

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 11948/2020

Date of Institution ... 10.06.2020

Date of Decision ... 25.01.2022

Mr. Faham Dil Khan (Rtd) Senior Instructor, BPS-19 Agriculture Training Institute
Peshawar. ... (Appellant)

VERSUS

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

Syed Noman Ali Bukhari,
Advocate

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQ-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)


JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was initially appointed as Assistant Publicity Officer Agriculture BPS-17 through public service commission in the year 1983 and remained on joint seniority list until 2004. In pursuance of notification dated 09-10-1997 regarding grant of selection grade, the appellant filed departmental appeal dated 11-02-2020 for grant of selection grade, which was not responded within the statutory period, hence the instant appeal with prayers that respondents may be directed to grant him selection grade BPS-18 from the date when his other colleagues were awarded the same benefits with all consequential benefits.

02. Learned counsel for the appellant has contended that not awarding selection grade to the appellant from the due date and not taking action on the departmental appeal of the appellant are against law, facts and norms of natural justice and material on record, therefore not tenable and liable to be set aside; that the appellant has been deprived of the benefit of selection grade due to fault of others, for which the appellant legally cannot be penalized; that the appellant has been discriminated as his other colleagues, who have been granted selection grade while the appellant was kept deprived of such benefit; that the appellant has not been dealt in accordance with law and rule and has been made to suffer huge financial loss and also deprived the appellant from his legal rights.

03. Learned Additional Advocate General for the respondents has contended that the appellant is not entitled for the grant of selection grade as the honorable courts allowed selection grade to Agriculture Officers, whereas the appellant is holding degree in mass communication; that the appellant does not belong to the group of agriculture graduates, hence his name was deleted from the seniority list of agriculture officers with effect from 2005, therefore the appellant is not entitled to search his name in the seniority list of agriculture graduates; that association of agriculture graduates filed writ petitions in Peshawar High Court and not the appellant for grant of selection grade, which was allowed and selection grade was granted to agriculture officers.

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

05. Record reveals that that the appellant was initially appointed as Assistant Publicity Officer Agriculture BPS-17 through public service commission in the year 1983 and remained on joint seniority list until 2004 with other Agriculture Officers, but his name was deleted from the list of Agriculture Officers under new rules. The Provincial Government vide notification dated 09-10-1997 allowed award of

selection grade in different cadres, which was implemented by various departments including agriculture department. The Agriculture Department granted selection grade to Agriculture Officers, but refused the same facility to the officers working in extension wing of agriculture department as well as to the appellant. The agriculture officers working in extension wing of the department filed writ petition No 1412/2006, which was allowed, vide judgment dated 11-04-2007. The respondents filed CPLA in the Supreme Court, which was dismissed vide judgment dated 14-06-2013. In pursuance of the judgments as mentioned above, the officers of extension wing of Agriculture Department were finally granted selection grade vide order dated 13-05-2020. Since the appellant was not party in the said writ petition, hence he filed departmental appeal for similar relief, but was not granted to him as his name was not included in the names of the petitioners, but the supreme court of Pakistan, while dismissing CPLA in the above mentioned case has referred to the judgment of supreme court of Pakistan reported as 1996 SCMR 1185, which has held that if the Tribunal or this court decides a point of law relating to the terms of service of a civil servant, which covers not only the case of the civil servant who litigated, but also those civil servants, who may have not taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the tribunal any other legal forum. The respondents however did not extend the benefit to the appellant as per dictates of the judgment mentioned above; hence, the appellant approached this Tribunal for grant of the said benefit.

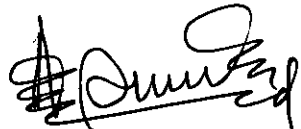
06. It is un-disputed that the appellant fulfills the conditions as required for grant of selection grade. The appellant is also employee of agriculture department and is on the same footings as were officers of extension wing of agriculture

department. The appellant is also holding the required length of service and it would be discriminatory if the same benefit is refused to the appellant.

07. Keeping in view the foregoing, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

25.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN




(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)


ORDER
25.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
25.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.



Chairman

stipulated period passed reply not submitted.

17.01.2022

Appellant alongwith his counsel (Numan Ali Bukhari, Advocate) present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Arguments heard. To come up for order on 25.01.2022 before this D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

31.05.2021


Counsel for the appellant present. Preliminary arguments heard.

In light of the crux of matter agitated in the appeal the appellant seeks advantage of the judgments of the Peshawar High Court Peshawar in Writ Petitions No. 1041/97 and 1412/2006 respectively decided on 10.05.2001 and 11.04.2007 and upheld by the August Supreme Court of Pakistan.

Subject to all just exceptions, this appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/ comments are not submitted within the stipulated time, the office is required to submit the file with a report of non-compliance. File to come up for arguments on 29.09.2021 before the D.B.

Appellant Deposited
Security & Process Fee
10/6/21

29-9-21


Chairman

DB is on Tour case to come up
for the same on Dated. 17-1-22

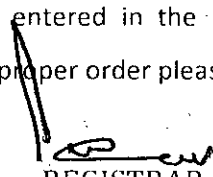

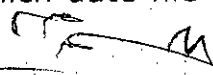
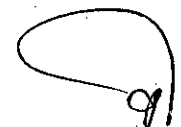
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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11948 /2020

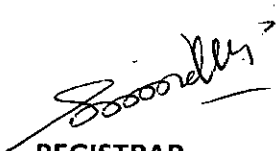
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/10/2020	<p>The appeal of Mr. Faham Dil Khan resubmitted today by Mr. Muhammad Asif Yousafzai, Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	23.11.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/11/2020</u>.</p> <p> CHAIRMAN</p>
	23.11.2020	<p>Learned counsel for appellant is present and requests for adjournment that he has not prepared the brief of the instant appeal. Adjourned to 10.02.2021 on which date file to come up for preliminary hearing before S.B.</p> <p> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>
	10.02.2021	<p>Faham Dil appellant in person present and made a request for adjournment as his counsel is busy in Peshawar High Court, Peshawar; adjourned. To come up for preliminary hearing on 01.06.2021 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

The appeal of Mr. Faham Dil Khan Retired Senior Instructor Agriculture Training Institute Peshawar received today i.e. on 10.06.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of judgment of Supreme Court of Pakistan mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.
- 5- All the annexures of the appeal are illegible which may be replaced by legible/better one.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1218 /S.T,

Dt. 11-06 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Mr. M.Asif Yousafzai Adv. Pesh.


Sir,

All objection removed & file re-submitted
7/6/20

Objection no. 5 is still stand.
The present appeal is returned again
to the counsel for the appellant for
completion and resubmission within
15 days.

No. 1398 /S.T
dt. 08-07 /2020


Registrar

Resubmitted after completion


BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2020

Mr. Faham Dil Khan

VS

Agriculture Department etc.


INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-3
2.	Copy of order	A	04-05
3.	Copy of seniority list	B	06-12
4.	Copy of Policy	C	13-16
5.	Copy of High Court Judgment	D	17-22
6.	Copy of Supreme Court Judgment	E	23-27
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8.	Vakalat nama	-----	29


APPELLANT

Faham Dil Khan

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.

& 
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339103240

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 11948 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5014

Dated 10/06/2020

Mr. FAham Dil Khan (Rtd) Senior Instructor, BPS-19)
Agriculture Training institute Peshawar.

APPELLANT

VERSUS

1. The Govt of KPK through Chief secretary KP Peshawar.
2. The Secretary, Agriculture Department, Government of KPK, Peshawar.
3. The Secretary Finance Department, KPK, Peshawar.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 FOR AWARDING SELECTION GRADE BPS-20 FROM THE DUE DATE WITH ALL BACK AND CONSEQUENTIAL BENEFITS AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

.....

Filed to-day
10/06/2020
Registrar

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE ✓ DIRECTED TO CONSIDER THE APPELLANT FOR AWARDING OF SELECTION GRADE BPS-18 FROM THE DATE WITH HIS COLLEAGUES WERE AWARDED THE SAME BENEFITS WITH CONSEQUENTIAL BENEFITS ON THE BASIS OF PLACED OF SIMILAR PLACED PERSON. ANY OTHER REMEDY, WHICH HIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY

Re-submitted to-day
and filed.
Registrar
13/06/2020

ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

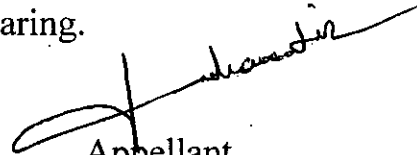
1. That the appellant was recruited through KP Public Service Commission Peshawar in year 1983 against the post of Assistant Publicity Officer agriculture Bs 17 and remained on joint Seniority List since 1983 till 2004. **Copy of appointment Order and seniority lists is attached as Annexure-A & B.**
2. That the finance department Govt of KPK vide its notification laid down the policy for grant of selection grade in different provincial cadre officer. **Copies of policy is attached as Annexure-C.**
3. That the officials of Agriculture Deptt: applied for awarding selection . on the refusal of departmental appeal, they filed W.p No 1041/97 and w.p No 1412/2006 which were decided in the favour of the petitioners vide judgment dated 10.05.2001 and 11.04.2007 by Peshawar High Court Peshawar. **Copy of judgments is attached as Annexure-D.**
4. That the deptt filed CPLA before the Supreme Court of Pakistan against the High Court Judgment, which was dismissed by the Supreme Court of Pakistan vide judgment dated 14/06/2013. It is pertinent to mentioned here that in Para-6 of the Judgment of Supreme Court of Pakistan pointed out that " the dictate of justice and rule of good governance demands that the benefit of judgment be also extended to those civil servants who may not be party to the above litigation instead of compelling them to approach for the purpose to Tribunal or other legal forum. **Copy of judgment is attached as annexure-E.**
5. That according to government selection grade policy 1997, High Court and Supreme Court Judgment, the appellant filed an appeal for selection grade and waited for 90 days but no reply has been received, hence the present appeal on the following grounds amongst the others. **Copy of Appeal is attached as Annexure-F.**

GROUND:

- A) That not awarding selection grade to the appellant from the due date and not taking any action on the departmental

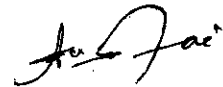
appeal of the appellant are against the law, facts, norms of justice and material on record, therefore, not tenable.

- B) That the appellant has been kept deprive from the benefit of selection grade due to fault of others for which the appellant legally can not be penalized.
- C) That the appellant has been discriminated because the other colleagues who are appointed along with the appellant have been granted selection grade while the same benefits was extended to the appellant.
- D) That the appellant has not been dealt according to law and rules and has been made to suffer huge financial loss and also to deprive the appellant from his legal rights.
- E) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.



Appellant
Fahamdil Khan

Through:



(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

**GOVERNMENT OF NWFP AGRICULTURE,
FOREST, COOPERATION DEPARTMENT
PESHAWAR**

Better Copy

Notification:

No SOE (AD) 6 (6) 4/83/ Extension Wing, Consequent upon the recommendation of N.W.F.P Public Service commission the Governor, N.W.F.P is pleased to appoint Mr. Faham Dil S/o Mehr Dil, Vallage & Post office Kalabat, Tehsil Swabi, District Mardan as Assistant Publicity Officer (Grade-17) in Extension wing of Agric. Deptt: on temporary basic with effect from the date of his taking over the charge and subject to the following terms and conditions:

1. He shall be governed by the provisions of NWFP Civil servants Act, 1973 (NWFP Act No, XIVIII of 1973) and in matters not specifically mentioned in this notification shall be governed by such rulee and regulations relating to leave, T.A., Medicalattendance, seniority etc, as have been or may be prescribed from time to time by Government for that oategory/status of Government servants to which he belongs.
2. He shall be governed by the Government servants conduct Rules, 1966, the NWFP government servants (Efficiency & Discipline) rules, 1973 and any other instructions in the subject as may be issued by the government of N.W.F.P from time to time.
3. He will intitelly be on probation for a period of two years. His services will be liable to termination at any time without assigning any reasons before expiry of the period of probation/extended period of probation if his work and conduct during this period is rot found satisfactory. In cee an event he shall be given a month's notice of termination of serives or one month pay in lieu thereof. In case he wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
4. That he has not been previously dismissed or debarred from service of Government, Board, Local Body or autonomous or semi/autonomous organization etc.
5. His employment will not in any case confer upon him any claim or rights to permanent employment in the Department. He will however, be eligible for continuance and eventual confirmation on satisfactory completion of probation (including the extended presided of probation if and when a regular substantive vacancy in the post is available of him.

6. He shall not be entitled to any Travelling allowance/ Daily allowance on his first appointment, except in case of permanent government servant.
 7. His inter-se seniority positions shall be determined in accordance with order of merit assigned by the N.F.W.P public service commission provided that person selected for appointment to service in an earlier section shall rank senior to him His seniority vis-à-vis those appointed otherwise shall be determent as provided for in the relevant service/recruitment rules.
 8. He shall be liable to serve anywhere within or outside on any post under the Federal Government or any provincial Government or local authority or a corporation or body set up or established by any such Government.
 9. His pay will be fixed in the reverent National pay scale of Rs: 900-50-1150/60-1750-100-2250) from the date oil his taking over the charge of the post. In the case if who is already in the service of the Federal /Provincial Governments, his apy will be fixed under the normal rules of the Government of NWFP. If however, he is in the service of nay autonomous Body/ Corporation etc., he will not get the benefit of his pervious pay no joining the Government of N.W.F.P
2. If the above terms and conditions of appointment are acceptable to him, he should immediately communicate his acceptance in writing to his Department and report for duty to the director of Agriculture, N.W.F.P Peshawar on or before 12.5.1983. at the latest, failing which this appointment order may be treated as cancelled.

Secretary to Government of N.W.F.P
Agriculture, Forrest and Cooperation
Department Peshawar

No. SOE(AD) 6(6)4/82/EW/11430-37

Dated: PESH:THE 13/04/1983.

Copy forward to,

1. The secretary, N.W.F.P Public Service Commission Peshawar with reference to his letter No. 3009/Agric/3371, Dated. 13-03-83
2. The Accountant General NWFP Peshawar
3. The Manager, Government PRINTING & Stationary Department, NWFP, Peshawar for publication in the next issue OF government Gazette.
4. The Director of Agriculture, N.W.F.P., Peshawar for information and further posting of the candidate concerned under intimation to this Department. He is requested to furnish a copy of assumption of charge as well as declaration of assets in respect of the candidate concerned. It may also intimate whether the candidate has failed to join the duty by the above date. Certificate of standing Medical Board in respect of the above selected candidate is enclosed for onward transmission to the Audit office concerned.
5. The Director of Education (Schools) Peshawar to his Endst: No. 9 dated 27-02-1983
6. The candidate concerned.
7. Personal file of the candidate concerned.
8. Office orders file
9. The PS to secretary to Govt. of NWFP/Agriculture Forest Cooperation Department, Peshawar for his information.

Sd/=

(S.B. JAN UNQA)

Section officer (Establishment)

Agriculture Forests and Coop. Deptt.

Govt. of NWFP Peshawar

Beltes copy attached

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
AGRICULTURE, FORESTS AND COOPERATION
DEPARTMENT, PESHAWAR

F-4
A 4

NOTIFICATION

DATED PESHAWAR, THE 13th April, 1983.

NO. SO F (AD) 5(6)4/82/Extension Wing. Consequent upon the recommendation of N.W.F.P. Public Service Commission, the Governor, N.W.F.P. is pleased to appoint Mr. Faham Dil S/O Mahr Dil, Village & Post Office Kalabat, Tehsil Swabi, District Mardan as Assistant Publicity Officer (Grade-17) in Extension Wing of Agr. Deptt on temporary basis with effect from the date of his taking over the charge and subject to the following terms and conditions:

cc
ed

1. He shall be governed by the provisions of NWFP Civil Servants Act, 1973 (NWFP Act No. XIVIII of 1973) and in matters not specifically mentioned in this Notification shall be governed by such rules and regulations relating to leave, T.A., Medical attendance, seniority etc. as have been or may be prescribed from time to time by Government for that category/status of Government servants to which he belongs.
2. He shall be governed by the Government Servants Conduct Rules, 1966, the NWFP Government Servants (Efficiency & Discipline) Rules, 1973 and any other instructions in the subject as may be issued by the Government of N.W.F.P. from time to time.
3. He will initially be on probation for a period of two years. His services will be liable to termination at any time without assigning any reasons before expiry of the period of probation/extended period of probation if his work and conduct during this period is not found satisfactory. In case an event he shall be given a month's notice of termination of service or one month's pay in lieu thereof. In case he wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
4. That he has not been previously dismissed or debarred from service of Government, Board, Local Body or autonomous or semi-autonomous Organization etc.
5. His employment will not in any case confer upon him any claim or rights to permanent employment in the Department. He will however, be eligible for continuance and eventual confirmation on satisfactory completion of probation (including the extended period or probation if and when a regular substantive vacancy in the post is available for him.
6. He shall not be entitled to any Travelling Allowance/Daily Allowance on his first appointment, except in case of permanent Govt. Servants.
7. His inter-se seniority position shall be determined in accordance with order of merit assigned by the NWFP. Public Service Commission provided that person selected for appointment to service in an earlier selection shall rank senior to him. His seniority vis-a-vis those appointed otherwise shall be determined as provided for in the relevant service/recruitment rules.
8. He shall be liable to serve any where within or outside NWFP in any post under the Federal Government or any Provincial Government or local authority or a Corporation or body set up or established by any such Government.

(Continued to page 2)

(P.T.O.)

1. His pay will be fixed in the Revised National Pay Scale of Rs. 900-50-1450/60-1750-100-2250) from the date of his taking over the charge of the post. In the case of the candidates who is already in the service of the Federal/Provincial Governments, their pay will be fixed under the normal rules of the Government of NWFP. If however, he is in the service of any Autonomous Body/Corporation etc., he will not get the benefit of his previous pay on joining the Government of N.W.F.P.

2. If the above terms and conditions of appointment are acceptable to him, he should immediately communicate his acceptance in writing to this Department and report for duty to the Director of Agriculture, N.W.F.P., Peshawar on or before 12.5.1983 at the latest, failing which this appointment order may be treated as cancelled.

SECRETARY TO GOVERNMENT OF N.W.F.P.
AGRICULTURE, FORESTS AND COOPERATION
DEPARTMENT.

NO. 50 (AD) 6(6)4/82/EN/ 11430-37 DATE PESH: THE 19/4/1983.

Copy forwarded to:-

1. The Secretary, N.W.F.P. Public Service Commission, Peshawar with reference to his letter No. 3009/agri/3371, dt. 13.3.83
2. The Accountant General, NWFP, Peshawar.
3. The Manager, Government Printing & Stationery Department, NWFP, Peshawar for publication in the next issue of Government Gazette.
4. The Director of Agriculture, N.W.F.P., Peshawar for information and further posting of the candidate concerned under intimation to this Department. He is requested to furnish a copy of assumption of charge as well as Declaration of assets in respect of the candidate concerned. It may also intimate whether the candidate has failed to join the duty by the above date. Certificate of Standing Medical Board in respect of the above selected candidate is enclosed for onward transmission to the Audit Office concerned.
5. The Director of Education (Schools), Peshawar to his endst: No. 9
6. The candidate concerned. dated 27.2.1983
7. Personnel file of the candidate concerned.
8. Office orders file.
9. The Secretary to Secretary to Govt. of NWFP, Agriculture, Forests and Cooperation Department, Peshawar for his information.

(S.B. JAN UNQA)
SECTION OFFICER (ESTABLISHMENT)
AGRICULTURE, FORESTS AND COOPERATION
DEPARTMENT, GOVT. OF NWFP, PESHAWAR

43-37
17-4-83

1157
11/4/83

SP
13/4

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NOTIFICATION.

DATED PESHAWAR, THE 13th April, 1983.

NO. SO F (AD) 6(6)4/82/Extension Wing. Consequent upon the recommendation of N.W.F.P. Public Service Commission, the Governor, N.W.F.P. is pleased to appoint Mr. Faham Dil s/o Mehr Dil, Village & Post Office Kalabat, Tehsil Swabi, District Mardan as Assistant Publicity Officer (Grade-17) in Extension Wing of Agr. Deptt. on temporary basis with effect from the date of his taking over the charge and subject to the following terms and conditions:

1. He shall be governed by the provisions of NWFP Civil Servants Act, 1973 (NWFP Act No. XVIII of 1973) and in matters not specifically mentioned in this Notification shall be governed by such rules and regulations relating to leave, T.A., Medical attendance, seniority etc. as have been or may be prescribed from time to time by Government for that category/status of Government servants to which he belongs.
2. He shall be governed by the Government Servants Conduct Rules, 1966, the NWFP Government Servants (Efficiency & Discipline) Rules, 1973 and any other instructions in the subject as may be issued by the Government of N.W.F.P. from time to time.
3. He will initially be on probation for a period of two years. His services will be liable to termination at any time without assigning any reasons before expiry of the period of probation/extended period of probation if his work and conduct during this period is not found satisfactory. In case an event he shall be given a month's notice of termination of service or one month's pay in lieu thereof. In case he wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
4. That he has not been previously dismissed or debarred from service of Government, Board, Local Body or autonomous or semi-autonomous Organization etc.
5. His employment will not in any case confer upon him any claim or rights to permanent employment in the Department. He will however, be eligible for continuance and eventual confirmation on satisfactory completion of probation (including the extended period or probation if and when a regular substantive vacancy in the post is available for him.
6. He shall not be entitled to any Travelling Allowance/Daily Allowance on his first appointment, except in case of permanent Govt. Servants.
7. His inter-se seniority position shall be determined in accordance with order of merit assigned by the NWFP. Public Service Commission provided that person selected for appointment to service in an earlier selection shall rank senior to him. His seniority vis-a-vis those appointed otherwise shall be determined as provided for in the relevant service/recruitment rules.
8. He shall be liable to serve any where within or outside NWFP in any post under the Federal Government or any Provincial Government or local authority or a Corporation or body set up or established by any such Government.

(Continued to page 2)

(P.T.O.)

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9. His pay will be fixed in the Revised National Pay Scale of Rs. 900-50-1150/60-1750-100-2250) from the date of his taking over the charge of the post. In the case of ~~the candidate~~ who is already in the service of the Federal/Provincial Governments, his pay will be fixed under the normal rules of the Government of NWFP. If however, he is in the service of any autonomous Body/Corporation etc., he will not get the benefit of his previous pay on joining the Government of N.W.F.P.

2. If the above terms and conditions of appointment are acceptable to him, he should immediately communicate his acceptance in writing to this Department and report for duty to the Director of Agriculture, N.W.F.P., Peshawar on or before 12.5.1983 at the latest, failing which this appointment order may be treated as cancelled.

SECRETARY TO GOVERNMENT OF N.W.F.P.
AGRICULTURE, FORESTS AND COOPERATION
DEPARTMENT.

NO: 50 E (D) 6(6)4/82/EW/ 11430-37 DATED PESH: THE 15/4/1983.

