

20th Sept 2022

1. Appellant in person present. Mr. Kabirullah, Addl: AG for respondents present.

2. The relief granted in the judgment was that the department was directed to consider the petitioner for promotion if the only hurdle in his way was notification of 2011 and if found eligible and fit in accordance with the rules prior to amendments made vide notification dated 30.06.2011. Through the instant application the petitioner has requested for implementation of the judgment in letter and spirit. Today the respondents have produced copy of the minutes of departmental promotion committee wherein, in compliance with the judgment of the Tribunal, the case of the appellant was considered for promotion but he was not found eligible and fit for the desired promotion because the only hurdle was not notification of 2011 but also the required qualification of M.Sc Agriculture or B.Sc (Hons) Agriculture as per previous service rules prior to the notification dated 30.06.2011. The case was referred to Law and Establishment department for soliciting a clear cut opinion in the case. Copy of a letter from Director General to the Director Agriculture Station Buffa bearing No. 1203-6/I(Lit)/DGAR dated 10.02.2022 shows that the Law Department returned the case with the advice to submit implementation report before this Tribunal after placing the case before the Departmental Promotion Committee while the Establishment department letter No. SOR-III(E&AD)/1-12/2021 dated 06.01.2022 declared the petitioner unfit for promotion to the post of research officer and the operative part of the letter was as under:-

The service rules for the post of Research Officer were amended through notification, dated 27.10.1987 and the 25% quota reserved for promotion of Field Assistant was deleted. If Muhammad Iqbal was aggrieved from the step taken by the Administrative Department, he should have submitted appeal against that notification in



1987. Moreover, as per seniority notified on 30.04.1991, Muhammad Iqbal was at serial No 134 and based on that seniority he had availed promotion from Field Assistant to the post of Research Inspector (BS-11) vide office order dated 26.01.2016. Furthermore, through impugned notification dated 30.06.2011, the official has also got up-gradation from BS-06 to BS-09. It is also evident from the record that impugned notification dated 30.06.2011 was not main hurdle for his promotion rather his qualification is not fulfilling the requisite criteria for promotion which is M.Sc Agriculture or B.Sc (Hons) Agriculture from a recognized University for the post of Research Officer (BS-17).

3. Therefore the compliance of the judgment of the Tribunal seems to have been made and thus this petition is filed. Consign.

4. Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 20th day of September, 2022.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19th July 2022 Petitioner in person present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Niaz Batti, Assistant for respondents present.

The petitioner submitted an application in response to the direction of the Tribunal to clarify as to what was his relief in the appeal, what relief was granted to him in the judgment and what he is going to seek from the Tribunal through this execution petition. Copy of the application is given to the other side with the direction to implement the judgment in accordance with the terms of relief granted to the appellant. To come up for implementation report on 20.09.2022 before S.B at camp court Abbottabad.

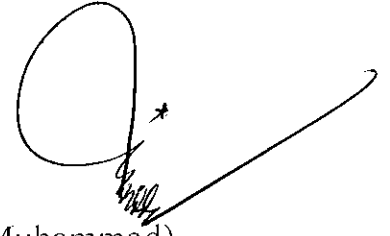


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

21.12.2021

Petitioner in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Ihsan Ullah, Senior Research Officer for respondents present.

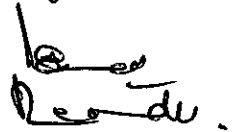
Representative of the department produced a copy of the Establishment Department letter dated 17.12.2021 which indicates that a meeting was scheduled under the chairmanship of Addl: Secretary^{Regulation}(II) on 20.12.2021 at 11:00AM minutes of which are awaited. Final and conclusive implementation report will be submitted on the next date. Adjourned. To come up for further proceedings on 16.02.2022 before S.B at camp court Abbottabad.



(Mian Muhammad)
Member(E)
Camp Court Abbottabad

16-2-22:-

Due to retirement of worthy chair-man case is adjourned. To come up for the same on 19-7-2022.



11.10.2021

Petitioner in person and Mr. Ihsanullah, SRO alongwith Muhammad Rasheed, DDA for the respondents present.

In pursuance of the judgment of this Tribunal, the case of the petitioner was placed before the DPC on 11.06.2021 for consideration as evident from letter dated 23.09.2021 produced on previous date. It is there in the said letter that the DPC recorded some observations including that the case may be referred to Law and Establishment Departments for soliciting a clear cut opinion in the case. The aforementioned letter was sent to the Law and Establishment Department by respondent No. 1 seeking the requisite opinion. It was directed on previous date that the respondents shall pursue the matter for an early opinion and put the same before the Court. However, no progress on part of the respondents has been shown today for no obvious reason that why the requisite opinion has not been obtained at the earliest. The respondents cannot be allowed to ignore compliance of the judgment of this Tribunal, if they have got no workable and cogent reason to deprive the petitioner from the fruit of judgment. The representative of the respondents present today is directed to get copy of this order sheet and send the same to the respondents directly for their sensitization that further delay will not be excusable. Case to come up on 21.12.2021 before the S.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

17.03.2021

Petitioner in person present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Dr. Sabir Gul Director Agriculture for respondents present.

Petitioner requested for adjournment that his counsel is not available today. Adjourned. To come up for implementation report on 15/06/2021 before S.B at Camp Court Abbottabad.



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

15.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 28.09.2021.



Reader

28.09.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl.AG alongwith Ihsanullah, SRO for the respondents present.

The later has furnished the copy of letter dated 23.09.2021 of the office of Secretary, Agriculture, Livestock and Cooperative Department addressed to the Secretary Establishment Department and Law Department for opinion in pursuance to observation of DPC in its meeting held on 11.06.2021. The respondents are directed to follow up the matter for an early opinion and put before the court, as the case may be, on next date. Case to come up on 11.10.2021 before S.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

directed to give effect and fully implement the judgment of this august Tribunal passed on 19.10.2017 in its letter and spirit and submit implementation report positively on 17.02.2021. If no step in this regard was taken respondents No. 2 & 3 shall expose themselves to appropriate legal action in that case they have to attend the Tribunal personally on the date fixed.



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

17.02.2021

Petitioner in person present.

Mr. Riaz Khan Paindakhel learned ~~Assist. AG~~ ~~Attorney~~ alongwith Dr. Sabir Gul Director Agriculture for respondents present.

Representative of respondents requested for time to submit implementation report. Request is allowed. To come up for implementation report on 17.03.2021 before S.B at Camp Court, Abbottabad.

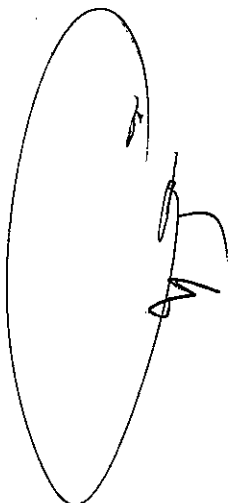

(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, A/Abad

19.11.2020

Petitioner is present in person. Mr. Ihsanullah, Senior Research Officer, for the respondents is also present.

The petitioner invited the attention of the bench to the judgment of this august Service Tribunal dated 19.10.2017 whereby it has been specifically ordained that this Tribunal without commenting on the eligibility and fitness of the petitioner as per rules prior to 2011 accepts the appeal to the extent of declaring that part of notification of 2011 as ultra vires which amended the method of recruitment. Furthermore, the department was directed to consider the petitioner for promotion if the only hurdle in his way was notification of 2011 and if found eligible and fit in accordance with the rules prior to amendments made vide notification dated 30.06.2011.

However, Mr. Ihsanullah, Senior Research Officer, submitted comments appended with certain documents, whereby Committee for the purpose has been constituted which has pointed out that the petitioner Mr. Muhammad Iqbal alongwith other Field Assistants of the department have already availed the fruit of promotion through service structure notified for that cadre. It was also provided that petitioner does not fulfill the eligibility criteria as per prescribed Appointment Promotion Rules, 1981 amended in 1987 hence, he cannot be recommended for promotion to the post of Research Officer BPS-17. As regards providing of service structure in consequence of which certain posts are upgraded that does not amount to promotion. Likewise as regards the applicability of Appointment Promotion Rules referred to above the petitioner was queried as to whether any official holding the post of Assistant in BPS-9 has ever been promoted in the past by the department to the subject post in this regard he submitted that as many as 29 officials holding that very post have been promoted to the post of Agriculture Research Officer and subsequently about 10 official were promoted to that very post whether the rules in vogue were not applicable to their case however, he furnished no plausible answer to the query posed, therefore, respondents are



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

Reader

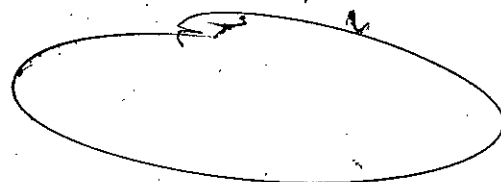
Due to summer vacation case to come up for the same on 116
9. 120 at camp court abbottabad.


Reader

16.09.2020

Petitioner himself alongwith Mr. Muhammad Ishaq, Advocate are present. Mr. Usman Ghani, District Attorney is also present.

The last two adjournments were made on the basis of note Reader due to spread of disease of COVID-19 and summer vacation, therefore, in the circumstances it is deemed appropriate to issue notice to the respondents for 19.11.2020. File to come up for further proceedings before S.B at Camp Court Abbottabad.

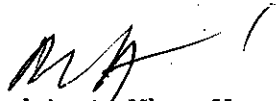


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

E.P No. 389/2018


17.12.2019

Petitioner in person and Mr. Usman Ghani, District Attorney alongwith Mr. Farhad Ali, SO for the respondents present. Petitioner requested for adjournment on the ground that his counsel is not available today. Adjourned to 31.01.2020 for further proceeding before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

23.01.2020

Petitioner in person present. Mr. Ziaullah, DDA alongwith Mr. Farhad Ahmad, SRO for the respondents present. Representative of the respondents submitted reply which is placed on file. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings on 20.02.2020 before S.B at camp court Abbottabad.


Member
Camp Court A/Abad

23.10.2019

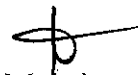
Counsel for the petitioner present. Mr. Usman Ghani, District Attorney alongwith Farhad Ali, SO for the respondents present. Representative of the respondents seeks adjournment to furnish reply/implementation report. Adjourn. To come up for reply/implementation report on 18.11.2019 before S.B at camp court, Abbottabad.



Member
Camp court, A/Abad

18.11.2019


Counsel for the petitioner present. Mr. Usman Ghani, District Attorney alongwith Mr. Tauheed Iqbal, AD and Dr. Farhad Ali, Senior Registrar for respondents present. Representative of the respondents informed that implementation report has been submitted to respondent no.1 for approval and would be positively submitted before the next date of hearing. Adjourned. To come up for further proceedings on 17.12.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court Abbottabad


19.06.2019

Petitioner alongwith his counsel and Mr. Muhammad Bilal, DDA alongwith Mr. Ihsanullah, SRO for respondents present. Learned DDA provided a copy of implementation report, which is placed on file. The respondents have filed CPLA in the august Supreme Court of Pakistan against the judgment of this Tribunal dated 19.10.2017. Representative of the respondents was informed to either the judgment of this Tribunal suspended from the august Supreme Court of Pakistan or provisional implementation order/report be produced on the next date of hearing. Case to come up for further proceedings on 21.08.2019 before S.B at camp court Abbottabad.


(Ahmad/Hassan)
Member
Camp Court A/Abad

20.08.2019

Learned counsel for the petitioner present. Mr. Muhammad Bilal learned Deputy District Attorney alongwith Farhad Ali SRO present. Representative of the respondent department seeks adjournment to furnish reply/implementation report. Adjourn. To come up for reply/implementation report on 23.10.2019 before S.B at Camp Court, Abbottabad.


