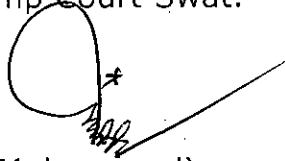


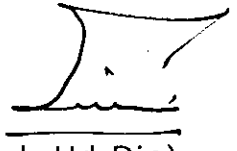
05.09.2022

Clerk of learned counsel for the appellant present. Mr. Rahat Shah, Deputy Director alongwith Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present and submitted copies of record, which are placed on file.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 04.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



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

04.10.2022

Learned counsel for the appellant present. Mr. Tahir Khan, District Officer (Water Management) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Although copies of documents mentioned in order sheet dated 20.06.2022 have been submitted, however the officials, whose seniority might be affected in case of acceptance of instant appeal, have not been impleaded as respondents in the instant appeal. Learned counsel for the appellant requested that time may be granted for compliance of the order dated 20.06.2022 to that extent. To come up for impleadment of concerned officials as well as arguments on 09.11.2022 before D.B at Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat




(Salah-Ud-Din)
Member (J)
Camp Court Swat

20th June, 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. AG alongwith Rahat Shahj, AD for the respondents present.

During the course of arguments when confronted with the situation that seniority of the officials, who might be affected in case of acceptance of this appeal, were not made party nor copy of Writ Petition and the order on which the appellant was appointed as Office Assistant, were placed on file. Learned counsel for the appellant seeks some time to implead the officials whose seniority might be affected in case of acceptance of this appeal and also to place on file copy of Writ Petition. The respondents are also directed to place on record the copies of minutes of DSC during which the appellant and others were appointed alongwith advertisement etc. To come up for arguments on 01.08.2022 at camp court, Swat.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

1-8-22

Due to summer vacation the case is adjourned to 5.9.22 for the same.

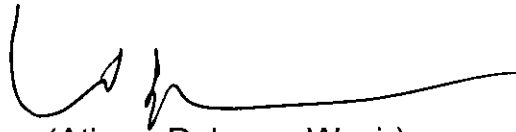


24.11.2021

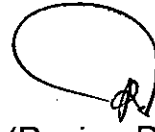
Junior of learned counsel for the appellant present.

Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Tayyab Gul, Superintendent for respondents present.

Former made a request for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 16.03.2022 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 20.6.2022. for the same as before.



Reader.

28.01.2021


Appellant is present alongwith his counsel Mr. Noor Muhammad Khattak, Advocate.

In view of the arguments addressed at the bar by the learned counsel representing appellant, it is deemed appropriate to issue pre-admission notice to respondents for 06.05.2021, simultaneously, directing them to submit their reply/comments before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

06.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 24.08.2021 for the same as before.


Reader

24.08.2021

Appellant alongwith his counsel Mr. Noor Muhammad Khattak, Advocate, present. Mr. Tayyab Gul, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and submitted para-wise comments, which are placed on file.

Learned counsel for the appellant sought time for submission of rejoinder. Adjourned. To come up for submission of rejoinder as well as arguments before the D.B on 24.11.2021.

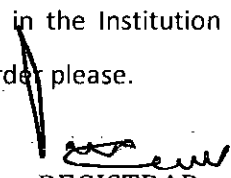

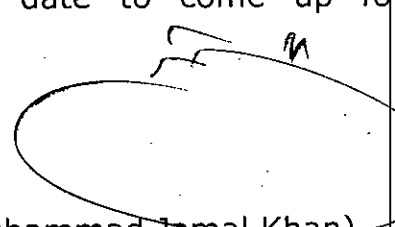

(SALAH-UD-DIN)
MEMBER (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11140 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/09/2020	<p>The appeal of Mr. Inayatullah presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
11.11.2020		<p>Nemo for the appellant.</p> <p>Since the Members of the High Court as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 28.01.2021 on which date to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>

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

SERVICE APPEAL NO. 11140 /2020

INYAT ULLAH

V/S

AGRICULTURE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1 - 3
2.	initial appointment order	A	4
3.	judgment dated 10/03/2011	B	5 - 6
4.	appointment order	C	7
5.	Seniority List	D	8 - 12
6.	appointment order dated 31/12/2008	E	13
7.	Departmental Appeal	F	14
8.	judgment dated 16/10/2017	G	15 -
9.	Wakalat Nama	

Dated: 10-09-2020

APPELLANT

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA
SECRETARIAT,

WARSAK ROAD, PESHAWAR

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2020

Mr. INAYAT ULLAH s/o Abdur Rahim, Office Assistant (BPS-16),
R/O Village & P.O. Alpuri, Tehsil Alpuri, Shangla.

.....**APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Agriculture Department, Civil Secretariat, Peshawar.
- 2- The Director General, On Farm Water, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Director, On Farm Water Management, District Shangla.
- 4- The District Director to Deputy Commissioner, District Shangla.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT GRANTING SENIORITY TO THE APPELLANT W.E.F. 31-12-2008 I.E. FROM THE DATE WHEN OTHER COLLEAGUE WAS SELECTED AS OFFICE ASSISTANT IN PLACE OF APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to grant seniority to the appellant against the post of office Assistant (BPS-16) w.e.f. 31/12/2008 with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of respondent Department as is working as Office Assistant (BPS-16) since from the date of appointment.
- 2- That the appellant was initially appointed as Key Punch Operator in the office of the Assistant Director Water Management District Shangla after fulfilling all the codal formalities on the proper recommendation of Departmental Selection Board vide

appointment order dated 31-12-2004. Copy of the initial appointment order is attached as **Annexure** **A.**

3- That a post of office assistant (BPS-14) now (BPS-16) was advertised in the office respondent no. 3 the appellant being eligible in all respect applied for the same but unfortunately was not selected and another person was appointed vide order dated 31-12-2008, the appellant being aggrieved approached Peshawar High Court in writ petition which was decided in favour of the petitioner and as such the appellant was issued the appointment order dated 26/03/2011. Copy of the judgment dated 10/03/2011 & appointment order is attached as **Annexure** **B & C.**

4- That the office of respondent no. 2 issued final seniority list of Office Assistants working in Water Management as stood on 31/12/2019 vide dated 23-01-2020, the appellant was placed and shown at Serial No. 12 of the said seniority list with date of 1st entry into Govt. Service as 10/03/2011 instead of 31/12/2008 when the other person Mr. Khaista Rahman was appointed. Copy Seniority List & appointment order dated 31/12/2008 is attached as **Annexure** **D & E.**

5- That the appellant feeling aggrieved from the wrong entry to the extent date of appointment date 26/03/2011 instead of 31/12/2008 made in the seniority list of Office Assistant filed Departmental Appeal before the competent authority which was not responded till date. Copy of the Departmental Appeal is attached as **Annexure** **F.**

6- That appellant feeling highly aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

A- That the inaction of the respondents by not granting seniority to the appellant w.e.f. 31-12-2008 is against the Law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan-1973.

C- That the respondents acted in arbitrary and malafide manner while by not granting seniority to the appellant w.e.f. 31/12/2008

i.e. the date of appointment of another colleague is also against norms of Natural Justice.

D- That act of the respondents by not granting seniority to the appellant w.e.f. 31/12/2008 i.e. the date of appointment of another colleague against the principle of natural justice, hence not tenable and liable to be set aside.

E- That the appellant has been highly discriminated with the act of the respondents by not granting seniority to the appellant w.e.f. 31/12/2008 i.e. the date of appointment of another colleague.

F- That the act of the respondent by not granting seniority to the appellant w.e.f. 31/12/2008 i.e. the date of appointment of another colleague is also against the spirit of the judgment passed by writ petitions filed by the colleagues and the appellant wherein clear directions has been issued to the respondent to issued appointment order in this month but the appellant is issued appointment order on 26/03/2011 with immediate effect.

G- That, act of the respondents by not granting seniority to the appellant w.e.f. 31/12/2008 i.e. the date of appointment of another colleague is against various judgments passed by this Honourable Court which was properly been annotated by the petitioner in its representation before respondent no. 2 and the especially the judgment dated 16/10/2017 passed by Peshawar High Court, Mingora Bench (Darul Qaza), Swat in writ petition no. 228-M/2014 & Writ Petition No. 227-M/2014. Copy of the judgment dated 16/10/2017 is attached as **Annexure** **G.**

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 10-09-2020

APPELLANT

INAYAT ULLAH

Through:

NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI

ADVOCATES

NO. 362932 /DCO/SH
Dated 31 /12/2004.