Copy forwarded to:-

1. The Secretary, N.W.F.P. Public Service Commission, Peshawar with reference to his letter No. 3009/Agri/3371, dt. 13.3.83
2. The Accountant General, NWFP, Peshawar.
3. The Manager, Government Printing & Stationery Department, NWFP, Peshawar for publication in the next issue of Government Gazette.
4. The Director of Agriculture, N.W.F.P., Peshawar for information and further posting of the candidate concerned ~~under intimation~~ to this Department. He is requested to ~~submit~~ furnish a copy of assumption of charge as well as Declaration of assets in respect of the candidate concerned. It may also ~~intimate~~ intimate whether the candidate has failed to join the duty by the above date. Certificate of Standing Medical Board in respect of the above selected candidate is enclosed for onward-transmission to the Audit Office concerned.
5. The Director of Education (Schools), Peshawar to his endst: No. 9
6. The candidate concerned. dated 27.2.19
7. Personal file of the candidate concerned.
8. Office orders file.
9. The ^{Private} Secretary to Secretary to Govt. of NWFP, Agriculture, Forests and Cooperation Department, Peshawar for his information.

(S.B. JAN UNQA)
SECTION OFFICER (ESTABLISHMENT)
AGRICULTURE, FORESTS AND COOPERATION
DEPARTMENT, GOVT. OF NWFP, PESHAWAR

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Annexure: (B) Page (F)

FINAL/UNDISPUTED SENIORITY LIST OF SUPERVISORY OFFICER "B-17" AGRICULTURE DEPARTMENT
(EXTENSION WING) AS IT STOOD ON 1-1-1998

6

S.No.	Name of the Officer	Functional/Qualification	Date of Birth & Home Distt:	Date of Ist Entry into Govt Service regular basis with basic Scale.	First Regular Appointment to the Service/Cadre Date	BPS	Method of Direct or promoted	Promotion to the present grade/Cadre BPS	Date	R E M A
1.	Mr. Mir Azam Khan, Sr: Instructor, ATI, Dikhan	B.Sc. (Hons) Agriculture	J.W. Agry: 3-5-41	20-10-62	8-6-77	B-17	Promoted	B-17	8-6-77	--
2.	Mr. Hidayatullah Khan APPG, Kohit.	B.Sc. (Hons) Agriculture	J.W. Agry: 14-11-42	20-1-66	18-3-78	B-17	Direct	B-17	1-3-78	--
3.	Mr. Azizur Rehman, EADA, Batagram.	-do-	Hazara: 1-2-40	20-1-66	20-1-66	B-17	-do-	B-17	4-6-79	--
4.	Mr. Muhammad Hanif, FPO, H.Q.	M.Sc. (Hons) Agriculture	Refugee (BU) 12-12-44	13-9-66	18-9-66	B-17	-do-	B-17	4-4-79	--
5.	Mr. Muhammad Afzal Shah FPO (FATA).	B.Sc. (Hons) Agriculture	Peshawar 23-11-41	13-1-66	4-4-79	B-17	-do-	B-17	4-4-79	--
6.	Mr. Said Afzal Khan, EADA, Charzadda.	-do-	Mardan 5-9-41	20-11-1962	4-5-1977	B-17	Upgraded	-do-	4-4-79	--
7.	Mr. Muhammad Siddique, Asstt: Agri: Kohat.	-do-	Kohat 1-6-38	24-10-1962	-	-	Direct	-do-	7-2-80	--
8.	Mr. Umar Khan	-do-	Mardan 30-10-39	21-6-63	-	-	-do-	-do-	7-2-80	--
9.	Mr. Umerzada, EADA (E&M) Kohat.	-do-	Peshawar 8-1-41	21-6-63	01-11-72	B-16	-do-	-do-	-do-	Working as AHO, deputation in FV, Peshawar.
10.	Attaur Rehman, EADA Dergai.	-do-	Mardan 1-3-40	6-7-63	1-5-67	-	-do-	-do-	-do-	--
11.	Mr. Rehmatullah, EADA, Swat.	-do-	Dir 15-7-40	9-11-63	1-5-77	-do-	Promoted	-do-	-do-	--
12.	Mr. Noor Alam Khan, SMS (NCDP) Dikhan.	M.Sc. (Agri)	Bannu 9-11-38	30-6-64	-	B-17	-do-	-do-	-do-	--
13.	Mr. Abdur Rehman, EADA (E&M) (FATA) Pesh:	-do-	Peshawar 1-11-40	27-4-65	-	B-17	-do-	-do-	-do-	--

Note: See page 12. S.No. 28

C/P "2"

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1	2	3	4	5	6	7	8	9	10	11
14.	Mr. Inamullah Jan, EADA, Marjan	M.Sc. (Agri)	Peshawar 12-3-40	13-1-66	1-11-72	8-16	--	8-17	7-02-80	--
15.	Mr. Sirajur Rahman, AND, (FATA) Peshawar.	-do-	Peshawar 15-02-42	14-01-66	--	--	--	-do-	-do-	--
16.	Mr. Aslam Khan-II, APPO, Karak.	-do-	Bannu 20-12-44	17-9-66	--	--	--	-do-	-do-	--
17.	Agha Sajjad Hussain, SMS (CRBC) Dikhan.	-do-	Dikhan 28-2-47	16-9-66	--	--	--	-do-	-do-	--
18.	Mr. Daulat Rahman, EADA, Karak.	-do-	Kohat 29-6-44	24-9-60	14-11-72	8-16	Upgraded	-do-	3-12-81	--
19.	Mr. Munir Ahmad-I, SMS, Dikhan.	-do-	Dikhan 01-8-45	23-9-66	--	--	--	-do-	-do-	--
20.	Mr. Khalilur Rahman, EADA, Miranshah.	-do-	N.W. Agency 15-4-42	8-8-66	--	--	--	-do-	30-6-82	--
21.	Mr. Stori Shah, Economist, EADP, NWFP, Peshawar.	B.Sc. (Hons) Agriculture	Khy: Agency 20-1-41	24-12-66	--	--	--	-do-	-do-	--
22.	Mr. Pinin Shah, EADA, Chitral.	-do-	Chitral 11-9-44	24-12-66	01-5-77	8-11	Promoted	-do-	-do-	--
23.	Mr. Muhammad Iqbal, EADA, Peshawar.	-do-	Peshawar 1-8-45	27-12-66	--	--	--	-do-	-do-	--
24.	Mr. Rehmat Ali, APPO, Peshawar.	M.Sc. (Agri)	Peshawar 01-08-42	03-03-67	03-03-67	--	Direct	-do-	22-03-83	--
25.	Mr. Yousaf Jan, EADA (E&M) Pesh:	M/Sc. (Hons) Agriculture	Peshawar 9-01-45	04-03-67	--	--	--	-do-	22-03-83	--
26.	Mr. Abdul Ali Jan, JSMS, Daggër (Buner).	B.Sc. (Hons) Agriculture	Peshawar 01-04-44	01-12-67	01-05-77	8-17	Upgraded	-do-	21-4-83	--
27.	Mr. Izat Khan, APD, Bannu.	M.Sc. (Hons) Agriculture	Bannu 5-10-45	2-2-67	01-05-77	8-17	-do-	8-17	22-03-83	--
28.	Mr. Faham Dil, A.P.O. Peshawar.	M.A. Journalism.	Marden 01-03-56	19-04-83	--	--	--	8-17 Direct	19-04-83	--
29.	Mr. Mumtaz Ahmad, EADA, (ERN), Dikhan.	B.Sc. (Hons) Agriculture	Bannu 1-4-40	14-11-66	--	--	--	8-17 Promoted	3-5-84	--

G.F.#3
A. Ahmad

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(12)

- 3 -

2	3	4	5	6	7	8	9	10	11
Mr. Sher Ali, SMS(ADC) Mardan.	B.Sc.(Hons) Agriculture	Mardan 14-4-46	8-1-69	1-11-72	B-16	Upgraded	Promoted B-17	1-7-84	---
Mr. Muhammad Irshad, Assistant Agronomist.	-do-	Malakand 8-9-37	04-02-70	2-2-70	--	--	-do-	---	---
Mr. Sultani Roon, A.P.O.Swat.	-do-	Swat 12-04-45	27-12-66	01-05-77	B-17	--	-do-	---	---

[Signature]
DIRECTOR-GENERAL
AGRICULTURE (EXTENSION)
N.W.F. PROVINCE, PESHAWAR

[Signature]
28/1

[Signature]

P/28

BETTER COPY

MOST IMPORTANT

No. 18/33/ESTT/ 4924-61/ DG

DATED PESHAWAR: the: 20/03/2002

To,

- 1. Director Agriculture (FATA) NWFP Peshawar.
- 2. All Sub -Offices in NWFP/Officers Concerned.

Subject: **TENTATIVE SENIORITY LIST OF BPS-17 (SUPERVISORY) OFFICERS OF AGRICULTURE (EXTENSION) DEPARTMENT: NWFP AS IT STOOD ON 1.3.2002.**

Memo:

Enclosed here with Tentative Seniority list of BPS-17 (Supervisory) officers of your offices as at stood on 1.3.2002.

Your are advised to circulate the enclosed seniority list amongst all the officers working under your kind control.

Error, omission if nay may be intimated within week time positively, so that final print could be issued/circulated for record and reference.

This should be treated as most urgent.

Sd/= **DIRECTOR GENERAL
AGRICULTURE (EXTENSION
NWFP PESHAWAR.**

ENDST NO: 4962-67

Copy along with Tentative Seniority list is forwarded to all EDO,s NWFP For information and necessary action.

Sd/= **DIRECTOR GENERAL
AGRICULTURE (EXTENSION
NWFP PESHAWAR.**

**TENTATIVE SENIORITY LIST OF BPS-17 (SUPERVISORY) OFFICERS OF
AGRICULTURE EXTENSION DEPARTMENT AS IT STOOD ON 01.03.2002.**

S.No	Name & designation of officers	Educational qualification	Date of birth & domicile	Date of 1 st entry into Govt. service	1 st regular appointment to the service/ Cadre			Promotion to the present post/BPS		Remarks
					Date	BPS	Method of Recct:	Date	BPS	
1.	Daulatur Rehman, EDO Agri: Karak	M.Sc Agri:	<u>20.6.1944</u> Karak	<u>24.9.1960</u> Agri: Asstt:	31.12.1981	17	Direct Promotee	31.12.1981	17	11
2.	Aslam Khan, EADA Lakki Marwat.	M.Sc Agri:	<u>20.12.1944</u> Lakki Marwat	<u>17.9.1966</u> Agri: Asstt:	7.2.1980	17	Promotion	7.2.1980	17	-
3.	Munir Ahmad, EADA Karak	M.Sc Agri:	<u>1.4.1945</u> DIKhan	<u>23.9.1966</u> Agri: Asstt:	31.12.1981	17	-do-	31.12.1981	17	
4.	Agha Sajjad Hussain, EADA Kurum	M.Sc Agri:	<u>28.2.1947</u> DIKhan	<u>16.9.1966</u> Agri: Asstt:	7.2.1980	17	do	7.2.1980	17	
5.	Haji Pinin Shah, EDO Agri: Chitral	B.Sc Agri:	<u>11.9.1944</u> Chitral	<u>24.12.1966</u> Agri: Asstt:	30.6.1982	11	Promotion	30.10.1982	17	
6.	Muhammad Iqbal, EADA Peshawar.	B.Sc Agri:	<u>1.8.1945</u> Charsadda	<u>27.12.1966</u> Agri: Asstt:	30.6.1982	11	do	30.10.1982	17	
7.	Rehmat Ali, J/Instructor ATI	M.Sc Agri:	<u>1.8.1942</u> Peshawar	<u>3.3.1967</u> Agri: Asstt:	22.3.1983	11	Direct	22.3.1983	17	
8.	Hafiz Yousaf Jan, AHO Swat.	M.Sc Hons:	<u>19.1.1945</u> Charsadda	<u>6.2.1967</u> Agri: Asstt:	22.3.1983	11	Promotion	22.3.1983	17	
9.	Abdul Ali Jan, EADA Khyber	B.Sc Hons: Agri:	<u>1.4.1944</u> Charsadda	<u>1.12.1967</u> Agri: Asstt:	22.3.1983	11	do	22.3.1983	17	

10.	Izat Khan, SMS CRBC DIKhan	B.Sc Hons: Agri:	<u>5.10.1945</u> Bannu	<u>2.2.1967</u> Agri: Asstt:	-	11	do	22.3.1983	17 Sup:
11.	Faham Dil, APO FATA Pesh:	M.A Journalism	<u>4.3.1956</u> Swabi	<u>19.4.1983</u> APO (B-17)	-	17	do	19.4.1983	17 Sup:
12.	Mumtaz Ahmad, EADA DIKhan	B.Sc Hons: Agri:	<u>1.4.1946</u> Bannu	<u>14.11.1966</u> Agri: Asstt:	31.5.1984	11	do	31.5.1984	17 Sup:
13.	Sher Ali, APPO Peshawar	B.Sc Hons: Agri:	<u>14.4.1946</u> Mardan	<u>8.1.1969</u> Agri: Asstt:	1.7.1984	16	do	1.7.1984	17 Sup:
14.	Sultani Room, EDQ Agri: Buner	M.Sc Agri:	<u>12.4.1945</u> Swat	<u>27.12.1966</u> Agri: Asstt:	1.7.1984	16	do	1.7.1984	17 Sup:
15.	Saifur Rehman, AHO FATA DIKhan.	B.Sc Hons Agri:	<u>4.7.1943</u> S.W. Agency	<u>10.8.1967</u> Agri: Asstt:	16.11.1998	17	do	16.11.1998	17 Sup:
16.	Said Ahmad, EDO Agri: Lower Dir	B.Sc Hons: Agri:	<u>19.9.1944</u> Dir	<u>15.5.1968</u> Agri: Asstt:	16.11.1998	17	Direct	16.11.1998	17 Sup:
17.	Ghulam Habib, EADA S.W. Agency	M.Sc Agri:	<u>15.4.1945</u> Lakki Marwat	<u>20.1.1969</u> Agri: Asstt:	16.11.1998	17	do	16.11.1998	17 Sup:
18.	Amir Muhd: Shah, DDA (E&M) (ops)	M.Sc Agri:	<u>4.9.1947</u> Karak	<u>25.6.1970</u> Agri: Asstt:	16.11.1998	17	do	16.11.1998	17 Sup:
19.	Ghani Gul, EADA Swat	M.Sc Agri:	<u>13.11.1947</u> Mardan	<u>25.6.1970</u> Agri: Officer	16.11.1998	17	do	16.11.1998	17 Sup:
20.	Shaukat Ali J/Instructor ATL	B.Sc Hons: Agri:	<u>21.7.1945</u> Nowshera	<u>26.6.1970</u> Agri: Officer	16.11.1998	17	do	16.11.1998	17 Sup:
21.	Mehboob-ur-Rehman, APPO FATA Pesh:	M.Sc Hons: Agri:	<u>1.12.1947</u> Karak	<u>24.6.1972</u> Agri: Officer	16.11.1998	17	Promotion	16.11.1998	17 Sup:

From:

Better copy attached

The Director General
Agriculture (Extension)
N.W.F. Province Peshawar.

To:

1. The Director of Agriculture PATA, NWFP, Peshawar.
2. The Principal, Agricultural Training Institute, Peshawar.
3. The Project Director, Barani Agri. Dev. Project, NWFP, Peshawar.
4. The Dy. Director of Agriculture (Infor:) NWFP, Peshawar.
5. All the E.A.D.A. in NWFP.
6. The Subject Matter Specialist, (CRBC) D.I. Khan.
7. The Junior Subject Matter Specialist, Daggar.

(9)

Subject:-

FINAL/UNDISPUTED SENIORITY LIST OF "SUPERVISORY OFFICERS" (BPS-17) AGRICULTURE DEPARTMENT (EXTENSION WING) AS IT STOOD ON 1-4-2000

Memo;

Enclosed herewith a copy of Seniority List of "Supervisory Officers" (BPS-17) as it stood on 1.4.2000 for circulation amongst the "Supervisory Officers" (BPS-17) working under your control.

Error commission if any may be intimated with-in a week's time positively.

Encl: As above.

DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
N.W.F. PROVINCE PESHAWAR.

Indst: No. 4761-64 / DGA,
Dated Pesh: the 24.3. / 2000.

Copy alongwith copy of the above seniority list is forwarded to:-

1. The Section Officer (Estt.), Government of NWFP, Agriculture Department, Peshawar.
2. Mr. Iqbal Jan, EADA (E & M) Head Quarter.
3. Mr. Mahboob-ur-Rehman, EADA (E&M) Head Quarter.
4. Mr. Muhammed Hanif, Marketing Economist, H.Q.

for information.

Note
See page: 3
S.No: 18.

*11/11/00
Please
participate
with
EADA
Peshawar
23.3.2000*
EADA Peshawar
29/3
6/5/2000
2/11/00
Typist
For type circulation in
all subject in concerned offices
not in control of is office

DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
N.W.F. PROVINCE PESHAWAR.

MW
6/5/2000

11

1	2	3	4	5	6	7	8	9	10
13.	Mr. Muhammad Ishaq, EADA, Peshawar.	B.Sc.(Hons) Agriculture	Peshawar 1.8.45	27.12.66	30.6.62	B-11	Promotee	30.6.62	
14.	Mr. Rehmat Ali, Junior Instructor, ATI, Pesh:	M.Sc.(Hons) Agriculture	Peshawar 1.8.42	3.3.67	22.3.63	-do-	Direct	22.3.63	
15.	Mr. Yousaf Jan, -EADA, H.O. Office.	M.Sc.(Hons) Agriculture	Charsadda 19.1.45	4.3.67	22.3.63	-do-	-do-	22.3.63	
16.	Mr. Abdul Ali Jan, APPO(FATA), Pesh:	B.Sc.(Hons) Agriculture	Charsadda 1.4.44	1.12.67	22.3.63	-do-	-do-	22.3.63	
17.	Mr. Izat Khan, A.D. AGRI: CRBC, DIKHAH.	B.Sc.(Hons) Agriculture	Bannu 5.10.45	2.2.67	--	B-17	Direct	19.4.63	
18.	Mr. Faham Dil, D (CRBC) MAL, Pesh.	M.A. Journal- ism.	Mardan 4.3.56	19.4.63	--	B-11	Promotee	31.5.64	
19.	Mr. Montaz Ahmad, SMS, (CRBC) DIKHAH.	B.Sc.(Hons) Agriculture	Bannu 1.4.40	14.11.66	31.5.64	B-11	-do-	1.7.64	
20.	Mr. Sher Ali, EADA, Mardan.	B.Sc.(Hons) Agriculture	Mardan 14.4.46	8.1.69	1.7.64	B-16	-do-	1.7.64	
21.	Mr. Sultan-e-Room, JSMS, Daggar.	M.Sc.(Agri)	Swat 12.4.45	27.12.66	1.7.64	B-16	-do-	1.7.64	
22.	Mr. Saifur Rehman, NIO (FATA) DIKHAH.	B.Sc.(Hons) Agriculture	S.W. Agri: 4.7.43	10.8.67	10.8.67	B-17	Promotee	16.11.98	
23.	Mr. Munir Ahmad-II, APPO, DIKHAH.	B.Sc.(Hons) Agriculture	DIKHAH 9.7.39	23.11.67	23.11.67	B-17	-do-	-do-	
24.	Mr. Saif Ahmad, A.A. BADD, Chakdara Dir.	B.Sc.(Hons) Agriculture	Dir. 19.9.44	15.5.68	15.5.68	B-17	-do-	-do-	
25.	Mr. Ghulam Habib, Asstt: Agronomist (BADD) DIKHAH.	M.Sc.(Agri:)	Lakki Marwat 15.4.45	20.1.69	20.1.69	B-17	-do-	-do-	
26.	Mr. Amir Muhammad Shah, A. Agronomist (BADD) Pesh:	M.Sc.(Agri)	Karak 4.9.47	25.6.70	25.6.70	B-17	-do-	-do-	
27.	Mr. Shani Gul, EADA, Swat.	M.Sc.(Hons) Agriculture	Mardan 13.11.47	25.7.70	25.7.70	B-17	-do-	-do-	
28.	Mr. Sheukat Ali, on Deputation (FEVIB).	B.Sc.(Hons) Agriculture	Rowshara. 21.7.45	26.6.70	26.6.70	B-17	-do-	-do-	

10

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1	2	3	4	5	6	7	8	9	10
29.	Mr. Mehboobur Rehman, EADA(EEM) HQ Office.	M.Sc.(Agri:)	Karak 1.12.47	24.6.72	24.6.72	B-17	Promotee	16.11.98	--
30.	Mr. Muhammad Mushtaq, EADA, Abbottabad.	B.Sc.(Hons) Agriculture	Abbottabad 1.1.48	19.7.72	19.7.72	B-17	-do-	-do-	--
31.	Mr. Shahjahan, EADA, (Mohmand Agency).	M.Sc.(HONS) Agriculture	Mardan 24.10.50	26.10.72	26.10.72	B-17	-do-	-do-	--

631

Recd
(DIRECTOR GENERAL)
AGRICULTURE (EXTENSION)
N.W.F.P. PROVINCE, PESHAWAR

2
AGRICULTURE

(S)

(28)

NO.FD(PRC)1-1/96-97
GOVERNMENT OF N.W.F.P.,
FINANCE DEPARTMENT
DATED PESHAWAR: THE 9.10.1997

From:

The Secretary to Government of
N.W.F.P., Finance Department.

To:

1. All Administrative Secretaries to Govt. of NWFP, Peshawar.
2. The Senior Member Board of Revenue, NWFP.
3. The Secretary to Governor NWFP, Peshawar.
4. All Heads of Attached Departments NWFP.
5. The Secretary, Provincial Assembly, NWFP.
6. The Secretary to Chief Minister, NWFP.
7. All the Commissioners/Deputy Commissioners / Political Agents / District and Session Judges NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Secretary, Public Service Commission, NWFP, Peshawar.
10. The Registrar, Service Tribunal NWFP, Peshawar.
11. The Secretary, Board of Revenue, NWFP, Peshawar.

Subject: AWARD OF SELECTION GRADE IN DIFFERENT CADRES

Sir,

I am directed to refer to the subject noted above and to say that it has been decided in consultation with the Federal Government as well as the Services & General Administration Department to lay down the following conditions for grant of Selection Grade / Senior Scale: -

- a. Selection Grade may be granted on the basis of Seniority-cum-fitness.
- b. The official to whom Selection Grade is proposed to be granted must have successfully completed his probationary period and must possess the following length of service in his existing Pay Scale: -
 - i. For grant of Selection Grade in BPS-18 and above. As prescribed for promotion to these Pay Scales.
 - ii. For grant of Selection Grade in EPS-17 and Below. Three years service in the existing Pay Scales of the post.

Your's obedient servant,

sd -
(Muhammad Sultan)
Additional Finance Secretary-V.

