion of pressure is not the handiwork of each and every official and is a hall mark of principled individual of outstanding stature. If the pleas of the appellant are parallelly put in juxtaposition with the ground realities there was exorbitant increase in the cultivated land in District Tank particularly on the successful completion of the Gomal Zam Dam Project, which of course considerably increased the area of cultivated and arable land coming under its command. Furthermore, the difference between demand and actual requirement would reveal that before fixing of limit of the arable area and the quantity of wheat required a thorough survey or exploration of the area was not conducted nor serious endeavors in this regard were under taken therefore, variation in this regard was inevitable and natural phenomenon. Again enhancement in area from the limit of 1-3 acres to 1-12.5 acres for the wheat growers on the demand of higher-ups has changed the entire scenario putting the official in doldrum. An inevitable

RECEIVED  
 DISTRICT TANK  
 13/03/2017

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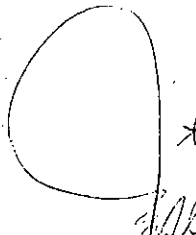
ATTACHED

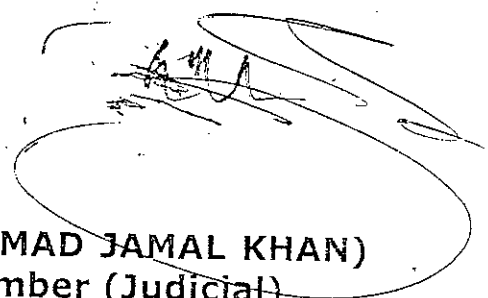
corollary of the findings of inquiry officer with regard to the last two charges reveals that appellant exerted his level best to come up to the expectation for fulfilling the requirements set but due to the enhancement of area by the higher-ups he could not observe the specified limit. The higher-ups must have been informed of the ground realities and the ground work required for reaching to a correct estimation of the number of cultivators of land vis-à-vis respective land holding limits but nothing of the sort was done. To elaborate again the inquiry report speaks volume of the facts that the entire variation of supply of bags of wheat and area was due to the intervention of the higher-ups and it is not the sole handiwork of appellant alone. Holding single handedly an official and exonerating others without making them accountable is not the norms of justice. It is of course in the light of all these factors reinforced by the ground realities that the inquiry officer reached to the irresistible conclusion that two of the charges in this regard were stated to be partially proved while the rest of the two allegations/charges did not prove and that were outrightly dropped. Pragmatically and virtually the appellant was made a scapegoat for the direly needed altar for sacrifice. The penalties thus imposed do not seem compatible or commensurate with the quantum of guilt, we thus hold that the punishment awarded to the civil servant was harsh which is liable to modification and conversion.

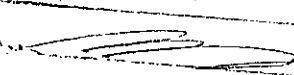
8. The upshot of what has been discussed in the foregoing paras the appeal of the appellant is partially accepted and the impugned orders dated 06.09.2017 and 20.12.2018 are modified to the extent that the minor penalty of withholding of promotion for two years as well as withholding of two increments and converted into minor penalty of "censure" with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

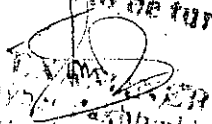
**ATTESSED**

**ANNOUNCED**  
**28.09.2020**

  
**(MIAN MUHAMMAD)**  
Member (Executive)

  
**(MUHAMMAD JAMAL KHAN)**  
Member (Judicial)

Date of Presentation of Application	27/10/2020
Number of Pages	2800
Constitution Fee	30.00
Report	4.00
Total	34.00
Name of the Officer	
Date of Completion of Copy	27/10/2020
Date of Delivery of Copy	27/10/2020

Certified to be true copy  
  
 Member (Executive)  
 Service Tribunal  
 Peshawar

To

The Honourable Chief Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

Annex B

10

Through: - **PROPER CHANNEL**

Subject: - **REQUEST FOR PROMOTION FROM BPS-18 TO BPS - 19**

Respected Sir,

Respectfully sheweth that in an impugned order imposing penalty namely withholding of two annual increments and the promotion to next higher grade upon the undersigned as passed on 06.09.2017 and order against the appeal dated 20.12.2017 (Annexure-A), graciously brushed aside by the epic Khyber Pakhtunkhwa Service Tribunal Peshawar. The epic court, announcing its decision in response to my service appeal No. 60/2018 read with page No. 6 Para 7 as: (Annexure-B)