To

Mr. Inayatullah S/O Abdur Rahim
Village and P/Office Alpuri
Tehsil Alpuri Shangla.

A- (4)

Subject: -

APPOINTMENT AGAINST THE VACANT POST OF KEY PUNCH OPERATOR IN THE OFFICE OF THE ASSISTANT DIRECTOR WATER MANAGEMENT DISTRICT SHANGLA.

Please refer your application for the subject post.

On the recommendation of Departmental Selection Board, the competent authority is pleased to appoint you on contract basis against the vacant post of Key Punch Operator BPS-10 in the office of the Assistant Director Water Management District Shangla on the following terms and conditions:-

1. You will be placed in minimum of BPS-10 (2490-160-7290) with usual allowance as permissible to Govt: servant of the same pay scale.
2. Your service will be governed under the Government of NWFP Contract Policy 2002.
3. Your initial contract will be for one year. However fresh contract would be executed if the Job is required to be continue, subject to your satisfactory performance and project period.
4. Either party can terminate the contract on one-month notice or one month salary in lieu of thereof.
5. You will avail the benefit of contributory Provident Fund(CPF) through 5% contribution of Minimum of your pay and 5% contribution to be made by the Govt: as & when policy framed.
6. You will not to contribute to G.P.F. and shall not be entitled for pension and gratuity benefits.

If the offer of appointment on contract basis is acceptable to you on the terms and condition, you are advised to report to Assistant Director Water Management Shangla for duty, after medical examination from the medical Superintendent concerned within 10 days on the issue of this letter.

DISTRICT COORDINATION OFFICER,
SHANGLA.

Endst: No.

Copy to: -

- 1:- E.D.O. Agriculture District Shangla at Alpuri
- 2:- Assistant Director W/Management Shangla at Alpuri.
- 3:- District Accounts Officer Shangla at Alpuri

DISTRICT COORDINATION OFFICER,
SHANGLA.

ATTESTED

B 5

PESHAWAR HIGH COURT PESHAWAR

ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
10-3-2011	<p><u>W.P.No.44/2009 with Interim Relief.</u></p> <p>Present: Mr.Muhammad Saeed Khan Shangla, Advocate alongwith the petitioner.</p> <p>Mr.Obaid Razzaq, A.A.G for respondents 1 to 3 alongwith Tahir Khan, representative of respondent No.1.</p> <p>Respondent No.4 in person.</p> <p><u>DOST MUHAMMAD KHAN, J:-</u> Respondent No.4 (Khaista Rehman) and the petitioner (Inayat Ullah) mutually agreed by making statements at the bar, vacating their respective posts for one another because the petitioner has secured high merits and the respondent No.4 has, therefore, shown a good gesture, however, they are requesting for the Court order/ directions to the D.C.O/respondent No.1 to do the needful and not to cause any loss to them while making order through mutual posting.</p> <p>The learned A.A.G stated that in the given circumstances, the DCO shall have no objection</p>

ATTESTED

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Contd.

because merits of the case have been acknowledged by respondent No.4 and what is prayed for by the petitioner is achieved in an amicable manner.

Accordingly, the DCO, Shangla at Alpiri/ respondent No.1 is directed that the petitioner be posted as Office Assistant in place of respondent No.4 while respondent No.4 (Khaista Rehman) shall be re-posted on the post of Key Punch Operator (BPS-12) within a period of twenty (20) days positively.

This writ petition is admitted and allowed in the above terms and reasons.

JUDGE

[Signature]
JUDGE

ATTESTED

Office

[Stamp]


C - 2
OFFICE OF THE
DISTRICT COORDINATION OFFICER
SHANGLA AT ALPURA

No. 1775-78/2-16/DCO/SF

Dated 26/03/2011

OFFICE ORDER.

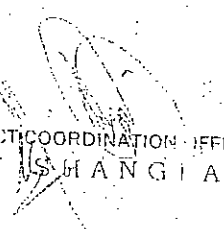
In pursuance of the Honourable Peshawar High Court Peshawar order passed on 10/03/2011 in Writ Petition No. 44/2009 (Inayatullah versus District Coordination Officer and others), Mr. Inayatullah presently working as Key-Punch Operator in Water Management/Agriculture Department Shangla is hereby posted as Office Assistant (BPS-14), while Mr. Khaista Rehman presently working as Office Assistant in Water Management/Agriculture Department Shangla is hereby re-posted on the post of Key Punch Operator (BPS-12) with immediate effect.



DISTRICT COORDINATION OFFICER
SHANGLA

Endst: No. and date even:

Copy forwarded to:-

1. The Additional Registrar (J), Peshawar High Court, Peshawar w/r to letter No. 2641/Judl dated 16/03/2011 for information, please.
2. The Executive District Officer, Agriculture Shangla for information.
3. The District Accounts Officer, Shangla.
4. The above named officials.


DISTRICT COORDINATION OFFICER
SHANGLA

ATTESTED






DIRECTORATE GENERAL
ON FARM WATER MANAGEMENT
KHYBER PAKHTUNKHWA, PESHAWAR

FINAL SENIORITY LIST OF OFFICE ASSISTANT (BS-16) OF ON FARM WATER MANAGEMENT DEPARTMENT
PAKHTUNKHWA AS ON 31/12/2019

Notification

No. 219 /DG OFWM/Estt: dated Peshawar the 23/01 /2020

In pursuance of Section-8(1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules 1989, final Seniority List of Office Assistant Water Management as stood on 31/12/2019 is Notified / Circulated.

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting
				Date	BPS	Methods of recruitment	
1	Abdul Mateen Matric	23/09/1960 Nowshera	03/11/1980 Junior Clerk	01/02/2008	16	Promotion	Office Assistant O/O the District Officer OFWM Nowshera
2	Akbar Ali F.A	01/01/1961 Nowshera	18/12/1980 Junior Clerk	01/02/2008	16	Promotion	Office Assistant O/O the DG OFWM Khyber Pakhtunkha, Peshawar
3	Tayyab Gul M.A	12/12/1962 Nowshera	18/12/1980 Junior Clerk	01/02/2008	16	Promotion	Office Assistant O/O the DG OFWM Khyber Pakhtunkha, Peshawar

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S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting
				Date	BPS	Methods of recruitment	
4	Shakirullah F.A	10/2/1962 Peshawar	07/05/1981 Junior Clerk	01/06/2009	16	Promotion	Office Assistant O/O the District Officer OFWM Malakand at Batkhela
5	Muhammad Saleem Matric	04/05/1963 Mansehra	11/07/1981 Junior Clerk	31/12/2012	16	Promotion	Office-Assistant O/O the District Director Mansehra
6	Maqbol-Hussain Matric	17/2/1961 Nowshera	26/07/1981 Junior Clerk	31/12/2012	16	Promotion	Office Assistant O/O the Director General OFW Khyber Pakhtunkha, Peshawar
7	Adnanullah MBA	05/03/1976 Bannu	01/01/2005 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OFWM
8	Muhammad-Iqbal BA	10/10/1978 Lakki Marwat	25/01/2005 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Director OFW Marwat
9	Mufti Mehmood B.A.	12/12/1978 Kohistan	17/10/2008 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer Kohistan
10	Sher Baz Mazari M.Com	06/04/1978 Chitral	01/01/2009 District Govt 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OFWM