Endst: No.FD(PRC)1-1/96-97

Dated Peshawar: the 9.10.1997

19

Copy forwarded for information to: -

1. All Heads of Autonomous and Semi Autonomous Bodies in NWFP.
2. The Secretary Finance Department, Government of the Punjab, Sindh and Baluchistan, Lahore, Karachi and Quetta.
3. The Secretary Finance Department, Azad Government of the State of Jammu and Kashmir, Muzaffarabad.

sd -

(SULTAN MEHMOOD KHATTAK)
DEPUTY SECRETARY (REGULATION)

Endst. No.FD (PRC)1-1/96-97

Dated Peshawar: the 9.10.1997

Copy forwarded to: -

1. The Accountant General, NWFP, Peshawar.
2. All District / Agency Accounts Officers in NWFP.
3. The Treasury Officer, Peshawar.
4. The P.S. to Secretary, PAs to Additional Secretaries / Deputy Secretaries in Finance Department.
5. All Section Officers / Budget Officers in Finance Department NWFP, Peshawar.
6. The Director, Local Fund Audit, NWFP, Peshawar.

sd -

(MUHAMMAD KHAN)
SECTION OFFICER (SR-I)

Attested

13

10/5/04

10/5/04

10/5/04

MINUTES OF THE MEETING TO EXAMINE THE COURT JUDGEMENT WITH REGARD GRANT OF SELECTION GRADE TO AGRICULTURE OFFICER HELD IN THE OFFICE OF ADDITIONAL SECRETARY REGULATION / ADMN. FINANCE DEPARTMENT

The Agriculture Department forwarded a copy of the High Court / Supreme Court judgement along with other related papers and requested for issuance of notification for grant of selection grade to Agricultural Offices. The case was examined and it was decided that a meeting should be held with Additional Secretary Regulation / Admn. to be attended by Additional Secretary Regulation Establishment, Additional Secretary Law, Additional Secretary Agriculture to examine the case with the following TOR's:-

- a. To discuss the issue in the light of judgment of Peshawar High Court / Supreme Court of Pakistan.
 - b. To implement the said judgment in the light of Rules and Law Department's letter No.OP.15(215)/LD/2003/6731 dated 22.11.2003.
2. The meeting was held in the office of Additional Finance Secretary (Reg) on 16.01.2004 at 8.30 hrs. Mr. Muhammad Hamayun, Additional Secretary (Reg) Establishment Department, Mr. Muhammad Shaukat, Deputy Secretary Law Department, Mr. Hidayat Jan, Deputy Secretary Agriculture Department, Mr. Abdul Latif, Deputy Secretary Regulation, Finance Department, Syed Baqar Shah, Section Officer SR-I, Finance Department and Mr. Akhtar Ali, Section Officer Establishment, Agriculture Department attended the meeting.
3. The meeting considered the issue of selection grade in the light of judgements of the Court and after thorough examination decided as under:-
- a. Finance Department's letter No.FD(PRC)1-1/96-97 dated Peshawar, 9.10.1997 mentioned in the working paper was not the sole authority for determination of eligibility of the petitioners to the grant of Selection Grade. The said letter was further clarified vide Finance Department's No.FD (SR-I)16-9/99 dated Peshawar: the May 12, 1999 where under case of the petitioners does not qualify for selection grade on merits.
 - b. The Administrative Department / petitioners did not take up the case with Finance Department during currency of the policy on Selection Grade as did by others.
 - c. Their Service Rules do not allow Selection Grade.
 - d. Seniority of the petitioners was also checked as per seniority list of 24.03.2000, which shows that the total number of Agriculture Officers was 210. Seniority position of the petitioners stood at Serial No.95,120 and 130 which would not make them qualify for the grant of Selection Grade had there been any policy on Selection Grade available to the cadre of Agriculture Officers.

Keeping in view the above position, it was decided unanimously
that the case is void of any merit, hence rejected.

Signatures

1. Mr. Muhammad Humayun
Addl: Secretary (Regulations)
Establishment Department.
2. Mr. Muhammad Shaukat,
Deputy Secretary, Law Department.
3. Syed Hidayat Jan,
Deputy Secretary Agriculture Deptt.
4. Mr. Abdul Latif,
Deputy Secretary (Regulation)
Finance Department.
5. Syed Baqar Shah,
Section Officer SR-I,
Finance Department.
6. Mr. Akhtar Ali,
Section Officer, Agriculture Department
7. Hafiz Matiullah,
Additional Secretary (Regulation/Admn)
Finance Department.

Sd -

Sd -

Sd -

Sd -

Sd -

Sd -

Sd -

Attested

Ph: 091-9210172
Fax: 091-9213599

No.C.A.156-P/2010-SCJ
SUPREME COURT OF PAKISTAN

Dated: Peshawar 27/06 /2013

From The Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

To The Registrar,
Peshawar High Court,
Peshawar.

PESHAWAR HIGH COURT, PESHAWAR.	
Receipt No	<u>18980</u>
Date	<u>8/7/13</u>
For action	<u>JH</u>
Signature	<u>[Signature]</u>

SUBJECT: CIVIL APPEAL NO.156-P OF 2010

OUT OF

CIVIL PETITION NO.320-P OF 2007

Province of NWFP through Chief Secretary and others

VERSUS

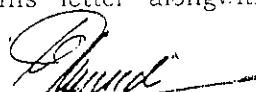
Hafiz Farhad Ali and others

*On appeal from the Judgment and
Order of the Peshawar High Court,
Peshawar dated 11.04.2007 passed in
W.P.No.1412 of 2006.*

In continuation of this Court's letter of even number dated 22.04.2010, I am directed to enclose herewith for information a certified copy of the Judgment of this Court dated 14.06.2013 dismissing the above cited Civil Appeal.

I am further directed to return herewith the original record of the Peshawar High Court, Peshawar (W.P.No.1412 of 2006) titled "Hafiz Farhad Ali Vs. Province of NWFP through Chief Secretary, Peshawar etc" received under the cover of your letter No.4782/Adl dated 14.05.2010.

Kindly acknowledge the receipt of this letter alongwith its enclosure.


(KHALID MAHMOOD)
DEPUTY REGISTRAR

Encl: Judgment & Original Record


[Handwritten text]

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

WRIT PETITION NO.1412/2006.

JUDGMENT

Date of hearing: 11.4.2007.

Petitioners: (Hafiz Farhad Ali) By Shehzada Shahpur Jan, Adv.

Respondents: (Nawaz & others) By Mr. Khushdil Khan, AA S.

DOST MUHAMMAD KHAN, J:- The petitioners through this constitutional petition have sought declaration that the refusal of respondents to grant selection grade to them, is without lawful authority Coram Non-judice in utter disregard of the judgment of this Court given in the Writ Petition No.1041 of 1997 delivered on 10.5.2001 which was upheld by the Hon'ble Supreme Court in Civil Petition No.380-P of 2001 vide judgment dated 23.10.2003 refusing leave to appeal to the respondents.

Arguments heard in detail and record perused.

2- Learned counsel for the petitioners vehemently argued that not only the impugned action is offending against the judgment of this Court *ibid* but the judgment of the apex Court too has been disregarded on false premise and with malafide intention. He further emphatically contended that the judgment of this Court earlier given had merged into the judgment of Hon'ble Supreme Court, therefore, notwithstanding the writ jurisdiction of this Court under Article 199 of the Constitution, it has to implement and enforce the judgment of the apex Court in view of the

ATTESTED

EXAMINER
Peshawar High Court

commanding language of sub-article (2) of Article 187 of the Constitution and that the petitioners have been given discriminatory treatment as other officers of the same rank have been given selection grade within the same department but the petitioners who work in the Extension Wing performing the same nature of duties with equal liabilities have been denied it. The principle of justice, fairplay, rules of propriety as well as the statutory rules on the subject have been violated, therefore, he concluded that the respondents may be directed to grant the relief sought herein to the petitioners.

3- To the contrary, Mr. Khushdil Khan Mohmand, the learned Addl: Advocate General contended that on 12.5.1999, the officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade as is evident from para-3 of the Finance Department letter dated 12.5.1999 and that the case of the petitioners was considered by duly constituted committee who while relying on the above letter of Finance Department has declared the case of the petitioners devoid of merits thus, no case of discrimination has been made out.

4- When the learned Addl: Advocate General was confronted with the comments filed in the earlier Writ Petition No. 1041 of 1997 where no such stance was taken and similarly with the submissions made by the then Advocate-General at that time who nowhere pointed out the Finance Department letter which has now been made bases for refusal to grant selection grade to the petitioners and additionally when his attention was invited to the

ATTESTED

EXAMINER
Peshawar High Court

petition for grant of leave to appeal filed before the Hon'ble Supreme Court where too, no such arguments were advanced nor such plea was raised then how the respondents could make the said letter as killing device at a much belated stage when it was not their case at any stage before this Court or before the apex Court in the earlier round of litigation, his simple reply was that such plea might have been taken during course of arguments but was not either taken notice of or was not considered at all. We completely disagree with the learned counsel for the Government on this score because if such plea was taken in any manner having direct impact on the maintainability of earlier Writ Petition No.1041 of 1997 that would have been definitely taken into consideration which is not the case.

5- This Court while recording findings in the earlier Writ Petition at page-9 of the judgment have held the following view in a conclusive manner:-

"As per the aforequoted letter all those officials having the requisite length of service and those who were fit were entitled to grant of "Selection Grade". The petitioners who have completed more than 18 years of their services were fit and were entitled as per the said memo for grant of "Selection Grade", and the learned Advocate General was unable to show any reason as to why the instructions/directions of the Government of N.W.F.P. contained in memo dated 9.10.97 were not made applicable in the case of petitioners, when the officials of Health, C&W, Irrigation, Education and all other Departments of Provincial Government were granted the benefit of said memo (dated 9.10.97). This also shows that the petitioners and all other Agriculture Graduates working in Agriculture Extension Department were not treated similarly with occupants of equivalent posts".

ATTESTED

EXAMINER
Peshawar High Court

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6- Whenever a party to a lis gives up a plea taken by it or omits to take a plea in its petition or reply despite having opportunity to take it then it cannot be allowed to agitate such a plea in the second round or at a belated stage and the Court of law would be under no obligation to allow such plea and on that score to knock out the opposite side on the basis of such plea. Reliance in this regard may be placed on the view taken by the Hon'ble Supreme Court in the case of Mst. Kharo and two others -Vs- Sher Afzal alias Sheray (1992 SCMR 1844).

7- The next legal impediment in the way of the respondents is that while delivering the judgment dated 10-5-2001 in the previous writ petition No.1041 of 1997, this Court has conclusively determined each and every plea of both the parties once for all by recording clear findings which were upheld by the Hon'ble Supreme Court, thus, this Division Bench in view of the principle of law and consistent practice cannot differ with the view already formed by the earlier Division Bench on the same subject matter and point of. Reliance in this regard may be placed on the consistent view of the Hon'ble Supreme Court reflected in the cases of The Province of East Pakistan -Vs- Dr. Aziz ul Islam (PLD 1963 SC-296), The Province of East Pakistan and others-Vs- Sirajul Haq Patwari and others (PLD 1966 SC-854), Multiline Associates-Vs-Ardeshir Cowasjee and others (SCMR 1995 362), Multiline Associates-Vs- Ardeshir Cowasjee and 2 others (PLD 1995 SC 423) and Sidheswar Ganguly-Vs-State of West Bengal (PLD 1958 SC India 337).

ATTESTED

EXAMINER
Peshawar High Court

8- Apart the above iron clad legal proposition, we see no reason or justification to differ with the view of the earlier Division Bench which was upheld by the Hon'ble Supreme Court and when the judgment of this Court had merged into that of the apex Court then Article 187 (2) of the Constitution of Islamic Republic of Pakistan, 1973 would certainly come into play.

For the aforementioned reasons, this petition is allowed, the impugned action/order of the respondents refusing selection grade to the petitioners is declared as Coram Non-judice, without jurisdiction and without lawful authority and of no legal effect. The respondents are directed to reconsider the case of the petitioners in light of the judgment of this Court earlier given in Writ Petition No.1041 of 1997 and particularly to give full effect in letter and spirit to the judgment of the Hon'ble Supreme Court rendered in Civil Petition No.380-P of 2001 dated 23.10.2003.

M. Jaz ul Hassan
M. Dost Muhammad

Announced
11.4.2007.

Official Stamp
23.4.07.

CERTIFIED TO BE TRUE COPY
 Examiner
 Peshawar High Court Peshawar
 Authorised Under Section 75 Acts Order

25/4/07

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 of Delivery of Copy *25-6-07*
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Issue

Advt. Register

93/3

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Mr. Justice Nasir-ul-Mulk
Mr. Justice Saqib Jaleel Osmani.
Mr. Justice Iqbal Hameedur Rahman.

Civil Appeal No. 156-P/2010.

(On appeal against the judgment dated 14.04.2007
passed by Peshawar High Court, Peshawar,
in W. P. No. 1412/2006)

Province of NWFP through Chief Secretary,
Peshawar, etc.

Appellant(s).

Versus

Hafiz Farhad Ali, etc.

Respondent(s).

For the Appellant(s):

Mr. Zahid Yousaf, AAG.

For the Respondent(s):

Mr. Javed A. Khan, ASC.

Date of Hearing:


14.06.2013.

JUDGMENT

Iqbal Hameedur Rahman, J.: - The appellants, through the instant appeal with the leave of the Court, have impugned the judgment dated 14.04.2007 passed by the learned Peshawar High Court, Peshawar, in W. P. No. 1412/2006, whereby the writ petition filed by the respondents has been accepted and the appellants, were directed to reconsider the case of the respondents in the light of the judgment passed in W. P. No. 1041/1997 and to give full effect to the said judgment in its true letter and spirit, which had attained finality on account of dismissal of C. P. No. 380-P/2011, filed by the appellants before the Supreme Court, vide order dated 23.10.2003. Leave was granted by this Court vide order dated 12.03.2010 in the following terms: -

“ Having heard the learned Additional Advocate General, as well, as, learned ASC for the respondents, I am inclined to grant leave, *inter alia*, to consider the following questions:

ATTESTED



Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

- 1) Whether the order of this Court dated 23.10.2003 passed in Civil Petition No. 380-P/2001 could have been put into execution by the learned High Court in view of the provisions of Article 187(2) of the Constitution of Islamic Republic of Pakistan, 1973, in the instant matter brought before it by the respondents through Writ Petition No. 1412/2006 and in particular, when the respondents were not parties to the case?
- 2) Whether the High Court had the jurisdiction under Article 199 of the Constitution to have entertained the writ petition and to grant relief as necessarily the question of grant of selection grade was amenable to the exclusive jurisdiction of the Service Tribunal?
- 3) Whether the grant of selection grade was discontinued by the Government, if so, as to from what particular date such discontinuation would be effective?

2. The appeal on the present record be prepared and set down for hearing. However, the parties shall be at liberty to further document the same, if deemed appropriate."

2. The succinct facts of the case are that the respondents were officers of Agriculture Extension Department and they claimed "Selection Grade" on account of instructions/directions issued by the Government of NWFP in letter dated 09.10.1997. The claim of the respondents was struck down by the appellants/department as a result of which the respondents approached the learned Peshawar High Court by filing a writ petition. The case of the respondents before the High Court was that relief had been afforded to other similarly placed officers vide judgment dated 10.05.2001 of the Peshawar High Court passed in W. P. No. 1041/1997, which had attained finality as leave was refused by this Court in C. P. No. 380-P/2001 filed by the appellants. In W. P. No. 1412/2006, the stance of the appellants was

ATTESTED

[Signature]

Deputy Registrar,

Supreme Court of Pakistan,

Peshawar.

that "...on 12.05.1999, the officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade

[Signature]

as is evident from para-3 of the Finance Department letter dated 12.05.1999 and that the case of the petitioners was considered by duly constituted committee who while relying on the above letter of Finance Department has declared the case of the petitioners devoid of merits thus, no case of discrimination has been made out". In view of the same, the appellants were confronted with the comments filed in the earlier W. P. No. 1041/1997 where such stance has neither been taken before the High Court nor before the Supreme Court, on account of which the learned High Court came to the conclusion that the respondents were entitled to the same relief as afforded to the petitioners in W. P. No. 1041/1997. Therefore, the learned High Court while accepting the writ petition of the respondents gave a direction to the appellants to reconsider the case of the respondents in the light of the judgment dated 10.05.2001 and to give full effect to the same in its true letter and spirit, hence this appeal.

3. The learned Assistant Advocate General for the appellants contended that while passing the impugned judgment the learned High Court has not taken into consideration that the grant of selection grade stood withdrawn vide notification dated 27.10.2001 in terms of para-7, which states that "SELECTION GRADE AND MOVE OVER: - Selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f. the date of issue of this letter", on account of which the respondents could not be granted selection grade while passing the impugned judgment in the year 2007, in the light of which the respondents have been considered and accordingly selection grade has been declined to them. Moreover, the learned High Court did not properly appreciate and consider the letter of the Finance Department dated 12.05.1999 whereby the Law Officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade

2nd Appeal
Accepted (B)

stopped
X →

ATTESTED

[Signature]
Deputy Registrar,
Supreme Court of Pakistan
Peshawar.

25

and that the respondents were duly considered by the committee, which while relying upon the said letter has declared the case of the respondents devoid of merits, thus, the case of the respondents does not fall within the circumference of discrimination.

4. On the other hand, the learned counsel for the respondents has adverted our attention to para-3 of the impugned judgment and asserted that the contentions so raised by the learned Assistant Advocate General have already been considered by the learned High Court who has held that the said pleas were not taken in the earlier writ petition and he was also confronted with the comments filed in the said writ petition. As such the letter of the Finance Department, which has now been made the basis of refusal of selection grade to the respondents, was never asserted before the learned High Court or before the Supreme Court. He further adverted our attention to para-b(ii) of the letter dated 09.10.1997 and stated that the respondents were in BPS-17 and the only requirement for the grant of selection grade was three years service in the existing pay scales of the post on seniority cum fitness basis, and asserted that the respondents were appointed in the year 1994 as such on the date of issue of the said letter they were fully qualified for the award of selection grade.

5. Heard. We have gone through the impugned judgment and have perused the documents and material available on record.

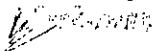
6. A perusal of the material depicts that the respondents were duly entitled to the grant of selection grade when the letter dated 09.10.1997 in this regard was issued and according to the criteria laid down in the said letter they had more than three years of service in BPS-17. Moreover, from the perusal of letter dated 27.10.2001 it is also apparent that the selection grade and move-over scheme stood discontinued from the date of its issue, as such the same could not be given retrospective effect in the case of the

ATTENDED



Deputy Registrar,

Session Court of Pudukottai,



respondents, who were fully entitled and qualified in the year 1997. Therefore, the respondents were similarly placed with the petitioners in W. P. No. 1041/1997 who were held to be entitled for the grant of selection grade vide judgment dated 10.05.2001, which had already attained finality on the dismissal of C. P. No. 380-P/2001, filed before this Court. As such the respondents could not be declined the grant of selection grade, who were similarly placed with those petitioners and had become entitled to the same benefit in the year 1997. Moreover, this Court in the case of Hameed

Akhtar Niazi vs. The Secretary, Establishment Division, Government of Pakistan and others (1996 SCMR 1185) has held that ".....if the Tribunal or this Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum."

7. In the above perspective, we are of the opinion that the learned High Court has arrived at a just conclusion and the impugned judgment does not require interference by this Court. Resultantly, this appeal being devoid of any merits is dismissed.

Ed/- Nasir-ul-Mulk, J
Sc/- Saqmat Jalal Osmani, J
Sc/- Iqbal Hameedur Rahman, J

Certified to be true copy

Muhammad
26.06.2013
 Deputy Registrar,
 Supreme Court of Pakistan,
 Peshawar.



PESHAWAR.
 14.06.2013.
 (Farrukh)

Not Approved for Reporting.

To,
The Secretary to Government of Khyber Pakhtunkhwa
Agriculture Department Peshawar.

F

28

Subject: **GRANT OF SELECTION GRADE**

Respected Sir,

I have the honor to submit that the Finance Department Government of Khyber Pakhtun Khwa vide its notification No. F.D (PRC) I- I/96-97 laid down the policy for grant of selection grade/ senior Scale in different provincial cadre officer Annexure (A)

The Agriculture (Ext) Deptt/ officers on Analogy of livestock & Dairy development Department officers applied for grant of selection grade. On refusal of the departmental Appeal, the appellant field W.P.1041/97 & -W.P. No.1412/2006 which were decided in favor of the Petitioners on 10/05/2001 & 11/4/2007 by Peshawar High Court Peshawar (copy attached as Annexure B).

The department filed civil- Appeal- No156-P/2010 in the Supreme Court of Pakistan, for grant of leave to appeal, which was declared void of any merit/ dismissed by Supreme Court of Pakistan vide order dated 14/6/2013 (copy attached as annexure C)

The honorable Supreme Court of Pakistan at Para (6) of the detail judgment has exclusively Pointed out that "The Dictates of justice and rule of good governance demand that The benefit of the above judgment be also extended to those civil servants who may not be party to the above litigation instead of compelling them to approach for the purpose to the tribunal or other legal forums.

It is important to mention here that the undersigned was recruited through Khyber Pakhtun khwa public Service commission Peshawar in the year 1983 on merit against the post of Assistant publicity Officer Agriculture B.S (17) supervisory & remained on joint seniority list since 1983 till 2004. (Copy of the Appointment order, Bio-data, Seniority lists of 1997, 1998, 2002 & 2004 are attached as Annexure (D,E,F,G,H)-

According to the Government policy 1 997 for grant of selection grade, Peshawar high Court & Supreme Court of Pakistan orders the undersigned is entitled for grant of selection grade/ senior scale besides other Agriculture officers of the Agriculture (Ext) department.

It is therefore requested to enlist/include the name of the undersigned for the purpose strictly on basis of Government policy, Court orders/remarks, fitness, seniority lists etc.

I shall be grateful to your good self for this kind act of natural justice.
End: as above

Date: 11/02/2020

1/12/20
11/12/2020
1202
11/02/2020
o/c

Your's

11/2/2020
o/c FAHAM DIL KHAN
Rtd Senior instructor (BS: 19)
Agricultural Training institute
Peshawar
Cell# 0314-9124419

Accepted

VAKALAT NAMA

29

NO. _____/20

IN THE COURT OF K.P. Service Tribunal Peshawar

Faham Dil Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Govt of K (Respondent)
(Defendant)

I/We, Faham Dil Khan

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

[Signature]
(CLIENT)

ACCEPTED

[Signature]
Taimur Ali Khan
Adv.

[Signature]
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.
B.C NO# 10-7327
CNIC # 17301-5106574-3

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

[Signature]
Syed Noman Ali Bukhax
Advocate
Attested

17/01/22

original

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 11948/2020

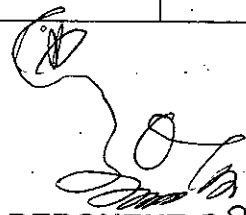
Mr. Faham Dil Khan (Rtd)
Senior Instructor BS-19
Agriculture Training Institute,
Peshawar

VERSUS

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

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4	Decision Supreme Court of Pakistan dated 14.06.2013	B	9-14
5	Notification dated 13.05.2020	C	15-17
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DEPONENT 28-09-2021

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

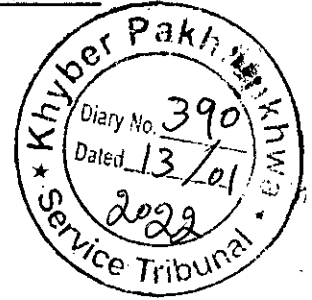
Appeal No. 11948/2020
Mr. Faham Dil Khan
(Rtd) Senior Instructor BS-19
Agriculture Training Institute, Peshawar

(one set)

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary, Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department, Peshawar.
- 3- Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar



RESPONDENTS

PRELIMINARY OBJECTIONS

- 1- That the appellant has got no locus standi to file the instant appeal.
- 2- That the appeal is not maintainable in its present form and is liable to be dismissed.
- 3- That the appellant has no cause of action to file the instant appeal.
- 4- That the appellant has deliberately concealed the facts from this Honorable Tribunal.
- 5- That the appellant has not come to this Honorable Tribunal with clean hands.
- 6- That the appellant has already been retired from service on superannuation with effect from 03.03.2016.
- 7- The Honorable Tribunal has no jurisdiction to entertain this appeal.
- 8- That the appeal of the appellant is time barred.