Member
Camp Court A/Abad

**BEFORE THE CHAIRMAN KPK SERVICE
TRIBUNAL PESHAWAR CAMP ABBOTTABAD**

Execution Petition no. 389/2018

Mohammad Iqbal..... **Petitioner**

Versus

Govt of KPK Through Secretary etc
(Agriculture) **Respondent**

**APPLICATION OF IMPLEMENTATION OF
JUDGMENT DATED 19.10.2017.**

INDEX

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Dated 20.10.2018

Mohammad Iqbal..... **Petitioner**

Through

SAJJAD AHMED RAMAZ &
Advocate Supreme Court of Pakistan

MUHAMMAD ISHAQ
Advocate High Court

SAJJAD AHMED RAMAZ

Muhammad Ishaq

M. Ishaq

Muhammad Ishaq

BEFORE THE CHAIRMAN KPK SERVICE TRIBUNAL PESHAWAR

Execution petition no. 389/18

Muhammad Iqbal Agriculture Inspector Retired Agriculture Inspector research center Baffa District Mansehra.....petitioner/Applicant

Khyber Pakhtunkhwa Service Tribunal

VERSUS

Diary No. 2061

Dated 29-10-18

- (1) Govt. KPK Through Secretary Agriculture Department, Secretate Pesahwar.
- ✓ (2) Director General Agriculture Research KPK Peshawar.
- (3) Director Agriculture Reach, KPK, Peshawar.

APPLICATION OF IMPLEMENTATION OF JUDGMENT DATED 19.10.2017 IN SERVICE APPEAL NO 14/2014

Respected Sir,

1. That the applicant had earlier filed service appeal no 14/2014 for the promotion and upgradation as agriculture office, in Grade-17.
2. That, this appeal of the applicant was honoured and decided in favour of applicant vide Judgment and order dated 19.10.2017 by this honourable tribunal. (Copy of Judgment and order are annexed herewith).
3. That, through said judgment and order department concerned was directed to consider the applicant/petitioner for promotion if the only hurdle in his way was notification of 2011 and if found illegible and fit in accordance with the rules prior amendments made vide notification dated 30.06.2011.

4. The department/respondents have not so far acted and implemented the judgment and order passed in favour of application/petitioner which amount to violation of Honourable Tribunal's order.

It is humbly prayed that judgments and order dated 19.10.2017 may kindly be implemented in letters and sprits and oblige.

Dated: 13.10.2018

Mohd Iqbal

Muhammad IqbalApplicant /Petitioner

Through council

[Signature]
M. Iqbal

VERIFICATION!

It is verify that the contents of the foregoing application is true and correct to the best of my knowledge and belief nothing has been cancelled.

Muhammad

Iqbal.....Applicant/Petitioner

Mohd Iqbal

(2) (3)

BEFORE THE CHAIRMAN, K.P.K.
SERVICE TRIBUNAL PESHAWAR CAMM
ABBOTTABAD

Muhammad Iqbal, Agriculture Inspector
Agriculture Research Centre Baffa
Mansehra.....**Appellant**



Versus

- 1) Government of K.P.K. through Secretary
Agriculture Department, Civil
Secretariat, Peshawar.
- 2) Director General Agriculture (Research)
K.P.K. Peshawar.
- 3) Director Agriculture, Research K.P.K.
Peshawar.....**Respondents**

AMENDED APPEAL UNDER SECTION 4
OF NWFP SERVICE TRIBUNAL ACT, 1974
THAT DIRECTION BE GIVEN TO THE
RESPONDENTS THAT APPELLANT
HAVING QUALIFIED IN ALL RESPECT BE
UP-GRADED AND PROMOTED AS
AGRICULTURE OFFICER IN GRADE-17.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Respectfully sheweth!

- 1) That, earlier the appellant had filed writ petition No. 788-A/2013 before the Honourable Peshawar High Court, Abbottabad Bench, which was decided and dismissed vide judgment and order dated 07.11.2013.
- 2) That, the judgment and order dated 07.11.2013 was challenged before Honourable Supreme Court of Pakistan through CPLA No.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, CAMP COURT ABBOTTABAD

Service Appeal No.1410/2014

Date of Institution... 15.12.2014

Date of decision... 19.10.2017



Muhammad Iqbal, Agriculture Inspector, Agriculture
Research Centre Buffa, Mansehra. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through
Secretary Agriculture Department, Civil Secretariat,
Peshawar and 2 others. (Respondents)

MR. SAJJAD AHMAD RAMZ,
Advocate

... For appellant.

MR. MUHAMMAD BILAL
Deputy District Attorney


... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

JUDGMENT

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

ATTESTED

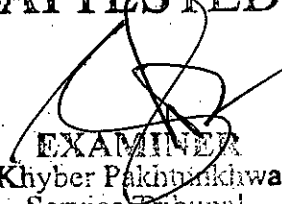

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

FACTS

2. The appellant was promoted from the post of Field Assistant (BPS-09) to the post of Agriculture Inspector (BPS-11) in his own pay scale on 14.3.2013. The appellant then filed a Writ Petition before the Worthy Peshawar High Court, Abbottabad Bench on 23.10.2013 which was dismissed on 07.11.2013 for lack of jurisdiction. The appellant assailed this order before the august Supreme Court of Pakistan in Civil Petition No. 2180 of 2013 and the august Supreme Court of Pakistan vide order dated 09.07.2014, disposed of the petition in the light of a judgment reported as PLD 1994-Supreme Court-539 entitled "*Muhammad Anis Vs. Abdul Haseeb*" and by holding that Writ Petition before the Peshawar High Court might be treated as Service Appeal before this Tribunal. This Tribunal then seized of the matter

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was entitled for promotion from BPS-09 to BPS-17 under the existing rules and in this regard, he relied upon a notification issued on 05.06.2005 whereby Agriculture Inspectors (BPS-9) were promoted to BPS-17. He also

ATTESTED

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

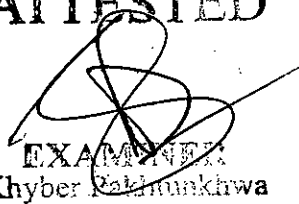
referred to two other similar notifications in this regard. He argued that the appellant was also entitled to be promoted to BPS-17 as Research Officer under the existing rules.

4. On the other hand, the learned Deputy District Attorney argued that firstly this service appeal is not maintainable as there is no original order nor the appellant has ever filed any departmental appeal against any order. He further argued that the notifications mentioned by the appellant relates to the years 2005 and 2008 etc. which are prior to the amendments introduced in the concerned appointment rules in 2011. He argued that vide notification dated 30.06.2011, the Secretary to Government of Khyber Pakhtunkhwa Agriculture Livestock and Cooperative Department, existing rules of 1981 were amended and 25% quota for promotion was abolished. That the appellant after this notification was not entitled to be promoted to BPS-17.

CONCLUSION.

5. The appellant in fact is not aggrieved from the order dated 14.03.2013 because the said order of 24.3.2013 has been basically made on the basis of the amendment dated

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

7

30.06.2011 whereby method of recruitment and promotion was basically changed.

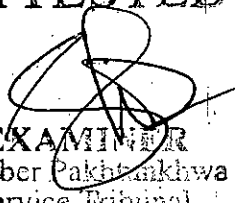
6. This Tribunal is now to see whether the amendments dated 30.06.2011 were competently made and if not then was the appellant under the legal obligation to challenge the said notification by filing a departmental appeal within a period of 30 days or not. The original rules were framed by the Governor of the Khyber Pakhtunkhwa on 01.02.1981 in exercise of the powers conferred under Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. This is a delegated legislation and any amendment in these rules can only be under Section 26 of the Civil Servants Act of 1973. Though the overarching Appointment, Promotion and Transfer Rules were framed under Section 26 of the Government of Khyber Pakhtunkhwa Civil Servant Act, 1973 firstly in the year, 1975 and then the same were repealed by the rules of 1989 with the same name. Sub rule 2 of rule 3 of the Rules of 1975 and *pari materia* sub rule 2 of Rule 3 of the Rules of 1989 authorizes the concerned department in consultation with the S&GAD and Finance Department to lay down the method of appointment, qualification and other conditions applicable to a post. Some amendments were introduced in

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

exercise of this latter power on 27.10.1987 by amending some rules. We are to see the legality of notification dated 30.06.2011 which is neither passed under Section 26 of the Civil Servants Act, 1973 nor under sub rule 2 of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. This is an executive notification which while upgrading certain posts have laid down some method of recruitment drastically amending the rules of 1981. This notification to the extent of amending the rules of 1981 is *ultra vires* and of no effect as an executive notification cannot amend any rules unless the same is done in exercise of the powers and in the manner delegated in the primary law. This Tribunal undoubtedly has the power to strike such executive notification and even the *vires* of rules as held in *IA Sharwani* case reported as 1991-SCMR-1041.

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

7. The next issue for determination is whether the notification dated 30.06.2011 which is held by this Tribunal *ultra vires* above is an original order from which the appellant is aggrieved and was liable to be appealed against. Proviso to Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 clarifies the jurisdiction of this Tribunal with the condition that where an appeal, review or a representation is

provided then the Tribunal has no jurisdiction unless the appellant has exhausted the departmental remedy. For this purpose if we read Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appeals) Rules, 1986 which says that a civil servant aggrieved by an order passed by the **competent authority** relating to the terms and conditions of his service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority. (Emphasis is supplied). The present notification of 30.06.2011 was not passed by the competent authority as held above. Therefore, the appellant was not required to file an appeal against this notification. Section 22 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 says that where a right to prefer an appeal or review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order to the authority next above the authority which made the order. But this sub section 2 of Section 22 has further clarified that where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant

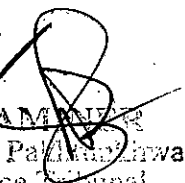
ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order. (Emphasis is supplied) The representation is to be made within 30 days of the communication of such order. The word "communication" implies those orders which are passed against some specific individuals by name and not general notifications. This gives the result that no representation or departmental appeal is to be preferred against general notification amending the rules as the same is not communicated to any individual. It clearly means that the appellant could not file any representation under proviso to sub section 2 of Section 22 of the Khyber Pakhtunkhwa Civil Servant Act, 1973. He could therefore, straight away come to this Tribunal. But since the appellant approached the Worthy High Court and finally the august Supreme Court of Pakistan converted his Writ into service appeal before this Tribunal, this Tribunal is now to presume that the appellant approached this Tribunal straight away.

ATTESTED


 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

8. So far as the limitation to knock the door of this Tribunal is concerned, the notification dated 30.06.2011 is issued by

an incompetent authority as is held above to be ultra vires and void and no limitation shall run for challenging this void order as per judgments reported as 2007-SCMR-262, 729 and 2014-SCMR-1189.

9. As a sequel to the above discussion this Tribunal without commenting on the eligibility and fitness of the appellant as per rules prior to 2011 accepts the appeal to the extent of declaring that part of notification of 2011 as ultra vires which amended the method of recruitment. The department is directed to consider the appellant for promotion if the only hurdle in his way was notification of 2011 and if found eligible and fit in accordance with the rules prior to amendments made vide Notification dated 30.06.2011. Parties are left to bear their own costs. File be consigned to the record room.

Announced Sd/- *Niaz Muhammad Khan*,
Chairman

19.10.2017

Sd/- *M. Amin Khan Kundli*,
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

A
1.