*Pragmatically and virtually the appellant was made a scapegoat for the direly needed altar for sacrifice. The penalties thus imposed do not seem compatible or commensurate with the quantum of guilt.*

and page No. 6, paragraph 8, as:

*The upshot of what has been discussed in the foregoing paras the appeal of the appellant is partially accepted and the impugned orders dated 06.09.2017 and 20.12.2017 are modified to the extent that the minor penalty of withholding of promotion for two years as well as withholding of two increments and converted into minor penalty of "censure" with all back benefits.*

Respected Sir,

It is submitted that, undersigned was ranked in the combined seniority list of officer BPS-18 at Serial No. 2, circulated vide Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department Notification No. SOE (AD)III(2)391/2012 dated 22.12.2016 (Annexed-C) and was due for promotion for BPS-19 with effect from 11.07.2016.

As a result of above mentioned penalty, my right for promotion from BPS-18 to BPS-19 put off, and my juniors blessed with promotion to the post of BPS-19. Vide Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department Notification No. SOE (AD) V-7/2015/EW dated 11.07.2016 (Annexed-D) subsequently their names appeared in the combined seniority list of officer BPS-19, circulated vide Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department Notification No. SOE (AD)III(2)391/2017 dated 16.05.2017 (Annexed-E)

Sir,

In light of judgment referred above, it is humbly submitted that kindly release my annual increments and I may please be promoted from BPS-18 to PBS-19 with effect from 11.07.2016.

I shall remain thankful to you for this act of kindness.

Thanks, and Regards

Yours Obediently

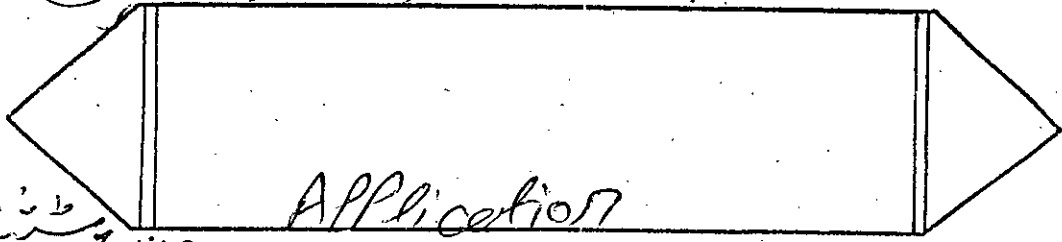
  
SARDAR ALI

Ex-District Director Agriculture,  
District Tank

24/11/2020

**ATTESTED**  
ASIF

بعدالت صاحب سروس ٹریبونل اور



petitioned  
طوبہ  
مستند  
مخانب

بنام

سردار علی بنا گورکھنٹ وغیرہ

موزخہ  
مقدمہ  
دعوی  
جرم

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ سروس ٹریبونل اور  
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز آفیسر  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف ایسے جواب دہی اور اقبال دعوی اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی و دعوی اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا ایپیل کی برادگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت صورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ  
پر واخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے لیے سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 13  
ماہ ستمبر 2021

واہ الع

کے لئے منظور ہے۔

Handwritten signature

بمقام

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No.26 of 2021  
In Service Appeal No. 60/2018

Sardar Ali

APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary & Others.

RESPONDENTS

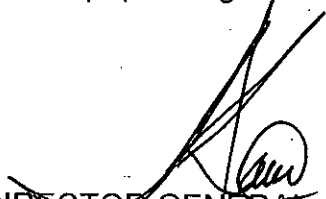
IMPLEMENTATION REPORT

It is submitted that this Honorable Tribunal accepted the appeal No.60/2018 lodge by Mr. Sardar Ali ex-District Director Agriculture, Tank versus Govt. of Khyber Pakhtunkhwa through Chief Secretary & Others with the direction that the impugned orders dated 06.09.2017 and 20.12.2018 are modified to the extent that the minor penalty of withholding of promotion for two years as well as withholding of two increments are converted into minor penalty of "censure" with all back benefit vide judgment dated 28.09.2020.