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

- Para-1 Correct to the extent that the appellant was appointed / recruited through Public Service Commission in the year 1983 in the Agriculture Extension Department against the vacant post of "Assistant Publicity Officer BS-17" having basic qualification of MA Journalism.
- Para-2 Incorrect. The Association of Agriculture Graduate filed Writ Petition No.1412-P/2006 in the Peshawar High Court, Peshawar for the grant of Selection Grade to the Agricultural Officers BS-17 of the Extension Wing of Agriculture Extension Department. The Honorable Peshawar High Court decided the case in favour of the Agricultural Officers BS-17 dated 11.04.2007 and the Honorable Supreme Court of Pakistan also decided the case in favour of the Agriculture Officer vide judgment in Civil Petition No.320-P/2007 dated 14.06.2013 (**Annexure-A & B**). Consequent upon approval of Provincial Cabinet regarding sanction to the grant of "Selection Grade" from BS-17 to BS-18 with effect from 01.07.1997 an order was issued vide Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department Notification No. SOE(AD)V-8/2011-EW dated 13.05.2020 (**Annexure-C**).
- Para-3 Detailed comments given in para-2 above.
- Para-4 Correct to the extent that the writ petition was filed by Agricultural Graduates of Agriculture Extension Department while the appellant has not filed any petition for grant of selection grade. The name of the appellant was deleted from the seniority list of Agricultural Officer BS-17 with effect from 2005 (Supervisory) on the ground that the appellant is not Agricultural Graduate. The appellant has filed an appeal No.362/2006 in this Honorable Tribunal for praying inclusion of his name in the Seniority list of Agricultural Officer BS-17 of the Department, but his appeal was dismissed by this Honorable Tribunal

(2)

on the ground that the appellant belong to the group of person of Master Degree in Mass Communication and he does not belong to the group of Agriculture Graduate, the appellant is therefore not entitled to search his name in the seniority list of BS-17 (Agricultural Graduate) and is not also entitled to his prayer in the present appeal vide judgment dated 26.05.2009 (Annexure-D).

Para-5 Correct to the extent that the appellant is not entitled for the grant of selection grade while the Honorable Courts decided / allowed selection grade only to the Agricultural Officer BS-17 to BS-18 of Agriculture Extension Department who were Agriculture Graduate.

GROUNDS

Para-A Incorrect hence denied. Detailed comments given in para-5 above.

Para-B Incorrect hence denied. Detailed comments given in above paras.


Para-C Incorrect and not admitted. The appellant was appointed in the group of Mass Communication, while other Officers were appointed as Agriculture Graduate having Degree of M.Sc / B.Sc (Hon) Agriculture and the Honorable Courts allowed selection grade only to Agricultural Officer.

Para-D Incorrect hence denied. The appellant has been dealt according to the law and rules.

Para-E No comments. However, the respondent may kindly be allowed to raise additional grounds at the time of arguments if needed.

It is therefore humbly prayed that on acceptance of the above Para wise reply / comments, the appeal of the appellant may kindly be dismissed with cost.


CHIEF SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR.


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT, PESHAWAR


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 11948/2020
Mr. Faham Dil Khan
(Rtd) Senior Instructor BS-19
Agriculture Training Institute, Peshawar

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary, Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department, Peshawar.
- 3- Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar

RESPONDENTS

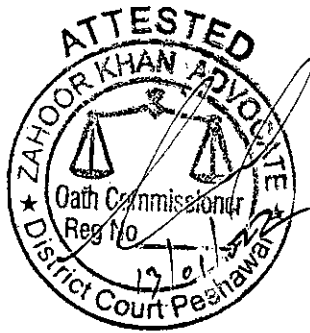
COUNTER AFFIDAVIT

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


CHIEF SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR.


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT, PESHAWAR


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT PESHAWAR



JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

WRIT PETITION NO. 1412/2006

JUDGMENT

Date of hearing: 11.4.2007.

Petitioners: (Hafiz Farhad Ali) By Shahzada Shahpur Jan, Adv.

Respondents: (Nawab A. Khan) By Mr. Khushdil Khan, AA S.

DOST MUHAMMAD KHAN, J:- The petitioners through this constitutional petition have sought declaration that the refusal of respondents to grant selection grade to them, is without lawful authority Coram Non-judice in utter disregard of the judgment of this Court given in the Writ Petition No. 1041 of 1997 delivered on 10.5.2001 which was upheld by the Hon'ble Supreme Court in Civil Petition No. 380-P of 2001 vide judgment dated 23.10.2003 refusing leave to appeal to the respondents.

Arguments heard in detail and record perused.

2- Learned counsel for the petitioners vehemently argued that not only the impugned action is offending against the judgment of this Court ibid but the judgment of the apex Court too has been disregarded on false premise and with malafide intention. He further emphatically contended that the judgment of this Court earlier given had merged into the judgment of Hon'ble Supreme Court, therefore, notwithstanding the writ jurisdiction of this Court under Article 199 of the Constitution, it has to implement and enforce the judgment of the apex Court in view of the

ATTESTED

EXAMINER
Peshawar High Court

commanding language of sub-article (2) of Article 187 of the Constitution and that the petitioners have been given discriminatory treatment as other officers of the same rank have been given selection grade within the same department but the petitioners who work in the Extension Wing performing the same nature of duties with equal liabilities have been denied it. The principle of justice, fairplay, rules of propriety as well as the statutory rules on the subject have been violated, therefore, he concluded that the respondents may be directed to grant the relief sought herein to the petitioners.

3- To the contrary, Mr. Khushdil Khan Mohmand, the learned Addl: Advocate General contended that on 12.5.1999, the officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade as is evident from para-3 of the Finance Department letter dated 12.5.1999 and that the case of the petitioners was considered by duly constituted committee who while relying on the above letter of Finance Department has declared the case of the petitioners devoid of merits thus, no case of discrimination has been made out.

4- When the learned Addl: Advocate General was confronted with the comments filed in the earlier Writ Petition No.1041 of 1997 where no such stance was taken and similarly with the submissions made by the then Advocate General at that time who nowhere pointed out the Finance Department letter which has now been made bases for refusal to grant selection grade to the petitioners and additionally when his attention was invited to the

ADMITTED

EXAMINED
Peshawar High Court

petition. for grant of leave to appeal filed before the Hon'ble Supreme Court where too, no such arguments were advanced nor such plea was raised then how the respondents could make the said letter as killing device at a much belated stage when it was not their case at any stage before this Court or before the apex Court in the earlier round of litigation, his simple reply was that such plea might have been taken during course of arguments but was not either taken notice of or was not considered at all. We completely disagree with the learned counsel for the Government on this score because if such plea was taken in any manner having direct impact on the maintainability of earlier Writ Petition No.1041 of 1997 that would have been definitely taken into consideration which is not the case.

5- This Court while recording findings in the earlier Writ Petition at page-9 of the judgment have held the following view in a conclusive manner:-

"As per the aforequoted letter all those officials having the requisite length of service and those who were fit were entitled to grant of "Selection Grade". The petitioners who have completed more than 18 years of their services were fit and were entitled as per the said memo for grant of "Selection Grade", and the learned Advocate General was unable to show any reason as to why the instructions/directions of the Government of N.W.F.P. contained in memo dated 9.10.97 were not made applicable in the case of petitioners, when the officials of Health, C&W, Irrigation, Education and all other Departments of Provincial Government were granted the benefit of said memo (dated 9.10.97). This also shows that the petitioners and all other Agriculture Graduates working in Agriculture Extension Department were not treated similarly with occupants of equivalent posts".

ATTESTED
 EXAMINER
 Peshawar High Court

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6- Whenever a party to a lis gives up a plea taken by it or omits to take a plea in its petition or reply despite having opportunity to take it then it cannot be allowed to agitate such a plea in the second round or at a belated stage and the Court of law would be under no obligation to allow such plea and on that score to knock out the opposite side on the basis of such plea. Reliance in this regard may be placed on the view taken by the Hon'ble Supreme Court in the case of Mst. Kharo and two others -Vs- Sher Afzal alias Sherav (1992 SCMR 1844).

7- The next legal impediment in the way of the respondents is that while delivering the judgment dated 10-5-2001 in the previous writ petition No.1041 of 1997, this Court has conclusively determined each and every plea of both the parties once for all by recording clear findings which were upheld by the Hon'ble Supreme Court, thus, this Division Bench in view of the principle of law and consistent practice cannot differ with the view already formed by the earlier Division Bench on the same subject matter and point of. Reliance in this regard may be placed on the consistent view of the Hon'ble Supreme Court reflected in the cases of The Province of East Pakistan -Vs- Dr. Aziz ul Islam (PLD 1963 SC-296), The Province of East Pakistan and others -Vs- Sirajul Haq Patwari and others (PLD 1966 SC-854), Multiline Associates -Vs- Ardeshir Cowasjee and others (SCMR 1995-362), Multiline Associates -Vs- Ardeshir Cowasjee and 2 others (PLD 1995. SC 423) and Sidheswar Ganguly -Vs- State of West Bengal (PLD 1958 SC India 337).

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Peshawar High Court

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RESTRICTED
EXAMINEE
Peshawar High Court

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8- Apart the above iron clad legal proposition, we see no reason or justification to differ with the view of the earlier Division Bench which was upheld by the Hon'ble Supreme Court and when the judgment of this Court had merged into that of the apex Court then Article 187 (2) of the Constitution of Islamic Republic of Pakistan, 1973 would certainly come into play.

For the aforementioned reasons, this petition is allowed, the impugned action/order of the respondents refusing selection grade to the petitioners is declared as Coram Non-judice, without jurisdiction and without lawful authority and of no legal effect. The respondents are directed to reconsider the case of the petitioners in light of the judgment of this Court earlier given in Writ Petition No.1041 of 1997 and particularly to give full effect in letter and spirit to the judgment of the Hon'ble Supreme Court rendered in Civil Petition No.380-P of 2001 dated 23.10.2003.

Sd/- Javed ul Hassan J

Mr. Dost Ahmad J

Announced
11.4.2007.

*Office Room
23.4.07.*

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorized Under Section 70 Act Ord

25/4/07

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Recd. 26/4/07

Comp. Fee: 16-00

Stamp Fee: 18-00

Date of Preparation Copy: 25/4/07

Date of Delivery of Copy: 25/4/07

received by: *[Signature]*

Regate 23/4

25/4/07

Annexure - (B) (9)

Ph: 091-9210172
Fax: 091-9213599

No.C.A.156-P/2010-SCJ
SUPREME COURT OF PAKISTAN

Dated: Peshawar 27/06/2013

From

The Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

To

The Registrar,
Peshawar High Court,
Peshawar.

PESHAWAR HIGH COURT PESHAWAR	
Receipt No	12080
Date	8/7/13
For action	Jud
Signature	[Signature]

105
3/7/13

SUBJECT: CIVIL APPEAL NO.156-P OF 2010
OUT OF

CIVIL PETITION NO.320-P OF 2007

Province of NWFP through Chief Secretary and others.

VERSUS

Hafiz Farhad Ali and others

*On appeal from the Judgment and
Order of the Peshawar High Court,
Peshawar dated 11.04.2007 passed in
W.P.No.1412 of 2006.*

In continuation of this Court's letter of even number dated 22.04.2010, I am directed to enclose herewith for information a certified copy of the Judgment of this Court dated 14.06.2013 dismissing the above cited Civil Appeal.

I am further directed to return herewith the original record of the Peshawar High Court, Peshawar in (W.P.No.1412 of 2006) titled "Hafiz Farhad Ali Vs. Province of NWFP through Chief Secretary, Peshawar etc" received under the cover of your letter No.4782/Judl: dated 14.05.2010.

Kindly acknowledge the receipt of this letter alongwith its enclosure.

[Signature]
(KHALID MAHMOOD)
DEPUTY REGISTRAR

Encl: Judgment & Original Record

10

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Mr. Justice Nasir-ul-Mulk.
Mr. Justice Sarmad Jalal Osmany.
Mr. Justice Iqbal Hameedur Rahman.

Civil Appeal No. 156-P/2010.
On appeal against the judgment dated 14.04.2007
passed by Peshawar High Court, Peshawar,
in W. P. No. 1412/2006

Province of NWFP through Chief Secretary,
Peshawar, etc.

Appellant(s).

Versus

Hafiz Farhad Ali, etc.

Respondent(s).

For the Appellant(s):

Mr. Zahid Yousaf, AAG.

For the Respondent(s):

Mr. Javed A. Khan, ASC.

Date of Hearing:

14.06.2013.

JUDGMENT

Iqbal Hameedur Rahman, J: - The appellants, through the instant appeal with the leave of the Court, have impugned the judgment dated 14.04.2007 passed by the learned Peshawar High Court, Peshawar, in W. P. No. 1412/2006, whereby the writ petition filed by the respondents has been accepted and the appellants were directed to reconsider the case of the respondents in the light of the judgment passed in W. P. No. 1041/1997 and to give full effect to the said judgment in its true letter and spirit, which had attained finality on account of dismissal of C. P. No. 380-P/2011, filed by the appellants before the Supreme Court, vide order dated 23.10.2003. Leave was granted by this Court vide order dated 12.03.2010 in the following terms:-

Having heard the learned Additional Advocate General, as well as, learned ASC for the respondents, we are inclined to grant leave, *inter alia*, to consider the following questions:-

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[Signature]
Deputy Registrar
Supreme Court

[Redacted]

- 1) Whether the order of this Court dated 23.10.2003 passed in Civil Petition No. 380-P/2001 could have been put into execution by the learned High Court in view of the provisions of Article 187(2) of the Constitution of Islamic Republic of Pakistan, 1973, in the instant matter brought before it by the respondents through Writ Petition No. 1412/2006 and in particular, when the respondents were not parties to the case?
- 2) Whether the High Court had the jurisdiction under Article 199 of the Constitution to have entertained the writ petition and to grant relief as necessarily the question of grant of selection grade was amenable to the exclusive jurisdiction of the Service Tribunal?
- 3) Whether the grant of selection grade was discontinued by the Government, if so, as to from what particular date such discontinuation would be effective?

The appeal, on the present record, be prepared and set down for hearing. However, the parties shall be at liberty to further document the same, if deemed appropriate."

The succinct facts of the case are that the respondents were officers of Agriculture Extension Department and they claimed "Selection Grade" on account of instructions/directions issued by the Government of NWFP in letter dated 09.10.1997. The claim of the respondents was struck down by the appellants/department as a result of which the respondents approached the learned Peshawar High Court by filing a writ petition. The case of the respondents before the High Court was that relief had been afforded to other similarly placed officers vide judgment dated 10.05.2001 of the Peshawar High Court passed in W. P. No. 1041/1997, which had attained finality as leave was refused by this Court in C. P. No. 380-P/2001 filed by the appellants. In W. P. No. 1412/2006, the stance of the appellants was

- P-13
- P-3
- P-4

ATTESTED

[Signature]
Deputy Registrar, Court
Supreme Court of Pakistan,
Peshawar

on 12.05.1999 the officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade

[Signature]

as is evident from para-3 of the Finance Department letter dated 22.05.1999 and that the case of the petitioners was considered by duly constituted committee who while relying on the above letter of Finance Department has declared the case of the petitioners devoid of merits thus, no case of discrimination has been made out". In view of the same, the appellants were confronted with the comments filed in the earlier W. P. No. 1041/1997 where such stance has neither been taken before the High Court nor before the Supreme Court, on account of which the learned High Court came to the conclusion that the respondents were entitled to the same relief as afforded to the petitioners in W. P. No. 1041/1997. Therefore, the learned High Court while accepting the writ petition of the respondents gave a direction to the appellants to reconsider the case of the respondents in the light of the judgment dated 10.05.2001 and to give full effect to the same in its true letter and spirit, hence this appeal.

3. The learned Assistant Advocate General for the appellants contended that while passing the impugned judgment the learned High Court has not taken into consideration that the grant of selection grade stood withdrawn vide notification dated 27.10.2001 in terms of para-7, which states that "SELECTION GRADE AND MOVE OVER: - Selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f. the date of issue of this letter", on account of which the respondents could not be granted selection grade while passing the impugned judgment in the year 2007, in the light of which the respondents have been considered and accordingly selection grade has been declined to them. Moreover, the learned High Court did not properly appreciate and consider the letter of the Finance Department dated 12.05.1999 whereby the Law Officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade.

ATTESTED
 Deputy Registrar
 Supreme Court of Pakistan
 Islamabad

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and that the respondents were duly considered by the committee, which while relying upon the said letter has declared the case of the respondents devoid of merits, thus, the case of the respondents does not fall within the purview of discrimination.

On the other hand, the learned counsel for the respondents has adverted our attention to para-3 of the impugned judgment and asserted that the contentions so raised by the learned Assistant Advocate General have already been considered by the learned High Court who has held that the objections were not taken in the earlier writ petition and he was also contented with the comments filed in the said writ petition. As such the letter of the Finance Department, which has now been made the basis of refusal of selection grade to the respondents, was never asserted before the learned High Court or before the Supreme Court. He further adverted our attention to para-b(ii) of the letter dated 09.10.1997 and stated that the respondents were in BPS-17 and the only requirement for the grant of selection grade was three years service in the existing pay scales of the post on seniority cum fitness basis, and asserted that the respondents were appointed in the year 1994 as such on the date of issue of the said letter they were fully qualified for the award of selection grade.

Heard. We have gone through the impugned judgment and have perused the documents and material available on record.

A perusal of the material depicts that the respondents were duly entitled to the grant of selection grade when the letter dated 09.10.1997 in this regard was issued and according to the criteria laid down in the said letter they had more than three years of service in BPS-17. Moreover, from the perusal of letter dated 27.10.2001 it is also apparent that the selection grade and move-over scheme stood discontinued from the date of its issue, as such the same could not be given retrospective effect in the case of the

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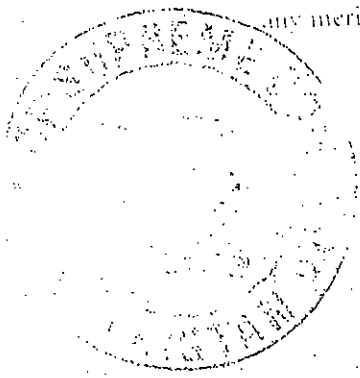
NON-1)

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No. 136-P/2010

respondents, who were fully entitled and qualified in the year 1997. Therefore, the respondents were similarly placed with the petitioners in W.P. No. 1041/1997 who were held to be entitled for the grant of selection grade vide judgment dated 10.05.2001, which had already attained finality on the dismissal of C.P. No. 380-P/2001, filed before this Court. As such the respondents could not be declined the grant of selection grade, who were similarly placed with those petitioners and had become entitled to the same benefit in the year 1997. Moreover, this Court in the case of Hameed Akhtar Niazi vs. The Secretary, Establishment Division, Government of Pakistan and others (1996 SCMR 1185) has held that "..... if the Tribunal of this Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also other civil servants, who may have not taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum"

In the above perspective, we are of the opinion that the learned High Court has arrived at a just conclusion and the impugned judgment does not require interference by this Court. Resultantly, this appeal being devoid of any merits is dismissed.



Ed/- Nasir-ul-Mulk, J
 Ed/- Saad Jalal Osmani, J
 Ed/- Iqbal Hameedur Rahman,
 Certified to be true copy
 26.06.2013
 Deputy Registrar,
 Supreme Court of Pakistan
 Peshawar.

PESHAWAR
 14.06.2013
 (Barakki)

[Signature]
 Not Approved for Reporting.



15
Annexure - C

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

Dated Peshawar, the May 13, 2020.