Date of Presentation of Application 28-11-17
Number of Words 3200
Copying Fee 18
Urgent 2
Total 20
Name of Copyist [Signature]
Date of Completion of Copy 28-11-17
Date of Delivery of Copy 28-11-17

(12)

AM No. 36
 BC No. 10-2684
 Name of Advocate سجاد احمد اختر

S.No 15494
 Fee Rs. 100/-



General Secretary
 District Bar Association
 Manshehra

وکالت نامہ

بعدالت: د. مسٹر سید سید حسین
 عنوان: نہر رحمان
 منجانب: مسٹر
 نوعیت مقدمہ: درجہ اولیٰ و درجہ دوم
 نام: سید سید سید حسین

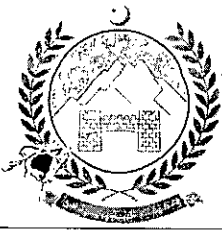
باعث تحریر آنکہ
 دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام
 سید رحمان رحمانی و سید رحمان رحمانی کے
 کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بوقت پکارے
 جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضر کی وجہ سے کسی طور پر مقدمہ
 میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام کچہری کے علاوہ
 کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ کچہری کے علاوہ
 کسی اور جگہ سماعت ہوا یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار
 نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست
 بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کاروبہ وصول
 کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد عائشہ و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف
 کر بشرط ادائیگی علیحدہ محنتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بددراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا ایئر سٹر کو
 بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو
 اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت
 میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پر داخنتہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔
 لہذا وکالت نامہ لکھ دیا ہے اور دستخط انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

مورخہ 20

ACCEPTED

Mond

19/10/18
 17
 سید رحمان رحمانی
 کان سٹریٹ



DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR

☎ 091-9221271

web: www.agrires.kp.gov.pk

☎ 091-9221270

E-mail: dgragriresearch@gmail.com



No: 5125-27/ICC/DGAR

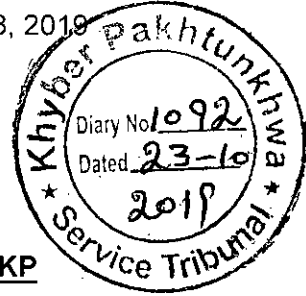
Dated Peshawar, the October 18, 2019

To:

The Registrar

Khyber Pakhtunkhwa Service Tribunal
Peshawar

Subject: **1. SERVICE APPEAL 1410/2014: MUHAMMAD IQBAL VS GOVT. OF KP**
2. CP. NO. 576-P GOVT. OF KP VS MUHAMMAD IQBAL
3. EP. NO. 389/18: MUHAMMAD IQBAL VS GOVT. OF KP



It is submitted for your kind information that the above-mentioned case was heard at Khyber Pakhtunkhwa Service Tribunal, Abbottabad Bench and the judgment was issued on 19/10/2017. The operative part of the judgment is that "the department is directed to consider the appellant for promotion if the only hurdle in his way was notification of 2011 and if found eligible and fit in accordance with rules prior to amendments made vide notification dated 30.06.2011". Thereafter, as per directives of Law Department, the Department submitted CPLA in the apex Court. The Hon'ble Supreme Court of Pakistan on 08.08.2019 keep intact the judgment of Hon'ble Tribunal (copy attached).

Subsequently, a complete case in respect of Mr. Muhammad Iqbal along with relevant documents, were submitted to the Administrative Department vide this office letter No. 2300-01, dated 29/08/2019 for further necessary action in compliance with the judgments of the Hon'ble Court(s).

Submitted for your kind information, please

put up to the court along with
Execution Petition.

Handwritten signature

Handwritten signature
23/10/19

Handwritten signature
Director General
Agriculture Research
Khyber Pakhtunkhwa
Peshawar

Copy forwarded for information to:

- Deputy District Attorney, KP Service Tribunal Abbottabad Bench.
- The Director, ARS, Baffa, Mansehra
- Section Officer (Lit), Agric., L/stock and Coop: Deptt. Peshawar.



DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR
☎ 091-9221271 web: www.agres.kp.gov.pk ☎ 091-9221270
E-mail: dgagri@research@gmail.com



No: 2300-01-ACC/DGAR

Dated Peshawar, the 29.08.2019

To:

The Section Officer (Litigation)
Agric., Livestock, Fisheries & Cooperative Department
Peshawar.

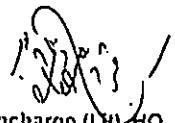
Subject: CP NO. 576-PI/2017 GOVT. OF KP VS MUHAMMAD IOBAL

Dear Sir:

I am directed to refer to the afore-mentioned subject and to enclose here with copy of working paper with supporting annexures in above mentioned case for information and further necessary action please.

It is further added for your kind information that a judgment has been passed by the apex court in the above mentioned case. This office needs necessary elaboration in the said case, therefore, the case may be sent onward to the quarter concerned for seeking necessary opinion

Encl: as above


Incharge (LH) HQ
Agriculture Research
Khyber Pakhtunkhwa
Peshawar

Copy forwarded for information to:

- Director General, Agril., Research, KP, Peshawar.

Registrar of Service Tribunal

Peshawar

EP 389/18 M-1 & bal

ایڈیشنل

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 4024-28 /ST

Dated 10 / 12 / 2020


To

1. The Director General Agriculture Research,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. Director Agriculture Research,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - **ORDER IN EXECUTION PETITION NO. 389/2018 MR. MUHAMMAD IQBAL.**

I am directed to forward herewith a certified copy of order dated 19.11.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Most Immediate
Court Matter

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT

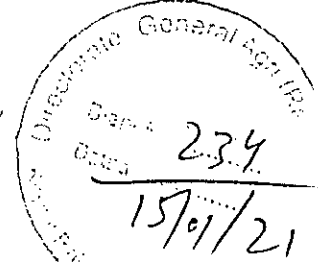
Phone-091-9211464, Fax-091-9210033
E-mail Address: agric.litigation@gmail.com

7

NO. SO (Lit) AD/3-113/2014
Dated Peshawar the January 11, 2021

To

The Secretary to
Government of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs and Human Rights Department,
Peshawar.



Attention: - Assistant Law Officer (Litigation)

Subject: Civil Petition No.576- Government of Khyber Pakhtunkhwa VS MUHAMMAD IOBAL IN SERVICE APPEAL 1410/2014 : MUHAMMAD IOBAL VS GOVERNMENT OF KHYBER PAKHTUNKHWA

EP NO.389/18 MUHAMMAD IOBAL VS GOVT OF KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith a copy of letter No. 15-17/ICC/DGAR dated 08.01.2021 along-with Working Paper and other relevant documents, received from Director General Agriculture (Research), Khyber Pakhtunkhwa for further necessary action with reference to Law Department letter referred to above please.

Encl. As above.

Yours Faithfully
[Signature]
Section Officer (Litigation)

Endst. No. & Date Even.

Copy forwarded to:

1. The Director General, Agriculture (Research), Khyber Pakhtunkhwa, Peshawar, w/r to his letter referred to above.
2. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
3. Master File

[Signature]
Section Officer (Litigation)

[Signature]
I.C.C.

[Signature]
14/01/2021

**BEFORE THE HON`BLE TRIBUNAL CAMP COURT
ABBOTTABAD**

EP. NO. 389/18

MUHAMMAD IQBAL

..... **Appellant**

Versus

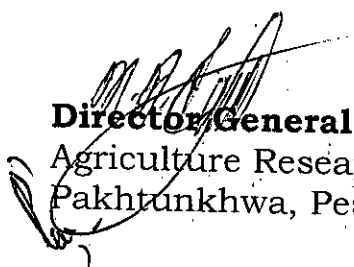
1. Secretary, Agricultural Govt. of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. Director General, Agriculture Research Khyber Pakhtunkhwa, Peshawar.
3. Director, Agriculture Research Khyber Pakhtunkhwa, Peshawar.

..... **Respondents**

AUTHORITY

Dr. Sabir Gul (Director, Agric. Research Station, Baffa: Mansehra) is hereby authorized to appear on behalf of Respondent No. 2 before the Hon`ble Tribunal, Camp Court Abbottabad in EP No. 389/18: Muhammad Iqbal vs Govt. of Khyber Pakhtunkhwa etc.

Respondent No. 2


Director General
Agriculture Research Khyber
Pakhtunkhwa, Peshawar

**BEFORE THE HON`BLE TRIBUNAL CAMP COURT
ABBOTTABAD**

EP. NO. 389/18

MUHAMMAD IQBAL

..... **Appellant**

Versus

1. Secretary, Agricultural Govt. of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. Director General, Agriculture Research Khyber Pakhtunkhwa, Peshawar.
3. Director, Agriculture Research Khyber Pakhtunkhwa, Peshawar.

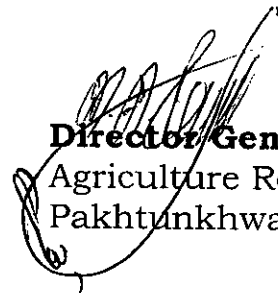
..... **Respondents**

AUTHORITY

Dr. Ihsanullah, Senior Research Officer 0/0 the Director, Agric. Research Station, Baffa: Mansehra is hereby authorized to appear on behalf of Respondent No. 2 before the Hon`ble Tribunal, Camp Court Abbottabad in EP No. 389/18: Muhammad Iqbal vs Govt. of Khyber Pakhtunkhwa etc.

o.k /


Respondent No. 2


Director General
Agriculture Research Khyber
Pakhtunkhwa, Peshawar



DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR

☎ 091-9221271 web: www.aprires.kp.gov.pk ☎ 091-9221270
E-mail: dpragrresearch@gmail.com



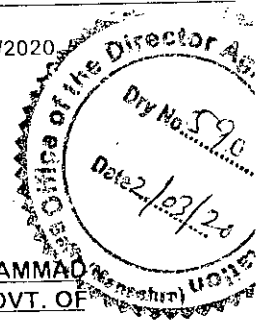
No: 2335-38/ICC/DGAR

Dated Peshawar the 14/2/2020

To.

The Registrar
Khyber Pakhtunkhwa Service Tribunal
Camp Court Abbottabad

Subject: 1. CP. NO. 576-P GOVT. OF KHYBER PAKHTUNKHWA VS MUHAMMAD IQBAL IN SERVICE APPEAL 1410/2014: MUHAMMAD IQBAL VS GOVT. OF KHYBER PAKHTUNKHWA
2. EP. NO. 389/18: MUHAMMAD IQBAL VS GOVT. OF KHYBER PAKHTUNKHWA



Please refer to the above subject(s). It is submitted for your kind information that the subject case was referred/forwarded to Law Department for necessary advice in the judgment of Hon'ble Service Tribunal, Abbottabad Bench. The Law Department Directed the respondent department to determine the suitability of the appellant for promotion in accordance with the prevailing rules.

Hence, the Department under the direction of Administrative Department (annexure A) constituted a committee vide No. 801-05, dated 22.01.2020 (annexure B). The Committee hold a meeting on 29.01.2020 and discussed the matter thoroughly and pointed out as follows:

1. That the 1981 Rules have been amended in 1987 (annexure C) and in the prevailing rules, the Research Officer is appointed through initial recruitment by the Khyber Pakhtunkhwa Public Service Commission.
2. The qualification required for the post of Research Officer is M.Sc. or B.Sc. (Hons), Agriculture in the prescribed discipline as mentioned in schedule II of the 1981 rules.
3. While, the qualification for the post of Field Assistant is matric with science on account of enhancement of course duration from two to three years (diploma course) for field assistant.
4. Similarly, in order to accommodate and protect the future of Field Assistants, the Government vide Notification No. SOE(AD)VI-106/2011, dated 30.6.2011 formulate a proper service structure for the above cadre

D. Farhad Please
keep on record of for
reference.



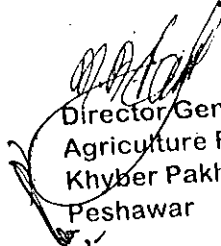
DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR
☎ 091-9221271 web: www.agrires.kp.gov.pk ☎ 091-9221270
E-mail: deragriresearch@gmail.com



(annexure D). The official, Mr. Iqbal, hence, availed the chance of promotion and was promoted to Research Inspector BS-11 vide Office Order No. 952-1020/Est/DGAR, dated 26/01/2016 (annexure E). Later-on during his probation period, he got his retirement on superannuation (31.05.2016).