In this connection it is submitted that before the decision of this Honorable Tribunal in the above title case the appellant has already drawn his stoppage increments with effect from 01.12.2017 in his pension as the appellant has already retired from service with effect from 10.05.2018 (A.N) copy of the pension paper alongwith revised pay slip issued by District Account Officer Tank is attached.

The Govt. of Khyber Pakhtunkhwa challenged the decision of the Honorable Tribunal in the Supreme Court of Pakistan and also filed an early hearing application in the Honorable Court.

It is hereby humbly requested that on acceptance of the instant comments, the execution petition of the appellant may kindly be kept pending till the decision of the Honorable Supreme Court of Pakistan.

  
DIRECTOR GENERAL  
AGRICULTURE (EXTENSION)  
KHYBER PAKHTUNKHWA PESHAWAR



PENSION PAPERS

NAME

SARDAR ALI

FATHER / HUSBAND NAME

AJMAL KHAN

GRIC NO.

12201-7535689-5

DESIGNATION

DISTRICT DIRECTOR AGRIC. Tank.

DEPARTMENT

AGRICULTURE EXTENSION.

PERSONAL NO

194652

DATE OF RETIREMENT / DEATH

10-05-2018 (A.N.)

APPLICATION / CERTIFICATES TO BE GIVEN BY THE EPENSIONER FOR PENSION / GRATUITY COMMUTATION

To be given by retiring government servant for grant of pension in case of superannuation / retiring / invalid / compensation / compulsory retirement

The


Secretary to Govt. of  
KPK Agri; Livestock and  
Co-operative Dept; Peshawar.

Sir / Madam,

It is submitted that I Sardar Ali Father / Husband Name  
Ajmal Khan Designation / Post Held District Director Agri. Tank BPS 18 On  
(Please indicate kind of appointment i.e. Regular / Officiating or Acting charge /  
Current charge w.e.f. .... CNIC No. (Copy enclosed) 122-01-7535689-5  
Nationality Pakistani Personal No. 194652 Cell No. (i) 0346-9490537  
Gmail ..... Postal Address  
Village Akbari, P.O. Darra pezu, District Tank that I have retired / have been  
permitted to retire from Government Service / I am due to retire / has been retired compulsorily on  
10-05-2018 My pension / commutation / gratuity may be transferred / credited by the  
Accounts Office in the Bank / Post Office / Treasury Office National Bank of Pakistan  
Branch Sheikh Yousaf D.I.K. Account No. 607-3 (Code 1429)  
[DCS Form (where applicable) and list of my family members, is enclosed].

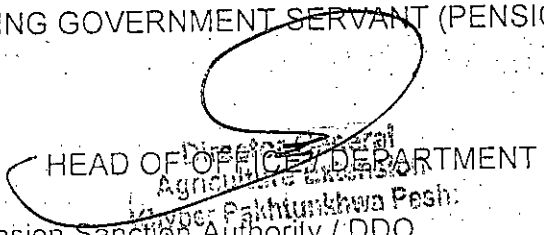
UNDERTAKINGS

1. I hereby declare that I am not in receipt of any of the pension, military or otherwise except PPO No. .... dated ..... Amount ..... Department Agri. Dept; Extension Retired on 10-05-2018
2. I do hereby undertake that government may, within one year from the issue of Pension Payment Order, recover any of its dues from the pension granted to me.
3. I hereby declare that I shall not take part in any elections or engage myself in political activities of any kind within two year from the date of retirement.
4. I hereby declare that I have neither applied for nor received any pension / commutation / gratuity in respect of any pension / gratuity is claimed herein, nor shall I submit any application hereafter without quoting a reference to this application and to the order which may be passed thereon.
5. I hereby undertake to refund if the amount of pension granted to me afterwards found to be in excess of that to which I am entitled under the regulation.
6. I do hereby declare that I have not received any pension or gratuity in respect of any portion of the service included in this application.
7. I hereby opt for commutation @ 35% (Subject to a maximum of 35% of my gross pension.