B.S. 11/11/11

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S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting
				Date	BPS	Methods of recruitment	
11	Imran Khan M.Sc	04/01/1985 Dir Lower	18/11/2009 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Director OF Lower
12	Inayatullah BBA (Hon) LLB	01/02/1985 Shangla	26/03/2011 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Director OFWM
13	Amin-Ur-Rehman M.Sc Computer Science	01/02/1987 Dir Upper	23-07-2011 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OF Upper
14	Hazrat Gul Matric	24/1/1964 Peshawar	23/11/1981 Junior Clerk	28/01/2016	16	Promotion	Office Assistant O/O the District Director Charsadda
15	Mushtaq Ahmad Matric	4/2/1961 Nowshera	12/11/1980 as Greaser 10/6/1982 Junior Clerk	28/01/2016	16	By Promotion	Office Assistant O/O the District Director OFWM Mardan
16	Muhammad Riaz Matric	12/5/1964 Mansehra	14/11/1982 Junior Clerk	28/01/2016	16	By Promotion	Office Assistant O/O the District Director Haripur
17	Aurang Zeb F.A	1/4/1965 Mansehra	04-02-1983 Junior Clerk	23/05/2016	16	By Promotion	Office Assistant O/O the District Officer Abbottabad

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S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting
				Date	BPS	Methods of recruitment	
18	Mr. Sanullah BS Environmental Sciences	26/04/1987 Charsadda	21/08/2017	21/08/2017	16	By initial recruitment	Working against the p Administrative Officer in o/o General OFWM Khyber Pakht Peshawar
19	Umer Khan F.A	24/4/1964 Lakki Marwat	17/12/1983 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM
20	Aala Khan Matric	14/04/1960 Lakki Marwat	4/3/1985 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the Director HRD OF Dikhan
21	Rahat Gul Matric	1/4/1967 Nowshera	31/7/1985 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM
22	Tajamal Hussain Matric	15/10/1966 Nowshera	8/1/1985 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM
23	Allah Noor Matric	10/4/1962 Bannu	18/12/1980 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM
24	Ghulam Akbar Matric with Diploma in Commerce	8/5/1963 D.I.Khan	20/7/1986 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Director Dikhan
25	Mumtaz Ahmad M.A (urdu)	15/3/1968 D.I.Khan	21/7/1986 Junior Clerk	30/09/2019	16	By Promotion	Office Assistant O/O the District Director OFWM
26	Ibrar Hussain M.A	1/5/1962 Nowshera	4/8/1987 Junior Clerk	30/09/2019	16	By Promotion	Senior Clerk O/O the District Officer Battagram

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S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting
				Date	BPS	Methods of recruitment	
27	Farhad Ali F.A	10/3/1967 Mardan	08/06/1989 Junior Clerk	30/09/2019	16	By Promotion	Office Assistant O/O the District Officer Shangla
28	Bashir Ahmad B.A	26/11/1968 Peshawar	21/10/1989 Junior Clerk	30/09/2019	16	By Promotion	Office Assistant O/O the Director General OEW Khyber Pakhtunkhwa Peshawar

Certified that the above list is final, circulated and undisputed.

Endst: No. and date even

- 1 Director (HRD) OFWM Training Center DIKhan.
- 2 All District Directors OFWM in Khyber Pakhtunkhwa.
- 3 All District Officers OFWM In Khyber Pakhtunkhwa.
For Information.

Director General
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar

RECEIVED

OFFICE OF THE
DISTRICT COORDINATION OFFICER
SHANGLA AT ALPURAI

No. 7844-48/2-36/DCO/SH.

Dated 31/12/2008

APPOINTMENT ORDER.

Consequent upon the recommendation of the Departmental Selection Committee Shangla in its meeting held on 31/12/2008, Mr. Khaista Rehman is hereby appointed as Office Assistant BPS-14 against the vacant post in office of the District Water Management Shangla on temporary basis with the following terms and conditions.

1. His service will be governed under the Govt. of NWFP Service Rules.
2. His service is subject to his satisfactory performance.
3. He will be provided same facilities under Benevolent Fund as admissible to Govt. servants at the rate to be prescribed by the Govt.
4. He will be provided equal opportunities for local training as per rules.

If the above offer of appointment is acceptable to him on the above terms and conditions, he is advised to report to the office of District Officer Water Management Shangla within 15 days from today for duty, after medical examination from the E.D. Health/Medical Superintendent Shangla.

DISTRICT COORDINATION OFFICER
SHANGLA

Encl: No. and date even:

Copy forwarded to:

1. The DG Water Management NWFP Shangla.
2. The EDO Agriculture Shangla.
3. The District Officer Water Management Shangla.
4. The District Accounts Officer Shangla.
5. Candidate concerned.

DISTRICT COORDINATION OFFICER
SHANGLA

ATTESTED

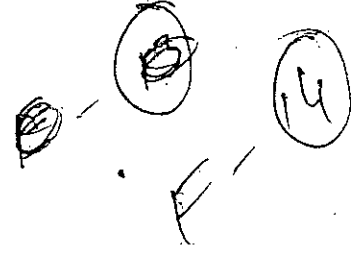
ATTESTED

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Handwritten marks and a circled number '13' at the top right of the page.

To,

The Director General,
On Farm Water Management
Khyber Pakhtunkhwa Peshawar.



Through: **Proper Channel**

Subject: **APEAL FOR CORRECTION IN SENIORITY LIST.**

R/Sir,

Reference Your's office seniority list of Office Assistant / Accountant and reference to the Hon'ble Peshawar High Court Peshawar decision dated 10-03-2011 under the allowed W.P No.44/2009. (copy attached).

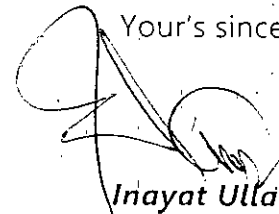
Sir, I was appointed as Key Punch Operator in OFWM Department on 31/12/2004 and performed my duties proficiently. In 2008 there was created new post of office assistant and I applied through proper channel and also got NOC from the EDO (Agri) for applying the said post. When test and interview were completed I secured high marks and became first in the merit list but unfortunately the DCO Shangla appointed another one who secured low marks and merit, vide order No.7844-45/2-36/DCO/SH dated 31-12-2008 (copy attached) and I was ignored. I filed Writ Petition in the Hon'ble Peshawar High court Peshawar for justice against them and my Writ Petition was allowed on decision dated 10-03-2011 after 2 years and 3 months. After allowing my writ petition I appointed as office assistant vide order No.1775-78/2-16/DCO/SH dated 26-03-2011. (Copy attached)

Sir, as per the decision / direction of Hon'ble Peshawar High Court Peshawar to the "**District Coordination Officer Shangla / Respondent No. 01 to do the needful and not to cause any loss to them**", I have a massive loss of the seniority issued by your's good office vide no and date quoted above, my date of appointment in present post is 26/03/2011 while first order was issued on 31-12-2008.

Sir, your good self is hereby requested to kindly accept / consider my appeal and necessary correction i-e my date of appointment in present post may kindly be accorded as 31-12-2008 instead of 26-03-2011 as per the verdict of Hon'ble Peshawar High Court Peshawar dated quoted above.

I will be very grateful for this act of kindness. Best Regards.

Your's sincerely,

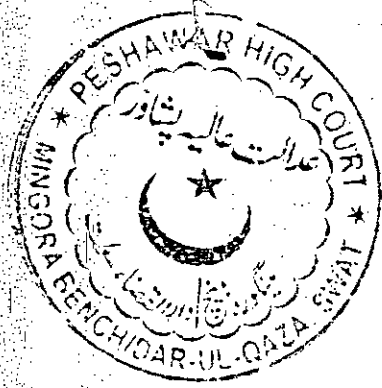


Inayat Ullah,

Office Assistant /Accountant BPS-16
o/o District Director,
On Farm Water Management
District Swat.