In light of the above, the committee pointed out that the appellant Mr. Muhammad Iqbal along with other Field Assistants of this Department has already availed the fruit of promotion through service structure notified for their own cadre. Moreover, he does not fulfil the eligibility criteria as per prescribed APT Rules 1981 amended in 1987. Hence, he cannot be recommended for promotion to the post of Research Officer (BS-17).

Encl: As above


Director General
Agriculture Research
Khyber Pakhtunkhwa
Peshawar

Copy forwarded for information to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar (To be substituted with the even Number and Date).
2. The Section Officer (Litigation) Agriculture, Livestock & Cooperatives Department, Peshawar w/r to his letter No. SO(Lit)AD/1-188/2014, dated 17.01.2020 (To be substituted with the even Number and Date).
3. The Director, ARS, Baffa, Mansehra.

GOVERNMENT OF KHYBER PAKHTUNKHWA
 AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT
 Phone-091-9212464, Fax-091-9210033
 E-mail Address: agric.litigation@gmail.com

NO. SO (Lit) AD/1-188/2014
 Dated Peshawar the January 17, 2020.

To

✓ The Director General,
 Agricultural Research,
 Khyber Pakhtunkhwa, Peshawar

361
 21/01/20

SUBJECT: - CIVIL PETITION NO.576-P OF 2017 GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH AGRICULTURE DEPARTMENT & OTHERS V/S MUHAMMAD IQBAL
(In SERVICE APPEAL NO.1410/2014 TITLED "MUHAMMAD IQBAL V/S GOVERNMENT OF KHYBER THROUGH SECRETARY AGRICULTURE & OTHERS.

I am directed to refer to the subject noted above and to forward herewith a copy of letter No.SO(OP-I)/5-6/2012-Vol.VI/625-27; dated 09.01.2020 received from the Section Officer (Opinion-I), Law Department, which is self explanatory, for immediate necessary action.

It is, therefore, requested to examine the case in light of the law Department advice and then submit a self explanatory case for DPC meeting, if the appellant fulfils the criteria.

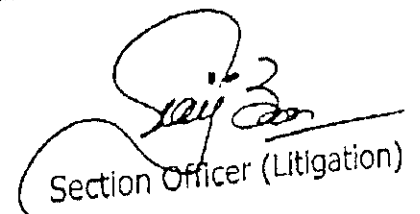
Encl. As above.


 (SIRAJ MUHAMMAD)
 Section Officer (Litigation)

Endst. No. & Date Even.

Copy forwarded to:

1. The Section Officer (Estt;) of Agriculture Department along-copy of the above referred letter for necessary action.
2. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
3. Master File.


 Section Officer (Litigation)

Cent Incharge

Government of Khyber Pakhtunkhwa
Law, Parliamentary Affairs &
Human Rights Department

No. SO(OP-I)/LD/5-6/2012-VOL-VI
Dated: Pesh: the 09 January, 2020

6252

To

The Secretary to Government of Khyber Pakhtunkhwa,
Agriculture, Livestock Cooperation Department.

Attention: Section Officer (Primary)

Subject: CIVIL PETITION NO.576-P OF 2017 GOVERNMENT OF KHYBER
PAKHTUNKHWA THROUGH AGRICULTURE DEPARTMENT &
OTHERS V/S MUHAMMAD IQBAL

IN SERVICE APPEAL NO.1410/2014 TITLED 'MUHAMMAD
IQBAL V/S GOVERNMENT OF KHYBER PAKHTUNKHWA
THROUGH AGRICULTURE & OTHERS

Dear Sir,

I am directed to refer to your department's letter No. SO(Lit)/AD1-188/2014 dated 29.11.2019 on the subject noted above and to state that the Administrative Department is required to:-

- i. Determine the suitability of the appellant for promotion in accordance with rules prevailing prior to the amendment dated 30.06.2019, and
 - a. If the appellant, fulfils the laid down eligibility criteria, then a meeting of DPC is to be convened and his case be put before the forum,
 - b. If, in the opinion of the departmental authority, the appellant does not fulfill the eligibility criteria, as laid down under the rules prevailing prior to the aforementioned amendment, then the departmental authority should make out a speaking order to this effect and the same may be submitted to the Learned Tribunal as part of "Implementation Report".
- ii. The Administrative Department may also examine the lacunae pointed out by the Tribunal and rectify the process to make the rules operative/valid, if not done so far.

Yours faithfully,

Section Officer (Opinion-I)

Endst: of even No. & date.

Copy forwarded for information to the:-

1. PS to Secretary, Law Department.
2. PA to Additional Secretary (Opinion).

Signature



DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR
 ☎ 091-9221271 web: www.dgrares.kp.gov.pk ☎ 091-9221270
 E-mail: dgragresearch@gmail.com



OFFICE ORDER

In pursuance of Section Officer (Litigation), Agriculture Department, Peshawar letter No. SO(Lit)AD/1-188/2014; dated 17.01.2020, with the attached ToRs; the following committee is hereby constituted to examine the case of (In service appeal No. 1410/2014 title "Mr. Muhammad Iqbal, V/S Government of Khyber Pakhtunkhwa through Secretary Agriculture & others in light of the law Department advice. The committee is advised to submit the report within seven days positively.

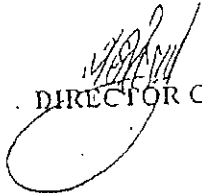
- | | |
|--|----------|
| 1. Mr. Muhammad Ilyas
Senior Statistician,
ARI, Tarnab, Peshawar. | Chairman |
| 2. Mr. Tahaed Iqbal ,
Assistant Director Planning
Directorate General Agril. Research
Khyber Pakhtunkhwa, Peshawar. | Member |
| 3. Mr. Adnan Nasiam
Assistant Director Planning
Directorate General Agril. Research
Khyber Pakhtunkhwa, Peshawar. | Member |

No 801-05 /Est/DGAR;

Dated Peshawar the 22/01/2020

Copy to:-

1. The Section Officer (Lit), Agriculture Department, Peshawar.
2. The Senior Director, Agricultural Research Institute, Tarnab, Peshawar.
3. All officers concerned.
For information and necessary action.


 DIRECTOR GENERAL

Peshawar 27.10.1987

NOTIFICATION

No. SOE(AD)II(2)429/86. In pursuance of the provisions contained in sub rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, the Administration Department, consultation with the Services & General Administration Department and the Finance Department, is pleased to direct that in the North West Frontier Province Agriculture - Department (Recruitment and Appointment) Rules, 1981, notified vide Services & General Admn. Department Notification No. SOR.II(B&GAD) 2-11/78; dated the 1st Feb. 1981, the following amendments shall be made, namely :

AMENDMENTS

In Schedule-I,

(a) in the entry at page 2, in column 6 against serial No. 3, for sub-entry (ii), the following shall be substituted, namely :

(ii) the remaining vacancies shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst holders of the supervisory posts specified in Column 2 against serial No. 3 A.

Provided that where no supervisory post exists in a particular functional group, the promotion shall be made from amongst the holders of the posts of Research Officers of the same group.

(b) After the existing entries at page-2 against serial No. 3, as so amended, the following new entry in the respective columns shall be inserted, namely:

1	2	3	4	5	6
"3A.	Asstt. Agri. Chemist/Asstt. Food Technologist/Asstt. Hort/Asstt. Agronomist/Asstt. Plant Pathologist/Asstt. Plant Physiologist/Asstt. Entomologist/Asstt. Botanist/Asstt. Soil Fertility Officer/Asstt. Meteorologist.	M.Sc. Agriculture from a recognized University.			By promotion on the basis of seniority-cum-fitness, from amongst the holders of the post of Research Officer"

(c) for the entries at page 2, in columns 3, 5, and 6 against serial No. 5, the following entries shall respectively be substituted;

	3	4	5	6
"M.Sc. Agri. or B.Sc. (Hons) Agri. (Obtained after 4 years instructions after F.Sc) from a recognized University under research programme in the subject relating to the subject group as specified in schedule-II, to which the vacancy occurs.		21-28 years	21-28	By initial recruitment

(b) for the existing entries at page-3 against serial No.7, the following entries in the respective columns shall be substituted, namely :

"7 Assistant Statistiaian	Second class Master's Degree in Statistics, or in Mathematics or Economics with Statistics as one of the papers from a recognized University.	—	21-28 years	By initial recruitment.
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(f) After the existing entry at page-3 against serial No.8, the following new entries in the respective columns shall be inserted namely:

"9 Agriculture Research Inspector.	Successfully completion of 2 years training course from Agri. Training Institute Peshawar with years experience as Field Assistant.	—		By promotion, on the basis of seniority-sum-fitness from amongst the holders of the post of Field - Assistant!
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Sd/- SECRETARY TO GOVT. OF NORTH WEST FRONTIER PROVINCE, AGRICULTURE, FOREST, & COOP. DEPARTMENT.

Endst.No.SOE(AD)(2)429/86/35926-29; Dated Pesh.the 10.11.1987.
Copy forwarded for information and n/action to the :-

1. Secretary to Govt.of NWFP., Services & General Admn.Sports and Tourism Department.
2. Secretary to Government of NWFP., Finance Department, Peshawar.
3. Vice Chancellor, NWFP., Agriculture University, Peshawar.
4. Director Research TIPAN -do-
5. Director General, Agril.Research Institute, Tarnab (Peshawar).
6. to 10. x x x x d

Sd/(S.B.JAN UNQA),
SECTION OFFICER (ESTABLISHMENT)

24

11/81

GOVERNMENT OF N.W.F.P.
SERVICES AND GENERAL ADMINISTRATION
TOURISM AND SPORTS DEPARTMENT
(REGULATION WING)

DATED PESHAWAR THE 1ST FEB: 1981.

N O T I F I C A T I O N.

No. SOR-11(S&GAD)2-11/78. In exercise of the powers conferred by Section 26 of the North-West Frontier Province Civil Servants Act, 1973, (NWFP Act XVIII. of 1973), and in supersession of all previous rules made on the subject in this behalf, the Governor of the North-West Frontier Province is pleased to make the following rules, namely :

THE NORTH-WEST FRONTIER PROVINCE AGRICULTURE DEPARTMENT
(RECRUITMENT AND APPOINTMENT) RULES, 1981.

1. (1) These rules may be called the North-West Frontier Province Agriculture Department (Recruitment and Appointment) Rules, 1981.
(2) They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts specified in column 2 of the Schedule annexed shall be such as given in column 3 to 6 of the said Schedule.

SECRETARY TO GOVERNMENT OF
NORTH-WEST FRONTIER PROVINCE,
SERVICES & GENERAL ADMINISTRATION
SPORTS AND TOURISM DEPARTMENT.

NO. SOR-11(S&GAD)2-11/78 Dated Peshawar the 1st Feb: 1981.

A copy is forwarded for information to:-

1. All Administrative Secretaries to Government of NWFP.
2. Director General, of Agriculture, NWFP, Peshawar.
3. Deputy Director, Soil Conservation, NWFP, Peshawar.
4. Deputy Director, Agriculture (Extension Wing) NWFP, Peshawar.
5. Project Director "On-Farm Water Management Project", NWFP, Peshawar.
6. Secretary, NWFP, Public Service Commission, Peshawar.
7. Manager, Government Printing Press, Peshawar for publication in the Government Gazette. He is requested to supply 50 copies of the Gazette Notification each to the S&GAD and Law Department.
8. Section Officer (R-1) S&GAD, Government of NWFP.