  
District Director  
Agriculture Extension  
District Tank

  
NAME & SIGNATURE  
OF RETIRING GOVERNMENT SERVANT (PENSIONER)

Dated \_\_\_\_\_

  
HEAD OF OFFICE / DEPARTMENT  
Agriculture Extension  
District Tank

Note: Pension to be verified by Pension Sanction Authority / DDO



[To be issued by the Sanctioning Authority in 90 days before superannuation / retirement of the retiring Government servant]

Subject:- SANCTION OF PENSION ON SUPERANNUATION / RETIRING / INVALID / COMPENSATION AND COMPULSORY RETIREMENT.

On attaining the age of superannuation / having applied for retiring / invalid / compensatory pension vide application dated 01-03-2018 or has been retired compulsory vide Notification No. SOE(AD)217226/86 dated 15-05-2018 Issued by Secy. Agri. Livestock & Co-op. Deptt. Mr./Mrs./Ms. Sandhar Ali S/O, W/O, D/O Ajmal Khan Designation District Director Agri. Tank drawing pay / emoluments Rs. 1,10,100/- (reckonable towards pension), in BPS 18 On regular Basis (Please indicate nature of appointment i.e. Regular / Officiating or Acting charge / Current charge w.e.f. .... Personal No. 194652 CNIC No. 12201-7535689-5 presently posted as Distt. Director Agri. Tank has retired / has been permitted to  retire  is due to be retired  has been retired from Government Service (tick whichever is applicable) on 10-05-2018 Date after availing LPR for ..... Days / Leave encashment in lieu of LPR Rs. ....

Pension Calculation

Gross Pension	Rs. <u>77,070/-</u>
Commutation	Rs. <u>40,04,710/-</u>
Net Pension	Rs. <u>50,095/50</u>

Other Benefit:-

- ..... Rs. ....
- ..... Rs. ....
- ..... Rs. ....

Gratuity (in case where qualifying service is 5 year or more but less than 10 year)

Rs. ....

- His / her date of birth is 11-05-1958 Date of 1<sup>st</sup> entry into government service is 21-10-1986 and EOL availed ..... Days. Total length of qualifying service for pension is ..... 31 years ..... 06 month ..... 19 days.
- Certified that no inquiry is pending against him / her.
- Certified that no recovery is outstanding against him / her.
- Certified that:-
  - Advances drawn (if any) stand fully repaid, alongwith interest.
  - An amount of Rs. .... On account of ..... (HBA/MCA/etc) Principal amount alongwith interest is outstanding which may be recovered from the pension.
- Anticipatory pension upto (35 % of full pension) is sanctioned as admissible to him / her.
- Certified that deficiency / disciplinary / criminal case pending against the aforementioned retired government servant has been finalized. Therefore, final payment @ (.....%) (After adjustment of already paid amount of anticipatory pension) and commutation amounting ..... %) (Subject to a maximum of 35% of gross pension), as determined by concerned Account Office, may be paid.
- Undersigned is satisfied that the service of retiring employee has been satisfactory. Administrative and financial sanction for grant of pension / commutation @ ..... 35 % upto maximum of 35% of gross pension, if so opted by the retiring government servant, to be determined by the Account Office, is hereby accorded in favour of Mr./Mrs./Ms. Sandhar Ali through Bank / Post Office / Treasury Account No. .... (mentioned in DCS Form enclosed) as admissible under the rules.

581

Form 3 (Pen)

OR

(7-a) Undersigned is satisfied that the services of Mr./Mrs./Ms..... Has not been satisfactory and it has been decided that the full pension / gratuity found to the Audit / Account Officer to be admissible under the rules should be reduced by the specific amount or percentage given below:

- i. Amount or percentage of reduction in pension.....
- ii. Amount or percentage of reduction in pension.....
- iii. Sanction is hereby accorded to the grant of pension /gratuity as so reduced.

