

16th Dec. 2022

Junior to counsel for the appellant present. Mr.

Muhammad Jan, District Attorney alongwith Asadud Din


Asif Jah, Superintendent for the respondents present. Mrs.

Rozina Rehman, learned Member (J) is on leave, therefore,

the case is adjourned to 08.03.2023 before the D.B.

SCANNED
K . E
Pe. awa

A


(Fareeha Paul)
Member(E)


19.07.2022

Learned counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 19.09.2022 before D.B.

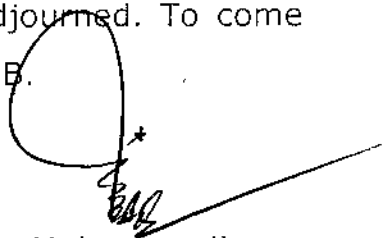

(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

19.09.2022

Learned counsel for the appellant present. Mr. Asad-ud-Din Asif Jah, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 04.11.2022 before the D.B.


(Mian Muhammad)
Member (Executive)

4th Nov. 2022

Lawyers are on strike today.

To come up for arguments on 16.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

12.05.2022

Clerk to counsel for the appellant present. Mr. Naseer Uddin Shah, Asstt. Advocate General for the respondents present.

Due to general strike of the lawyers the case is adjourned. To come up for arguments on 19.07.2022 before D.B.


(Fareeha Paul)
Member(E)


Chairman

~~_____~~

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~~_____~~

~~_____~~

~~prosecution No order as to _____~~

~~_____~~

~~Announce
17.07.2022~~

~~Fareeha Paul
Member~~

~~Chairman
_____~~

P

22.11.2021

Proper D.B is not available, therefore, case is adjourned to 4.2.2021 for the same.


READER

04.02.2022

The Tribunal is non-functional, therefore, the case is adjourned to 15.04.2022 before D.B for the same.


Reader

15.04.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Asad-ud-Din Asif Jah, Superintendent for the respondents present.

Learned counsel for the appellant requested for adjournment to assist the court. Last opportunity is granted. To come up for arguments before the D.B on 12.05.2022.



(Rozina Rehman)
Member (J)




Chairman

02.09.2021

Mr. Ansarullah Khan Advocate, counsel for the appellant present. Mr. Aizaz Procurement Officer alongwith Mr. Usman Ghani, District Attorney for the respondents present.

Representative of the respondents produced Minutes of Meeting of PSB held during the years 2010-11, which is placed on file and come of the same is handed over to the learned counsel for the appellant. Adjourned. To come up for arguments before D.B on 22.11.2021.


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

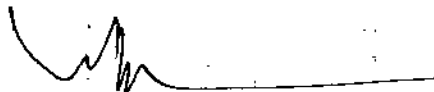

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

30.03.2021

Counsel for appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Aizaz Ali Procurement Officer for respondents present.

Perusal of order sheet dated 20.02.2019 would reveal that representative of the respondents was directed to produce record pertaining to Meeting of P.S.B held on 15.10.2020 and 18.10.2011, but till today, that record was not produced. The representative is strictly directed to produce entire record much before 12/7/2021 for arguments before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

12.07.2021

Mr. Ansar Ullah Khan, Advocate, for the appellant present. Mr. Jalal-ud-Din, Senior Instructor Agriculture alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and requested that time may be granted to them for production of minutes of meeting of PSB held during the years 2010-11. Last opportunity given. To come up for arguments before the D.B on 02.09.2021. Representative of the respondents is directed to positively produce the above mentioned minutes before the D.B on or before the date fixed.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

07.08.2020

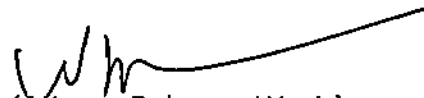
Due to summer vacation case to come up for the same on
27.10.2020 before D.B.


Reader

27.10.2020

Junior to counsel for the appellant and Addl. AG
alongwith Muhammad Numan, Litigation Asstt. for the
respondents present.

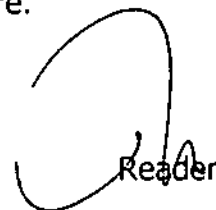
The Bar is observing general strike, therefore, the
matter is adjourned to 28.12.2020 for hearing before the
D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

28.12.2020

Due to summer vacation, case is adjourned to
30.03.2021 for the same as before.

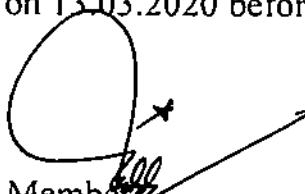

Reader

18.12.2019 Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Being an old case of the year 2015 adjourned by way of last chance. To come up for arguments on 19.02.2020 before D.B.