Abdul Halim
(ABDUL HALIM)

Section Officer (Regulation, 11)

SCHEDULE - I (See rule 2)

1. NOMENCLATURE OF POST. : Director General,
Agriculture.
2. MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER. :
 - a) Ph.D. in any of the subjects relating to the subjects groups specified in Schedule-II, with at least 15 years experience of holding a post charged with conducting or controlling research in the field of agriculture; and
 - b) publication of at least 6 research papers on problems encountered in, or relevant to, the conditions in North-West Frontier Province and of such a quality which have been used as reference by other research scientists of national and international repute.
3. MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION. :
 - a) Fifteen years experience on responsible research jobs; and
 - b) publication of at least 6 research papers on problems encountered in/or relevant to the conditions in North-West Frontier Province and of such a quality which have been used as reference of other research scientists of national and international repute.
4. AGE LIMIT FOR INITIAL RECRUITMENT. : 35 to 50 years.
5. METHOD OF RECRUITMENT; :
 - i) By selection on merit from among Directors of Agriculture in Research Wing, or
 - ii) if no suitable candidate is available for promotion by initial recruitment.
 - iii) By transfer.

(2)

1. NOMENCLATURE OF POST.

: Director / Coordinator,
Agriculture Research.

2. MINIMUM QUALIFICATION
PRESCRIBED FOR APPOINTMENT
BY INITIAL RECRUITMENT
OR BY TRANSFER.

: a) Ph.D. in any of the subjects
relating to the subject groups
specified in Schedule-II, with
at least 13 years experience of
holding a post charged with
conducting or controlling research
in the field of agriculture; and

b) publication of at least 4 research
papers on problems encountered in,
or relevant to the condition in
NWFP and of such a quality which
have been used as reference by
other research scientists of
national and international repute.

3. MINIMUM QUALIFICATION
PRESCRIBED FOR PROMOTION.

: a) Master's degree from a recognised
University.

b) 10 years experience on responsible
research job; and

c) publication at least 4 research
papers on problems encountered in
or relevant condition in N.W.F.
Province and of such a quality which
have been used as reference by other
research scientists of national and
international repute.

4. AGE LIMIT FOR INITIAL
RECRUITMENT.

: 30 years to
45 years.

5. METHOD OF RECRUITMENT.

: i) By selection on merit from among
senior Research Officers; or

ii) if no suitable candidate is available
for promotion, by initial recruitment

(3)

1. NOMENCLATURE OF POST. ; Senior Research Officer.
2. MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT. ; a) Ph.D. in any of the subjects relating to the subject groups specified in Schedule-II; and
b) publication of at least 2 research papers on problems encountered in or relevant to, the conditions in North West Frontier Province and of such a quality which have been used as reference by other research scientists of National and International repute.
3. MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION. ; a) Master's degree in Agriculture;
b) 8 years experience on responsible research jobs; and
c) publication of atleast 2 research papers on problems encountered in, or relevant, to the conditions in North West Frontier Province and of such a quality which have been used as reference by other research scientists of National and International repute.
4. AGE LIMIT FOR INITIAL RECRUITMENT. ; 25 years to 35 years.
5. METHOD OF RECRUITMENT ; i) Fifty percent by initial recruitment provided that if no suitable candidate is available, then to the extent of non-availability, by promotion; and
ii) the remaining vacancies should be filled by promotion, on the basis of seniority-cum-fitness from amongst holder of the supervisory posts specified in column-2 against S.No.3,A, "Provided that where no supervisory post exists in a particular functional groups the promotion shall be made from amongst the holders of the posts of Research Officer, of the same group!"

(3-A)

1. NOMENCLATURE OF POST. ; Asstt. Agri. Chemist/Asstt. Food Technologist/
Asstt. Agronomist/Asstt. Horticulturist/Asstt. Plant Pathologist/Asstt. Plant Physiologist/
Asstt. Entomologist/Asstt. Botanist/Asstt. Soil Fertility Officer/Asstt. Meteorologist.
2. MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER. ;
3. MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION. ; M.Sc. Agriculture from a recognised University.
4. METHOD OF RECRUITMENT. ; By promotion on the basis of seniority-cum-fitness, from amongst the holders of the post of Research Officers.

- (4)
1. NOMENCLATURE OF POST. : Statistician.
 2. MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER. : -
 3. MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION. :
 - a) Master's degree in Statistics or Mathematics with specialization in Statistics, from a recognised University; and
 - b) 8 years experience in planning agricultural experiments and processing the data obtained therefrom.
 4. AGE LIMIT FOR INITIAL RECRUITMENT. : -
 5. METHOD OF RECRUITMENT. : By selection on merit from among Addl. Statistician in the Research Wing.

(5)

1. NOMENCLATURE OF POST. : Research Officer.
2. MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER. : M.Sc. Agri. or B.Sc. (Hons) Agri. (Obtained after 4 years instructions after F.Sc.) from a recognised University under research programme in the subject relating to the subject groups as specified in schedule-II, to which the vacancy occurs.
3. AGE LIMIT FOR INITIAL RECRUITMENT. : 21 to 28 years.
4. METHOD OF RECRUITMENT. : By initial recruitment.

(6)

1. NOMENCLATURE OF POST. : Additional Statistician.
2. MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER. : Master's degree in Statistics or Mathematics with specialization in Statistics in 1st division from a recognised University.
3. MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION. :
 - a) Master's degree in Statistics or Mathematics with specialization in Statistics; and
 - b) 5 years experience in planning of agricultural experiments and processing the data obtained therefrom.
4. AGE LIMIT FOR INITIAL RECRUITMENT. : 21 years to 25 years.
5. METHOD OF RECRUITMENT. :
 - a) 50% by initial recruitment; and
 - b) 50% by selection on merit with due regard to seniority from amongst Addl. Statistician.

-: 5 :-

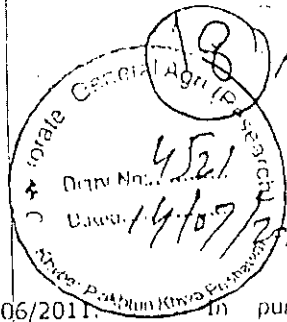
- 1. NOMENCLATURE OF POST. : Assistant Statistician,
- 2. MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER. : Second class Master's degree in Statistics, or in Mathematics or Economics with Statistics as one of the papers, from a recognised University.
- 3. MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION. : -
- 4. AGE LIMIT FOR INITIAL RECRUITMENT. : 21 to 28 years,
- 5. METHOD OF RECRUITMENT. : By initial recruitment.

(8)

- 1. NOMENCLATURE OF POST. : Librarian,
- 2. MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER. : B.Sc. in Library Science, from a recognised University.
- 3. AGE LIMIT FOR INITIAL RECRUITMENT. : 18 to 25 years,
- 4. METHOD OF RECRUITMENT. : By initial recruitment.

(9)

- 1. NOMENCLATURE OF POST. : Agriculture Research Inspector,
- 2. MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER. : -
- 3. MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION. : Matric and successfully completion of 2 years training course from Agril. Training Institute, Peshawar with 10 years experience as Field Assistant,
- 4. AGE LIMIT FOR INITIAL RECRUITMENT. : -
- 5. METHOD OF RECRUITMENT. : By promotion, on the basis of seniority-cum-fitness, from among the holders of the post of Field Assistant.

**NOTIFICATION.**

NO. SOE (AD)VI-106/2011. In pursuance of the Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) letter No. 50(FR)/FD/7-13/2010/Vol.II dated 28-6-2011, the competent authority has been pleased to upgrade 1054 posts of Field Assistant (BS-6) and Agriculture Inspectors (BS-9), working in Agriculture (Extension) Research, Water Management and Soil Conservation Department, including FATA, as per details mentioned in the minutes of the meeting vide paras 4-7 reproduced below:-

SETTLED AREA.

S.No.	Department	No. of posts of Fields Assistant.	No. of posts of Agriculture Inspector.
1.	Agriculture Extension	539	47
2.	Agriculture Research	207	---
3.	Soil Conservation	44	4
4.	Water Management	8	---
	Total:-	798	51

FATA AREA

S.No.	Department	No. of posts of Fields Assistant	No. of posts of Agriculture Inspector.
1.	Agriculture Extension FATA	189	12
2.	Agriculture Research FATA	4	---
	TOTAL:-	193	12

- i. Basic pay scale of Field Assistant at first entry into government service be upgraded from BS-6 to BS-9.
- ii. 25% of the total posts of Field Assistant may be allowed as Agriculture Inspector BS-11 in each wing of Agriculture Department.
- iii. 33% of total sanctioned posts of Agriculture Inspector be allowed BS-11 to BS-14 as Agriculture Supervisor in each wing of Agriculture Department subject to minimum service of 15 years as Agriculture Inspector or Field Assistant.
- iv. The curriculum of Field Assistant class will be revised and duration of the course will be enhanced from two years to three years (diploma course) for Field Assistant.
- v. 06 months condensed course in the relevant field in the respective wing of the Agriculture Department will be conducted for in service staff and they will clear the examination in two terms otherwise they will be compulsorily retired from service.
- vi. The educational qualification for initial appointment of Field Assistant would be the same i.e. Matric with science on account of enhancement of course duration from two to three years.

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA

Copy forwarded for information and necessary action to:-

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

(SHAUKAT ULLAH)
SECTION OFFICER (FR)
FINANCE DEPARTMENT.

Dated Peshawar, the 30/6/2011.

Endst.No.SOE(AD)VI-106/2011

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, On-Farm Water Management, Khyber Pakhtunkhwa, Peshawar.
4. The Director General, Agriculture (Extension), FATA, Khyber Pakhtunkhwa, Peshawar.
5. The Director (FATA) Agricultural Research Institute, Tarnab, Peshawar.
6. The Director, Soil Conservation, Khyber Pakhtunkhwa, Peshawar.
7. The Section Officer-Estab: FATA Secretariat, Peshawar.
8. The Section Officer (FR) Finance Department w/r to his letter number quoted above.
9. The Budget Officer-VII, Finance Department.
10. All Section Officers in the Agriculture Department.
11. The Manager Government Printing Press, Peshawar.
12. The Director of Information, Khyber Pakhtunkhwa, Peshawar.
13. PS to Minister for Agriculture, Khyber Pakhtunkhwa, Peshawar.
14. PS to Secretary Agriculture.

(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

M

No. 11358

/Entt/DGAR dated Peshawar the 16/07/2011

Copy of the above is forwarded to:

1. The Director General, ARI, Tarnab, (Peshawar).
2. The Director General Outreach, Agril. Res. Khyber Pakhtunkhwa, Peshawar.
3. The Director, Agril. FATA, Agril. Res. Inatt. Tarnab (Peshawar).
4. All Directors/Station Incharge of Agril. Res. System in Khyber Pakhtunkhwa.

For information and necessary action

Admn. Officer (Entt)
Directorate General
Agriculture Research
Khyber Pakhtunkhwa Peshawar.

SCHEDULE-II

(Subject Groups)

- a) Cereal Crops
 - i) Maize (including Sorghum and Mallets)
 - ii) Wheat (including Barley and Triticales).
 - iii) Rice.

- b) Fulses and Legumes.
 - Gram, Mong, Mash, Soybean, Lentil.

- c) Oilseeds.
 - Mustard, Rape, Groundnut, Sunflower, Safflowers and Casterbean.

- d) Sugar Crops
 - Sugarcane and Sugarbeet.

- e) Vegetables
 - i) Potato.
 - ii) Other vegetables.

- f) Horticulture.
 - Fruit of all kinds.

- g) Miscellaneous Crops.
 - Forage Crops Tobacco, Cotton, Jute etc.

- h) Plant Pathology.
- i) Plant Physiology.
- j) Entomology.
- k) Chemistry
 - i) Soils.
 - ii) Bio-Chemistry.

- l) Food Technology.
- m) Agricultural Economics.
- n) Statistics.

29 - Research
wing.

- 1996. 20 persons were
present.