(8) The payment of pension and / or gratuity may commence w.e.f. 11-05-2018

Following documents attached.

- Pension application
- Notification of retirement
- Last Pay certificate (LPC) Last Payslip
- Pension contribution receipts / Bank Challan / Acceptance certificate (in service death)
- Original service book alongwith its attested copy / Service statement (in case of gazetted government servant)
- N.D.C from Estate Office in case of Government accommodation.
- Three attested photographs of Pensioner.
- Dependents lists
- Specimen signature / Left, Right hand thumb and fingers impression Form
- No Demand, Declaration, Undertaking & Option Certificate
- Pensioner Bank Account Details.

HEAD OF OFFICE / DEPARTMENT

SIGNATURE WITH STAMP  
PENSION SANCTIONING AUTHORITY

The ACCOUNTANT GENERAL KPK / ACCOUNTS OFFICE is requested to grant pension and endorse a copy of computerized pension payment order (C.P.P.O) / Pension Order (P.P.O) to this department / Office.

1. Mr./Mrs./Ms..... are hereby informed that your commutation (if opted) and first monthly pension shall be transferred / credited by the Accounts Office in the Bank / Post Office / Treasury Office..... Branch..... Account No..... as opted by you.



[www.agriext.kp.gov.pk](http://www.agriext.kp.gov.pk)  
**OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE**  
**EXTENSION TANK**  
**Mission Road Tank**



Phone & Fax: 0963-510013 E-Mail: [ddpc.tk@kp.gov.pk](mailto:ddpc.tk@kp.gov.pk)  
No. 831/DDA Dated Tank the 12/11/2020

To

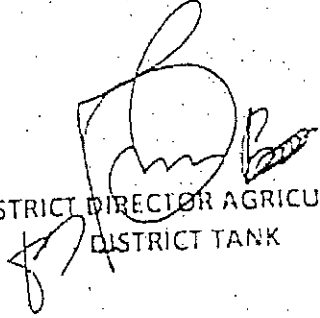
The In-charge Litigation Section  
HQ Office  
Directorate General Agriculture (Ext.)  
Khyber Pakhtunkhwa, Peshawar

Subject: **VERIFICATION OF PAYROLL/PAY SLIP**  
Memo:

Please refer to your office letter No.Lit/23125/DDGA Dated Peshawar the 11/11/2020 on the subject noted above.

It is stated that concerned officer Mr. Sardar Ali Ex-DDA Tank was drawing his Personal Pay @ Rs. 2400/- per month in his monthly pay. But after fixation correction his Personal Pay has been fixed @ Rs. 14350/- per month and recorded in his LPC by the District Accounts Officer, Tank (vide his factual record is sent herewith for ready reference and perusal). Unfortunately the maintenance of this essential record did not update by the DAO Tank in due course of time.

Report is submitted as desired please.

  
DISTRICT DIRECTOR AGRICULTURE  
DISTRICT TANK

DOB = 11/05/1958 ✓  
 IDA = 21100000 ✓  
 DOR = 18/09/2018 ✓  
 PAY = 110100.00 ✓  
 AS/PAY = 110100.00 ✓  
 UNIC = 000 ✓  
 TOTAL = 110100.00 ✓

Pension 110100.00 ✓  
 300 X 7 X 30 = 77070.00 ✓

Add pension =  
 Gross pension = 77070.00  
 35% Cont. = 26974.50  
 Net pension = 50095.50  
  
 IP 2010 10% =  
 MIA 2010 20% = 10019.10  
 IP 2011 15% = 7514.33  
 IP 2012 20% =  
 IP 2013 15% =  
 IP 2014 10% =  
 IP 2015 10% = 5780.98  
 IP 2016 10% = 4337.08  
 IP 2017 10% = 5970.79  
 IP 2018 10% = 7612.87  
 MIA 2015 5% = 2504.78  
 TOTAL = 90870.12