NOTIFICATION

No. SOE(AD)V-8/2011/EW.- In pursuance to the judgment of the Peshawar High Court Peshawar in Writ Petition No. 1412/2006 dated 11-4-2007, judgment of Hon'able Supreme Court of Pakistan in Civil Petition No. 320-P of 2007 dated 14-6-2013 and consequent upon approval of the Provincial Cabinet, the Competent authority is pleased to accord sanction to the grant of "Selection-Grade" from BS-17 to BS-18 (33% Graduates out of the total strength) in respect of the following officers from the date noted against each:-

Sr. No.	Name of Officer	Date of birth	Date from which the selection grade is accorded.	Date of Retirement
1.	Mr.Mir Azam Khan	8.5.1941	1.7.1997	7.5.2001
2.	Hidayatullah Khan	14.11.1942	1.7.1997	13.11.2002
3.	Aziz-ur-Rehamn	1.2.1940	1.7.1997	31.1.2000
4.	Muhammad Hanif	4.12.1944	1.7.1997	3.12.2004
5.	Muhamd Afzal Shah	21.11.1941	1.7.1997	20.11.2001
6.	Said Afzal Khan	4.9.1941	1.7.1997	3.9.2001
7.	Muhammad Siddique	1.6.1938	1.7.1997	31.5.1998
8.	Umar Khan	30.10.1939	1.7.1997	29.10.1999
9.	Umarzada	8.1.1939	1.7.1997	28.6.1998 pre- mature retirement
10.	AttaurRehman	1.3.1940	1.7.1997	28.2.2000 retired upon death
11.	Rehmatullah	15.7.1940	1.7.1997	14.7.2000
12.	Noor Alam Khan	9.11.1938	1.7.1997	8.11.1998
13.	Abdur Rehman	1.11.1940	1.7.1997	31.10.2000
14.	Inamullah Jan	12.3.1940	1.7.1997	11.3.2000
15.	SirajurRehman	15.12.1942	1.7.1997	14.12.2002
16.	Daulatur Rehman	26.6.1944	1.7.1997	19.6.2004
17.	Aslam Khan-II	20.12.1944	1.7.1997	19.12.2004
18.	Munir Ahmad-I	1.4.1945	1.7.1997	8.1.2003 retired on medical
19.	Agha Sajjad Hussain	28.2.1947	1.7.1997	27.2.2007
20.	Khalilur Rehman	15.4.1942	1.7.1997	2.5.1998 retired upon death
21.	Stori Shah	20.1.1941	1.7.1997	19.1.2001
22.	Pinin Shah	11.9.1944	1.7.1997	10.9.2004
23.	Muhammad Iqbal	1.8.1945	1.7.1997	31.7.2005
24.	Rehmat Ali	1.8.1942	1.7.1997	31.7.2002
25.	Yousaf Jan	9.1.1945	1.7.1997	8.1.2005
26.	Abdul Ali Jan	1.4.1944	1.7.1997	31.3.2004
27.	Izat Khan APO Bannu	15.10.1945	1.7.1997	4.10.2005
28.	Mumtaz Ahmad	1.4.1946	1.7.1997	31.3.2006
29.	Sher Ali	16.4.1946	1.7.1997	5.4.2006
30.	Muhammad Irshad	8.9.1937	1.7.1997	7.9.1997
31.	Sultan-e-Room	12.4.1945	1.7.1997	11.4.2005
32.	Saifur Rehman	4.7.1943	1.7.1997	3.7.2003
33.	Munir Ahmad-II	9.7.1939	1.7.1997	8.7.1999
34.	Said Ahmad	19.4.1944	1.7.1997	18.9.2004
35.	Ghulam Habib	15.4.1945	1.7.1997	14.4.2005
36.	Amir Muhammad Shah	4.9.1947	1.7.1997	3.9.2007

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37.	Ghani Gul	13.11.1947	1.7.1997	12.11.2007
38.	Shaukat Ali	25.7.1946	1.7.1997	24.7.2006
39.	Mehboobur Rehman	1.12.1947	1.7.1997	30.11.2007
40.	Gul Zada	25.7.1950	1.7.1997	19.4.1998 retired upon death
41.	Muhammad Mushtaq	1.1.1948	1.7.1997	31.12.2007
42.	Shah Jehan	24.10.1950	1.7.1997	23.10.2010
43.	Ghulam Sarwar	12.4.1950	1.7.1997	11.4.2010
44.	Masal Khan	1.4.1949	1.7.1997	31.3.2009
45.	Mohibullah	15.4.1953	1.7.1997	31.1.2004 pre- mature retirement.
46.	Abdur Rashid	1.4.1951	1.7.1997	9.5.2010 retired upon death
47.	Gul Nawaz Khattak	20.7.1952	1.7.1997	19.7.2012
48.	Muhammad Ishaq	8.2.1947	1.7.1997	7.5.2002 pre- mature retirement
49.	Allah Dad Khan	20.01.1951	1.7.1997	19.1.2011
50.	Inayatullah	1.12.1949	1.7.1997	30.11.2009
51.	Nizam Khan	20.1.1951	1.7.1997	19.1.2011
52.	Gul Daraz	9.1.1952	1.7.1997	8.1.2012
53.	Muhammad Tasleem	25.5.1952	1.7.1997	24.5.2012
54.	Ali Ahmad	20.10.1952	1.7.1997	1.12.2007 pre- mature retirement
55.	Akhtar Zeb	12.4.1948	1.7.1997	11.4.2008
56.	Inamullah-III	29.3.1952	1.7.1997	28.3.2012
57.	Allah Bakhsh	4.6.1946	w.e.f 8.9.1997 due to retirement of Sr.No.30	3.6.2006
58.	Sarwar Jan	10.8.1947	w.e.f 20.4.1998 due to retirement of Sr.No.40	9.8.2007
59.	Hamidullah	14.9.1951	w.e.f 3.5.1998 due to retirement of Sr.No.20	13.9.2011
60.	Muhammad Anwar	1.10.1949	w.e.f 1.6.1998 due to retirement of Sr.No.7	30.9.2009
61.	Dost Muhammad	12.4.1951	w.e.f 16.6.1998 due to retirement of Sr.No.10	11.4.2011
62.	Hussain Ahmad	29.12.1949	w.e.f 9.11.1998 due to retirement of Sr.No.12	28.12.2009
63.	Zahir Shah AO Barikot	30.10.1947	w.e.f 9.7.1999 due to retirement of Sr.33	29.10.2007
64.	Attaullah Khan	2.3.1949	w.e.f 30.10.1999 due to retirement of Sr.No.8	1.3.2009
65.	Faiz Muhammad	1.2.1945	w.e.f 1.2.2000 due to retirement of Sr.No.3	3.1.2005
66.	Sher Afzal	8.1.1949	w.e.f 12.3.2000 due to retirement of Sr.No.14	7.1.2009
67.	Ali Ahmad Jan	12.4.1948	w.e.f 15.7.2000 due to retirement of Sr.No.11	11.4.2008
68.	Kashmir Khan	13.6.1948	w.e.f 1.11.2000 due to retirement of Sr.No.13	12.6.2008
69.	Hazrat Muhammad	12.4.1949	w.e.f 20.1.2001 due to retirement of Sr.No.21	11.4.2009
70.	Asmatullah Khan	20.7.1949	w.e.f 8.5.2001 due to retirement of Sr.No.1	19.7.2009
71.	Mehmood Khan	3.10.1949	w.e.f 4.9.2001 due to retirement of Sr.No.6	2.10.2009
72.	Liaquat Ali	08.05.1958	1.7.1997	7.5.2018
73.	Dr. Hafiz Farhad Alai	07.04.1966	1.7.1997	6.4.2026
74.	Syed Sahab Ullah	01.04.1951	1.7.1997	31.3.2011


SECRETARY AGRICULTURE.

Endst.of even No. & Date.

Copy for information and necessary action to:-

1. The Registrar, Peshawar High Court, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa Peshawar.
3. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa Peshawar. He is requested to circulate the same to all concerned.
4. All concerned District Directors/Officers Agriculture (Extension) in Khyber Pakhtunkhwa.
5. The concerned District Accounts Officers in Khyber Pakhtunkhwa.
6. The Section Officer (Cabinet), Government of Khyber Pakhtunkhwa Establishment and Administration Department w/r to his letter No.SOC(E&AD)9-27/2019 dated 28-1-2020.
7. The Budget Officer-VII, Government of Khyber Pakhtunkhwa, Finance Department.
8. The Section Officer (Admn) Agriculture Department.
9. The Section Officer (Litigation) Finance Department.
10. The Section Officer (Litigation) Agriculture Department.
11. Officers concerned.
12. PS to Secretary Agriculture Department.
13. PA to Deputy Secretary (Admn) Agriculture Department.
14. Master file.


 SECTION OFFICER-ESTT:
 AGRICULTURE DEPARTMENT.

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Annexure - D

Appeal No. 362/2006

Date of Institution. 29.4.2006
Date of Decision. 26.5.2009

Faham Dil Khan, Deputy Director, Agriculture Information,
NWFP Peshawar.

(Appellant)

VERSUS

1. The Secretary to Government of NWFP; Agriculture, Livestock and Cooperative Department, Peshawar.
 2. The Director General, Agriculture (Extension) NWFP Peshawar.
 3. The Chief Secretary to Government of NWFP, Civil Secretariat, Peshawar.
 4. Ghani Gul, Project Director Barani Development Project, NWFP Peshawar and 19 others.
- (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED SENIORITY LIST STOOD ON 01.5.2005 COMMUNICATED TO APPELLANT ON 21.12.2005 THEREIN THE NAME OF APPELLANT WAS MISSING WITHOUT COGENT REASON AGAINST WHICH HE FILED DEPARTMENTAL APPEAL ON 22.12.2005 BUT THE SAME WAS NOT DISPOSED OFF WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate.

For appellant.

MR. ZAHID KARIM,
Addl. Government Pleader,

For official respondents.

MR ROOHUL AMIN,
Advocate.

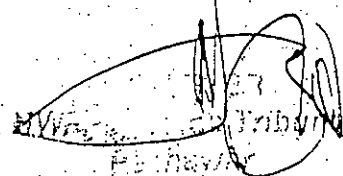
For private respondents.

MR. JUSTICE (R) SALIM KHAN,
SYED MANZOOR ALI SHAH,

CHAIRMAN.
MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.- Faham Dil Khan, appellant, contended that he was initially inducted as Assistant Publicity Officer (BPS-17) and was promoted as Deputy Director, Agriculture, Information (BPS-18) vide order dated 03.7.2003, on the strength of judgment of this Tribunal in Service Appeal No. 2058 of 2000 decided on 14.10.2002. He further contended that the name of the appellant was at S.No. 11 in the seniority list dated 01.1.2004 circulated on 31.1.2004 while the name of the appellant was missing from the seniority list dated 01.5.2005, which was received by the appellant via his letter dated 9.12.2005. He filed departmental appeal dated 22.12.2005, which was not disposed of. The appeal in hand was filed on 29.4.2006, which is slightly time-barred.

TESTED

Tribunal
Peshawar

2. Respondents No. 1 to 3 contested the appeal, and the same was position of the private respondents No. 4 to 23. The grievance of the private respondents was that the appellant was lacking the prescribed qualification for the post of Deputy Director Agriculture Information as laid down in the Service Rules, but he was so promoted in consequence of the judgment of this Tribunal. They are of the view that the prescribed qualification for the post of Deputy Director Agriculture Information was Master Degree in Agriculture Extension and Rural Sociology while the appellant had acquired Master Degree in Journalism (Non-Technical). The official respondents contended, besides the above grievance, that the appellant lacks the qualification for the post of BPS-19.

3. We heard the arguments and perused the record.

4. In order to re-check the issue of the qualification of the appellant, it is necessary to refer to the mentioned judgment, of this Tribunal as well as to the relevant Service Rules. The post of Deputy Director of Agriculture Information was to be filled in by promotion on the basis of selection on merit with due regard to seniority from amongst the holders of the posts of Assistant Directors Coordination and Public Relations/Publications/Audio Visual/Assistant Publicity Officers with seven years experience as Assistant Director etc. as mentioned above. M.A Agriculture Extension and Rural Sociology was prescribed for initial recruitment to the post of Assistant Director Coordination and Public Relations/Audio Visual/Publicity Officer with training in Agriculture Journalism or three years experience in Agriculture Publicity works. 50% posts had to be reserved for Assistant Agricultural Information Officer, with five years experience as such. It was held in judgment in Service Appeal No. 2058 of 2000 decided on 14.10.2002 that the claim of the respondent department that the appellant was not M.Sc(Agriculture) and was not suitable for promotion to the of Deputy Director Information, was untenable as in accordance with the Recruitment Rules/Method of the appointment prescribed for the post of Deputy Director Information vide Notification dated 22.10.1986, the holder of the post of Assistant Publicity Officer with relevant experience of seven years service was eligible for promotion to the post. The appellant in that case (the present appellant) was declared as permanent holder of the post of Assistant Publicity Officer and had more than 17 years service/experience with M.A Degree in Journalism and was perfectly eligible for promotion to the post of Deputy Director Information as per minimum qualifications prescribed for promotion to the post of Deputy Director Information in the Rules. That judgment had attained finality. The same issue cannot be re-opened under the principle *res judicata*.



5. It has been abundantly made clear on record that separate cadre of the Deputy Director Agriculture Information has been maintained vide the Service Rules prescribed on 22.10.1986 while separate cadre of Deputy Director Agriculture, Deputy Director Agriculture E&M and others has been maintained vide rules notified on 06.9.2002. It is also clear from the letter dated 06.6.2005 of the Establishment and Administration Department (Regulation Wing) that separate seniority lists had to be maintained if there were two sets of Service Rules, one for Agriculture Graduates and the other for Persons holding Master Degree in Mass Communication.

6. The appellant belongs to the group of persons holding Master Degree in Mass Communication. He does not belong to the Group of Agriculture Graduates. The appellant, therefore, is not entitled to search his name in the list of the Agriculture Graduates, and is not entitled to his prayer in the present appeal, with the request that the respondents Nos. 1 and 2 may be directed to rectify the impugned seniority list and enter the name of the appellant therein at a place of his seniority position in accordance with his previous seniority list dated 31.1.2004. The mentioned list appears to be the result of some mis-interpretation of the rules.

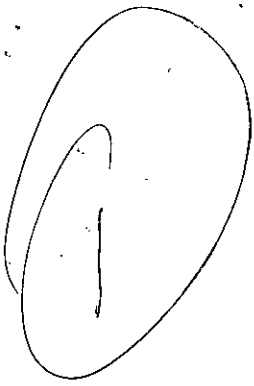
7. In the light of the above, we do not find any merit in the present appeal, and we dismiss the same with costs.

ANNOUNCED.
26.05.2009

sd/- Justice G. Kalin Vela
sd/- Dy. J. Manjappa A.K.
M. S. B.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 11948/2020

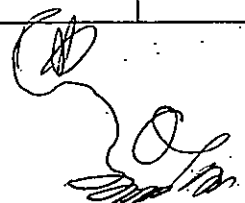
Mr. Faham Dil Khan (Rtd)
Senior Instructor BS-19
Agriculture Training Institute,
Peshawar

VERSUS

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

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DEPONENT 28-09-2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 11948/2020
Mr. Faham Dil Khan
(Rtd) Senior Instructor BS-19
Agriculture Training Institute, Peshawar

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary, Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department, Peshawar.
- 3- Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar

RESPONDENTS

PRELIMINARY OBJECTIONS

- 1- That the appellant has got no locus standi to file the instant appeal.
- 2- That the appeal is not maintainable in its present form and is liable to be dismissed.
- 3- That the appellant has no cause of action to file the instant appeal.
- 4- That the appellant has deliberately concealed the facts from this Honorable Tribunal.
- 5- That the appellant has not come to this Honorable Tribunal with clean hands.
- 6- That the appellant has already been retired from service on superannuation with effect from 03.03.2016.
- 7- The Honorable Tribunal has no jurisdiction to entertain this appeal.
- 8- That the appeal of the appellant is time barred.

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

- Para-1 Correct to the extent that the appellant was appointed / recruited through Public Service Commission in the year 1983 in the Agriculture Extension Department against the vacant post of "Assistant Publicity Officer BS-17" having basic qualification of MA Journalism.
- Para-2 Incorrect. The Association of Agriculture Graduate filed Writ Petition No.1412-P/2006 in the Peshawar High Court, Peshawar for the grant of Selection Grade to the Agricultural Officers BS-17 of the Extension Wing of Agriculture Extension Department. The Honorable Peshawar High Court decided the case in favour of the Agricultural Officers BS-17 dated 11.04.2007 and the Honorable Supreme Court of Pakistan also decided the case in favour of the Agriculture Officer vide judgment in Civil Petition No.320-P/2007 dated 14.06.2013 (Annexure-A & B). Consequent upon approval of Provincial Cabinet regarding sanction to the grant of "Selection Grade" from BS-17 to BS-18 with effect from 01.07.1997 an order was issued vide Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department Notification No. SOE(AD)V-8/2011-EW dated 13.05.2020 (Annexure-C).
- Para-3 Detailed comments given in para-2 above.
- Para-4 Correct to the extent that the writ petition was filed by Agricultural Graduates of Agriculture Extension Department while the appellant has not filed any petition for grant of selection grade. The name of the appellant was deleted from the seniority list of Agricultural Officer BS-17 with effect from 2005 (Supervisory) on the ground that the appellant is not Agricultural Graduate. The appellant has filed an appeal No.362/2006 in this Honorable Tribunal for praying inclusion of his name in the Seniority list of Agricultural Officer BS-17 of the Department, but his appeal was dismissed by this Honorable Tribunal

on the ground that the appellant belong to the group of person of Master Degree in Mass Communication and he does not belong to the group of Agriculture Graduate, the appellant is therefore not entitled to search his name in the seniority list of BS-17 (Agricultural Graduate) and is not also entitled to his prayer in the present appeal vide judgment dated 26.05.2009 (Annexure-D).

Para-5 Correct to the extent that the appellant is not entitled for the grant of selection grade while the Honorable Courts decided / allowed selection grade only to the Agricultural Officer BS-17 to BS-18 of Agriculture Extension Department who were Agriculture Graduate.

GROUNDS

Para-A Incorrect hence denied. Detailed comments given in para-5 above.

Para-B Incorrect hence denied. Detailed comments given in above paras.

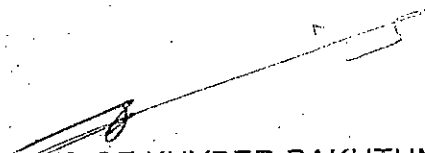
Para-C Incorrect and not admitted. The appellant was appointed in the group of Mass Communication, while other Officers were appointed as Agriculture Graduate having Degree of M.Sc / B.Sc (Hon) Agriculture and the Honorable Courts allowed selection grade only to Agricultural Officer.

Para-D Incorrect hence denied. The appellant has been dealt according to the law and rules.

Para-E No comments. However, the respondent may kindly be allowed to raise additional grounds at the time of arguments if needed.

It is therefore humbly prayed that on acceptance of the above Para wise reply / comments, the appeal of the appellant may kindly be dismissed with cost.


CHIEF SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR.


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT, PESHAWAR


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 11948/2020
Mr. Faham Dil Khan
(Rtd) Senior Instructor BS-19
Agriculture Training Institute, Peshawar

APPELLANT

VERSUS

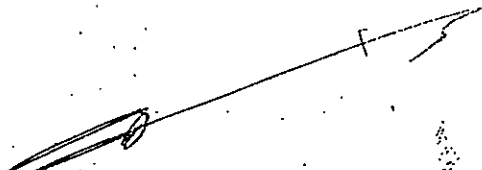
- 1- The Government of Khyber Pakhtunkhwa through
Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary, Govt. of Khyber Pakhtunkhwa
Agriculture Livestock and Coop. Department, Peshawar.
- 3- Secretary to Government of Khyber Pakhtunkhwa
Finance Department Peshawar

RESPONDENTS

COUNTER AFFIDAVIT

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


CHIEF SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR.


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT, PESHAWAR


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT PESHAWAR

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

WRIT PETITION NO. 1412/2006



JUDGMENT

Date of hearing: 11.4.2007.

Petitioners: (Hafiz Farhad Ali) By Shabzada Shahpur Jan, Adv.

Respondents: (Naif A. Khan) By Mr. Khushdil Khan, AA.S.

DOST MUHAMMAD KHAN, J.:- The petitioners

through this constitutional petition have sought declaration that the refusal of respondents to grant selection grade to them, is without lawful authority Coram Non-judice in utter disregard of the judgment of this Court given in the Writ Petition No.1041 of 1997 delivered on 10.5.2001 which was upheld by the Hon'ble Supreme Court in Civil Petition No.380-P of 2001 vide judgment dated 23.10.2003 refusing leave to appeal to the respondents.

Arguments heard in detail and record perused.

2- Learned counsel for the petitioners vehemently argued that not only the impugned action is offending against the judgment of this Court *ibid* but the judgment of the apex Court too has been disregarded on false premise and with malafide intention. He further emphatically contended that the judgment of this Court earlier given had merged into the judgment of Hon'ble Supreme Court, therefore, notwithstanding the writ jurisdiction of this Court under Article 199 of the Constitution, it has to implement and enforce the judgment of the apex Court in view of the

ATTESTED
[Signature]
Peshawar High Court

commanding language of sub-article (2) of Article 187 of the Constitution and that the petitioners have been given discriminatory treatment as other officers of the same rank have been given selection grade within the same department but the petitioners who work in the Extension Wing performing the same nature of duties with equal liabilities have been denied it. The principle of justice, fairplay, rules of propriety as well as the statutory rules on the subject have been violated, therefore, he concluded that the respondents may be directed to grant the relief sought herein to the petitioners.

3- To the contrary, Mr. Khushdil Khan Mohmand, the learned Addl. Advocate General contended that on 12.5.1999, the officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade as is evident from para-3 of the Finance Department letter dated 12.5.1999 and that the case of the petitioners was considered by duly constituted committee who while relying on the above letter of Finance Department has declared the case of the petitioners devoid of merits thus, no case of discrimination has been made out.

4- When the learned Addl. Advocate General was confronted with the comments filed in the earlier Writ Petition No.1041 of 1997 where no such stance was taken and similarly with the submissions made by the then Advocate General at that time who nowhere pointed out the Finance Department letter which has now been made bases for refusal to grant selection grade to the petitioners and additionally when his attention was invited to the

ADMITTED
EXAMINED
Peshawar High Court

petition for grant of leave to appeal filed before the Hon'ble Supreme Court where too, no such arguments were advanced nor such plea was raised then how the respondents could make the said letter as killing device at a much belated stage when it was not their case at any stage before this Court or before the apex Court in the earlier round of litigation, his simple reply was that such plea might have been taken during course of arguments but was not either taken notice of or was not considered at all. We completely disagree with the learned counsel for the Government on this score because if such plea was taken in any manner having direct impact on the maintainability of earlier Writ Petition No.1041 of 1997 that would have been definitely taken into consideration which is not the case.

5- This Court while recording findings in the earlier Writ Petition at page-9 of the judgment have held the following view in a conclusive manner:-

"As per the aforequoted letter all those officials having the requisite length of service and those who were fit were entitled to grant of "Selection Grade". The petitioners who have completed more than 18 years of their services were fit and were entitled as per the said memo for grant of "Selection Grade", and the learned Advocate General was unable to show any reason as to why the instructions/directions of the Government of N.W.F.P. contained in memo dated 9.10.97 were not made applicable in the case of petitioners, when the officials of Health, C&W, Irrigation, Education and all other Departments of Provincial Government were granted the benefit of said memo (dated 9.10.97). This also shows that the petitioners and all other Agriculture Graduates working in Agriculture Extension Department were not treated similarly with occupants of equivalent posts"

ATTESTED
 EXAMINER
 Peshawar High Court

6- Whenever a party to a lis gives up a plea taken by it or omits to take a plea in its petition or reply despite having opportunity to take it then it cannot be allowed to agitate such a plea in the second round or at a belated stage and the Court of law would be under no obligation to allow such plea and on that score to knock out the opposite side on the basis of such plea. Reliance in this regard may be placed on the view taken by the Hon'ble Supreme Court in the case of Mst. Kharo and two others -Vs- Sher Afzal alias Sheray (1992 SCMR 1844).

7- The next legal impediment in the way of the respondents is that while delivering the judgment dated 10-5-2001 in the previous writ petition No.1041 of 1997, this Court has conclusively determined each and every plea of both the parties once for all by recording clear findings which were upheld by the Hon'ble Supreme Court, thus, this Division Bench in view of the principle of law and consistent practice cannot differ with the view already formed by the earlier Division Bench on the same subject matter and point of. Reliance in this regard may be placed on the consistent view of the Hon'ble Supreme Court reflected in the cases of The Province of East Pakistan -Vs- Dr. Aziz ul Islam (PLD 1963 SC-296), The Province of East Pakistan and others -Vs- Sirajul Haq Patwari and others (PLD 1966 SC-854), Multiline Associates -Vs- Ardeshir Cowasjee and others (SCMR 1995-362), Multiline Associates -Vs- Ardeshir Cowasjee and 2 others (PLD 1995 SC 423) and Sidheswar Ganguly -Vs- State of West Bengal (PLD 1958 SC India 337).

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Peshawar
175 Acts Ord

APPEALS

EXAMINER
Peshawar High Court

25/2/20

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25/2/20

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25/2/20

8- Apart the above iron clad legal proposition, we see no reason or justification to differ with the view of the earlier Division Bench which was upheld by the Hon'ble Supreme Court and when the judgment of this Court had merged into that of the apex Court then Article 187 (2) of the Constitution of Islamic Republic of Pakistan, 1973 would certainly come into play.

For the aforementioned reasons, this petition is allowed, the impugned action/order of the respondents refusing selection grade to the petitioners is declared as Coram Non-judice, without jurisdiction and without lawful authority and of no legal effect. The respondents are directed to reconsider the case of the petitioners in light of the judgment of this Court earlier given in Writ Petition No.1041 of 1997 and particularly to give full effect in letter and spirit to the judgment of the Hon'ble Supreme Court rendered in Civil Petition No.380-P of 2001 dated 23.10.2003.