ATTESTED





- 1 -

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

G-
(53)

W.P No. 228-M/2014
With Interim Relief

*Mst. Husna Razzaq d/o Abdur Razzaq, r/o Village Morani Payeen,
Tehsil Balabet, District Dir Lower.*

(Petitioner)

Versus

*Government of Khyber Pakhtunkhwa through Secretary (E & SE)
Department, Khyber Pakhtunkhwa, Peshawar and 17 others*

(Respondents)

Present: *Nemo for petitioner.*

*Mr. Rafiq Ahmad, Assistant A.G. alongwith
Muhammad Shoaib, A.D.O, Dir Lower for official
respondents*

Date of hearing: 16.10.2017

JUDGMENT

IJAZ ANWAR, J.- Vide our detailed judgment in the connected W.P No. 227-M/ 2014, we allow this petition with direction to the official respondents to allow appointment of the petitioner against the post of P.E.T by considering her professional qualification of S.D.P.E and M.Sc in Health and Physical Education into her accumulative score. Needless to observe that the petitioner shall be appointed w.e.f the date her other colleagues were appointed pursuant to the same advertisement. The petitioner shall be entitled to seniority but not to arrears of salaries. Moreover, the candidates/private

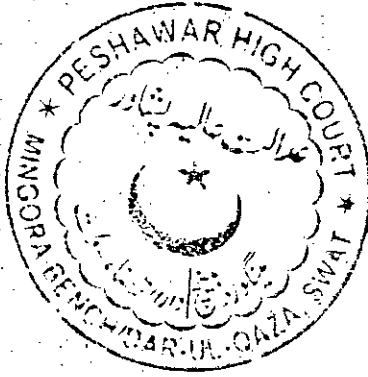
respondents, if any, already appointed shall not be disturbed.

(54)

Announced
Dr: 16.10.2017

Mohammad Ibrahim Khan
JUDGE

Ijaz Anwar
JUDGE



Certified to be true copy

[Signature]
EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
Authorized Under Article 87 of Constitution of Pakistan

26/10/17

Office
19/10

- 1 -

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

(55)

W.P No. 227-M/2014
With Interim Relief

Mst. Saima Gul w/o Fayaz Ali Shah r/o Bambolai Payeen, Tehsil Adenzai, District Dir Lower.
(Petitioner)

Versus

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Civil Secretariat Peshawar and 04 others.

(Respondents)

Present: *Abdul Qayum, Advocate for petitioner.*

Mr. Rafiq Ahmad, Assistant A.G. alongwith Muhammad Shoaib, A.D.O, Dir Lower for official respondents.

W.P No. 228-M/2014
With Interim Relief

Mst. Husna Razzaq d/o Abdur Razzaq, r/o Village Morani Payeen, Tehsil Balabat, District Dir Lower.
(Petitioner)

Versus

Government of Khyber Pakhtunkhwa through Secretary (E & SE) Department, Khyber Pakhtunkhwa, Peshawar and 17 others

(Respondents)

Present: *Nemo for petitioner.*

Mr. Rafiq Ahmad, Assistant A.G. alongwith Muhammad Shoaib, A.D.O, Dir Lower for official respondents.

W.P No. 251-M/2014
With Interim Relief

Rabia Gul d/o Gul Sharif Khan r/o Mayar, Tehsil Sanjar Bagh, District Dir Lower.
(Petitioner)

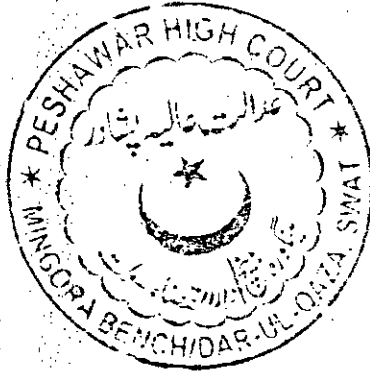
Versus

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Civil Secretariat Peshawar and 04 others

(Respondents)

Present: *Mr. Abdul Qayum, Advocate for petitioner.*

Mr. Rafiq Ahmad, Assistant A.G. alongwith Muhammad Shoaib, A.D.O, Dir Lower for official respondents.



2

W.P No. 263-M/2014
With Interim Relief

56

*Mst. Aneela Sarwat w/o Waleed Zaman r/o Mohallah
Akhunzaddgan, Mayar, Tehsil Samar Bagh, District Dir Lower.*
(Petitioner)

Versus

*Government of Khyber Pakhtunkhwa through Secretary
Elementary and Secondary Education, Civil Secretariat Peshawar
and 04 others*
(Respondents)

Present:

Mr. Abdul Qayum, Advocate for petitioner.

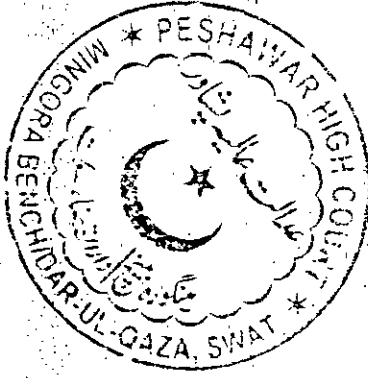
*Mr. Rafiq Ahmad, Assistant A.G. alongwith
Muhammad Shoaib, A.D.O, Dir Lower for official
respondents.*

Date of hearing: 16.10.2017

JUDGMENT

IJAZ ANWAR, J.- Through this single judgment we intend to dispose of this petition i.e W.P No. 227-M/2014 as well as the connected petitions bearing W.P No. 228-M/2014, W.P No. 251-M/2014 and W.P No. 263-M/2014, as common questions of law and facts are involved in all these petitions.

2. As per assertions of petitioner in the instant writ petition, the respondent department advertised various posts including the post of Physical Education Teacher (P.E.T BPS-15) in G.G.M.S Bamboai, Dir Lower through advertisement on 5th January, 2014 published in daily "Aaj". Petitioner, being an active player of different games in her educational career and also an

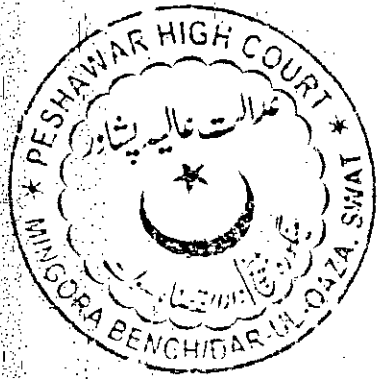


(57)

athlete besides, having the requisite qualification of M.Sc and Senior Diploma in Physical Education (S.D.P.E) alongwith experience applied for the said post. She secured 51/100 marks in NTS and obtained accumulative score of 104.34 and was optimistic for her appointment but astonishingly private respondent No.5 Mst. Lubnaz Begum was appointed as P.E.T in the mentioned school and the petitioner was ignored.

3. Petitioner Mst. Husna Razzaq in W.P No. 228-M/2014 has averred that she applied for the post of P.E.T having the requisite qualification and experience in the advertisement published on 05.01.2014 in daily "Aaj". She scored 107.24 marks in the NTS and stood 2nd amongst the candidates for the said post but private respondents No.4 to 18 were appointed and the petitioner was ignored despite she was higher in qualification than the candidates appointed vide order dated 03.05.2014.

4. Mst. Rabia Gul, who has filed W.P No. 251-M/2014, has asserted that she applied for the post of P.E.T in five different schools as per policy. After passing the N.T.S, the petitioner scored

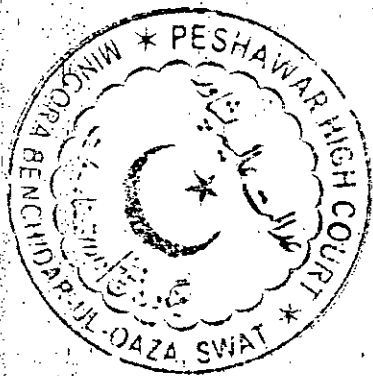


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first position in G.G.M.S Shontala with accumulative score of 97.4 marks. She also signed an offer letter dated 29.04.2014 issued by Respondent No.3 for her appointment in G.G.H.S Badin but private respondents No. 4 and 5 were appointed as P.E.Ts in the mentioned schools and the petitioner was not considered for her appointment.

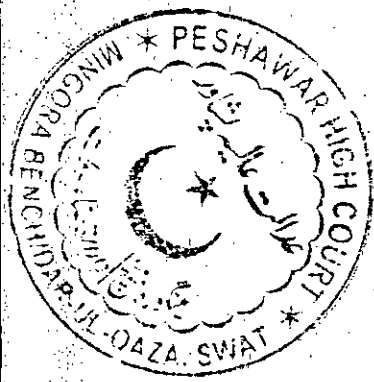
5. Similarly, petitioner Mst. Aneela Sarwat in W.P No. 263-M/2014 has averred that the respondent department advertised the posts of P.E.T (female) vide advertisement dated 04.01.2014 published in Daily Express. Petitioner having Senior Diploma in Physical Education and Master degree in Health and Physical Education, applied for five schools through N.T.S. and remained successful in the said test. Thereafter she was called for interview. Grievance of the petitioner is that she obtained accumulative score of 81.34, however, her Senior Diploma in Physical Education was not considered, hence, private respondents No. 4 & 5 were selected and the petitioner was ignored despite she was higher in qualification.