ADDRESS : Village. AKBARI Post  
 GP. e. PISO Tehsil. TANK District  
 TANK

NDOB 60 YEARS  
 148 4621

COMMUTED VALUE  
 26974.50 X 148 4621 = 4004710  
 Net Payable Amount = 4004710

Issued  
 17/12/18

Attested  
 District Supervisor  
 Agriculture Extension  
 District Tank

12/18  
 12/18



Office Note

Mr. Sankar Das has been appointed Assistant. 35-17  
 on 21-10-86 on contract basis. Work on his services  
 has been regularized under new provision no. 35E(AD)  
 1162/200-87/13958-19020 dt 2-5-1988

If approved we bid his pay on 1-10-86 with 17% dearness pay slip as his essential normal increment falling on 1-11-87 which was not given previously

His pay is requested to be fixed as under:-

pay on 21-10-86 (60%) B5-17 17% ADP. ADP. ADP. on contract basis

1-7-87	2065/-	B5-17
1-11-87	2220/-	
1-12-88	2375/-	
1-11-89	2530/-	
1-12-90	2685/-	
1-6-91	3730/-	B5-17
1-11-91	3995/-	
1-12-92	4160/-	
1-12-93	4325/-	
1-6-94	5330/-	35% 5710/-
1-11-94	5600/-	6200/-
1-6-95	6200/-	
1-12-95	6460/-	
1-12-96	6720/-	
1-12-97	7070/-	
1-11-98	7360/-	
1-11-99	7690/-	B5-18 10/1000
1-12-2000	8010/-	
1-12-01	8370/-	
1-12-01	8520/-	B5-17 10/1000
1-12-01	13650/-	B5-17

1-7-02	14119	
1-7-03	14530	
1-7-04	15045	
1-7-05	173-57	
1-7-05	17840	BS-17
1-7-06	17840	+ 535 PP
1-7-07	20590	+ 615 PP BS-17
1-7-07	20510	+ 1230 PP
1-7-08	24650	+ 1480 PP BS-17
1-7-08	24650	+ 220 PP
1-7-09	24650	+ 296 PP
1-7-10	24650	+ 370 PP
1-7-11	40000	+ 6000 PP BS-17
1-7-11	40000	+ 7200 PP
1-7-12	40000	+ 8400 PP
2-25-13	50000	BS-18 <i>present in BS-18</i>
1-7-13	50000	+ 1500 PP <i>PM a next table</i>
1-7-14	50000	+ 3000 PP
1-7-15	64940	+ 3900 PP BS-18
1-7-15	64940	+ 5850 PP
1-7-16	74890	+ 7200 PP BS-18
1-7-16	74890	+ 9600 PP
1-7-17	95750	+ 11480 PP BS-18
<u>1-7-17</u>	<u>95750</u>	<u>+ 14350 PP</u>

95750  
 14350  
 -----  
 110100

Submitted for approval please

DATED AND APPROVED  
 15/01/18

587

OFFICE OF THE DISTRICT ACCOUNTS OFFICER TANK

LAST PAY CERTIFICATE

Last Pay Certificate of MR SARDAR ALI KHAN Designation DISTRICT OFFICER (B-18)

Office of the District Director Agriculture Extension, Tank

Reason for on SUPERANNUATION

He has been paid up to and for 10/5/2018 at the following rates

PERSONAL NO 194652

**PAY AND ALLOWANCES**

Basic Pay		RS	95750
Maximum Grade		RS	14350
Conveyance Allowance		RS	0
House Rent Allowance		RS	3873
Medical Allowance		RS	4622
Adhoc Relief Allowance 2013		RS	2425
Adhoc Relief Allowance 2015		RS	1624
Adhoc Relief Allowance 2016		RS	7989
Adhoc Relief Allowance 2017		RS	9815
		RS	0
		RS	
<b>TOTAL</b>			<b>140448</b>