Sd/- Jiaz ul Hassan J

Sd/- Dost Ahmad J

Announced
11.4.2007.

*Office Order
23.4.07*

CERTIFIED TO BE TRUE COPY
Examiner
Peshawar High Court Peshawar
Authorized Under Section 76 Acts Ord.

20/4/07

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Issue *26/4/07*

Advt. Regale *23/4*

Date of Preparation Copy *25/2/07*

Date of Delivery of Copy *23/2/07*

Received by *[Signature]*

Annexure - (B) 7

Ph: 091-9210172
Fax: 091-9213599

No.C.A.156-P/2010-SCJ
SUPREME COURT OF PAKISTAN

Dated: Peshawar 27/06 /2013

From

The Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

To

The Registrar,
Peshawar High Court,
Peshawar.

PESHAWAR HIGH COURT PESHAWAR	
Receipt No	12880
Date	8/7/13
For action	JH
Signature	JH

105
3/7/13

SUBJECT: CIVIL APPEAL NO.156-P OF 2010

OUT OF

CIVIL PETITION NO.320-P OF 2007

Province of NWFP through Chief Secretary and others

VERSUS


Hafiz Farhad Ali and others

*On appeal from the Judgment and
Order of the Peshawar High Court,
Peshawar dated 11.04.2007 passed in
W.P.No.1412 of 2006.*

In continuation of this Court's letter of even number dated 22.04.2010, I am directed to enclose herewith for information a certified copy of the Judgment of this Court dated 14.06.2013 dismissing the above cited Civil Appeal.

I am further directed to return herewith the original record of the Peshawar High Court, Peshawar in (W.P.No.1412 of 2006) titled "Hafiz Farhad Ali Vs. Province of NWFP through Chief Secretary, Peshawar etc" received under the cover of your letter No.4782/Judl: dated 14.05.2010.

Kindly acknowledge the receipt of this letter alongwith its enclosure.


(KHALID MAHMOOD)
DEPUTY REGISTRAR

Enc: Judgment & Original Record

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Mr. Justice Nasir-ul-Mulk.
Mr. Justice Sarmad Jalal Osmany.
Mr. Justice Iqbal Hameedur Rahman.

Civil Appeal No. 156-P/2010.
In appeal against the judgment dated 14.04.2007
passed by Peshawar High Court, Peshawar.
in W. P. No. 1412/2006

Province of NWFP through Chief Secretary,
Peshawar, etc. Appellant(s).

Versus

Haliz Farhad Ali, etc. Respondent(s).

For the Appellant(s): Mr. Zahid Yousaf, AAG.

For the Respondent(s): Mr. Javed A. Khan, ASC.

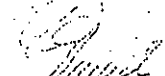
Date of hearing: 14.06.2013.


JUDGMENT

Iqbal Hameedur Rahman, J.: - The appellants, through the instant appeal with the leave of the Court, have impugned the judgment dated 14.04.2007 passed by the learned Peshawar High Court, Peshawar, in W. P. No. 1412/2006, whereby the writ petition filed by the respondents has been accepted and the appellants were directed to reconsider the case of the respondents in the light of the judgment passed in W. P. No. 1041/1997 and to give full effect to the said judgment in its true letter and spirit, which had attained finality on account of dismissal of C. P. No. 380-P/2011, filed by the appellants before the Supreme Court, vide order dated 23.10.2003. Leave was granted by this Court vide order dated 12.03.2010 in the following terms:-

Having heard the learned Additional Advocate General, as well as learned ASC for the respondents, we are inclined to grant leave, *inter alia*, to consider the following questions:-

ATTESTED


Iqbal Hameedur Rahman,
Justice,
Supreme Court of Pakistan.



- 1) Whether the order of this Court dated 23.10.2003 passed in Civil Petition No. 380-P/2001 could have been put into execution by the learned High Court in view of the provisions of Article 187(2) of the Constitution of Islamic Republic of Pakistan, 1973, in the instant matter brought before it by the respondents through Writ Petition No. 1412/2006 and in particular, when the respondents were not parties to the case?
- 2) Whether the High Court had the jurisdiction under Article 199 of the Constitution to have entertained the writ petition and to grant relief as necessarily the question of grant of selection grade was amenable to the exclusive jurisdiction of the Service Tribunal?
- 3) Whether the grant of selection grade was discontinued by the Government, if so, as to from what particular date such discontinuation would be effective?

The appeal, on the present record, be prepared and set down for hearing. However, the parties shall be at liberty to further document the same, if deemed appropriate."

The succinct facts of the case are that the respondents were officers of Agriculture Extension Department and they claimed "Selection Grade" on account of instructions/directions issued by the Government of NWFP in letter dated 09.10.1997. The claim of the respondents was struck down by the appellants/department as a result of which the respondents approached the learned Peshawar High Court by filing a writ petition. The case of the respondents before the High Court was that relief had been afforded to other similarly placed officers vide judgment dated 10.05.2001 of the Peshawar High Court passed in W. P. No. 1041/1997, which had attained finality as leave was refused by this Court in C. P. No. 380-P/2001 filed by the appellants. In W. P. No. 1412/2006, the stance of the appellants was that on 12.05.1999 the officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade.

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P-4

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Supreme Court of Pakistan
Peshawar

[Handwritten signature]

as is evident from para-3 of the Finance Department letter dated 12.05.1999 and that the case of the petitioners was considered by duly constituted committee who while relying on the above letter of Finance Department has declared the case of the petitioners devoid of merits thus, no case of discrimination has been made out". In view of the same, the appellants were confronted with the comments filed in the earlier W. P. No. 1041/1997 where such stance has neither been taken before the High Court nor before the Supreme Court, on account of which the learned High Court came to the conclusion that the respondents were entitled to the same relief as afforded to the petitioners in W. P. No. 1041/1997. Therefore, the learned High Court while accepting the writ petition of the respondents gave a direction to the appellants to reconsider the case of the respondents in the light of the judgment dated 10.05.2001 and to give full effect to the same in its true letter and spirit, hence this appeal.

3. The learned Assistant Advocate General for the appellants contended that while passing the impugned judgment the learned High Court has not taken into consideration that the grant of selection grade stood withdrawn vide notification dated 27.10.2001 in terms of para-7, which states that "SELECTION GRADE AND MOVE OVER - Selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f. the date of issue of this letter", on account of which the respondents could not be granted selection grade while passing the impugned judgment in the year 2007, in the light of which the respondents have been considered and accordingly selection grade has been declined to them. Moreover, the learned High Court did not properly appreciate and consider the letter of the Finance Department dated 12.05.1999 whereby the Law Officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade.

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 Deputy Registrar
 Supreme Court of Pakistan
 Islamabad

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and that the respondents were duly considered by the committee, which while relying upon the said letter has declared the case of the respondents beyond of merits, thus, the case of the respondents does not fall within the circumference of discrimination.

On the other hand, the learned counsel for the respondents has adverted our attention to para-3 of the impugned judgment and asserted that the contentions so raised by the learned Assistant Advocate General have already been considered by the learned High Court who has held that the objections were not taken in the earlier writ petition and he was also contented with the comments filed in the said writ petition. As such the letter of the Finance Department, which has now been made the basis of refusal of selection grade to the respondents, was never asserted before the learned High Court or before the Supreme Court. He further adverted our attention to para-b(ii) of the letter dated 09.10.1997 and stated that the respondents were in BPS-17 and the only requirement for the grant of selection grade was three years service in the existing pay scales of the post on seniority cum fitness basis, and asserted that the respondents were appointed in the year 1994 as such on the date of issue of the said letter they were fully qualified for the award of selection grade.

Heard. We have gone through the impugned judgment and have perused the documents and material available on record.

A perusal of the material depicts that the respondents were duly entitled to the grant of selection grade when the letter dated 09.10.1997 in this regard was issued and according to the criteria laid down in the said letter they had more than three years of service in BPS-17. Moreover, from the perusal of letter dated 27.10.2001 it is also apparent that the selection grade and move-over scheme stood discontinued from the date of its issue, as such the same could not be given retrospective effect in the case of the

NON-I

C.P. No. 156-P/2010

respondents, who were fully entitled and qualified in the year 1997. Therefore, the respondents were similarly placed with the petitioners in W.P. No. 1041/1997 who were held to be entitled for the grant of selection grade vide judgment dated 10.05.2001, which had already attained finality on the dismissal of C.P. No. 380-P/2001, filed before this Court. As such the respondents could not be declined the grant of selection grade, who were similarly placed with those petitioners and had become entitled to the same benefit in the year 1997. Moreover, this Court in the case of Hameed Akhtar Niazi vs. The Secretary, Establishment Division, Government of Pakistan and others (1996 SCMR 1185) has held that ".....if the Tribunal or this Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also other civil servants, who may have not taken any legal proceedings, in such a case, the theories of justice and rule of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum"

In the above perspective, we are of the opinion that the learned High Court has arrived at a just conclusion and the impugned judgment does not require interference by this Court. Resultantly, this appeal being devoid of any merits is dismissed.

Jd/- Nasir-ul-Mulk, J
 Sd/- Saïmad Jalal Osmany, J
 Sd/- Iqbal Hameedur Rahman,
 Certified to be true copy
 26.06.2013
 Deputy Registrar,
 Supreme Court of Pakistan
 Peshawar.



PESHAWAR
 14.06.2013
 (Enrolled)

Not approved for Reporting.



Annexure-C

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Dated Peshawar, the May 13, 2020.

NOTIFICATION

No. SOE(AD)V-8/2011/EW.- In pursuance to the judgment of the Peshawar High Court Peshawar in Writ Petition No. 1412/2006 dated 11-4-2007, judgment of Hon'able Supreme Court of Pakistan in Civil Petition No. 320-P of 2007 dated 14-6-2013 and consequent upon approval of the Provincial Cabinet, the Competent authority is pleased to accord sanction to the grant of "Selection-Grade" from BS-17 to BS-18 (33% Graduates out of the total strength) in respect of the following officers from the date noted against each:-

Sr. No.	Name of Officer	Date of birth	Date from which the selection grade is accorded.	Date of Retirement
1.	Mr.Mir Azam Khan	8.5.1941	1.7.1997	7.5.2001
2.	Hidayatullah Khan	14.11.1942	1.7.1997	13.11.2002
3.	Aziz-ur-Rehamn	1.2.1940	1.7.1997	31.1.2000
4.	Muhāmmad Hanif	4.12.1944	1.7.1997	3.12.2004
5.	Muhāmd Afzal Shah	21.11.1941	1.7.1997	20.11.2001
6.	Said Afzal Khan	4.9.1941	1.7.1997	3.9.2001
7.	Muhammad Siddique	1.6.1938	1.7.1997	31.5.1998
8.	Umar Khan	30.10.1939	1.7.1997	29.10.1999
9.	Umarzada	8.1.1939	1.7.1997	28.6.1998 pre-mature retirement
10.	AttaurRehman	1.3.1940	1.7.1997	28.2.2000 retired upon death
11.	Rehmatullah	15.7.1940	1.7.1997	14.7.2000
12.	Noor Alam Khan	9.11.1938	1.7.1997	8.11.1998
13.	Abdur Rehman	1.11.1940	1.7.1997	31.10.2000
14.	Inamullah Jan	12.3.1940	1.7.1997	11.3.2000
15.	SirajurRehman	15.12.1942	1.7.1997	14.12.2002
16.	Daulatur Rehman	26.6.1944	1.7.1997	19.6.2004
17.	Aslam Khan-II	20.12.1944	1.7.1997	19.12.2004
18.	Munir Ahmad-I	1.4.1945	1.7.1997	8.1.2003 retired on medical
19.	Agha Sajjad Hussain	28.2.1947	1.7.1997	27.2.2007
20.	Khalilur Rehman	15.4.1942	1.7.1997	2.5.1998 retired upon death
21.	Stori Shah	20.1.1941	1.7.1997	19.1.2001
22.	Pinin Shah	11.9.1944	1.7.1997	10.9.2004
23.	Muhammad Iqbal	1.8.1945	1.7.1997	31.7.2005
24.	Rehmat Ali	1.8.1942	1.7.1997	31.7.2002
25.	Yousaf Jan	9.1.1945	1.7.1997	8.1.2005
26.	Abdul Ali Jan	1.4.1944	1.7.1997	31.3.2004
27.	Izat Khan APO Bannu	15.10.1945	1.7.1997	4.10.2005
28.	Mumtaz Ahmad	1.4.1946	1.7.1997	31.3.2006
29.	Sher Ali	16.4.1946	1.7.1997	5.4.2006
30.	Muhammad Irshad	8.9.1937	1.7.1997	7.9.1997
31.	Sultan-e-Room	12.4.1945	1.7.1997	11.4.2005
32.	Saifur Rehman	4.7.1943	1.7.1997	3.7.2003
33.	Munir Ahmad-II	9.7.1939	1.7.1997	8.7.1999
34.	Said Ahmad	19.4.1944	1.7.1997	18.9.2004
35.	Ghulam Habib	15.4.1945	1.7.1997	14.4.2005
36.	Amir Muhammad Shah	4.9.1947	1.7.1997	3.9.2007

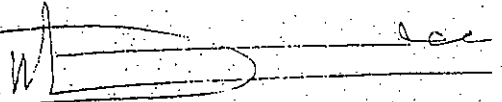
37.	Ghani Gul	13.11.1947	1.7.1997	12.11.2007
38.	Shaukat Ali	25.7.1946	1.7.1997	24.7.2006
39.	Mehboobur Rehman	1.12.1947	1.7.1997	30.11.2007
40.	Gul Zada	25.7.1950	1.7.1997	19.4.1998 retired upon death
41.	Muhammad Mushtaq	1.1.1948	1.7.1997	31.12.2007
42.	Shah Jehan	24.10.1950	1.7.1997	23.10.2010
43.	Ghulam Sarwar	12.4.1950	1.7.1997	11.4.2010
44.	Masal Khan	1.4.1949	1.7.1997	31.3.2009
45.	Mohibullah	15.4.1953	1.7.1997	31.1.2004 pre- mature retirement.
46.	Abdur Rashid	1.4.1951	1.7.1997	9.5.2010 retired upon death
47.	Gul Nawaz Khattak	20.7.1952	1.7.1997	19.7.2012
48.	Muhammad Ishaq	8.2.1947	1.7.1997	7.5.2002 pre- mature retirement
49.	Allah Dad Khan	20.01.1951	1.7.1997	19.1.2011
50.	Inayatullah	1.12.1949	1.7.1997	30.11.2009
51.	Nizam Khan	20.1.1951	1.7.1997	19.1.2011
52.	Gul Daraz	9.1.1952	1.7.1997	8.1.2012
53.	Muhammad Tasleem	25.5.1952	1.7.1997	24.5.2012
54.	Ali Ahmad	20.10.1952	1.7.1997	1.12.2007 pre- mature retirement
55.	Akhtar Zeb	12.4.1948	1.7.1997	11.4.2008
56.	Inamullah-III	29.3.1952	1.7.1997	28.3.2012
57.	Allah Bakhsh	4.6.1946	w.e.f 8.9.1997 due to retirement of Sr.No.30	3.6.2006
58.	Sarwar Jan	10.8.1947	w.e.f 20.4.1998 due to retirement of Sr.No.40	9.8.2007
59.	Hamidullah	14.9.1951	w.e.f 3.5.1998 due to retirement of Sr.No.20	13.9.2011
60.	Muhammad Anwar	1.10.1949	w.e.f 1.6.1998 due to retirement of Sr.No.7	30.9.2009
61.	Dost Muhammad	12.4.1951	w.e.f 16.6.1998 due to retirement of Sr.No.10	11.4.2011
62.	Hussain Ahmad	29.12.1949	w.e.f 9.11.1998 due to retirement of Sr.No.12	28.12.2009
63.	Zahir Shah AO Barikot	30.10.1947	w.e.f 9.7.1999 due to retirement of Sr.No.33	29.10.2007
64.	Attallah Khan	2.3.1949	w.e.f 30.10.1999 due to retirement of Sr.No.8	1.3.2009
65.	Faiz Muhammad	1.2.1945	w.e.f 1.2.2000 due to retirement of Sr.No.3	3.1.2005
66.	Sher Afzal	8.1.1949	w.e.f 12.3.2000 due to retirement of Sr.No.14	7.1.2009
67.	Ali Ahmad Jan	12.4.1948	w.e.f 15.7.2000 due to retirement of Sr.No.11	11.4.2008
68.	Kashmir Khan	13.6.1948	w.e.f 1.11.2000 due to retirement of Sr.No.13	12.6.2008
69.	Hazrat Muhammad	12.4.1949	w.e.f 20.1.2001 due to retirement of Sr.No.21	11.4.2009
70.	Asmatullah Khan	20.7.1949	w.e.f 8.5.2001 due to retirement of Sr.No.1	19.7.2009
71.	Mehmood Khan	3.10.1949	w.e.f 4.9.2001 due to retirement of Sr.No.6	2.10.2009
72.	Liaquat Ali	08.05.1958	1.7.1997	7.5.2018
73.	Dr. Hafiz Farhad Alai	07.04.1966	1.7.1997	6.4.2026
74.	Syed Sahab Ullah	01.04.1951	1.7.1997	31.3.2011

SECRETARY AGRICULTURE.

Endst.of even No. & Date.

Copy for information and necessary action to:-

1. The Registrar, Peshawar High Court, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa Peshawar.
3. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa Peshawar. He is requested to circulate the same to all concerned.
4. All concerned District Directors/Officers Agriculture (Extension) in Khyber Pakhtunkhwa.
5. The concerned District Accounts Officers in Khyber Pakhtunkhwa.
6. The Section Officer (Cabinet), Government of Khyber Pakhtunkhwa Establishment and Administration Department w/r to his letter No.SOC(E&AD)9-27/2019 dated 28-1-2020.
7. The Budget Officer-VII, Government of Khyber Pakhtunkhwa, Finance Department.
8. The Section Officer (Admn) Agriculture Department.
9. The Section Officer (Litigation) Finance Department.
10. The Section Officer (Litigation) Agriculture Department.
11. Officers concerned.
12. PS to Secretary Agriculture Department.
13. PA to Deputy Secretary (Admn) Agriculture Department.
14. Master file.


SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT.

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 362/2006

Date of Institution. 29.4.2006
Date of Decision. 26.5.2009

Annexure D

Faham Dil Khan, Deputy Director, Agriculture Information,
NWFP Peshawar.

(Appellant)

VERSUS

1. The Secretary to Government of NWFP, Agriculture, Livestock and Cooperative Department, Peshawar.
 2. The Director General, Agriculture (Extension) NWFP Peshawar.
 3. The Chief Secretary to Government of NWFP, Civil Secretariat, Peshawar.
 4. Ghani Gul, Project Director Barani Development Project, NWFP Peshawar and 19 others.
- (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED SENIORITY LIST STOOD ON 01.5.2005 COMMUNICATED TO APPELLANT ON 21.12.2005 THEREIN THE NAME OF APPELLANT WAS MISSING WITHOUT COGENT REASON AGAINST WHICH HE FILED DEPARTMENTAL APPEAL ON 22.12.2005 BUT THE SAME WAS NOT DISPOSED OFF WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate.

For appellant.

MR. ZAHID KARIM,
Addl. Government Pleader,

For official respondents.

MR ROOHUL AMIN,
Advocate.

For private respondents.

MR. JUSTICE (R) SALIM KHAN,
SYED MANZOOR ALI SHAH,

CHAIRMAN
MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.-

Faham Dil Khan, appellant, contended that he was initially inducted as Assistant Publicity Officer (BPS-17) and was promoted as Deputy Director, Agriculture, Information (BPS-18) vide order dated 03.7.2003, on the strength of judgment of this Tribunal in Service Appeal No. 2058 of 2000 decided on 14.10.2002. He further contended that the name of the appellant was at S.No. 11 in the seniority list dated 01.1.2004 circulated on 31.1.2004 while the name of the appellant was missing from the seniority list dated 01.5.2005, which was received by the appellant via his letter dated 9.12.2005. He filed departmental appeal dated 22.12.2005, which was not disposed of. The appeal in hand was filed on 29.4.2006, which is slightly time-barred.

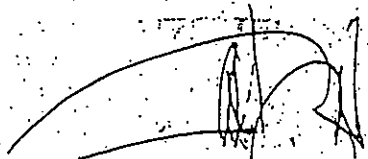
TESTED

Justice (R) Salim Khan
Chairman

2. Respondents No. 1 to 3 contested the appeal, and the same was position of the private respondents No. 4 to 23. The grievance of the private respondents was that the appellant was lacking the prescribed qualification for the post of Deputy Director Agriculture Information as laid down in the Service Rules, but he was so promoted in consequence of the judgment of this Tribunal. They are of the view that the prescribed qualification for the post of Deputy Director Agriculture Information was Master Degree in Agriculture Extension and Rural Sociology while the appellant had acquired Master Degree in Journalism (Non-Technical). The official respondents contended, besides the above grievance, that the appellant lacks the qualification for the post of BPS-19.

3. We heard the arguments and perused the record.

4. In order to re-check the issue of the qualification of the appellant, it is necessary to refer to the mentioned judgment, of this Tribunal as well as to the relevant Service Rules. The post of Deputy Director of Agriculture Information was to be filled in by promotion on the basis of selection on merit with due regard to seniority from amongst the holders of the posts of Assistant Directors Coordination and Public Relations/Publications/Audio Visual/Assistant Publicity Officers with seven years experience as Assistant Director etc. as mentioned above. M.A Agriculture Extension and Rural Sociology was prescribed for initial recruitment to the post of Assistant Director Coordination and Public Relations/Audio Visual/Publicity Officer with training in Agriculture Journalism or three years experience in Agriculture Publicity works. 50% posts had to be reserved for Assistant Agricultural Information Officer, with five years experience as such. It was held in judgment in Service Appeal No. 2058 of 2000 decided on 14.10.2002 that the claim of the respondent department that the appellant was not M.Sc(Agriculture) and was not suitable for promotion to the of Deputy Director Information, was untenable as in accordance with the Recruitment Rules/Method of the appointment prescribed for the post of Deputy Director Information vide Notification dated 22.10.1986, the holder of the post of Assistant Publicity Officer with relevant experience of seven years service was eligible for promotion to the post. The appellant in that case (the present appellant) was declared as permanent holder of the post of Assistant Publicity Officer and had more than 17 years service/experience with M.A Degree in Journalism and was perfectly eligible for promotion to the post of Deputy Director Information as per minimum qualifications prescribed for promotion to the post of Deputy Director Information in the Rules. That judgment had attained finality. The same issue cannot be re-opened under the principle ^{of} resjudicata.




5. It has been abundantly made clear on record that separate cadre of the Deputy Director Agriculture Information has been maintained vide the Service Rules prescribed on 22.10.1986 while separate cadre of Deputy Director Agriculture, Deputy Director Agriculture E&M and others has been maintained vide rules notified on 06.9.2002. It is also clear from the letter dated 06.6.2005 of the Establishment and Administration Department (Regulation Wing) that separate seniority lists had to be maintained if there were two sets of Service Rules, one for Agriculture Graduates and the other for Persons holding Master Degree in Mass Communication.