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first position in G.G.M.S. Shontala with accumulative score of 97.4 marks. She also signed an offer letter dated 29.04.2014 issued by Respondent No.3 for her appointment in G.G.H.S Badin but private respondents No. 4 and 5 were appointed as P.E.Ts in the mentioned schools and the petitioner was not considered for her appointment.



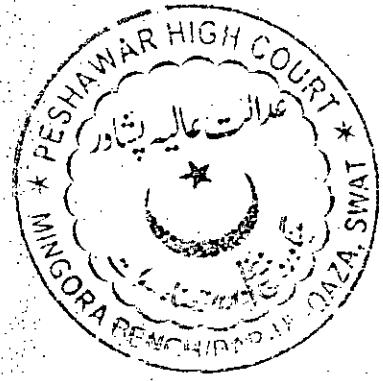
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5. Similarly, petitioner Mst. Aneela Sarwat in W.P No. 263-M/2014 has averred that the respondent department advertised the posts of P.E.T (female) vide advertisement dated 04.01.2014 published in Daily Express. Petitioner having Senior Diploma in Physical Education and Master degree in Health and Physical Education, applied for five schools through N.T.S. and remained successful in the said test. Thereafter she was called for interview. Grievance of the petitioner is that she obtained accumulative score of 81.34, however, her Senior Diploma in Physical Education was not considered, hence, private respondents No. 4 & 5 were selected and the petitioner was ignored despite she was higher in qualification.

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6. Arguments heard. Record perused.

7. The common issue involved in all the cases is that petitioners are holders of the qualification of Senior Diploma in Physical Education (S.D.P.E) while the pre-requisite qualification for the post of P.E.T (BPS-15) has been mentioned in the advertisement as B.A/B.Sc from a recognized university with one year Junior Diploma in Physical Education (JDPE) or equivalent certificate from Army or other equivalent qualification. Admittedly, the petitioners have found their place in the appointment zone through their merit, however, they were denied appointment for not holding the qualification of Junior Diploma in Physical Education.



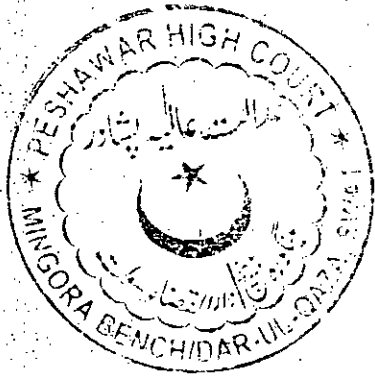
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8. The learned counsel for the petitioners has referred to different judgments of this Court whereby the same issue has repeatedly been decided in a number of cases and many a time it was maintained by the apex Court and it was held therein that Senior Diploma in Physical Education (S.D.P.E) is a higher diploma and the candidates possessing higher qualification cannot be deprived of their

appointment against the posts of P.E.T. We have noticed that despite the decisions of this Court which have been maintained upto the apex Court, the respondents are continuously not adhering to the judgments of this Court that is why the candidates are approaching this Court again and again for this issue. The august Supreme Court of Pakistan in a celebrated judgment rendered in the case titled "Hameed Akhtar Niazi V/s. The Secretary, Establishment Division, Government of Pakistan and others" (1996 SCMR 1185) held that:-

"We may observe that if the Tribunal or this Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum".

The same view was followed by the apex Court in another judgment in the case titled "Government of Punjab, through Secretary Education, Civil Secretariat, Lahore and others V/s.



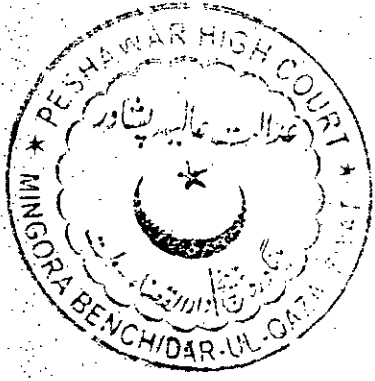
Sameena Parveen and others" (2009

(61)

SCMR 1):

8. We have also noticed from perusal of the record that petitioners in all these writ petitions were not allowed the marks by respondents for holding the degree of Master of Health and Physical Education and they have also not considered their Senior Diploma in Physical Education. We, thus, are left with no other choice but to allow all these petitions with direction to the official respondents to allow appointment of petitioners against the posts of P.E.T by considering their respective professional qualification of S.D.P.E and M.Sc in Health and Physical Education into their accumulative scores. Needless to observe that the petitioners shall be appointed w.e.f the date their other colleagues were appointed pursuant to the same advertisement. They shall be entitled to seniority but not to arrears of salaries. Moreover, the candidates/private respondents, if any, already appointed shall not be disturbed.

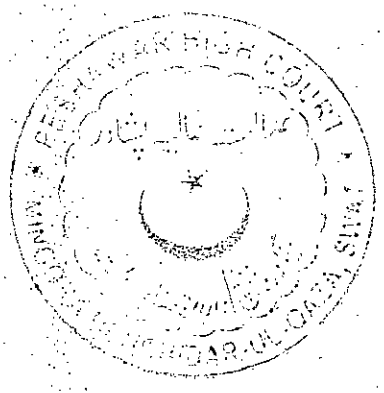
9. Before parting with this judgment we may observe that this Court in judgment dated



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(62)

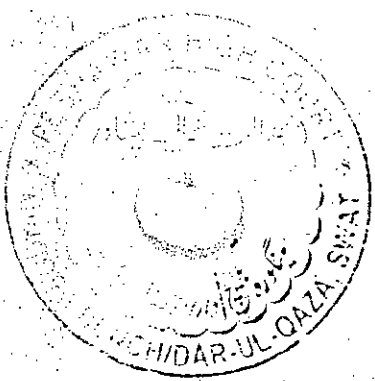
16.05.2013 rendered in the case titled "*Naqib/Sultan V/s. Govt. of Khyber Pakhtunkhwa*" (W.P No. 264-M/2011), judgment dated 31.03.2004 in the case titled "*Jan Muhammad and others V/s. Govt. of NWFP and others*" (W.P No.1472/2003), judgment dated 28.06.2016 in the case titled "*Ijaz-ul-Haq V/s. Govt. of Khyber Pakhtunkhwa and others*" (W.P No. 644-P/2016), judgment dated 24.02.2009 in case titled "*Taj Pari V/s. Govt. and others*" (W.P No. 864/2007), judgment dated 28.05.2004 in case titled "*Masood Khan V/s. Govt. of NWFP and others*" (W.P No. 1484/2003) and judgment dated 02.05.2000 in case titled "*Muhammad Azam and others V/s. Govt. of NWFP and others*" (W.P No. 652-M/1999) discarded the objections of respondent department regarding non considering the qualification of S.D.P.E for the post of P.E.T and those judgments were either maintained by the apex Court or no appeal has been filed thereagainst and attained finality. For ready reference one judgment is referred which was delivered on 27.06.2006 by the apex Court in the case titled i.e "*Umair Wahid V/s. Govt. of NWFP*" (C.P No. 193-P/2006) but



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(63)

despite this the department is repeating this objection. We, therefore, direct the Director of Elementary and Secondary Education to circulate this judgment to all the District Officers of Education Department of the Province with strict directions to consider the holders of higher qualification of S.D.P.E and M.Sc in Physical Education for the posts of P.E.T and not to force the candidates for approaching the Courts again and again for the decided issue.



Announced
Dt: 16.10.2017

Mohammad Ibrahim Khan
JUDGE

Ijaz Anwar
JUDGE

Certified to be true copy

Office
19/10

[Signature]
EXAMINER
 Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
 Authorized Under Article 87 of Qanoon-e-Shariat Qazi 1981
26/2/18

BEFORE THE PROVINCIAL SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 11141/2020

Mr. Inyat Ullah S/o Abdur Rahim, Office Assistant (BPS-16), R/O Village & P.O, Alpuri,
Tehsil Alpuri, Shangla.