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed
Mr. Justice Mushir Alam

C.P.No.576-P of 2017

[On appeal against the Judgment dated 19.10.2017 passed by the Khyber Pakhtunkhwa Service Tribunal, Camp Court, Abbottabad in Service Appeal No.1410 of 2014]

Government of KPK through Agriculture ...Petitioner(s)
Department, Civil Secretariat, Peshawar &
others

VERSUS

Muhammad Iqbal

...Respondent(s)

For the Petitioner(s) : Barrister Qasim Wadood, Addl.A.G, F.P
Mr. Muhammad Ilyas, PRO, Statistical
Department.

For the Respondent(s) : N.R.

Date of Hearing : 08.08.2019

ORDER

GULZAR AHMED, J.— The Tribunal, in the impugned judgment, has passed the following operative part of the order:

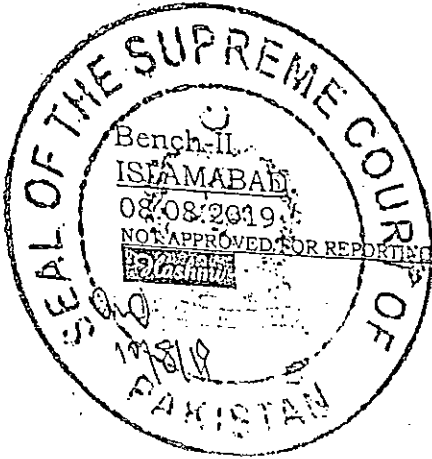
"As a sequel to the above discussion this Tribunal without commenting on the eligibility and fitness of the appellant as per rules prior to 2011 accepts the appeal to the extent of declaring that part of notification of 2011 as ultra vires which amended the method of recruitment. The department is directed to consider the appellant for promotion if the only hurdle in his case was notification of 2011 and if found eligible and fit in accordance with the rules prior to amendments made vide Notification dated 30.06.2011."

2. The learned Additional Advocate General states that the North West Frontier Province Agriculture Department (Recruitment and Appointment) Rules, 1981 were the original rules, which were amended in the year 1987 and the case of the respondent could be considered on the basis of such rules excluding the notification dated 30.06.2011. In our view, the Tribunal in the ultimate judgment has passed such order and

ATTESTED

Court Associate

there is hardly any reason for us to interfere in the impugned judgment. Even otherwise no substantial question of law of public importance in terms of Article 212 (3) of the Constitution is raised. The petition is, therefore, dismissed and leave refused.



Belgi J.
Belgi J.

Certified to be True Copy

Court Associate
Supreme Court of Pakistan
Islamabad

[Handwritten signature]

10/8/19

16/84/8

GR No: _____ Civil/Criminal

Date of Presentation: 8.8.18

No of Words: _____

No of Folios: 10

Requisition Fee Rs: 500

Copy Fee in: _____

Court Fee Stamp: 2.20

Date of Completion of Copy: 18/8/18

Date of delivery of Copy: 19/8/2019

Compared by/Prepared by: _____

Received by: _____



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

NO.SOE(AD)V-8/RW/21/M.Iqbal / 1305
Dated Peshawar, the 23th September, 2021

To

The Secretaries to Government of Khyber Pakhtunkhwa,

- i. Establishment Department
- ii. Law Department

SUBJECT: - MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 11.06.2021 AT 11:00 AM REGARDING PROMOTION OF EX-RESEARCH INSPECTOR (BS-11) TO THE POST OF RESEARCH OFFICER (BS-17) IN THE SERVICE APPEAL 1410/2014 MUHAMMAD IQBAL VS GOVERNMENT OF KHYBER PAKHTUNKHWA UNDER THE CHAIRMANSHIP OF SECRETARY AGRICULTURE KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to the subject noted above, and to state that Muhammad Iqbal Ex-Research Inspector (BS-11) filed service appeal in the Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad regarding promotion/upgradation as Research Officer (BS-17). The Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad in its judgment dated 19.10.2017, declared that part of Notification of 2011 (**Annex-I**) as ultra-vires which amended the matter of recruitment and further directed the department to consider the appellant for promotion if the only hurdle is the notification 2011 and if found eligible and fit in accordance with the rules prior to amendment made vide Notification 30.06.2011 (**Annex-II**).

Back history of the case

- The appellant Muhammad Iqbal Ex-Research Inspector was appointed as Field Assistant in 1981, at that time in the service rules of Agriculture Research wing there was 25% promotion quota for Field Assistants to the post of Research Officer (BS-17) while the required qualification for the post of Research Officer (BS-17) was Master's degree (**Annex-III**)

- In 1987, some amendments were made in the service rules of 1981 and the promotion quota for Field Assistants to the post of Research Officer BS-17 was omitted and substituted with Agriculture Research Inspector alongwith 02 years training course from Agriculture Training Institute Peshawar with 10 years' experience as Field Assistant (**Annex-IV**).
- The appellant Mr. Muhammad Iqbal was promoted from Field Assistant (BS-09) to the post of Research Inspector (BS-11) on 26-01-2016 (**Annex-V**) and then retired from service w.e.f 31.05.2016 on attaining the age of superannuation.
- This department had filed CP No.576-P/2017 in the Apex Court against the above judgement of Khyber Pakhtunkhwa Service Tribunal which was dismissed by Honorable Supreme Court of Pakistan (**Annex-VI**).
- The appellant had also filed Execution Petition No.389 before the Chairman Khyber Pakhtunkhwa Service Tribunal in the Service Tribunal for the implementation of the above judgment of Service Tribunal Abbottabad bench. The Honorable Service Tribunal in Execution Petition No.389 directed the respondents to implement the judgment of Service Tribunal which was passed on 19.10.2017 (**Annex-VII**).
- Moreover, this department forwarded the subject case to Law Department for advice, in response Law Department returned the case with the advice to submit implementation report before the Khyber Pakhtunkhwa Service Tribunal after placing the case of the appellant before Departmental Promotion Committee (**Annex-VIII**).
- In compliance with the advice of Law Department, this department placed the case before the Departmental Promotion Committee on 11-06-2021 for consideration. The Departmental Promotion Committee in its meeting made the following decisions (**Annex-IX**).
 - i. *The subject case may be deferred as the only hurdle is not notification of 2011 but also the required qualification of M.Sc. (Hons) or B.Sc. (Hons), Agriculture, as per previous service rules prior to the notification dated 30-06-2011.*
 - ii. *The case may be referred to Law & Establishment Department for soliciting a clear-cut opinion in the case.*

02.

In view of the above factual position, a clear-cut opinion of Establishment & Law Department in the subject case is solicited that whether the appellant can be adjusted against the post of Research Officer (BS-17) by accepting the Judgment of Khyber Pakhtunkhwa Service Tribunal as the appellant does not fulfill the eligibility criteria as per amended service rules in 1987, please.

Encls. As Above.

Yours faithfully,


O/c


SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT

Endst. of even No. & Date.

Copy forwarded to the:

1. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
2. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. Master File.


SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, KP PESHAWAR

Muhammad Iqbal Agriculture Inspector Retired Agriculture Inspector
research center Baffa District Mansehra.

...APPELLANT

VERSUS


Government of KPK through Secretary Agriculture Department, Secretariat,
Peshawar & others.

....RESPONDENTS

APPLICATION

INDEX

S.#	Description	Page No.	Annexure
1.	Application alongwith affidavit	1 to 3	
2.	Copy of Rules, 1981	4-11	"A"
3.	Copy of Judgment Dated 19/10/2017	12-20	"B"

made by 
....APPLICANT

Through

Dated: 19/07/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, KP PESHAWAR

Muhammad Iqbal Agriculture Inspector Retired Agriculture Inspector
research center Baffa District Mansehra

...APPELLANT

VERSUS

Government of KPK through Secretary Agriculture Department, Secretariat,
Peshawar & others.

....RESPONDENTS

APPLICATION IMPLEMENTATION OF
JUDGMENT DATED 19/10/2017 OF THIS
HONOURABLE TRIBUNAL REGARDING GRANT
OF BPS-17 AS RESEARCH OFFICER FROM THE
POST OF RESEARCH INSPECTOR AS PER RULES,
1981

Respectfully Sheweth; -

1. That execution petition No. 389/18 is pending adjudication before this Honourable Tribunal for today.
2. That it is submitted that the applicant was eligible to be promoted from Research Inspector BPS-11 to BPS-17 as

Research Officer under Rules, 1981. Copy of Rules, 1981 is attached as Annexure "A".

3. That incompetent authority i.e. Governor KP amended the Rules under Section 26 of Civil Servant Act 1973 and promulgated Notification 2011, wherein the criteria of promotion/ up-gradation was changed.
4. That this Honourable Tribunal declared the notification 2011 to the extent of method of recruitment as ultra vires vide Judgment dated 19/10/2017. Copy of Judgment Dated 19/10/2017 is attached as Annexure "B".
5. That this Honourable Tribunal directed to the respondent to consider the promotion of the applicant if found fit as per Rules 1981 which were prior to amended notification 2011.

In view of the above, it is prayed that respondents may be directed to consider the applicant for promotion in BPS-17.

Mond

.....APPLICANT

Through

Dated: 19/07/2022

(8)

~~Annex B~~ Annex A

(9)

176
R
P-4

GOVERNMENT OF NWFP
SERVICES AND GENERAL ADMINISTRATION
TOURISM AND SPORTS DEPARTMENT
(REGULATION WING)

DATED PESHAWAR THE 1ST FEBRUARY, 1981

NOTIFICATION

No. SOR-II(S&GAD) 2-11/78. In exercise of the powers conferred by Section 26 of the North West Frontier Province Civil Servants Act, 1973, (NWFP Act XVIII of 1973) and in supersession of all previous rules made on the subject in this behalf, the Governor of NWFP is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE
AGRICULTURE DEPARTMENT (RECRUITMENT
AND APPOINTMENT) RULES, 1981

1. (1) These rules may be called the North-West Frontier Province Agriculture Department (Recruitment and Appointment) Rules, 1981
- (2) They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts specified in column 2 of the Schedule annexed shall be such as given in column 3 to 6 of the said Schedule.

Secretary to Government of

North-West Frontier Province
Services & General Administration
Sports and Tourism Department

No. SOR-II(S&GAD) 2-11/78 Dated Peshawar the 1st Feb: 1981.

A copy is forwarded for information to :-

1. All Administrative Secretaries to Government of NWFP.
2. Director General of Agriculture, NWFP, Peshawar.
3. Deputy Director, Soil Conservation, NWFP, Peshawar.
4. Director of Agriculture (Extension Wing) NWFP, Peshawar.

Attested to be
D

P-5



Director "On-Farm Water Management Project" NWFP, Peshawar.
ary, NWFP, Public Service Commission, Peshawar.
ger, Government Printing Press, Peshawar for publication in the
rment Gazette. He is requested to supply 50 copies of the Gazette
ation each to the S&GAD and Law Department.
in Officer (R-1) S&GAD, Government of NWFP.

Sd/-
(Abdul Halim)
Section Officer (Regulation)

of General BPS-20
um qualifications prescribed for appointment by initial recruitment or
nsfer.

Ph.D. in any of the subjects relating to the subjects groups specified in
Schedule-II, with at least 15 years experience of holding a post
charged with conducting or controlling research in the field of
agriculture; and

publication of at least 6 research papers on problems encountered in,
or relevant to, the conditions in North West Frontier Province and of
such a quality which have been used as reference by other research
scientists of national and international repute.

um qualifications prescribed for promotion.
Fifteen years experience on responsible research job and

publication of at least 6 research papers on problems encountered
in/or relevant to the conditions in North West Frontier Province and
of such a quality which have been used as reference by other research
scientists of national and international repute.

it for initial recruitment.
5 years to 50 years

of recruitment
by selection on merit from among Directors of Agri. in the Research
Ving; or

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P-6

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- ii. if no suitable candidate is available for promotion, by initial recruitment.
- iii. By transfer.