*For Pension Purpose only*

**DEDUCTIONS**

GPF		RS	5360
PF		RS	800
DEATH & RETIREMENT BENEFIT		RS	3226
Income Tax		RS	8192
<b>TOTAL DEDUCTIONS</b>		RS	<b>17578</b>

**TOTAL PAYMENTS** RS **122870**

He/She made over Charge as DD AGRICULTURE EXTENSION, TANK

Link on 10/5/2018 AFTER NOON

*[Signature]*  
District Accounts Officer  
District Tank  
05/11/2018



*Better Copy*

OFFICE OF THE DISTRICT ACCOUNTS OFFICER TANK

LAST PAY CERTIFICATE

Last Pay certificate of Mr. Sardar Ali Khan Designation District Officer (B-18)  
Office of the District Director Agriculture Extension, Tank  
Categories superannuation  
He has been paid up to and for 10/5/2018 at the following rates  
Personal No. 194652

PAY AND ALLOWANCES			
Basic Pay		Rs.	95750
Maximum Grade		Rs.	14350
Conveyance Allowance		Rs.	0
House rent Allowance		Rs.	3873
Medical Allowance		Rs.	4622
Adhoc Relief Allowance 2013		Rs.	2425
Adhoc Relief Allowance 2015		Rs.	1624
Adhoc Relief Allowance 2016		Rs.	7989
Adhoc Relief Allowance 2017		Rs.	9815
			0
Total			140448

Deductions			
GPF		Rs.	5360
Benevolent Fund		Rs.	800
Death & Retirement Benefit		Rs.	3226
Income Tax		Rs.	8192
Total Deductions		Rs.	17578
Total Payments		Rs.	122870

He / She made over Charges as DD AGRICULTURE EXTENSION, TANK  
Retired on 10/5/2018 After Noon

Sd/-  
DISTRICT ACCOUNTS OFFICER  
DISTRICT TANK  
05.04.2018

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

Execution Petition No.26/2021

Sardar Ali

Versus

Govt. of KP through Chief Secretary & others

**REPLY OF IMPLEMENTATION REPORT**

**Respectfully Sheweth:**

Reply of implementation report on behalf of petitioner is as under:-

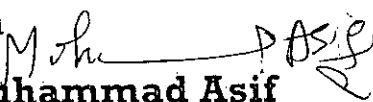
1. That Para-1 of the report is correct.
2. That Para-II of implementation report is correct. However, respondents are bound to promote the petitioner from BPS-18 to BPS-19 from the date when the seat was vacant, because in the continued seniority list of officers BPS-18 and after the promotion of juniors, petitioner is now at S.No.2, because the Seniors as well as Juniors were promoted to BPS-19 and petitioner was left un-promoted, which was circulated vide Govt. of KP Agriculture, Livestock & Corporation Department Notification No.SOE(AD)111 (2)391/2012 dated 22.12.2016, while petitioner's promotion was due on 11.07.2016, but was put-of

due to so-called penalty and thus juniors were promoted vide Notification No.SOE(AD)V-7/2015/EW dated 11.07.2016 and their names are included in the continued seniortiy list of Officers (BPS-19).

As far as increment is concerned, that was given as a right/ policy.

It is, therefore, requested that, respondents may kindly be directed to promote petitioner from BPS-18 to BPS-19 from due date w.e.f. 11.07.2016 alongwith all back benefits otherwise, Contempt of Court proceedings may be initiated against the respondents.

  
Appellant

Through   
**Muhammad Asif**  
Advocate  
Supreme Court of Pakistan  
Off: 214 Syed Ahmad Ali  
Building near Taj Autos,  
Sunehri Masjid Road,  
Peshawar Cantt.  
Cell: 0302-8885187 / 0332-8885187

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

Execution Petition No.26/2021

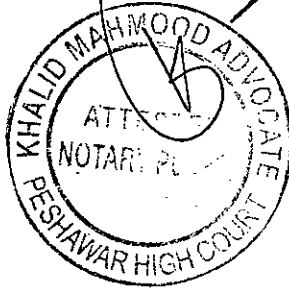
Sardar Ali

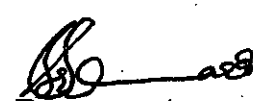
Versus

Govt. of KP through Chief Secretary & others

**AFFIDAVIT**

I, Sardar Ali S/o Ajmal Khan R/o Akbari Tehsil & District Tank. (Petitioner), do hereby affirm and declare on oath that the contents of accompanying the **REPLY** are true to the best of my knowledge and belief and correct and nothing has been concealed from this hon'ble Court.