.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary, Agriculture Department, Civil Secretariat, Peshawar.
2. The Director General, On Farm Water Management Khyber Pakhtunkhwa, Peshawar.
3. The District Officer, On Farm Water Management, District Shangla.
4. The District Director to Deputy Commissioner, District Shangla.....Respondent

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DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 11141/2020

Mr. Inyat Ullah S/o Abdur Rahim, Office Assistant (BPS-16), R/O Village & P.O, Alpuri,
Tehsil Alpuri, Shangla.

.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary, Agriculture Department, Civil Secretariat, Peshawar.
2. The Director General, On Farm Water Management Khyber Pakhtunkhwa, Peshawar.
3. The District Officer, On Farm Water Management, District Shangla.
4. The District Director to Deputy Commissioner, District Shangla.....**Respondents**

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS 1 to 4

Respectfully Sheweth:

That the respondents submit as under:-

Preliminary objection

1. That the appellant has no cause of action.
2. That the appellant has no locus standi.
3. The appeal is premature.
4. That due to concealment of material fact and misstatement appeal is liable to be dismissed.
5. The appeal is badly bared by time and not maintainable in eyes of law.
6. That the appeal is bad for miss-joinder and non-joinder of necessary and proper parties.

COMMENTS

1. That the appellant is employee of (On Farm Water Management department) and presently working as Office Assistant (BPS-16) in o/o the District Officer On Farm Water Management Shangla.

2. Correct to the extent that the appellant was initially appointed on 31-12-2004 as Key Punch Operator in the project titled 'National Program for Improvement/Lining of Watercourses Khyber Pakhtunkhwa Component' as per terms and conditions specified for the project post on contract basis for a period of one year extendable on need basis subject to satisfactory performance and project period (copy of appointment order dated 31-12-2004 attached **Annex-A**).

3. Correct to the extent that in the year 2008, the post of Office Assistant (BPS-14) now BPS-16 was advertised in office of the District Officer On Farm Water Management Shangla (Respondent No. 03). The appellant applied for the said post. Being District cadre post, the District Coordination Officer Shangla on recommendation of the Departmental Selection Committee Shangla appointed Mr. Khaista Rehman as Office Assistant (BPS-14) against the said post vide order No.7844-48/2-36/DCO/SH dated 31.12.2008 (**Annex-B**).

The appellant Mr. Inayat Ullah filed Writ Petition before the Honourable Peshawar High Court Peshawar against the said order which was decided on 10-03-2011 as Mr. Khaista Rehman & Inyat Ullah mutually agreed for vacating their respective posts for one another by making statements at the bar, and the Honourable High Court directed that "Accordingly the DCO Shangla at Alpuri/ respondent No. 01 is directed that the petitioner be posted as Office Assistant in place of respondent No. 4 while respondent No. 4 (Khaista Rehman) shall be re-posted on the post of Key Punch Operator (BPS-12) within a period of Twenty (20) days positively" (copy of order dated 10-03-2011 attached **Annex-C**).

In pursuance to the directions of the Honourable High Court the District Coordination Officer Shangla posted Mr. Inayat Ullah as Office Assistant with immediate effect vide order No. 1775-78/2-16/DCO/SH dated 26-03-2011 (**Annex-D**).

4. That the Director General On Farm Water Management Khyber Pakhtunkhwa, Peshawar issued Seniority List of Office Assistant vide notification No. 219/DG/OFWM/Estt: dated 23-01-2020 wherein, the appellant was given his due seniority position from 26-03-2011 when he became Office Assistant and placed at S.No. 12 in the seniority list of Office Assistant (Copy of seniority list attached **Annex-E**).

5. That the plea of the appellant regarding his seniority position is not based on fact as he has been given his due place in the seniority list of Office Assistant i.e. w.e.from 26-03-2011 when he joined the post of Office Assistant. Moreover, the appellant did not made private respondents as party from whom he want to supersede which need kind consideration of this Honourable Tribunal.

It is worth mentioning that the appellant was posted as Office Assistant on 26-03-2011 in compliance of Honorable Peshawar High Court orders. His appointment orders were issued by the District Coordination Officer Shangla as the same was District cadre post till segregation from the district setup where after it was realigned with the Provincial Administrative Agriculture, Livestock & Cooperative department w.e.from 01-01-2013 vide Govt. of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Notification No. SOG(AD)AD-V-114/2012 dated 31-12-2012 (**Annex-F**).

6. The grievance of the appellant is not based on facts and material on record as explained in the para ibid. The reply of the grounds is as under.

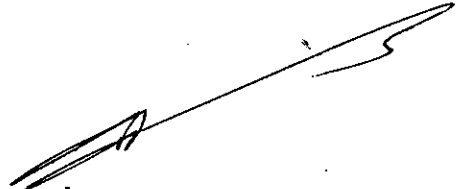
GROUND

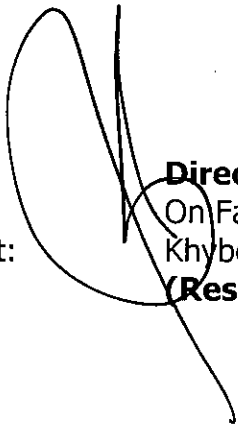
A. Incorrect, the plea of the appellant is not based on facts and out of place as the appellant has been treated in accordance with law, rules & policy on the subject matter and material on record.


B. Incorrect, the appellant was treated according to law & rules on the subject and no violation has been done to the appellant.

- C. Incorrect, the claim of the appellant for grant of seniority w.e.from 31-12-2008 is not based on facts as he was posted as Office Assistant vide order dated 26-03-2011 and before that he served as Key Punch Operator therefore, the claim of the appellant for grant of seniority position in Office Assistant Cadre is out of place and the act of respondents is lawful.
- D. Incorrect, the plea of the appellant that if his legal right was not granted to the appellant then he will suffer a lot is not based on facts, out of place and material on record.
- E. Incorrect, the appellant was treated according to law, rules & not deprived in any way.

Therefore, it is prayed that keeping in view the above noted facts the appeal of the appellant may kindly be dismissed.


Secretary
Govt. of Khyber Pakhtunkhwa
Agriculture, Livestock & Coop: Deptt:
Peshawar
(Respondent No. 1)


Director General
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)


District Officer
On Farm Water Management
Shangla
(Respondent No.03)


Deputy Commissioner
Shangla
(Respondent No.04)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 11141/2020

Inyat Ullah s/o Abdur Rahim, Office Assistant
(BPS-16) Village & P.O Alpuri, Tehsil Alpuri,
Shangla

APPELLANT


VERSUS

1. Secretary, Agriculture Livestock & Co-operative
Department, Government of Khyber Pakhtunkhwa,
Peshawar.
2. Director General, On Farm Water Management,
Khyber Pakhtunkhwa, Peshawar.
3. District Officer On Farm Water Management District
Shangla
4. Deputy Commissioner, District Shangla

RESPONDENTS

Affidavit

I, Tahir Khan District Officer **On Farm Water Management Shangla** do hereby solemnly declare and affirm that the respondents have not suppressed the facts and actual position of the case from this honourable Tribunal. The comments and reply both are true and correct according to my knowledge, belief and nothing has been concealed from this Tribunal.


DEPONENT
DISTRICT OFFICER
WATER MANAGEMENT
Alpuri Distt:Shangla

NO. 362932 /DCO/SH
Dated 31 /12/2004.

To

Mr. Mayatullah S/O Abdur Rahim
Village and P/Office Alpuri
Tehsil Alpuri Shangla.

A - (4)

Subject: -

APPOINTMENT AGAINST THE VACANT POST OF KEY PUNCH OPERATOR IN THE OFFICE OF THE ASSISTANT DIRECTOR WATER MANAGEMENT DISTRICT SHANGLA.