2. Director/Coordinator, Agriculture Research BPS-19.

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

- a. Ph.D. in any of the subjects relating to the subject groups specified in Schedule-II, with at least 13 years experience of holding a post charged with conducting or controlling research in the field of agriculture; and
- b. publication of at least 4 research papers on problems encountered in, or relevant to the condition in NWFP and of such a quality which have been used as reference by other research scientists of national and international repute.

Minimum qualifications prescribed for promotion.


- a. Master's degree from a recognized university.
- b. 13 years experience of holding a post charged with conducting or controlling research in the field of agriculture; and
- c. publication of at least 4 research papers on problems encountered in, or relevant to the conditions in NWFP and of such a quality which have been used as reference by other research scientists of national and international repute.

Age limit for initial recruitment.

30 years to 45 years.

Method of recruitment

- i. By selection on merit from among Senior Research Officers; or
- ii. if no suitable candidate is available for promotion, by initial recruitment.

Attested


P-7

(11)

(12)

3. Senior Research Officer BPS-18

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

- a. Ph.D in any of the subjects relating to the subject groups specified in Schedule II; and
- b. publication of at least 2 research papers on problems encountered in or relevant to, the conditions: a NWFP and of such a quality which have been used as reference by other research scientists of national and international repute.

Minimum qualifications prescribed for promotion.

- a. Master's degree in Agriculture.
- b. 8 years experience on responsible research jobs; and
- c. publication of at least 2 research papers on problems encountered in, or relevant to, the conditions in NWFP and of such a quality which have been used as reference by other research scientists of national and international repute.

Age limit for initial recruitment

25 years to 35 years

Method of recruitment.

- i. Fifty percent by initial recruitment provided that if no suitable candidate is available, then to the extent of non-availability, by promotion; and
- ii. the remaining vacancies shall be filled by promotion through selection on merit from amongst Research Officers.

4. Statistician BPS-18

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

Attested
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(10)

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(10)

Minimum qualification prescribed for promotion.

- a. - Master's degree in Statistics or Mathematics with specialization in Statistics, from a recognized university and
- b. 8 years experience in planning agricultural experiments and processing the data obtained there from.

Age limit for initial recruitment.

Method of recruitment

By selection on merit from among Additional Statistician in the Research Wing.

5. Research Officer. BPS-17
Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

Master's degree under research program in the subject relating to the subject groups, as specified in Schedule II, to which the vacancy belongs, with Bachelor's degree in Is Division from a recognized university.

Minimum qualifications prescribed for promotion.

- a. Matriculation or equivalent qualification from a recognized Board; and
- b. 10 years experience in research work.

Age limit for initial recruitment.

21 years to 25 years.

Method of recruitment.

i. 75% by initial recruitment and

- ii. 25% by promotion on the basis of seniority-cum-fitness from among Field Assis: who have passed the prescribed training course at the Agricultural Training Institute and have demonstrated above average facilities in carrying out experiments and assisting research scientists.

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Note: A Field Assit. promoted to the post of Research Officer shall be appointed in such junior scale as Govt. may, from time to time determine in this behalf.

6. Additional Statistician (BPS-17)

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

Master's degree in Statistics or Mathematics with specialization in Statistics in Ist Division from a recognized university.

Minimum qualifications prescribed for promotion.

- a. Master's degree in Statistics or Mathematics with specialization in Statistics; and
- b. 5 years experience in planning of agricultural experiments, and processing the data obtained therefrom.

Age limit for initial recruitment.

21 to 25 years.

Method of recruitment.

- i. 50% by initial recruitment; and
- ii. 50% by selection on merit with due regard to seniority from among Assistant Statistics.

7. Assistant Statistician (BPS-16)

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

B.Sc. (Statistics) in Ist division from a recognized university.

Minimum qualifications prescribed for promotion.

- a. Matriculation or equivalent qualification from a recognized Board; and

Attested
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b. 10 years experience of work in the Statistical Cell charged with processing of agricultural research data.

Age limit for initial recruitment:

18 years to 25 years.

Method of recruitment:

- i. 75% by initial recruitment; and
- ii. 25% by selection on merit with due regard to seniority from among Senior Computing Clerks/Computers in the Research Wing.

8 Librarian (BPS-16)

Minimum qualifications prescribed for appointments by initial recruitment or by transfer

B.Sc. in Library Science from recognized University. Minimum qualifications prescribed for promotion.

Age limit for initial recruitment

18 years to 25 years.

Method of recruitment

By initial recruitment.

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D

SCHEDULE-II



Subject Groups

P-11

- a) Cereal Crops.
 - i) Maize (including Sorghum and Millet)
 - ii) Wheat (including Barley and Triticale)
 - iii) Rice.
- b) Pulses and Legumes.
 - Gram, Mung, Mash, Soybean, Lentil.
- c) Oilseeds
 - Mustard, Rape, Groundnut, sunflower, sunflowers and castor bean.
- d) Sugar Crops
 - Sugarcane and Sugarbeet.
- e) Vegetables.
 - Potato and Other vegetables.
- f) Horticulture.
 - Fruit of all kinds.
- g) Miscellaneous Crops.
 - Forage Crops Tobacco, Cotton, Jute etc.
- h) Plant Pathology.
- i) Plant Physiology.
- j) Entomology.
- k) Chemistry
 - Soils, Biochemistry
- l) Food Technology.
- m) Agricultural Economics.

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BEFORE THE CHAIRMAN, K.P.K.
SERVICE TRIBUNAL PESHAWAR CAMM
ABBOTTABAD

Muhammad Iqbal, Agriculture Inspector
Agriculture Research Centre Baffa
Mansehra.....Appellant




Versus

- 1) Government of K.P.K. through Secretary Agriculture Department, Civil Secretariat, Peshawar.
- 2) Director General Agriculture (Research) K.P.K. Peshawar.
- 3) Director Agriculture, Research K.P.K. Peshawar.....Respondents

AMENDED APPEAL UNDER SECTION 4
OF NWFP SERVICE TRIBUNAL ACT, 1974
THAT DIRECTION BE GIVEN TO THE
RESPONDENTS THAT APPELLANT
HAVING QUALIFIED IN ALL RESPECT BE
UP-GRADED AND PROMOTED AS
AGRICULTURE OFFICER IN GRADE-17.

ATTESTED

Respectfully sheweth!


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

- 1) That, earlier the appellant had filed writ petition No. 788-A/2013 before the Honourable Peshawar High Court, Abbottabad Bench, which was decided and dismissed vide judgment and order dated 07.11.2013.
- 2) That, the judgment and order dated 07.11.2013 was challenged before Honourable Supreme Court of Pakistan through CPLA No.

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, CAMP COURT ABBOTTABAD

P-18

Service Appeal No.1410/2014

Date of Institution... 15.12.2014

Date of decision... 19.10.2017



Muhammad Iqbal, Agriculture Inspector, Agriculture
Research Centre Buffa, Mansehra. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through
Secretary Agriculture Department, Civil Secretariat,
Peshawar and 2 others. (Respondents)

MR. SAJJAD AHMAD RAMZ,
Advocate *Mansehra*, ... For appellant.

MR. MUHAMMAD BILAL
Deputy District Attorney ... For respondents.


MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments

of the learned counsel for the parties heard and record
perused.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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FACTS

2. The appellant was promoted from the post of Field Assistant (BPS-09) to the post of Agriculture Inspector (BPS-11) in his own pay scale on 14.3.2013. The appellant then filed a Writ Petition before the Worthy Peshawar High Court, Abbottabad Bench on 23.10.2013 which was dismissed on 07.11.2013 for lack of jurisdiction. The appellant assailed this order before the august Supreme Court of Pakistan in Civil Petition No. 2180 of 2013 and the august Supreme Court of Pakistan vide order dated 09.07.2014, disposed of the petition in the light of a judgment reported as PLD 1994-Supreme Court-539 entitled "Muhammad Anis Vs. Abdul Haseeb" and by holding that Writ Petition before the Peshawar High Court might be treated as Service Appeal before this Tribunal. This Tribunal then seized of the matter.

ATTESTED**ARGUMENTS**

3. The learned counsel for the appellant argued that the appellant was entitled for promotion from BPS-09 to BPS-17, under the existing rules and in this regard, he relied upon a notification issued on 05.06.2005 whereby Agriculture Inspectors (BPS-9) were promoted to BPS-17. He also

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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referred to two other similar notifications in this regard. He argued that the appellant was also entitled to be promoted to BPS-17 as Research Officer under the existing rules.

4. On the other hand, the learned Deputy District Attorney argued that firstly this service appeal is not maintainable as there is no original order nor the appellant has ever filed any departmental appeal against any order. He further argued that the notifications mentioned by the appellant relates to the years 2005 and 2008 etc. which are prior to the amendments introduced in the concerned appointment rules in 2011. He argued that vide notification dated 30.06.2011, the Secretary to Government of Khyber Pakhtunkhwa Agriculture Livestock and Cooperative Department, existing rules of 1981 were amended and 25% quota for promotion was abolished. That the appellant after this notification was not entitled to be promoted to BPS-17.

CONCLUSION.

5. The appellant in fact is not aggrieved from the order dated 14.03.2013 because the said order of 24.3.2013 has been basically made on the basis of the amendment dated

ATTESTED


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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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0.06.2011 whereby method of recruitment and promotion was basically changed.

6. This Tribunal is now to see whether the amendments dated 30.06.2011 were competently made and if not then was the appellant under the legal obligation to challenge the said notification by filing a departmental appeal within a period of 30 days or not. The original rules were framed by the Governor of the Khyber Pakhtunkhwa on 01.02.1981 in exercise of the powers conferred under Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. This is a delegated legislation and any amendment in these rules can only be under Section 26 of the Civil Servants Act of 1973. Though the overarching Appointment, Promotion and Transfer Rules were framed under Section 26 of the Government of Khyber Pakhtunkhwa Civil Servant Act, 1973 firstly in the year, 1975 and then the same were repealed by the rules of 1989 with the same name. Sub rule 2 of rule 3 of the Rules of 1975 and *pari materia* sub rule, 2 of Rule 3 of the Rules of 1989 authorizes the concerned department in consultation with the S&GAD and Finance Department to lay down the method of appointment, qualification and other conditions applicable to a post. Some amendments were introduced in

ATTESTED

EXAMINER
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exercise of this latter power on 27.10.1987 by amending some rules. We are to see the legality of notification dated 30.06.2011 which is neither passed under Section 26 of the Civil Servants Act, 1973 nor under sub rule 2 of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. This is an executive notification which while upgrading certain posts have laid down some method of recruitment drastically amending the rules of 1981. This notification to the extent of amending the rules of 1981 is *ultra vires* and of no effect as an executive notification cannot amend any rules unless the same is done in exercise of the powers and in the manner delegated in the primary law. This Tribunal undoubtedly has the power to strike such executive notification and even the *vires* of rules as held in *IA Sharwani* case reported as 1991-SCMR-1041.

ATTESTED

7. The next issue for determination is whether the notification dated 30.06.2011 which is held by this Tribunal *ultra vires* above is an original order from which the appellant is aggrieved and was liable to be appealed against. Proviso to Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 clarifies the jurisdiction of this Tribunal with the condition that where an appeal, review or a representation is

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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provided then the Tribunal has no jurisdiction unless the appellant has exhausted the departmental remedy. For this purpose if we read Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appeals) Rules, 1986 which says that a civil servant aggrieved by an order passed by the competent authority relating to the terms and conditions of his service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority. (Emphasis is supplied). The present notification of 30.06.2011 was not passed by the competent authority as held above. Therefore, the appellant was not required to file an appeal against this notification. Section 22 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 says that where a right to prefer an appeal or review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order to the authority next above the authority which made the order. But this sub section 2 of Section 22 has further clarified that where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant

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EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order. (Emphasis is supplied) The representation is to be made within 30 days of the communication of such order. The word "communication" implies those orders which are passed against some specific individuals by name and not general notifications. This gives the result that no representation or departmental appeal is to be preferred against general notification amending the rules as the same is not communicated to any individual. It clearly means that the appellant could not file any representation under proviso to sub section 2 of Section 22 of the Khyber Pakhtunkhwa Civil Servant Act, 1973. He could therefore, straight away come to this Tribunal. But since the appellant approached the Worthy High Court and finally the august Supreme Court of Pakistan converted his Writ into service appeal before this Tribunal, this Tribunal is now to presume that the appellant approached this Tribunal straight away.