Member



Member

19.02.2020 Appellant in person present. Mr. Ziaullah, DDA alongwith Mr. M. Noman, Junior Clerk for respondents present. Appellant submitted an application for adjournment as his counsel was busy before the Peshawar High Court, Peshawar. Adjourned but as a last chance. To come up for arguments on 13.03.2020 before D.B.


Member


Member

13.03.2020 Appellant in person and Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 11.05.2020 before D.B.


Member


Member

11.05.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 07.08.2020 before D.B.


Reader

07.10.2019

Due to official tour of Hon'ble Members to Camp Court Swat, the instant matter is adjourned to 16.12.2019 for the same.



Reader

16.12.2019

Junior to counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney along with Jalal ud Agronomist present. Junior to counsel for the appellant is adjournment as senior learned counsel for the appellant is available. Being an old case, adjourned for tomorrow. Adjo To come up for arguments on 17.12.2.019 before D.B.

Member

Member

17.12.2019

Lawyers are on strike on the call of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 18.12.2020 before D.B.



Member



Member

29.03.2019

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Mr. Muhammad Noman, Litigation Member for respondents present.

Representative of respondents has provided copies of minutes of the PSB meetings approved on 19.12.2011 and 17.02.2012. Learned counsel for the appellant requests for time to go through the said documents and further prepare the brief.

Adjourned to 13.06.2019 for arguments before D.B.


Member


Chairman

13.6.2019

The Bench is incomplete, therefore, the case is adjourn for arguments on 06.08.2019 before D.B.


Reader

06.08.2019

Mr. Taimur Ali Khan, Advocate on behalf of counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present.

Former requests for adjournment due to non-availability of his senior learned counsel.

Adjourned to 07.10.2019 before D.B.


Member


Chairman

06.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on ~~20.02.2019~~ before D.B.



Member

20.02.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned DDA alongwith Muhammad Noman Litigation Member for the respondents present.

The appeal was argued by learned counsel for the parties at some length when need for record pertaining to meetings of PSB held on 15.10.2010 and 18.10.2011 was felt.

Representative of respondents is therefore required to produce the said record on the next date of hearing positively. Adjourned to 29.03.2019 before D.B



Member



Chairman

26.03.2018

Clerk to counsel for the appellant and Mr. Usman Ghani, learned District Attorney for the respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for arguments on 29.05.2018 before D.B


(Muhammad Amin Kundi)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

29.05.2018


Counsel for the appellant and Asst. AG alongwith Mr. Jalal ud Din, SMS for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.08.2018 before D.B.



(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

01.08.2018

Appellant in person present. Learned counsel for the appellant is absent. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Jalal-ud-Din, Subject Matter Specialist for the respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 24.09.2018 before D.B.



(Ahmad Hassan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

24.09.2018

Junior to counsel for appellant and Mr. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Jalal Udin Economist present. Junior counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 06.11.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

1386/15

11.07.2017 Appellant alongwith counsel and Mr. Muhammad Jan, DDA alongwith Jalalud Din, Agriculture Officer for the respondents present.

After arguing the case at some length by the learned ~~counsel~~ counsel for the appellant, this Tribunal put a question ^{to} the learned counsel for the appellant that why Nizamud Din was left over when Mr. Fazle Rabbi and Shafiqur Rahman were promoted on 12.1.2012, the learned counsel for the appellant could not reply this question satisfactorily and seeks time for placing relevant record/minutes of the meeting of PSB. To come up for such record and further arguments on 17.11.2017 before this D.B.

Member

Chairman

17.11.2017 Clerk of counsel and Addl. AG for the respondents present. Copies of record submitted. Counsel for the appellant is not in attendance. To come up for arguments on 23.1.2018 before this D.B.

Member

Chairman

23.01.2018 Clerk of the counsel for appellant present. Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 26.03.2018 before D.B.

Member

Chairman

31.08.2016

Counsel for the appellant and Usman Ghani Sr. GP for respondents present. Submitted rejoinder which is placed on file. To come up for arguments on 8.12.2016 before D.B.