6. The appellant belongs to the group of persons holding Master Degree in Mass Communication. He does not belong to the Group of Agriculture Graduates. The appellant, therefore, is not entitled to search his name in the list of the Agriculture Graduates, and is not entitled to his prayer in the present appeal, with the request that the respondents Nos. 1 and 2 may be directed to rectify the impugned seniority list and enter the name of the appellant therein at a place of his seniority position in accordance with his previous seniority list dated 31.1.2004. The mentioned list appears to be the result of some mis-interpretation of the rules.

7. In the light of the above, we do not find any merit in the present appeal, and we dismiss the same with costs.

ANNOUNCED
26.05.2009

*sd/- Justice G. L. N. Vasudevan
sd/- Dy. J. Manjappa A. K.
M. K.*



*120 30.5.09
8
8
7-7-09
7-7-09*



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

SUMMARY FOR THE CHIEF MINISTER

SUBJECT:- GRANT OF SELECTION GRADE TO THE AGRICULTURE OFFICERS (BS-17) OF AGRICULTURE EXTENSION DEPARTMENT IN W.P NO.1412/2006 PESHAWAR HIGH COURT PESHAWAR TO THE 33% GRADUATES OUT OF THE TOTAL STRENGTH FROM BS-17 TO BS-18

6. As per advice of the Establishment Department, the summary in hand is submitted for approval of the competent authority for grant of selection grade from BS-17 to BS-18 in respect of the following officers:-

Sr.No.	Name of Officer	Date of birth	Date from which selection grade required	Date of Retirement
1.	Mr.Mir Azam Khan	3.5.1941	1.7.1997	7.5.2001
2.	Hidayatullah Khan	14/11.1942	1.7.1997	13.11.2002
3.	Aziz-ur-Rehman	1.2.1946	1.7.1997	31.1.2000
4.	Muhammad Hanif	4.12.1944	1.7.1997	31.12.2004
5.	Muhamd Afzal Shah	21.11.1941	1.7.1997	20.11.2001
6.	Said Afzal Khan	4.9.1941	1.7.1997	3.9.2001
7.	Muhammad Siddique	1.6.1938	1.7.1997	31.5.1998
8.	Umar Khan	30.10.1939	1.7.1997	29.10.1999
9.	Umarzada	3.1.1939	1.7.1997	28.6.1998 pre-mature retirement
10.	Attaur Rehman	1.3.1940	1.7.1997	28.2.2000 retired upon death
11.	Rehmatullah	13.7.1940	1.7.1997	14.7.2000
12.	Noor Alam Khan	9.11.1938	1.7.1997	8.11.1998
13.	Abdur Rehman	1.11.1939	1.7.1997	31.10.2000
14.	Inamullah Jan	12.3.1940	1.7.1997	11.3.2000
15.	Sirajur Rehman	15.12.1942	1.7.1997	14.12.2002
16.	Daulatur Rehman	26.6.1944	1.7.1997	19.6.2004
17.	Aslam Khan-II	20.12.1944	1.7.1997	19.12.2004
18.	Munir Ahmad-I	1.4.1945	1.7.1997	8.1.2003 retired on medical
19.	Agha Sajjad Hussain	29.2.1947	1.7.1997	27.2.2007
20.	Khafilur Rehman	15.4.1942	1.7.1997	2.5.1998 retired upon death
21.	Stori Shah	20.1.1941	1.7.1997	19.1.2001
22.	Pinin Shah	11.9.1944	1.7.1997	10.9.2004
23.	Muhammad Iqbal	1.8.1945	1.7.1997	31.7.2005
24.	Rehmat Ali	1.8.1942	1.7.1997	31.7.2002
25.	Yousaf Jan	9.1.1945	1.7.1997	8.1.2005
26.	Abdul Ali Jan	1.4.1944	1.7.1997	31.3.2004
27.	Izat Khan APO Bannu	15.10.1945	1.7.1997	4.10.2005
28.	Mumtaz Ahmad	1.4.1945	1.7.1997	31.3.2006
29.	Sher Ali	16.4.1946	1.7.1997	15.4.2006
30.	Muhammad Irshad	8.9.1937	1.7.1997	7.9.1997
31.	Sultan-e-Room	12.4.1945	1.7.1997	11.4.2005
32.	Saifur Rehman	4.7.1943	1.7.1997	3.7.2003
33.	Munir Ahmad-II	9.7.1938	1.7.1997	8.7.1999
34.	Said Ahmad	19.4.1941	1.7.1997	18.9.2004
35.	Ghulam Habib	15.4.1945	1.7.1997	14.4.2005



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

SUMMARY FOR THE CHIEF MINISTER

SUBJECT:- GRANT OF SELECTION GRADE TO THE AGRICULTURE OFFICERS (BS-17) OF AGRICULTURE EXTENSION DEPARTMENT IN W.P. NO.1412/2006 PESHAWAR HIGH COURT PESHAWAR TO THE 33% GRADUATES OUT OF THE TOTAL STRENGTH FROM BS-17 TO BS-18

36.	Amir Muhammad Shah	4.9.1947	1.7.1997	3.9.2007
37.	Ghani Gul	13.11.1947	1.7.1997	12.11.2007
38.	Shaukat Ali	25.7.1946	1.7.1997	24.7.2006
39.	Mehboob ur Rehman	1.12.1947	1.7.1997	30.11.2007
40.	Gul Zada	25.7.1950	1.7.1997	19.4.1998 retired upon death
41.	Muhammad Mushtaq	1.1.1948	1.7.1997	31.12.2007
42.	Shah Jehan	24.10.1950	1.7.1997	23.10.2010
43.	Ghulam Sarwar	12.4.1950	1.7.1997	11.4.2010
44.	Masal Khan	1.4.1949	1.7.1997	31.3.2009
45.	Mohibullah	15.4.1953	1.7.1997	31.1.2004 pre-mature retirement
46.	Abdur Rashid	1.4.1951	1.7.1997	9.5.2010 retired upon death
47.	Gul Nawaz Khattak	20.7.1952	1.7.1997	19.7.2012
48.	Muhammad Ishaq	8.2.1947	1.7.1997	7.2.2002 pre-mature retirement
49.	Allah Dad Khan	20.01.1951	1.7.1997	19.1.2011
50.	Inayatullah	1.12.1949	1.7.1997	30.11.2009
51.	Nizam Khan	20.1.1951	1.7.1997	19.1.2011
52.	Gul Daraz	9.1.1952	1.7.1997	8.1.2012
53.	Muhammad Taseem	25.5.1952	1.7.1997	24.5.2012
54.	Ali Ahmad	20.10.1952	1.7.1997	1.12.2007 pre-mature retirement
55.	Akhtar Zeb	12.4.1948	1.7.1997	11.4.2008
56.	Inamullah-III	29.3.1952	1.7.1997	28.3.2012
57.	Allah Bakhsh	4.6.1946	w.e.f 8.9.1997 due to retirement of Sr.No.30	3.6.2006
58.	Sarwar Jan	10.8.1947	w.e.f 20.4.1998 due to retirement of Sr.No.40	9.8.2007
59.	Hamidullah	14.9.1951	w.e.f 3.5.1998 due to retirement of Sr.No.20	13.9.2011
60.	Muhammad Anwar	1.10.1949	w.e.f 1.6.1998 due to retirement of Sr.No.7	30.9.2009
61.	Dost Muhammad	12.4.1951	w.e.f 16.6.1998 due to retirement of Sr.No.10	11.4.2011
62.	Hussain Ahmad	29.12.1949	w.e.f 9.11.1998 due to retirement of Sr.No.12	28.12.2009
63.	Zahir Shah AO Barikot	30.10.1947	w.e.f 9.7.1999 due to retirement of Sr.33	29.10.2007
64.	Attaullah Khan	2.3.1949	w.e.f 30.10.1999 due to retirement of Sr.No.8	1.3.2009
65.	Faiz Muhammad	1.2.1945	w.e.f 1.2.2000 due to retirement of Sr.No.3	31.1.2005
66.	Sher Afzal	8.1.1949	w.e.f 12.3.2000 due to retirement of Sr.No.14	7.1.2009
67.	Ali Ahmad Jan	12.4.1948	w.e.f 15.7.2000 due to retirement of Sr.No.11	11.4.2008
68.	Kashmir Khan	13.6.1948	w.e.f 1.11.2000 due to retirement of Sr.No.13	12.6.2008



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

SUMMARY FOR THE CHIEF MINISTER

SUBJECT:- GRANT OF SELECTION GRADE TO THE AGRICULTURE OFFICERS (BS-17) OF AGRICULTURE EXTENSION DEPARTMENT IN W.P NO.1412/2006 PESHAWAR HIGH COURT PESHAWAR TO THE 33% GRADUATES OUT OF THE TOTAL STRENGTH FROM BS-17 TO BS-18

69.	Hazrat Muhammad	12.4.1949	w.e.f 20.1.2001 due to retirement of Sr.No.21	11.4.2009
70.	Asmatullah Khan	20.7.1949	w.e.f 8.5.2001 due to retirement of Sr.No.1	19.7.2009
71.	Mehmood Khan	3.10.1949	w.e.f 4.9.2001 due to retirement of Sr.No.6	2.10.2009
72.	Liaqat Ali	08.05.1958	-----	24.06.2013
73.	Dr. Hafiz Farhad Ali	07.04.1966	-----	17.03.2014
74.	Syed Sahab Ullah	01.04.1951	-----	31.03.2014

7. Financial implications has also been calculated as pointed out by the Finance Department in the last summary as well as certificate to the effect that the officers have completed the required length of service for grant of selection grade which may be seen at (Annex-XI & XII):

8. The proposal contained in para-6/ante is submitted for approval please.

9. The Government of Khyber Pakhtunkhwa Establishment Department may add their views en-rout please.

4.7.2019
(MUHAMMAD ISRAR)
SECRETARY AGRICULTURE.

MINISTER FOR AGRICULTURE
KHYBER PAKHTUNKHWA.

SECRETARY ESTABLISHMENT
KHYBER PAKHTUNKHWA.

DEPUTY SECRETARY
KHYBER PAKHTUNKHWA.

MINISTER
KHYBER PAKHTUNKHWA.

2.2.2019
MOHIBULLAH KHAN
Minister Agriculture, Livestock
Fisheries & Co-operative
Khyber Pakhtunkhwa

M.P.P.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 11948/2020

Mr. Faham Dil Khan (Rtd)
Senior Instructor BS-19
Agriculture Training Institute,
Peshawar

VERSUS

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

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DEPONENT

28-09-2021.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 11948/2020
Mr. Faham Dil Khan
(Rtd) Senior Instructor BS-19
Agriculture Training Institute, Peshawar

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary, Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department, Peshawar.
- 3- Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar

RESPONDENTS

PRELIMINARY OBJECTIONS

- 1- That the appellant has got no locus standi to file the instant appeal.
- 2- That the appeal is not maintainable in its present form and is liable to be dismissed.
- 3- That the appellant has no cause of action to file the instant appeal.
- 4- That the appellant has deliberately concealed the facts from this Honorable Tribunal.
- 5- That the appellant has not come to this Honorable Tribunal with clean hands.
- 6- That the appellant has already been retired from service on superannuation with effect from 03.03.2016.
- 7- The Honorable Tribunal has no jurisdiction to entertain this appeal.
- 8- That the appeal of the appellant is time barred.

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

- Para-1 Correct to the extent that the appellant was appointed / recruited through Public Service Commission in the year 1983 in the Agriculture Extension Department against the vacant post of "Assistant Publicity Officer BS-17" having basic qualification of MA Journalism.
- Para-2 Incorrect. The Association of Agriculture Graduate filed Writ Petition No.1412-P/2006 in the Peshawar High Court, Peshawar for the grant of Selection Grade to the Agricultural Officers BS-17 of the Extension Wing of Agriculture Extension Department. The Honorable Peshawar High Court decided the case in favour of the Agricultural Officers BS-17 dated 11.04.2007 and the Honorable Supreme Court of Pakistan also decided the case in favour of the Agriculture Officer vide judgment in Civil Petition No.320-P/2007 dated 14.06.2013 (**Annexure-A & B**). Consequent upon approval of Provincial Cabinet regarding sanction to the grant of "Selection Grade" from BS-17 to BS-18 with effect from 01.07.1997 and order was issued vide Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department Notification No. SOE(AD)V-8/2011-EW dated 13.05.2020 (**Annexure-C**).
- Para-3 Detailed comments given in para-2 above.
- Para-4 Correct to the extent that the writ petition was filed by Agricultural Graduates of Agriculture Extension Department while the appellant has not filed any petition for grant of selection grade. The name of the appellant was deleted from the seniority list of Agricultural Officer BS-17 with effect from 2005 (Supervisory) on the ground that the appellant is not Agricultural Graduate. The appellant has filed an appeal No.362/2006 in this Honorable Tribunal for praying inclusion of his name in the Seniority list of Agricultural Officer BS-17 of the Department, but his appeal was dismissed by this Honorable Tribunal

on the ground that the appellant belong to the group of person of Master Degree in Mass Communication and he does not belong to the group of Agriculture Graduate, the appellant is therefore not entitled to search his name in the seniority list of BS-17 (Agricultural Graduate) and is not also entitled to his prayer in the present appeal vide judgment dated 26.05.2009 (Annexure-D).

Para-5 Correct to the extent that the appellant is not entitled for the grant of selection grade while the Honorable Courts decided / allowed selection grade only to the Agricultural Officer BS-17 to BS-18 of Agriculture Extension Department who were Agriculture Graduate.

GROUNDS

Para-A Incorrect hence denied. Detailed comments given in para-5 above.

Para-B Incorrect hence denied. Detailed comments given in above paras.

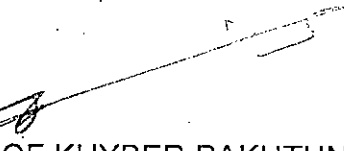
Para-C Incorrect and not admitted. The appellant was appointed in the group of Mass Communication, while other Officers were appointed as Agriculture Graduate having Degree of M.Sc / B.Sc (Hon) Agriculture and the Honorable Courts allowed selection grade only to Agricultural Officer.

Para-D Incorrect hence denied. The appellant has been dealt according to the law and rules.

Para-E No comments. However, the respondent may kindly be allowed to raise additional grounds at the time of arguments if needed.

It is therefore humbly prayed that on acceptance of the above Para wise reply / comments, the appeal of the appellant may kindly be dismissed with cost.


CHIEF SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR.


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT, PESHAWAR


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 11948/2020
Mr. Faham Dil Khan
(Rtd) Senior Instructor BS-19
Agriculture Training Institute, Peshawar

APPELLANT

VERSUS


- 1- The Government of Khyber Pakhtunkhwa through
Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary, Govt. of Khyber Pakhtunkhwa
Agriculture Livestock and Coop. Department, Peshawar.
- 3- Secretary to Government of Khyber Pakhtunkhwa
Finance Department Peshawar

RESPONDENTS

COUNTER AFFIDAVIT

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


CHIEF SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR.


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT, PESHAWAR


SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT PESHAWAR

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

WRIT PETITION NO. 1412/2006

JUDGMENT

Date of hearing: 11.4.2007.

Petitioners: (Hafiz Farhad Ali) By Shehzada Shahpur Jan. Adv.

Respondents: (Nawab A. Khan) By Mr. Khushdil Khan, AA &

DOST MUHAMMAD KHAN, J.:- The petitioners through this constitutional petition have sought declaration that the refusal of respondents to grant selection grade to them, is without lawful authority Coram Non-judice in utter disregard of the judgment of this Court given in the Writ Petition No. 1041 of 1997 delivered on 10.5.2001 which was upheld by the Hon'ble Supreme Court in Civil Petition No. 380-P of 2001 vide judgment dated 23.10.2003 refusing leave to appeal to the respondents.

Arguments heard in detail and record perused.

2- Learned counsel for the petitioners vehemently argued that not only the impugned action is offending against the judgment of this Court *ibid* but the judgment of the apex Court too has been disregarded on false premise and with malafide intention. He further emphatically contended that the judgment of this Court earlier given had merged into the judgment of Hon'ble Supreme Court, therefore, notwithstanding the writ jurisdiction of this Court under Article 199 of the Constitution, it has to implement and enforce the judgment of the apex Court in view of the

ATTESTED

EXAMINED
Peshawar High Court

commanding language of sub-article (2) of Article 187 of the Constitution and that the petitioners have been given discriminatory treatment as other officers of the same rank have been given selection grade within the same department but the petitioners who work in the Extension Wing performing the same nature of duties with equal liabilities have been denied it. The principle of justice, fairplay, rules of propriety as well as the statutory rules on the subject have been violated, therefore, he concluded that the respondents may be directed to grant the relief sought herein to the petitioners.

3- To the contrary, Mr. Khushdil Khan Mohmand, the learned Addl. Advocate General contended that on 12.5.1999, the officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade as is evident from para-3 of the Finance Department letter dated 12.5.1999 and that the case of the petitioners was considered by duly constituted committee who while relying on the above letter of Finance Department has declared the case of the petitioners devoid of merits thus, no case of discrimination has been made out.

4- When the learned Addl. Advocate General was confronted with the comments filed in the earlier Writ Petition No.1041 of 1997 where no such stance was taken and similarly with the submissions made by the then Advocate General at that time who nowhere pointed out the Finance Department letter which has now been made bases for refusal to grant selection grade to the petitioners and additionally when his attention was invited to the

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EXAMINER
Peshawar High Court

petition for grant of leave to appeal filed before the Hon'ble Supreme Court where too, no such arguments were advanced nor such plea was raised then how the respondents could make the said letter as killing device at a much belated stage when it was not their case at any stage before this Court or before the apex Court in the earlier round of litigation, his simple reply was that such plea might have been taken during course of arguments but was not either taken notice of or was not considered at all. We completely disagree with the learned counsel for the Government on this score because if such plea was taken in any manner having direct impact on the maintainability of earlier Writ Petition No.1041 of 1997 that would have been definitely taken into consideration which is not the case.

3- This Court while recording findings in the earlier Writ Petition at page-9 of the judgment have held the following view in a conclusive manner:-

"As per the aforequoted letter all those officials having the requisite length of service and those who were fit were entitled to grant of "Selection Grade". The petitioners who have completed more than 18 years of their services were fit and were entitled as per the said memo for grant of "Selection Grade", and the learned Advocate General was unable to show any reason as to why the instructions/directions of the Government of N.W.F.P. contained in memo dated 9.10.97 were not made applicable in the case of petitioners, when the officials of Health, C&W, Irrigation, Education and all other Departments of Provincial Government were granted the benefit of said memo (dated 9.10.97). This also shows that the petitioners and all other Agriculture Graduates working in Agriculture Extension Department were not treated similarly with occupants of equivalent posts"

ATTESTED

EXAMINER
Peshawar High Court

6- Whenever a party to a lis gives up a plea taken by it or omits to take a plea in its petition or reply despite having opportunity to take it then it cannot be allowed to agitate such a plea in the second round or at a belated stage and the Court of law would be under no obligation to allow such plea and on that score to knock out the opposite side on the basis of such plea. Reliance in this regard may be placed on the view taken by the Hon'ble Supreme Court in the case of Mst. Kharo and two others -Vs- Sher Afzal alias Sheray (1992 SCMR 1844).

7- The next legal impediment in the way of the respondents is that while delivering the judgment dated 10-5-2001 in the previous writ petition No.1041 of 1997, this Court has conclusively determined each and every plea of both the parties once for all by recording clear findings which were upheld by the Hon'ble Supreme Court, thus, this Division Bench in view of the principle of law and consistent practice cannot differ with the view already formed by the earlier Division Bench on the same subject matter and point of. Reliance in this regard may be placed on the consistent view of the Hon'ble Supreme Court reflected in the cases of The Province of East Pakistan -Vs- Dr. Aziz ul Islam (PLD 1963 SC-296), The Province of East Pakistan and others -Vs- Sirajul Huq Patwari and others (PLD 1966 SC-854), Multiline Associates -Vs- Ardeshir Cowasjee and others (SCMR 1995:362), Multiline Associates -Vs- Ardeshir Cowasjee and 2 others (PLD 1995 SC 423) and Sidheswar Ganguly -Vs- State of West Bengal (PLD 1958 SC India 337).

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EXAMINER
Peshawar High C

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8- Apart the above iron clad legal proposition, we see no reason or justification to differ with the view of the earlier Division Bench which was upheld by the Hon'ble Supreme Court and when the judgment of this Court had merged into that of the apex Court then Article 187 (2) of the Constitution of Islamic Republic of Pakistan, 1973 would certainly come into play.

For the aforementioned reasons, this petition is allowed, the impugned action/order of the respondents refusing selection grade to the petitioners is declared as Coram Non-judice, without jurisdiction and without lawful authority and of no legal effect. The respondents are directed to reconsider the case of the petitioners in light of the judgment of this Court earlier given in Writ Petition No.1041 of 1997 and particularly to give full effect in letter and spirit to the judgment of the Hon'ble Supreme Court rendered in Civil Petition No.380-P of 2001 dated 23.10.2003.

Announced
11.4.2007.

Sh. Aziz ul Hassan

Sh. Dost Ahmad

*Justice Khan
23.4.07*

[Signature]
CERTIFIED TO BE TRUE COPY
Examiner
Peshawar High Court Peshawar
Authorized Under Section 70 Acts Ord.
[Signature]

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20/2/07

Annexure - (B) (7)

Ph: 091-9210172
Fax: 091-9213599

No.C.A.156-P/2010-SCJ
SUPREME COURT OF PAKISTAN

Dated: Peshawar 27/06/2013

From

The Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

To

The Registrar,
Peshawar High Court,
Peshawar.

PESHAWAR HIGH COURT PESHAWAR.	
Receipt No	12880
Date	8/7/13
Action	Jud
Signature	[Signature]

105
3/7/13

SUBJECT: CIVIL APPEAL NO.156-P OF 2010

OUT OF

CIVIL PETITION NO.320-P OF 2007

Province of NWFP through Chief Secretary and others.

VERSUS

Hafiz Farhad Ali and others

*On appeal from the Judgment and
Order of the Peshawar High Court,
Peshawar dated 11.04.2007 passed in
W.P.No.1412 of 2006.*

In continuation of this Court's letter of even number dated 22.04.2010, I am directed to enclose herewith for information a certified copy of the Judgment of this Court dated 14.06.2013 dismissing the above cited Civil Appeal.

I am further directed to return herewith the original record of the Peshawar High Court, Peshawar in (W.P.No.1412 of 2006) titled "Hafiz Farhad Ali Vs. Province of NWFP through Chief Secretary, Peshawar etc" received under the cover of your letter No.4782/Judl: dated 14.05.2010.

Kindly acknowledge the receipt of this letter alongwith its enclosure.

[Signature]
(KHALID MAHMOOD)
DEPUTY REGISTRAR

Encl: Judgment & Original Record

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Mr. Justice Nasir-ul-Mulk.
Mr. Justice Sarmad Jalal Osmany.
Mr. Justice Iqbal Hameedur Rahman.

Civil Appeal No. 156-P/2010.

On appeal against the judgment dated 14.04.2007
passed by Peshawar High Court, Peshawar,
in W. P. No. 1412/2006.

Province of NWFP through Chief Secretary,
Peshawar, etc.

Appellant(s).