ATTESTED

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

8. So far as the limitation to knock the door of this Tribunal is concerned, the notification dated 30.06.2011 is issued by

(11)

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an incompetent authority as is held above to be ultra vires and void and no limitation shall run for challenging this void order as per judgments reported as 2007-SCMR-262, 729 and 2014-SCMR-1189.

9. As a sequel to the above discussion this Tribunal without commenting on the eligibility and fitness of the appellant as per rules prior to 2011 accepts the appeal to the extent of declaring that part of notification of 2011 as ultra vires which amended the method of recruitment. The department is directed to consider the appellant for promotion if the only hurdle in his way was notification of 2011 and if found eligible and fit in accordance with the rules prior to amendments made vide Notification dated 30.06.2011. Parties are left to bear their own costs. File be consigned to the record room.

Announced by Niaz Muhammad Khan,
Chairman

19.10.2017

by M. Anis Khan Kundli,
Member

Certified to be true copy

Khayr Pakhtunkhwa
Service Tribunal,
Peshawar

A
1

Date of Presentation of Application 28-11-17
 Number of Words 3200
 Copying Fee 18
 Urgent 2
 Total 20
 Name of Copyist [Signature]
 Date of Completion of Copy 28-11-17
 Date of Delivery of Copy 28-11-17



Most Immediate
Court Matter

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT
Phone-0919212464, Fax-091-9210033

NO. SO (Lit) AD/3-188/2014
Dated Peshawar the November 03, 2021

The Director General
Agriculture (Research)
Khyber Pakhtunkhwa, Peshawar.

8467
09/11/21
Section Officer (Litigation)

Subject: EP NO.389/18 MUHAMMAD IOBAL VS GOVT OF KHYBER PAKHTUNKHWA.

I am directed to refer to your letter No. 12233/ICC/DGAR; dated 14.10.2021 on the subject noted above and to forward herewith copies of this department letters No.SOE(AD)V-8/RW/21/M.Iqbal/1467 dated 28-10-2021 & SOE(AD)V-8/RW/21/M.Iqbal/1467 dated 29-10-2021 for further necessary action.

Encl. As above.

[Signature]
Section Officer (Litigation)

Endst. No. & Date Even.

Copy forwarded to:

1. The Section Officer (Establishment) Agriculture Department Khyber Pakhtunkhwa Peshawar w/r to his letteras quoted above.
2. PS to Secretary Agriculture, Khyber Pakhtunkhwa Peshawar.
3. Master File.

[Signature]
Section Officer (Litigation)

[Signature]
I.C.C.

[Signature]
03/11/2021
A.O (ESTD) and Mr. Tauheed Iqbal
for n/a. pt.
9/11



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK FISHERIES &
COOPERATIVE DEPARTMENT

No. SOE(AD)V-8/RW/21/M. Iqbal/1467
Dated Peshawar, the 28th October, 2021

To

The Section Officer (Opinion-I),
Law, Parliamentary Affairs & Human Rights Department,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: - MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 11.06.2021 AT 11:00 AM REGARDING PROMOTION OF EX-RESEARCH INSPECTOR (BS-11) TO THE POST OF RESEARCH OFFICER (BS-17) IN THE SERVICE APPEAL NO. 1410/2014 MUHAMMAD IQBAL VS GOVERNMENT OF KHYBER PAKHTUNKHWA UNDER THE CHAIRMANSHIP OF SECRETARY AGRICULTURE KHYBER PAKHTUNKHWA

The undersigned is directed to refer to your Department's letter No. SO(OP-I)/LD/5-6/2021/3485-87 dated 15.10.2021 on the subject cited above and to enclose herewith order sheet passed by the Hon'ble Tribunal Camp Court, Abbottabad on 11.10.2021 in the subject case as desired, please.

Encls. As Above:

Yours faithfully

SECTION OFFICER (ESTT):

Endst. of Even No. & Date.

Copy forwarded to the:

1. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
2. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. Master File.

SECTION OFFICER (ESTT):

REMINDER-I



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT
✉ : Soeagric@gmail.com

No. SOE(AD)V-8/RW/21/M.Iqbal /1475
Dated Peshawar, the October 29th, 2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar.

SUBJECT: MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 11.06.2021 AT 11:00 AM REGARDING PROMOTION OF EX-RESEARCH INSPECTOR (BS-11) TO THE POST OF RESEARCH OFFICER (BS-17) IN THE SERVICE APPEAL 1410 / 2014 MUHAMMAD IQBAL VS GOVERNMENT OF KHYBER PAKHTUNKHWA UNDER THE CHAIRMANSHIP OF SECRETARY AGRICULTURE KHYBER PAKHTUNKHWA

I am directed to refer to this department letter of even number dated 23.09.2021 on the subject noted above and to enclose herewith Director General Agriculture Research letter No.12233-35/(Lit)DGAR dated 14.10.2021 alongwith its enclosures and to state that the requisite reply is still awaited at your end which may please be expedited at the earliest being a court matter and quarter concerned is pressing hard for the same, please.

Encls. As Above.

**SECTION OFFICER Estt:
AGRICULTURE DEPARTMENT**

Endst. of Even No. & Date.

Copy forwarded to the:

1. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
2. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. Master File

**SECTION OFFICER Estt:
AGRICULTURE DEPARTMENT**



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

No. SOR-III (E&AD)/1-12/2021
Dated Peshawar the December 17th, 2021.

To

The Secretary to Govt. Khyber Pakhtunkhwa,
Agriculture Department.

Subject: - **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 11.06.2021 AT 11.00 AM REGARDING PROMOTION OF EX-RESEARCH INSPECTOR (BS-11) TO THE POST OF RESEARCH OFFICER (BS-17) IN THE SERVICE APPEAL 1410/2014 MUHAMMAD IQBAL VS GOVERNMENT OF KHYBER PAKHTUNKHWA UNDER THE CHAIRMANSHIP OF SECRETARY AGRICULTURE KHYBER PAKHTUNKHWA**

Dear Sir,

I am directed to refer to your office letter No.SOE(AD)V-8/RW/21/M.Iqbal/1305 dated 23.09.2021 on the subject noted above and to state that a meeting has been scheduled to be held on 20.12.2021 at 11.00 AM under the Chairmanship of Additional Secretary (Reg-II) to discuss the subject matter.

02. It is, therefore, requested to kindly depute representative of Agriculture Department to attend the meeting on the due date, time and venue please.

Yours faithfully,

SECTION OFFICER (R-III)
Phone No. 9211793

Copy forwarded for information to the:

1. DG Agriculture Research to nominate a well conversant officer to attend the subject meeting along with full record of the case.
2. PA to Additional Secretary (Reg-II), Establishment Department.


SECTION OFFICER (R-III)



DIRECTORATE OF AGRIL: RESEARCH BAFFA MANSEHRA

GOVERNMENT OF KHYBERPAKHTUNKHWA

Phone: #0957511224

Fax: #0957511224

No. 2437 / DAR/M

Dated: 19/10/2021

To

The Director General
Agriculture Research
Khyber Pakhtunkhwa
Peshawar

Subject: EP. No. 389/18: MUHAMMAD IQBAL VS GOVT. OF KHYBER
PAKHTUNKHWA

with reference to your office letter No. 12082/1(Lit)/DGAR dated: 08/10/2021 on the subject cited above, it is stated that representative of this office has attended court hearing in the said case at Service Tribunal Camp Court Abbottabad on dated: 11/10/2021. The honorable court has strictly directed to submit implementation report before next date fixed i.e. 31/12/2021

Attested copy of order dated. 11/10/2021 will be available at Registrar Khyber Pakhtunkhwa Service Tribunal office for onward submission to quarter concerned for necessary action. However, ordinary copy of the mentioned order will be collected from camp court Abbottabad on Thursday, 14th October 2021, if available and will be shared with your good office.


Director
Agricultural Research Station
Baffa Manshra



DIRECTORATE GENERAL AGRICULTURE RESEARCH
KHYBER PAKHTUNKHWA, 25130, PESHAWAR

☎ 091-9221271 web: www.agrires.kp.gov.pk ✉ 091-9221270
Email: dgragriressearch@gmail.com



To.

No: 12233-35/I(Lit)/DGAR
Dated Peshawar, the 14.10.2021

The Section Officer (Litigation)

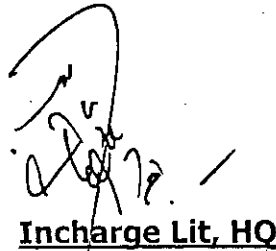
Agric., Livestock, Fisheries & Cooperatives Department
Peshawar

Subject: **EP. NO. 389/18: MUHAMMAD IQBAL VS GOVT. OF KHYBER
PAKHTUNKHWA**

Dear Sir:

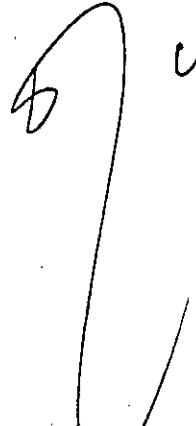
I am directed to refer to the aforementioned subject and to forward herewith a copy of order sheet passed the Hon`ble Tribunal Camp Court Abbottabad on 11.10.2021 in the EP. No. 389 in Service Appeal No. 1410/14: Muhammad Iqbal vs. Govt. of Khyber Pakhtunkhwa & Others which is self-explanatory for further necessary action along with opinion and advise, if any, please.

Encl: As Above


Incharge Lit, HQ

Copy forwarded for information to:

- The Director General; Agril. Research, KP, Peshawar.
- The Director Agricultural Research Station Baffa, Mansehra



11.10.2021

Petitioner in person and Mr. Ihsanullah, SRO alongwith Muhammad Rasheed, DDA for the respondents present.

In pursuance of the judgment of this Tribunal, the case of the petitioner was placed before the DPC on 11.06.2021 for consideration as evident from letter dated 23.09.2021 produced on previous date. It is there in the said letter that the DPC recorded some observations including that the case may be referred to Law and Establishment Departments for soliciting a clear cut opinion in the case. The aforementioned letter was sent to the Law and Establishment Department by respondent No. 1 seeking the requisite opinion. It was directed on previous date that the respondents shall pursue the matter for an early opinion and put the same before the Court. However, no progress on part of the respondents has been shown today for no obvious reason that why the requisite opinion has not been obtained at the earliest. The respondents cannot be allowed to ignore compliance of the judgment of this Tribunal, if they have got no workable and cogent reason to deprive the petitioner from the fruit of judgment. The representative of the respondents present today is directed to get copy of this order sheet and send the same to the respondents directly for their sensitization that further delay will not be excusable. Case to come up on 21.12.2021 before the S.B at camp court, Abbottabad.



To

The Chairman,
Service Tribunal,
Divisional Bench Abbottabad.

Subject: Submission of "Departmental Promotion Committee
minutes".

Respected Sir,

With due respect, It is stated that the
minutes of departmental committee meeting regarding
service appeal 14/10/2014 Muhammad Iqbal vs Govt of
Khyber Pakhtunkhwa are hereby submitted for your
kind perusal please.

Yours Obediently,
~~Atiq~~
Director 20/9/22
Agriculture Research
Station, Baffa,
Mansehra.