Chairman

08.12.2016

Appellant in person and Mr. Jalal ud Din, SMS alongwith Mr. Ziaullah, GP for respondents present. Appellant requested for adjournment. Request accepted. To come up for arguments on

12.4.17

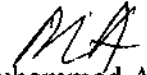

(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

12.04.2017


Appellant alongwith his counsel present. Mr. Muhammad Khan, Assistant Account Officer with Kabirullah Khattak, Assistant AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 11.07.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member


23.5.2016

Counsel for the appellant, M/S Muhammad Khan, AAO and Anwar Ahmad, AAO alongwith Addl. AG for the respondents present. Written by respondent No. 6 submitted. Written reply by respondents No. 1 to 5 not submitted despite last opportunity. Requested for further adjournment on behalf of respondents No. 1 to 5. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents No. 1 to 5 from their own pockets. To come up for written reply/comments of respondents No. 1 to 5 and costs on 21.06.2016 before S.B.


Chairman

21.6.2016

Appellant with counsel and Mr. Ziaullah, G alongwith Mr. Jalal ud Din, Subject matter specialist present. Para-wise comments on behalf of respondents No. 1 to 5 submitted. Cost paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing for 30.8.2016


Member

26.1.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is a retired civil servant . That while serving he was promoted from BPS-18 to BPS-19 with immediate effect vide order dated 21.4.2012 though he was entitled to said promotion with the effect from 15.10.2010. That a similarly placed employee, Fazli Rabbi was also granted promotion with immediate effect vide the same order which was impugned by the said Fazli Rabbi before this Tribunal including the august Supreme Court of Pakistan and that on the strength of the judgment of the august Supreme Court of Pakistan he was granted ante-date promotion with effect from 15.10.2010. That the appellant was also entitled to alike treatment and, therefore, he preferred departmental appeal on 8.9.2015 which was not responded and hence the instant service appeal on 14.12.2015.

Appellant Deposited
Security & Process Fee

That the appellant is entitled to pensionary benefits by granting him ante-date promotion with effect from 15.10.2010 as extended to one Fazli Rabbi a similarly placed employee.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 31.3.2016 before S.B.

Chairman

31.03.2016

Appellant in person and Mr. Ansar Ahmad, AAO for respondent No. 6 alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 23.05.2016 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1386 /2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.12.2015	<p>The appeal of Mr. Nazim-ud-Din resubmitted today by Mr. Muhammad Zafar Tahirkheli Advocate may be entered in the institution register and put up to the Worthy Chairman for proper order.</p> <p><i>[Signature]</i> REGISTRAR</p>
2	23.12.2015	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>23-12-15</u>.</p> <p><i>[Signature]</i> CHAIRMAN</p> <p>Junior to counsel for the appellant. Seeks adjournment. Adjourned for preliminary hearing to 26.1.2016 before S.B.</p> <p><i>[Signature]</i> Member</p>

SCANNED
KFS
Peshawar

The appeal of Mr. Nazim-ud-Din Ex-EDO Agriculture Department received today i.e. on 14.12.2015 is returned to the counsel for the appellant with the direction to submit Two spare copies/sets of the memorandum of appeal along with annexures i.e. complete in all respect within 10 days.


No. 1927 /S.T,

Dt. 14/12 /2015.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.M.Zaffar Tahirkheli Adv. Pesh.

Duly Completed & Resubmitted


15/12/15

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
PESHAWAR

Service App. No: 1386 /2015

Nazim Ud Din

Versus

Govt. of Kp etc

=====
INDEX

S.No	Particulars	Annexure	Dates	Pages
1	Memo of Petition		-	1-3
2	Departmental representation	"A"	08-09-2015	4
3	Order	"B"	25-08-2015	5
4	Notification	"C"	21-04-2012	6
5	Promotion Order	"D"	09-05-2009	7
6	Service Appeal 386/2010	"E"		8-11
7	Judgment	"F"	31-12-2012	12-13
8	S.C Judgment	"G"	18-04-2014	14
9	Vakalatnama		-	15

Dated: 10th Dec, 2015

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

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

Service App. No: 1386 /2015

Nazim Ud Din s/o Shahab Ud Din ,
Ex-Executive District Officer,
Agriculture Extension Department,
District Lower Dir.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar.
2. Secretary, Agriculture Livestock & Cooperative Department,
Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Finance Department,
Khyber Pakhtunkhwa, Peshawar.
4. Secretary, Establishment Department,
Khyber Pakhtunkhwa, Peshawar.
5. Director General, Agriculture Extension Department,
Khyber Pakhtunkhwa, Peshawar.
6. Accountant General, Khyber Pakhtunkhwa, Peshawar. Respondents

**N.W.F. Province
Service Tribunal
Diary No. 1445
Dated 14-12-2015**

=====

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, WHEREBY THE DEPARTMENTAL REPRESENTATION OF THE APPELLANT
DATED 08-09-2015 (ANNEX-A), FOR THE GRANT OF ANTI DATE PROMOTION
W.E.F 15-10-2010 WAS NOT DECIDED TILL THE LAPSE OF STATUTORY PERIOD
OF LIMITATION.**