Please refer your application for the subject post:

On the recommendation of Departmental Selection Board, the competent authority is pleased to appoint you on contract basis against the vacant post of Key Punch Operator BPS-10 in the office of the Assistant Director Water Management District Shangla on the following terms and conditions:-

1. You will be placed in minimum of BPS-10 (2490-160-7290) with usual allowance as permissible to Govt servant of the same pay scale.
2. Your service will be governed under the Government of NWFP Contract Policy 2002.
3. Your initial contract will be for one year. However fresh contract would be executed if the Job is required to be continue, subject to your satisfactory performance and project period.
4. Either party can terminate the contract on one-month notice or one month salary in lieu of thereof.
5. You will avail the benefit of contributory Provident Fund(CPF) through 5% contribution of Minimum of your pay and 5% contribution to be made by the Govt as & when policy framed.
6. You will not to contribute to G.P.F. and shall not be entitled for pension and gratuity benefits.

If the offer of appointment on contract basis is acceptable to you on the terms and condition, you are advised to report to Assistant Director Water Management Shangla for duty, after medical examination from the medical Superintendent concerned within 10 days on the issue of this letter.

DISTRICT COORDINATION OFFICER,
SHANGLA.

Endst: No.

Copy to: -

- 1:- E.D.O. Agriculture District Shangla at Alpuri
- 2:- Assistant Director W/Management Shangla at Alpuri.
- 3:- District Accounts Officer Shangla at Alpuri

DISTRICT COORDINATION OFFICER,
SHANGLA.

ATTESTED

67 22

OFFICE OF THE
DISTRICT COORDINATION OFFICER
SHANGLA AT ALPURAI

No. 7844-48/12-86/DCO/SH

Dated 31/12/2008

APPOINTMENT ORDER.

Consequent upon the recommendation of the Departmental Selection Committee Shangla in its meeting held on 31/12/2008, Mr. Khaista Rehman is hereby appointed as Office Assistant BPS-14 against the vacant post in office of the District Water Management Shangla on temporary basis with the following terms and conditions.

1. His service will be governed under the Govt: of NWFP Service Rules.
2. His service is subject to his satisfactory performance.
3. He will be provided same facilities under Benevolent Fund as admissible to Govt: servants at the rate to be prescribed by the Govt:.
4. He will be provided equal opportunities for local training as per rules.

If the above offer of appointment is acceptable to him on the above terms and conditions, he is advised to report to the office of District Officer Water Management Shangla within 15 days from today for duty, after medical examination from the EDO Health/Medical Superintendent Shangla.

DISTRICT COORDINATION OFFICER
SHANGLA

Enclst: No. and date even:

Copy forwarded to:

1. The DG Water Management NWFP Shangla.
2. The EDO Agriculture Shangla.
3. The District Officer Water Management Shangla.
4. The District Accounts Officer Shangla.
5. Candidate concerned.

DISTRICT COORDINATION OFFICER
SHANGLA

ATTESTED

AMIN
ALAM
D. D (ofcum)
Sweet

PESHAWAR HIGH COURT PESHAWAR

ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
10-3-2011	<p><u>W.P.No.44/2009 with Interim Relief.</u></p> <p>Present: Mr.Muhammad Saeed Khan Shangla, Advocate alongwith the petitioner.</p> <p>Mr.Obaid Razzaq, A.A.G for respondents 1 to 3 alongwith Tahir Khan, representative of respondent No.1.</p> <p>Respondent No.4 in person.</p> <p><u>DOST MUHAMMAD KHAN, J:-</u> Respondent No.4 (Khaista Rehman) and the petitioner (Inayat Ullah) mutually agreed by making statements at the bar, vacating their respective posts for one another because the petitioner has secured high merits, and the respondent No.4 has, therefore, shown a good gesture, however, they are requesting for the Court order/directions to the D.C.O/respondent No.1 to do the needful and not to cause any loss to them while making order through mutual posting.</p> <p>The learned A.A.G stated that in the given circumstances, the DCO shall have no objection</p>

because merits of the case have been acknowledged by respondent No.4 and what is prayed for by the petitioner is achieved in an amicable manner.

Accordingly, the DCO, Shangla at Alpuri/ respondent No.1 is directed that the petitioner be posted as Office Assistant in place of respondent No.4 while respondent No.4 (Khaista Rehman) shall be re-posted on the post of Key Punch Operator (BPS-12) within a period of twenty (20) days positively.

This writ petition is admitted and allowed in the above terms and reasons.

~~_____~~
JUDGE


JUDGE

1/2000
13/1/03

OFFICE OF THE
DISTRICT COORDINATION OFFICER
SHANGLA AT ALPURAI

No. 1775-78/2-16/DCO/SH

Dated 16/03/2011.

OFFICE ORDER.

In pursuance of the Honourable Peshawar High Court Peshawar order passed on 10/03/2011 in Writ Petition No: 44/2009 (Inayatullah versus District Coordination Officer and others), Mr. Inayatullah presently working as Key Punch Operator in Water Management/Agriculture Department Shangla is hereby posted as Office Assistant (BPS-14), while Mr. Khaista Rehman presently working as Office Assistant in Water Management/Agriculture Department Shangla is hereby re-posted on the post of Key Punch Operator (BPS-12) with immediate effect.

DISTRICT COORDINATION OFFICER
SHANGLA

Endst: No. and date even:

Copy forwarded to: -

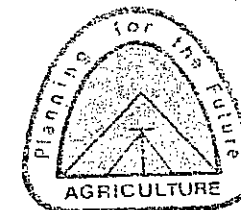
1. The Additional Registrar (J), Peshawar High Court, Peshawar w/r to letter No. 2641/Judl dated 16/03/2011 for information, please.
2. The Executive District Officer, Agriculture Shangla for information.
3. The District Accounts Officer, Shangla.
4. The above named officials.

DISTRICT COORDINATION OFFICER
SHANGLA

Alister
[Signature]
D.O (of Farm)
Sweet



DIRECTORATE GENERAL
ON FARM WATER MANAGEMENT
KHYBER PAKHTUNKHWA, PESHAWAR



FINAL SENIORITY LIST OF OFFICE ASSISTANT (BS-16) OF ON FARM WATER MANAGEMENT DEPARTMENT KHYBER
PAKHTUNKHWA AS ON 31/12/2019

Notification

No. 219 /DG OFWM/Estt: dated Peshawar the 23/01 /2020

In pursuance of Section-8(1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules 1989, final Seniority List of Office Assistant of On Farm Water Management as stood on 31/12/2019 is Notified / Circulated.

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
1	Abdul Mateen Matric	23/09/1960 Nowshera	03/11/1980 Junior Clerk	01/02/2008	16	Promotion	Office Assistant O/O the District Officer OFWM Nowshera	-
2	Akbar Ali F.A	01/01/1961 Nowshera	18/12/1980 Junior Clerk	01/02/2008	16	Promotion	Office Assistant O/O the DG OFWM Khyber Pakhtunkha, Peshawar	-
3	Tayyab Gul M.A	12/12/1962 Nowshera	18/12/1980 Junior Clerk	01/02/2008	16	Promotion	Office Assistant O/O the DG OFWM Khyber Pakhtunkha, Peshawar	-

S.No	Name of officer with academic qualificaion	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
4	Shakirullah F.A <i>died</i>	10/2/1962 Peshawar	07/05/1981 Junior Clerk	01/06/2009	16	Promotion	Office Assistant O/O the District Officer OFWM Malakand at Batkhela	-
5	Muhammad Saleem Matric	04/05/1963 Mansehra	11/07/1981 Junior Clerk	31/12/2012	16	Promotion	Office Assistant O/O the District Director OFWM Mansehra	-
6	Maqbol Hussain Matric	17/2/1961 Nowshera	26/07/1981 Junior Clerk	31/12/2012	16	Promotion	Office Assistant O/O the Director General OFWM Khyber Pakhtunkha, Peshawar	-
7	Adnanullah MBA	05/03/1976 Bannu	01/01/2005 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OFWM Bannu	-
8	Muhammad Iqbal BA	10/10/1978 Lakki Marwat	25/01/2005 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Director OFWM Lakki Marwat	-
9	Mufti Mehmood B.A	12/12/1978 Kohistan	17/10/2008 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OFWM Kohistan	-
10	Sher Baz Mazari M.Com	06/04/1978 Chitral	01/01/2009 District Govt 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment.	Office Assistant O/O the District Officer OFWM Chitral	-