  
Deponent  
12201-7535689-5  
0346-9490537

DIRECTORATE GENERAL, AGRICULTURE EXTENSION  
KHYBER PAKHTUNKHWA, PESHAWAR

No. Lit/ 29706 /DGA

Dated: Peshawar 20/12 2021

To,

The Section Officer (Estt.),  
Govt. of Khyber Pakhtunkhwa  
Agriculture Livestock and Coop.  
Department, Peshawar.

Subject: EXECUTION PETITION NO. 26 OF 2021 IN SERVICE APPEAL NO. 60/2016 SARDAR ALI V/S GOVT. OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY & OTHERS

Memo.

Enclosed please find herewith a copy of order sheet dated 27.10.2021 and 07.12.2021 of Khyber Pakhtunkhwa Service Tribunal, Peshawar in the Execution Petition No.26 of 2021 (which is self-explanatory) for information and further necessary action copy enclosed as (Annexure-A & B).

The Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar strictly directed to implement the judgment of this Honorable Tribunal alongwith back benefit inclusion promotion subject to the decision of CPLA and submit compliance report on 14.12.2021 before the Service Bench.

It is further to inform that Govt. of Khyber Pakhtunkhwa has also file an early hearing application through Advocate on Record, Khyber Pakhtunkhwa Supreme Court of Pakistan v/s Sardar Ali but no date of hearing has not been fixed by Honorable Supreme Court of Pakistan.

The Khyber Pakhtunkhwa Service Tribunal Peshawar accepted the Appeal No.60/2018 filed by Mr. Sardar Ali ex-District Director Agriculture, Tank v/s Govt. of Khyber Pakhtunkhwa through Chief Secretary and & Others with the direction that the impugned order dated 06.09.2017 and 20.12.2018 are modified to the extent that the minor penalty of withholding of promotion for two years as well as with holding of two increments are converted into minor penalty of "Censure" with all back benefit vide judgment dated 28.09.2020 copy enclosed as (Annexure-C). The order of withholding of promotion for two years as well as with holding of two increments vide order No.SOE(AD)/21-226/80/Sardar Ali dated 06.09.2017 are enclosed as (Annexure-D).

In view of above it is therefore requested that the above order may kindly be modified to the extent that penalty may kindly be converted in to minor penalty of "Censure" with the condition subject to the decision of CPLA filed by Govt. of Khyber Pakhtunkhwa & others v/s Sardar Ali.

Encl: As above

DIRECTOR GENERAL

No. Lit/ \_\_\_\_\_ /DGA

Dated: Peshawar \_\_\_\_\_ / \_\_\_\_\_ 2021

Copy forwarded to:-

1. The Section Officer (Litigation), Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department Peshawar. The order sheet of the Khyber Pakhtunkhwa Service Tribunal Peshawar dated 27.10.2021 and 07.12.2021 is enclosed herewith for information and further necessary action. It is requested that the Section Officer (Estt.) may kindly be approach to modified the above order with the condition subject to the decision of CPLA filed by Govt. of Khyber Pakhtunkhwa & others v/s Sardar Ali.
2. Mr. Azaz Ali, Procurement Officer HQ Office for information and immediate necessary action. You are advised to immediate contact the office of Advocate On Record, Supreme Court of Pakistan in connection an early hearing application and submit progress report to this office for further necessary action.
3. The Superintendent Establishment HQ Office for information and necessary action. You are directed to prepare working paper for promotion case from BS-18 to BS-19 of the above ex-officer and sent to the Govt. subject to the decision of CPLA filed by Govt. of Khyber Pakhtunkhwa & others v/s Sardar Ali.

DIRECTOR GENERAL