=====

PRAYER IN APPEAL:

- (a) By accepting the present appeal, directing the respondent department to consider / grant anti date promotion to the appellant from BPS-18 to BPS-19 w.e.f 15/10/2010 instead of 21/04/2012, as allowed to his colleague Mr. Fazli Rabbi, who was granted promotion with retrospective effect from 15-10-2010 vide order dated 25-08-2015, in view of the judgment of Supreme Court of Pakistan in CP NO. 584-P/2013 and judgment of Khyber Pakhtunkhwa Service Tribunal in Execution Petition No. 47/2013 in Appeal No. 386/2012.
(Copy annexed marked "B")
- (b) Directing the respondent department to extend the benefit of promotion to BPS-19 to the appellant w.e.f 15-10-2010, in view of the dictum laid down in 1996 SCMR 1185.
- (c) Further directing the respondent department to amend / modify the appellant's promotion order dated 21-04-2012, whereby he was promoted from BPS-18 to BPS-19, from immediate effect, and allow / consider him for promotion w.e.f 15-10-2010. **(Copy annexed marked "C")**
- (d) Any other remedy deemed appropriate may also be granted in addition to the relief claimed above.

=====

*Filed to the
Registrar*

Respectfully Sheweth,

Facts:

1. The appellant was selected and appointed as Agriculture Officer in the year 13-01-1977. He was promoted to BPS-18 on 09-05-2009 and was allowed promotion to BPS-19 vide order dated 21-04-2012 with immediate effect. (Copy annexed marked "D")
2. That one Me. Fazli Rabbi, Ex-Director Co-Ordination / Planning & Monitoring (BPS-19) HQ of Agriculture Extension Wing, a colleague of the appellant, who was promoted from BPS-18 to BPS-19 vide order dated 12-01-2012, with immediate effect, approached the Hon'ble Khyber Pakhtunkhwa Service Tribunal through Service Appeal No. 386 of 2012, requesting for promotion w.e.f 15-10-2010. (Copy annexed marked "E")
3. Mr. Fazli Rabbi's service appeal was allowed vide judgment of this Hon'ble Tribunal dated 31-12-2012, whereby the respondent department was directed to allow anti date promotion to him w.e.f 15-10-2010. (**Copies annexed marked "F"**)
4. The respondent department approached the august Supreme Court of Pakistan through CP No. 584-P of 2013, which was dismissed vide judgment and order dated 18-04-2014. The Hon'ble Tribunal's judgment dated 31-12-2012 gained finality and resultantly in compliance with the directions of this Hon'ble Tribunal in Execution Petition No. 47/2013, the respondent department allowed / granted anti date promotion to Mr. Fazli Rabbi w.e.f 15-10-2010 **instead of** "with immediate effect" vide order dated 25-08-2015. (Annex "**B"**)
(Copy annexed marked "G").
5. That the appellant preferred his representation dated 08-09-2015 on the same analogy for his anti date promotion w.e.f 15-10-2010, instead of 21-04-2012, which was not decided till the statutory period of limitation of 90 days.

Feeling aggrieved and finding no other remedy the appellant was constrained to approach this Hon'ble Service Tribunal for the redress of his grievance, inter-alia on the following:-

GROUND

- (a) The impugned omission is arbitrary and discriminatory on the part of the respondent department. The appellant's colleague in the same scale was allowed anti date promotion to BPS-19 w.e.f 15-10-2010, whereby the appellant was ignored for no apparent reason.
- (b) That this Hon'ble Tribunal has already allowed the benefit to one Me. Fazli Rabbi, Ex-Director Co-Ordination / Planning & Monitoring (BPS-19) HQ of Agriculture Extension Wing, a colleague of the appellant, vide judgment and order dated 31-12-2012. He was allowed anti date promotion with effect 15-10-2010 vide notification dated 25-08-2015.
- (c) The appellant has been ignored by the respondent department, who filed his representation for the grant of anti date promotion on the same analogy. The respondent department was bound to extend the benefit of anti date promotion to the appellant in view of the dictum laid down in 1996 SCMR 1185, which was however not allowed for any rhyme or reason.
- (d) The appellant being senior to one Mr. Fazli Rabbi, Ex-Director Co-Ordination / Planning & Monitoring (BPS-19) HQ of Agriculture Extension Wing, and fulfilling the requisite criteria for promotion, may also be allowed to anti date promotion on the same analogy w.e.f 15-10-2010.