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
11	Imran Khan M.Sc	04/01/1985 Dir Lower	18/11/2009 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Director OFWM Dir Lower	
12	Inayatullah BBA (Hon) LLB	01/02/1985 Shangla	26/03/2011 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Director OFWM Swat	
13	Amin-Ur-Rehman M.Sc Computer Science	01/02/1987 Dir Upper	23-07-2011 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OFWM Dir Upper	
14	Hazrat Gul Matric	24/1/1964 Peshawar	23/11/1981 Junior Clerk	28/01/2016	16	Promotion	Office Assistant O/O the District Director OFWM Charsadda	
15	Mushtaq Ahmad Matric	4/2/1961 Nowshera	12/11/1980 as Greaser 10/6/1982 Junior Clerk	28/01/2016	16	By Promotion	Office Assistant O/O the District Director OFWM Mardan	
16	Muhammad Riaz Matric	12/5/1964 Mansehra	14/11/1982 Junior Clerk	28/01/2016	16	By Promotion	Office Assistant O/O the District Director OFWM Haripur	
17	Aurang Zeb F.A	1/4/1965 Mansehra	04-02-1983 Junior Clerk	23/05/2016	16	By Promotion	Office Assistant O/O the District Officer OFWM Abbottabad	

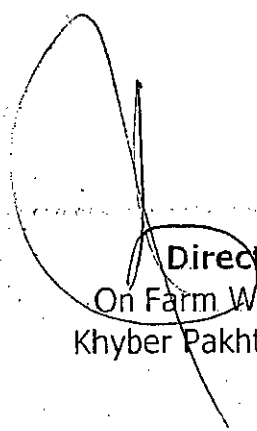
S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
18	Mr. Sanullah BS Environmental Sciences	26/04/1987 Charsadda	21/08/2017	21/08/2017	16	By initial recruitment	Working against the post of Administrative Officer in o/o Director General OFWM Khyber Pakhtunkhwa, Peshawar	-
19	Umer Khan F.A	24/4/1964 Lakki Marwat	17/12/1983 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM Kohat	-
20	Aala Khan Matric	14/04/1960 Lakki Marwat	4/3/1985 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the Director HRD OFWM T.C DIKhan	-
21	Rahat Gul Matric	1/4/1967 Nowshera	31/7/1985 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM Buner	-
22	Tajamal Hussain Matric	15/10/1966 Nowshera	8/1/1985 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM Swabi	-
23	Allah Noor Matric	10/4/1962 Bannu	18/12/1980 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM Hangu	-
24	Ghulam Akbar Matric with Diploma in Commerce	8/5/1963 D.I.Khan	20/7/1986 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Director OFWM Dikhan	-
25	Mumtaz Ahmad M.A (urdu)	15/3/1968 D.I.Khan	21/7/1986 Junior Clerk	30/09/2019	16	By Promotion	Office Assistant O/O the District Director OFWM Tank	-
26	Ibrar Hussain M.A	1/5/1962 Nowshera	4/8/1987 Junior Clerk	30/09/2019	16	By Promotion	Senior Clerk O/O the District Officer OFWM Battagram	-

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
27	Farhad Ali F.A	10/3/1967 Mardan	08/06/1989 Junior Clerk	30/09/2019	16	By Promotion	Office Assistant O/O the District Officer OFWM Shangla	-
28	Bashir Ahmad B.A	26/11/1968 Peshawar	21/10/1989 Junior Clerk	30/09/2019	16	By Promotion	Office Assistant O/O the Director General OFWM Khyber Pakhtunkhwa Peshawar	-

Certified that the above list is final, circulated and undisputed.

Endst: No. and date even

- 1 Director (HRD) OFWM Training Center DIKhan.
- 2 All District Directors OFWM in Khyber Pakhtunkhwa.
- 3 All District Officers OFWM In Khyber Pakhtunkhwa.
For Information.


Director General
 On Farm Water Management
 Khyber Pakhtunkhwa, Peshawar



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVES
DEPARTMENT

Dated 31st December, 2012

NOTIFICATION

SOG (AD) AD-V-114/2012.

In pursuance of the Khyber Pakhtunkhwa, Local Government Act, 2012 (Khyber Pakhtunkhwa Act No. VIII of 2012) and the Establishment Department Notification No. SO(E-I) E&AD/4-49/2012 dated 27/12/2012, the posts of Executive District Officer (Agriculture) are hereby abolished with immediate effect. The existing District setup is hereby segregated from Local Government and realigned with the Agriculture, Livestock and Cooperative Department w.e.f 01/01/2013 and the district level administrative structure of the four devolved attached departments is hereby organized as follows:

- i. **Agriculture Extension.** Headed by the District Director Agriculture with the field formation of Subject Matter Specialists, Agriculture Officers, Plant Protection Officers, Assistant Horticulture Officers and Assistant Agronomists etc.
- ii. **Livestock & Dairy Development (Extension).** Headed by the District Director Livestock & Dairy Development, with the field staff of Senior Veterinary Officers and Veterinary Officers etc.
- iii. **On Farm Water Management.** Headed by the District Directors/District Officers and manned by Water Management Officers etc.
- iv. **Soil Conservation.** Headed by the District Officers Soil Conservation and manned by Soil Conservation Assistants etc.
- v. The non devolved attached departments will continue with the existing set up.

-sd-
(SECRETARY AGRICULTURE)

Copy to:

1. Accountant General, Khyber Pakhtunkhwa.
2. PS to Governor, Khyber Pakhtunkhwa.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. All Commissioners, Khyber Pakhtunkhwa.
5. All Head of Attached Department, Agriculture Department.
6. All District Coordination Officer, Khyber Pakhtunkhwa.
7. All District Accounts Officers, Khyber Pakhtunkhwa.
8. All Executive District Officers (Agriculture), Khyber Pakhtunkhwa.
9. Director, Information, Khyber Pakhtunkhwa.
10. Manager Government Printing Press, Peshawar.
11. Section Officer (Estt.I), Establishment Department.
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Additional Chief Secretary, P&D, Khyber Pakhtunkhwa.
14. PS to Secretary Agriculture.

(Dr. MIR AHMAD KHAN)
SECTION OFFICER (Admin)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2020

Inayat Ullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Agriculture Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Inayat Ullah

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

Dated. _____/_____/2020



CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI


MIR ZAMAN SAFI

&


AFRASIAB KHAN WAZIR
ADVOCATES

OFFICE:

Flat No.4, 2nd Floor, Juma Khan
Plaza, near FATA Secretariat,
Warsak Road, Peshawar.
Mobile No.0345-9383141

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

513

Appeal No. of 20

11141

20

Mr. Inayatullah Appellant/Petitioner

Versus

The Court Kpk Peshawar Respondent

Respondent No. 2

Recd

Notice to:

The Director General on Farm water
Kpk Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 6/5/2021 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of Pre-Admission Notice appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 16th

Day of Feb 21 20

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

P.13

Appeal No..... of 20

11/41
..... Appellant/Petitioner
Mrs. Inayatullah

Recept
..... Respondent
The Govt. K.P.K. Suiy Agri Peshawar
Respondent No. 3

Notice to: —

*The Distt. Director on Farm
w/anted Management Distt. Shangla.*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. *Pls. Admission Notice* Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

Feb 21

16/15

[Signature]
Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. *P.B*

No.

Appeal No. *111/41* of 20 *20*

Recd

Mr. Inayatullah Appellant/Petitioner

Versus

The Court K/PK Sui Agri / Peshawar Respondent

Respondent No. *4*

Notice to:

The Distt. Director to Deputy
Commissioner Distt. Shangha

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *6/3/2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Pre-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this *16th*

Day of *Feb* 20 *21*

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. *SIB*

No.

Appeal No. *11/41* of 20 *20*

Mr. Inayatullah Appellant/Petitioner

The Govt. KPK Sary Agri Peshawar. Respondent

Respondent No. *1*

Notice to:

*The Govt. of KPK, Through Secretary
Agriculture Deptt. Peshawar.*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on *6/5/2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Pre-Admission Notice

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Given under my hand and the seal of this Court, at Peshawar this *16th*

Day of *Feb* 20 *21*

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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