Versus

Haliz Farhad Ali, etc.

Respondent(s).

For the Appellant(s)

Mr. Zahid Yousaf, AAG.

For the Respondent(s)

Mr. Javed A. Khan, ASC.

Date of Hearing:

14.06.2013.

JUDGMENT

Iqbal Hameedur Rahman, J: - The appellants, through the instant appeal with the leave of the Court, have impugned the judgment dated 14.04.2007 passed by the learned Peshawar High Court, Peshawar, in W. P. No. 1412/2006, whereby the writ petition filed by the respondents has been accepted and the appellants were directed to reconsider the case of the respondents in the light of the judgment passed in W. P. No. 1041/1997 and to give full effect to the said judgment in its true letter and spirit, which had attained finality on account of dismissal of C. P. No. 380-P/2011, filed by the appellants before the Supreme Court, vide order dated 23.10.2003. Leave was granted by this Court vide order dated 12.03.2010 in the following terms: -

Having heard the learned Additional Advocate General, as well as learned ASC for the respondents, we are inclined to grant leave, *inter alia*, to consider the following questions: -

ATTESTED

[Signature]
Deputy Registrar,
Supreme Court

[Signature]
[Redacted]

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- 1) Whether the order of this Court dated 23.10.2003 passed in Civil Petition No. 380-P/2001 could have been put into execution by the learned High Court in view of the provisions of Article 187(2) of the Constitution of Islamic Republic of Pakistan, 1973, in the instant matter brought before it by the respondents through Writ Petition No. 1412/2006 and in particular, when the respondents were not parties to the case?
- 2) Whether the High Court had the jurisdiction under Article 199 of the Constitution to have entertained the writ petition and to grant relief as necessarily the question of grant of selection grade was amenable to the exclusive jurisdiction of the Service Tribunal?
- 3) Whether the grant of selection grade was discontinued by the Government, if so, as to from what particular date such discontinuation would be effective?

The appeal on the present record, be prepared and set down for hearing. However, the parties shall be at liberty to further document the same, if deemed appropriate."

The succinct facts of the case are that the respondents were officers of Agriculture Extension Department and they claimed "Selection Grade" on account of instructions/directions issued by the Government of NWFP in letter dated 09.10.1997. The claim of the respondents was struck down by the appellants/department as a result of which the respondents approached the learned Peshawar High Court by filing a writ petition. The case of the respondents before the High Court was that relief had been afforded to other similarly placed officers vide judgment dated 10.05.2001 of the Peshawar High Court passed in W.P. No. 1041/1997, which had attained finality as leave was refused by this Court in C. P. No. 380-P/2001 filed by the appellants. In W. P. No. 1412/2006, the stance of the appellants was

P-15
-P-3
-P-4

ACCEPTED

[Signature]
Deputy Registrar
Supreme Court of Pakistan
Peshawar

that on 12.05.1999 the officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade

[Signature]

P-10

It is evident from para-3 of the Finance Department letter dated 12.05.1999 and that the case of the petitioners was considered by duly constituted committee who while relying on the above letter of Finance Department has declared the case of the petitioners devoid of merits thus, "no case of discrimination has been made out". In view of the same, the appellants were confronted with the comments filed in the earlier W. P. No. 1041/1997 where such stance has neither been taken before the High Court nor before the Supreme Court, on account of which the learned High Court came to the conclusion that the respondents were entitled to the same relief as afforded to the petitioners in W. P. No. 1041/1997. Therefore, the learned High Court while accepting the writ petition of the respondents gave a direction to the appellants to reconsider the case of the respondents in the light of the judgment dated 10.05.2001 and to give full effect to the same in its true letter and spirit, hence this appeal.

3. The learned Assistant Advocate General for the appellants contended that while passing the impugned judgment the learned High Court has not taken into consideration that the grant of selection grade stood withdrawn vide notification dated 27.10.2001 in terms of para-7, which states that "SELECTION GRADE AND MOVE OVER: - Selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f. the date of issue of this letter", on account of which the respondents could not be granted selection grade while passing the impugned judgment in the year 2007, in the light of which the respondents have been considered and accordingly selection grade has been declined to them. Moreover, the learned High Court did not properly appreciate and consider the letter of the Finance Department dated 12.05.1999 whereby the Law Officers of the Extension Wing of Agriculture Department were not included in the list of beneficiaries of selection grade.

ATTESTED

[Signature]
 Deputy Registrar
 Supreme Court of Pakistan
 Islamabad

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W.S. No. 156 of 2010

and that the respondents were duly considered by the committee, which while relying upon the said letter has declared the case of the respondents beyond of merits, thus, the case of the respondents does not fall within the purview of discrimination.

On the other hand, the learned counsel for the respondents has adverted our attention to para-3 of the impugned judgment and asserted that the contentions so raised by the learned Assistant Advocate General have already been considered by the learned High Court who has held that the issues were not taken in the earlier writ petition and he was also confronted with the comments filed in the said writ petition. As such the letter of the Finance Department, which has now been made the basis of refusal of selection grade to the respondents, was never asserted before the learned High Court or before the Supreme Court. He further adverted our attention to para-b(ii) of the letter dated 09.10.1997 and stated that the respondents were in BPS-17 and the only requirement for the grant of selection grade was three years service in the existing pay scales of the post on seniority cum fitness basis, and asserted that the respondents were appointed in the year 1994 as such on the date of issue of the said letter they were fully qualified for the award of selection grade.

4. Heard. We have gone through the impugned judgment and have perused the documents and material available on record.

5. A perusal of the material depicts that the respondents were duly entitled to the grant of selection grade when the letter, dated 09.10.1997 in this regard was issued and according to the criteria laid down in the said letter they had more than three years of service in BPS-17. Moreover, from the perusal of letter dated 27.10.2001 it is also apparent that the selection grade and move-over scheme stood discontinued from the date of its issue, in such the same could not be given retrospective effect in the case of the

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SC No. 156 of 2010

respondents, who were fully entitled and qualified in the year 1997. Therefore, the respondents were similarly placed with the petitioners in W.P. No. 104 of 1997 who were held to be entitled for the grant of selection grade vide judgment dated 10.05.2001, which had already attained finality on the dismissal of C.P. No. 380-P/2001, filed before this Court. As such the respondents could not be declined the grant of selection grade, who were similarly placed with those petitioners and had become entitled to the same benefit in the year 1997. Moreover, this Court in the case of Hameed Akhtar Niazi vs. The Secretary, Establishment Division, Government of Pakistan and others (1996 SCMR 1185), has held that "..... if the Tribunal or this Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also other civil servants, who may have not taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum"

In the above perspective, we are of the opinion that the learned High Court has arrived at a just conclusion and the impugned judgment does not require interference by this Court. Resultantly, this appeal being devoid of any merits is dismissed.



Judges:
 Ed. Nasir-ul-Mulk, J
 Sd/- Saqmat Jalal Osmang, J
 Sd/- Iqbal Hameedur Rahman
 Certified to be true copy
 26.06.2012
 Deputy Registrar,
 Supreme Court of Pakistan
 Peshawar.

PESHAWAR
 14.06.2012
 (Parulki)

Not approved for Reporting.



15
Annexure-C

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

Dated Peshawar, the May 13, 2020.

NOTIFICATION

No. SOE(AD)V-8/2011/EW.- In pursuance to the judgment of the Peshawar High Court Peshawar in Writ Petition No. 1412/2006 dated 11-4-2007, judgment of Hon'able Supreme Court of Pakistan in Civil Petition No. 320-P of 2007 dated 14-6-2013 and consequent upon approval of the Provincial Cabinet, the Competent authority is pleased to accord sanction to the grant of "Selection-Grade" from BS-17 to BS-18 (33% Graduates out of the total strength) in respect of the following officers from the date noted against each:-

Sr. No.	Name of Officer	Date of birth	Date from which the selection grade is accorded.	Date of Retirement
1.	Mr. Mir Azam Khan	8.5.1941	1.7.1997	7.5.2001
2.	Hidayatullah Khan	14.11.1942	1.7.1997	13.11.2002
3.	Aziz-ur-Rehman	1.2.1940	1.7.1997	31.1.2000
4.	Muhammad Hanif	4.12.1944	1.7.1997	3.12.2004
5.	Muhamd Afzal Shah	21.11.1941	1.7.1997	20.11.2001
6.	Said Afzal Khan	4.9.1941	1.7.1997	3.9.2001
7.	Muhammad Siddique	1.6.1938	1.7.1997	31.5.1998
8.	Umar Khan	30.10.1939	1.7.1997	29.10.1999
9.	Umarzada	8.1.1939	1.7.1997	28.6.1998 pre-mature retirement
10.	Attaur Rehman	1.3.1940	1.7.1997	28.2.2000 retired upon death
11.	Rehmatullah	15.7.1940	1.7.1997	14.7.2000
12.	Noor Alam Khan	9.11.1938	1.7.1997	8.11.1998
13.	Abdur Rehman	1.11.1940	1.7.1997	31.10.2000
14.	Inamullah Jan	12.3.1940	1.7.1997	11.3.2000
15.	Sirajur Rehman	15.12.1942	1.7.1997	14.12.2002
16.	Daulatur Rehman	26.6.1944	1.7.1997	19.6.2004
17.	Aslam Khan-II	20.12.1944	1.7.1997	19.12.2004
18.	Munir Ahmad-I	1.4.1945	1.7.1997	8.1.2003 retired on medical
19.	Agha Sajjad Hussain	28.2.1947	1.7.1997	27.2.2007
20.	Khalilur Rehman	15.4.1942	1.7.1997	2.5.1998 retired upon death
21.	Stori Shah	20.1.1941	1.7.1997	19.1.2001
22.	Pinin Shah	11.9.1944	1.7.1997	10.9.2004
23.	Muhammad Iqbal	1.8.1945	1.7.1997	31.7.2005
24.	Rehmat Ali	1.8.1942	1.7.1997	31.7.2002
25.	Yousaf Jan	9.1.1945	1.7.1997	8.1.2005
26.	Abdul Ali Jan	1.4.1944	1.7.1997	31.3.2004
27.	Izat Khan APO Bannu	15.10.1945	1.7.1997	4.10.2005
28.	Mumtaz Ahmad	1.4.1946	1.7.1997	31.3.2006
29.	Sher Ali	16.4.1946	1.7.1997	5.4.2006
30.	Muhammad Irshad	8.9.1937	1.7.1997	7.9.1997
31.	Sultan-e-Room	12.4.1945	1.7.1997	11.4.2005
32.	Saifur Rehman	4.7.1943	1.7.1997	3.7.2003
33.	Munir Ahmad-II	9.7.1939	1.7.1997	8.7.1999
34.	Said Ahmad	19.4.1944	1.7.1997	18.9.2004
35.	Ghulam Habib	15.4.1945	1.7.1997	14.4.2005
36.	Amir Muhammad Shah	4.9.1947	1.7.1997	3.9.2007

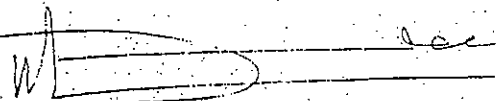
37.	Ghani Gul	13.11.1947	1.7.1997	12.11.2007
38.	Shaukat Ali	25.7.1946	1.7.1997	24.7.2006
39.	Mehboobur Rehman	1.12.1947	1.7.1997	30.11.2007
40.	Gul Zada	25.7.1950	1.7.1997	19.4.1998 retired upon death
41.	Muhammad Mushtaq	1.1.1948	1.7.1997	31.12.2007
42.	Shah Jehan	24.10.1950	1.7.1997	23.10.2010
43.	Ghulam Sarwar	12.4.1950	1.7.1997	11.4.2010
44.	Masal Khan	1.4.1949	1.7.1997	31.3.2009
45.	Mohibullah	15.4.1953	1.7.1997	31.1.2004 pre-mature retirement.
46.	Abdur Rashid	1.4.1951	1.7.1997	9.5.2010 retired upon death
47.	Gul Nawaz Khattak	20.7.1952	1.7.1997	19.7.2012
48.	Muhammad Ishaq	8.2.1947	1.7.1997	7.2.2002 pre-mature retirement
49.	Allah Dad Khan	20.01.1951	1.7.1997	19.1.2011
50.	Inayatullah	1.12.1949	1.7.1997	30.11.2009
51.	Nizam Khan	20.1.1951	1.7.1997	19.1.2011
52.	Gul Daraz	9.1.1952	1.7.1997	8.1.2012
53.	Muhammad Tasleem	25.5.1952	1.7.1997	24.5.2012
54.	Ali Ahmad	20.10.1952	1.7.1997	1.12.2007 pre-mature retirement
55.	Akhtar Zeb	12.4.1948	1.7.1997	14.4.2008
56.	Inamullah-III	29.3.1952	1.7.1997	28.3.2012
57.	Allah Bakhsh	4.6.1946	w.e.f 8.9.1997 due to retirement of Sr.No.30	3.6.2006
58.	Sarwar Jan	10.8.1947	w.e.f 20.4.1998 due to retirement of Sr.No.40	9.8.2007
59.	Hamidullah	14.9.1951	w.e.f 3.5.1998 due to retirement of Sr.No.20	13.9.2011
60.	Muhammad Anwar	1.10.1949	w.e.f 1.6.1998 due to retirement of Sr.No.7	30.9.2009
61.	Dost Muhammad	12.4.1951	w.e.f 16.6.1998 due to retirement of Sr.No.10	11.4.2011
62.	Hussain Ahmad	29.12.1949	w.e.f 9.11.1998 due to retirement of Sr.No.12	28.12.2009
63.	Zahir Shah AO Barikot	30.10.1947	w.e.f 9.7.1999 due to retirement of Sr.33	29.10.2007
64.	Attallah Khan	2.3.1949	w.e.f 30.10.1999 due to retirement of Sr.No.8	1.3.2009
65.	Faiz Muhammad	1.2.1945	w.e.f 1.2.2000 due to retirement of Sr.No.3	3.1.2005
66.	Sher Afzal	8.1.1949	w.e.f 12.3.2000 due to retirement of Sr.No.14	7.1.2009
67.	Ali Ahmad Jan	12.4.1948	w.e.f 15.7.2000 due to retirement of Sr.No.11	11.4.2008
68.	Kashmir Khan	13.6.1948	w.e.f 1.11.2000 due to retirement of Sr.No.13	12.6.2008
69.	Hazrat Muhammad	12.4.1949	w.e.f 20.1.2001 due to retirement of Sr.No.21	11.4.2009
70.	Asmatullah Khan	20.7.1949	w.e.f 8.5.2001 due to retirement of Sr.No.1	19.7.2009
71.	Mehmood Khan	3.10.1949	w.e.f 4.9.2001 due to retirement of Sr.No.6	2.10.2009
72.	Liaqat Ali	08.05.1958	1.7.1997	7.5.2018
73.	Dr. Hafiz Farhad Alai	07.04.1966	1.7.1997	6.4.2026
74.	Syed Sahab Ullah	01.04.1951	1.7.1997	31.3.2011

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy for information and necessary action to:-

1. The Registrar, Peshawar High Court, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa Peshawar. He is requested to circulate the same to all concerned.
4. All concerned District Directors/Officers Agriculture (Extension) in Khyber Pakhtunkhwa.
5. The concerned District Accounts Officers in Khyber Pakhtunkhwa.
6. The Section Officer (Cabinet), Government of Khyber Pakhtunkhwa Establishment and Administration Department w/r to his letter No.SOC(E&AD)9-27/2019 dated 28-1-2020.
7. The Budget Officer-VII, Government of Khyber Pakhtunkhwa, Finance Department.
8. The Section Officer (Admn) Agriculture Department.
9. The Section Officer (Litigation) Finance Department.
10. The Section Officer (Litigation) Agriculture Department.
11. Officers concerned.
12. PS to Secretary Agriculture Department.
13. PA to Deputy Secretary (Admn) Agriculture Department.
14. Master file.



**SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT.**

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Annexure D

Appeal No. 362/2006

Date of Institution. 29.4.2006

Date of Decision. 26.5.2009

Faham Dil Khan, Deputy Director, Agriculture Information,
NWFP Peshawar.

(Appellant)

VERSUS

1. The Secretary to Government of NWFP, Agriculture, Livestock and Cooperative Department, Peshawar.
2. The Director General, Agriculture (Extension) NWFP Peshawar.
3. The Chief Secretary to Government of NWFP, Civil Secretariat, Peshawar.
4. Ghani Gul, Project Director Barani Development Project, NWFP Peshawar and 19 others. (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED SENIORITY LIST STOOD ON 01.5.2005 COMMUNICATED TO APPELLANT ON 21.12.2005 THEREIN THE NAME OF APPELLANT WAS MISSING WITHOUT COGENT REASON AGAINST WHICH HE FILED DEPARTMENTAL APPEAL ON 22.12.2005 BUT THE SAME WAS NOT DISPOSED OFF WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate.

For appellant.

MR. ZAHID KARIM,
Addl. Government Pleader,

For official respondents.

MR ROOHUL AMIN,
Advocate.

For private respondents.

MR. JUSTICE (R) SALIM KHAN,
SYED MANZOOR ALI SHAH,

CHAIRMAN.
MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.

Faham Dil Khan,

appellant, contended that he was initially inducted as Assistant Publicity Officer (BPS-17) and was promoted as Deputy Director, Agriculture, Information (BPS-18) vide order dated 03.7.2003, on the strength of judgment of this Tribunal in Service Appeal No. 2058 of 2000 decided on 14.10.2002. He further contended that the name of the appellant was at S.No. 11 in the seniority list dated 01.1.2004 circulated on 31.1.2004 while the name of the appellant was missing from the seniority list dated 01.5.2005, which was received by the appellant via his letter dated 9.12.2005. He filed departmental appeal dated 22.12.2005, which was not disposed of. The appeal in hand was filed on 29.4.2006, which is slightly time-barred.

TESTED
[Signature]
Tribunal

2. Respondents No. 1 to 3 contested the appeal, and the same was position of the private respondents No. 4 to 23. The grievance of the private respondents was that the appellant was lacking the prescribed qualification for the post of Deputy Director Agriculture Information as laid down in the Service Rules, but he was so promoted in consequence of the judgment of this Tribunal. They are of the view that the prescribed qualification for the post of Deputy Director Agriculture Information was Master Degree in Agriculture Extension and Rural Sociology while the appellant had acquired Master Degree in Journalism (Non-Technical). The official respondents contended, besides the above grievance, that the appellant lacks the qualification for the post of BPS-19.

3. We heard the arguments and perused the record.

4. In order to re-check the issue of the qualification of the appellant, it is necessary to refer to the mentioned judgment of this Tribunal as well as to the relevant Service Rules. The post of Deputy Director of Agriculture Information was to be filled in by promotion on the basis of selection on merit with due regard to seniority from amongst the holders of the posts of Assistant Directors Coordination and Public Relations/Publications/Audio Visual/Assistant Publicity Officers with seven years experience as Assistant Director etc. as mentioned above. M.A Agriculture Extension and Rural Sociology was prescribed for initial recruitment to the post of Assistant Director Coordination and Public Relations/Audio Visual/Publicity Officer with training in Agriculture Journalism or three years experience in Agriculture Publicity works. 50% posts had to be reserved for Assistant Agricultural Information Officers with five years experience as such. It was held in judgment in Service Appeal No. 2058 of 2000 decided on 14.10.2002 that the claim of the respondent department that the appellant was not M.Sc(Agriculture) and was not suitable for promotion to the of Deputy Director Information, was untenable as in accordance with the Recruitment Rules/Method of the appointment prescribed for the post of Deputy Director Information vide Notification dated 22.10.1986, the holder of the post of Assistant Publicity Officer with relevant experience of seven years service was eligible for promotion to the post. The appellant in that case (the present appellant) was declared as permanent holder of the post of Assistant Publicity Officer and had more than 17 years service/experience with M.A Degree in Journalism and was perfectly eligible for promotion to the post of Deputy Director Information as per minimum qualifications prescribed for promotion to the post of Deputy Director Information in the Rules. That judgment had attained finality. The same issue cannot be re-opened under the principle of *res judicata*.

5. It has been abundantly made clear on record that separate cadre of the Deputy Director Agriculture Information has been maintained vide the Service Rules prescribed on 22.10.1986 while separate cadre of Deputy Director Agriculture, Deputy Director Agriculture E&M and others has been maintained vide rules notified on 06.9.2002. It is also clear from the letter dated 06.6.2005 of the Establishment and Administration Department (Regulation Wing) that separate seniority lists had to be maintained if there were two sets of Service Rules, one for Agriculture Graduates and the other for Persons holding Master Degree in Mass Communication.

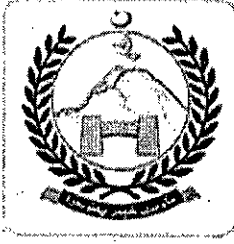
6. The appellant belongs to the group of persons holding Master Degree in Mass Communication. He does not belong to the Group of Agriculture Graduates. The appellant, therefore, is not entitled to search his name in the list of the Agriculture Graduates, and is not entitled to his prayer in the present appeal, with the request that the respondents Nos. 1 and 2 may be directed to rectify the impugned seniority list and enter the name of the appellant therein at a place of his seniority position in accordance with his previous seniority list dated 31.1.2004. The mentioned list appears to be the result of some mis-interpretation of the rules.

7. In the light of the above, we do not find any merit in the present appeal, and we dismiss the same with costs.

ANNOUNCED
26.05.2009

sd/- Justice (R) Kalim Ullah
Chairman
sd/- Dy. J. Manjooji
Member

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**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 718 /ST

Dated: 21-3-2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The Secretary Agriculture Live Stock and Cooperatives
Department,
Government of Khyber Pakhtunkhwa
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 11948/2020 MR. FAHAM DIL KHAN.

I am directed to forward herewith a certified copy of Judgement dated 25.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

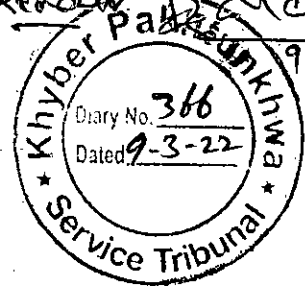

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Urgent / Court matter.

Before the Khyber Pakhtunkhwa
Service Tribunal Peshawar.

Put up to the court with
relevant appeal.

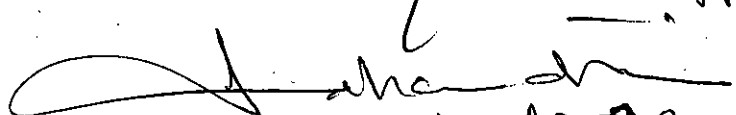
Reader Pakhtunkhwa



Subject: - Judgement default order
1st S.A # 11948/2020 = Fahandi
Vs. Govt of KPK - through ① Secretary
② Secretary Agriculture ③ Secretary
Finance dept KPK. Decided on
25 Jan 2022.

Respected members!

It is humbly submitted
that on classification of the floor
of the court on 23/1/2022 my counsel
has already clarified that out
request of selection grade to the
petitioner is ^{for} B.S/18 instead of BS-20
being clerical & typing mistake. It
is therefore requested that necessary
changes may be done as already
clarified. Thanks = Yours Appealant


S.A # 11948/2020
Decided on 23/1/2022