- (e) There is nothing against the appellant which could have deprived him of his legitimate right. The appellant fully meets the requisite criteria, therefore his appeal merits acceptance and may be treated at par with his other colleague in the same cadre / scale.
- (g) The impugned omission on the part of the Respondent department is in clear violation of the judgment of superior courts and is against the established principles of equity and justice, calling for interference by the Hon'ble High Court.
- (h) The petitioners seek leave of the Hon'ble Court to rely on additional grounds at the time of arguments.

In view of the above, it is requested that by accepting this appeal, the appellant may be allowed anti date promotion w.e.f 15-10-2010, as allowed to his colleague vide order dated 31-12-2012 in Service Appeal No. 386/2012 by this Hon'ble Tribunal

Any other relief deemed appropriate may also be granted in addition to the relief claimed above.


Appellant

Through

Peshawar, Dated
10th Dec, 2015

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate


(Ansar Ullah Khan)
Advocate

Affidavit

I, the appellant, do hereby stat on Oath that the contents of the above appeal are true and correct and nothing has been concealed or withheld from this Hon'ble Tribunal.


DEPONENT

4

ANNEXURE

A

To,

The Chief Secretary,
Khyber Pakhtunkhwa.
Peshawar.

Through: Proper Channel.

Subject: DEPARTMENTAL APPEAL FOR PROMOTION TO BS: 19 FROM 15.10.2010
INSTEAD OF 21st April, 2012.

Respected Sir,

Kindly refer to the Notification issued vide Section Officer (Estt.), Agriculture Department Khyber Pakhtunkhwa No: SOE (AD) V-7/ 2011/ Ext dated Peshawar the 25.8.2015 through which my colleague in the same panel Mr, Fazli Rabbi, Ex-Director Co-ordination/Planning and Monitoring was allowed promotion from 15.10.2010 instead of 21st April, 2012 in light of the Court Judgment (Copy of Notification attached).

It is pertinent to quote here that the Honorable Supreme Court of Pakistan in its Judgment in 1996 SCMR 1185 has dictated that,

We may observe that if the Tribunal or this court besides appointment of law relating to the terms of reference of civil servant which covers not only the case of civil servant who litigated but also of the other civil servants, who may have not taken any legal proceedings, in such a case the dictates of justice and rule of good governance demands that the benefits of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the tribunal or any other legal forum.

The above view was re-iterated in 2005 PLC CS 368 and followed in 2006 PLC CS 11 as well as SCMR 1.

In view of above it is humbly requested that my promotion from BS: 18 to BS; 19 may also be considered w.e.f 15.10.2010 instead of 21st April, 2012 on the precedent being followed in case of my colleague.

I will be extremely grateful for this act of kindness. Thanks

Yours Sincerely

Dairy No. 6644
8/9/2015

Nazim ud Din
Nazim ud Din 08/09/15

Ex- Executive District Officer
Agriculture Extension Department
District Dir Lower.

THIS COPY

J



5
GOVERNMENT OF PESHAWAR B
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the 25th August, 2015

NOTIFICATION.

NO. SOE (AD) V-7/2011/Ext.- In compliance with the judgment of Supreme Court of Pakistan dated 18/04/2014 in Civil Petition No:584-P of 2013 and Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 31/12/2012 in the Execution Petition No.47/2013 in the Appeal No.386/2012 and upon the recommendations of the Provincial Selection Board (PSB) and Government of Khyber Pakhtunkhwa, Finance Department, the competent authority is pleased to antedate promotion of Mr.Fazli Rabbi ex-Director Coordination/Planning and Monitoring (BS-19) HQ of Agriculture-Extension Wing at Sr.No.2 of this department Notification of even number dated 12/01/2012 with effect from 15.10.2010 **instead of** with immediate effect.

Sd/-

SECRETARY AGRICULTURE

Endst. of even No. & Date.

- Copy forwarded for information and necessary action to:-
1. The DG, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
 2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
 3. The Chairman, Khyber Pakhtunkhwa Service Tribunal, Peshawar w/r to his notice dated 13/08/2015 in the Execution Petition 47/2013 in the Appeal No.386/2012 for information.
 4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
 5. The Budget Officer-VII, Government of Khyber Pakhtunkhwa, Finance Department w/r to his letter No.BOVII/FD/2-3/DGA(E)/2015-16 for information.
 6. Officer concerned through DG, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.
 7. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
 8. Personal file.

(Signature)
(DILAWAR KHAN)
SECTION OFFICER-ESTT:

TRIAL COPY
(Signature)



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

Dated Peshawar, the April 21, 2012

NOTIFICATION.

NO.SOE(AD)V-7/2011:- On the recommendations of the Provincial Selection Board, the competent authority is pleased to promote the following Officers of Agriculture Extension Department from BS-18 to BS-19 on regular basis with immediate effect. They will be on probation for a period of one year, except Sr.1 i.e till his retirement date:-

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

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

S.NO	Name of Officer	From	To
1.	Mr.Nazimud - Din	Executive District Officer (Agriculture), Dir Lower (BS-19) (ops)	EDO (Agriculture), Dir Lower (BS-19)
2.	Mr.Saadullah Khan	Director Horticulture Headquarter BS-19 (In his own pay & scale)	Director Horticulture HQ Peshawar (BS-19)
3.	Mr.Amir Khan	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar (Ops)	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar
4.	Mr.Muhammad Younas	District Director Agriculture, Abbottabad (BS-19) (ops)	EDO (Agriculture) Abbottabad (BS-19)
5.	Mr.Muhammad Iqbal.	Subject Matter Specialist Agronomy & Extension BS-18 o/o DDA, Abbottabad	District Director Agriculture Abbottabad BS-19 (ops)

Sd/-XXX
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Dir Lower, Nowshera and Abbottabad.
4. Officers concerned.
5. Personal file of the Officers.
6. Master file.

(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

MAY 2012

7

ANNEXURE D

GOVERNMENT OF NWFP
AGRICULTURE, LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 9/5/2009.

NOTIFICATION.

NO. SOE (AD) V-7/2008.- On recommendations of the Provincial Selection Board (PSB), the competent authority is pleased to promote the following officers of Agriculture Extension Wing of this Department from BS-17 Supervisory to BS-18 on regular basis with immediate effect:-

S.No.	Name of Officers
1.	Mr. Nazimuddin
2.	Mr. Saadullah Khan
3.	Mr. Fazli Rahim Bangash.
4.	Mr. Abbas Khan
5.	Mr. Amir Khan
6.	Mr. Muhammad Younas
7.	Mr. Abdur Rashid
8.	Mr. Said Aman
9.	Mr. Ghulam Muhammad
10.	Mr. Sadiq Hussain Shah
11.	Mr. Salahuddin
12.	Mr. Muhammad Aslam Khan
13.	Mr. Said Mehmood
14.	Mr. Ishtiaq Ahmad
15.	S. Riaz Ahmad Shah
16.	Mr. Siraj Muhammad
17.	Mr. Gul Daraz
18.	Mr. Maqsood Ahmad
19.	Mr. Qayum Jan
20.	Ms. Talat Jabeen
21.	Mr. Muhammad Salim

2. Their posting order will follow subsequently.

**SECRETARY TO GOVT. OF NWFP
AGRICULTURE, L/STOCK AND COOP: DEPTT:**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), NWFP, Peshawar.
2. The Accountant General, NWFP, Peshawar.
3. The Director, Agriculture (Extension) FATA, NWFP, Peshawar.
4. Officers concerned.
5. PS to Chief Minister, NWFP.
6. PS to Chief Secretary, NWFP.
7. PS to Minister for Agriculture, NWFP.
8. PS to Secretary Agriculture, NWFP.
9. Master file.
10. Personal file.

RECEIVED
11/5/09

(SAE) (SAR-REHMAN)
SECTION OFFICER-ESTT:

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.

In re
Service Appeal No. 386 /2012

Fazal RabiV/S.....Govt. of Khyber Pakhtunkhwa through
Chief Secretary Peshawar and others.

INDEX

S.No.	Description of documents.	Annexure	Pages.
1	Memo of service appeal of the appellant.		1-3
2	Copy of notification dt.12.01.2012		4
3	Copy of application dt.25.01.2012		5
4	Copy of letter dt.29.02.2012		6
5	Copy of orde dt.28.4.2011		7-9
6	Wakalatnama.		13

Appellant

Through

Rooh-ul-Amin
&

Ayub Khan Shinwari
Advocates, Peshawar

Dated: 17.03.2012

4513 DS
02-05-12-20 Lit

[Handwritten signature]

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 386 /2012

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

Versus

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Secretary Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
3. Director General Agriculture (Extension), K.P, Peshawar.
4. Secretary Establishment, Khyber Pakhtunkhwa, Peshawar. ... Respondents

**Service Appeal under Section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act, 1974.**

Prayer:

On acceptance of this Service Appeal the impugned Notification No SOE(AD)V-7/2011/Ext dated 12 Jan, 2012 to the extent whereby the Appellant was promoted with immediate effect i.e., 18-10-2011 may kindly be set aside and the respondents may kindly be directed to promote the Appellant with effect from 15-10-2010.

Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the Appellant was appointed as Agriculture Officer in the respondent Department on 29-04-1974.
2. That on 15-10-2010 the respondent Department held its PSB meeting wherein the agenda of promoting the Appellant was schedule wherein the Appellant was recommended for promotion to BPS-19 but the respondent Department did not promoted the Appellant due to the fact that one Mi

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[Signature]

Faham Dil, Senior Instructor, Agricultural Training Institute, Peshawar had already filed a Service Appeal No 504/2008 pertaining to the seniority before the NWFP now Khyber Pakhtunkhwa Service Tribunal, Peshawar wherein the learned Tribunal had ordered Status Quo vide order dated 28-04-2011.

- 3. That later on the learned tribunal was pleased to vacate the Status Quo order and subsequently another PSB meeting was held on 18-10-2011 by the respondent Department wherein the respondents promoted the Appellant from BPS-18 to BPS-19 with immediate effect vide Notification No SOE(AD)V-7/2011/Ext dated 12 January, 2012.
- 4. That it is pertinent to mention here that the Appellant was eligible for promotion to BPS-19 since long and in the first PSB meeting held on 15-10-2010 the Appellant was recommended for promotion to BPS-19 but due to the pendency of the Service Appeal No 504/2008 the Appellant was not promoted.
- 5. That aggrieved of the aforesaid Notification dated 12 January, 2012 the appellant filed Departmental Appeal on 25-01-2012 which was considered and rejected vide order No SOE(AD)21-114/81 dated 29 February, 2012. Hence the Appellant is constrained to approach this learned Tribunal on the following amongst other grounds:

Grounds:

- a. That the impugned Notification No SOE(AD)V-7/2011/Ext dated 12 Jan, 2012 to the extent whereby the Appellant was promoted with immediate effect i.e., 18-10-2011 and not from the date of recommendations made in the first PSB meeting held on 15-10-2010, is against the law, illegal, unlawful, with lawful authority and with out jurisdiction, hence liable to be set aside to that extent.
- b. That the impugned order has not been passed in accordance with the law, rules and policy thus calling interference of this learned Tribunal.
- c. That in the first PSB meeting the Appellant was recommended for promotion to BPS-19 but due to the pendency of the Service Appeal No 504/2008 the Appellant was not promoted, furthermore not only the post in BPS-19 was vacant but the Appellant was also eligible for promotion since long.
- d. That the appellant was eligible for promotion to BPS-19 since long but due to the pendency of the Service Appeal No 504/2008 the Appellant was not promoted without any fault on his part.
- e. That it is a well settled principle established by the dictums of Supreme Court of Pakistan that a Civil Servant will be promoted to the higher post from the date when the post becomes vacant and the Civil Servant becomes

- f. That the respondent Department fell in err while holding that promotion of Civil Servant to higher scale is permissible from immediate effect and not from retrospective effect because the Appellant was not only fit and eligible for promotion but was also recommended by first PSB meeting held on 15-10-2010, thus the Appellant is being deprived of his vested right.
- g. That the respondent Department has passed the impugned order with out applying an independent mind on the basis of malafide and extraneous considerations.

It is, therefore, prayed that on acceptance of this Service Appeal the impugned Notification No SOE(AD)V-7/2011/Ext dated 12 Jan, 2012 to the extent whereby the Appellant was promoted with immediate effect i.e., 18-10-2011 instead from the date of recommendations of the first PSB meeting held on 15-10-2010 may kindly be set aside and the respondents may kindly be directed to promote the Appellant with effect from 15-10-2010.

Appellant,
Through
Rooh ul Amin
&
M Ayub Khan Shinwari
Advocates Peshawar

AFFIDAVIT

I, Fazal Rabbi, Director Coordination, Directorate General, Agriculture (Ext) Peshawar do hereby solemnly affirm and declare on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Learned Tribunal.

ATTESTED
VALID MAHBOOB ADVOCATE
OATH COMMISSIONER
PESHAWAR HIGH COURT
17-3-12

DEPONENT

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17/3/12

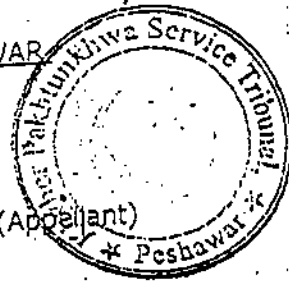
12 - A Annexure R 107

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 386/2012

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

(Appellant)



VERSUS

1. Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
2. Secretary Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
3. Director General Agriculture (Extension) Khyber Pakhtunkhwa, Peshawar.
4. Secretary Establishment, Khyber Pakhtunkhwa, Peshawar. (Respondents).

S.No.	Date of Hearing	Order/other proceedings with signature of Judge/Magistrate
1	2 31.12.2012	3 Appellant with counsel, and Mr. Sherafgan Khattak alongwith Muhammad Khan, Superintendent for the respondents present. Arguments heard and record perused. 2. This appeal has been filed by the appellant Fazal Rabbi, under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the notification dated 12.1.2012, whereby the appellant has been promoted with immediate effect instead of 15.10.2010. It has been prayed that on acceptance of the appeal, the notification dated 12.1.2012 may be modified to the extent his promotion may be ante-dated w.e.f. 15.10.2010 instead of with immediate effect. 3. The learned counsel for the appellant argued that the appellant was appointed as Agriculture Officer in the respondent department on 29.4.1974. On 15.10.2010 the respondent department held its PSB meeting for consideration promotion cases of the appellant alongwith others. He was considered fit for promotion but due to status quo order dated 28.4.2011, granted by this Tribunal in Execution Petition No. 3/2010 in Service Appeal No. 504/2008 in favour of Faham Dil, Senior Instructor. Later on the status quo was vacated and another PSB meeting was held on 18.10.2011 and the appellant was promoted from BPS-18 to BPS-19 with immediate effect instead of ante-dation of his promotion w.e.f. 15.10.2010. He further argued that the appellant was entitled to be promoted from the date of availability of the post under

ATTESTED
 Director General Agriculture
 Peshawar

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the law. In support of his arguments, the learned counsel for the appellant relied on 2006-SCMR-1938 and unreported judgment dated 24.5.2012 of the august Supreme Court of Pakistan in Civil Appeals Nos. 860 to 861 of 2010. He stated that the appellant is also entitled to the same treatment under the law. He requested that the appeal may be accepted as prayed for.

4. The learned AAG argued that the case of appellant for promotion to BPS-19 was submitted to the Provincial Selection Board well in time but due to status quo order issued by this Tribunal in Execution Petition No. 3/2010, he could not be promoted. After vacation of status quo, he has been considered by the PSB and promoted vide notification dated 12.1.2012 with immediate effect. He requested that the appeal may be dismissed.

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

6. In view of the above, the appeal is accepted and the respondents are directed to ante-date promotion of the appellant w.e.f. 15.10.2010. Parties are left to bear their own costs. File be consigned to the record.

ANNOUN
31.12.20

Sd/- Syed Manzoor Ali Shah
Member

Sd/- Feroz Ullah Khan
Member

Director Plant Protection
Directorate General Agriculture
(Ext), Khyber-Pakhtunkhwa
Peshawar

Date of Presentation of Notice of Appeal: 1-1-2013

Certified to be true copy
E.M. Khyber
Service Tribunal
Peshawar

Stamp and signature at the bottom right corner.

16

AMIRKUN

9

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Jawwad S. Khawaja
Mr. Justice Iqbal Hameedur Rahman
Mr. Justice Mushir Alam

Civil Petition No.584-P of 2013
(Against the judgment dated
11.12.2012 of the Khyber Pakhtunkhwa
Service Tribunal, Peshawar passed in
Appral No.346/2012)

Chief Secretary Govt. of KPK, etc. ... Petitioner(s)
Versus ... Respondent(s)
Fazal Rabbi
For the appellant(s) Mr. Naveed Akhtar, Addl. AG, KPK
For the respondent(s) N. R.
Date of hearing: 18.04.2014

ORDER

Jawwad S. Khawaja, J.- This petition admittedly is barred by 226 days. It is unfortunate that the interests of the Province have not been adequately safeguarded. Other instances have also come to our notice where cases of the Province are not filed within time. An application for condonation of delay (CMA-877-P/13) has been submitted but the same does not disclose any valid reason which would justify such an inordinate delay. The application is, therefore, dismissed. As a consequence, the civil petition is also dismissed on the ground of limitation.

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

Certified to be True Copy

[Signature]
20/4/14
Supreme Court of Pakistan
Islamabad



ISLAMABAD
18 April, 2014

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Civil/Criminal
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2-309
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[Signature]

KHYBER PAKHTUNKHWA Service Tribunal
Peshawar.

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

15

VAKALATNAMA

In the Court of **Khyber Pakhtunkhwa Service Tribunal, PESHAWAR**

No. _____ of 2015

Petitioner
Plaintiff
Applicant
Appellant
Complainant

Nazim Ud Din

Decree-Holder

VERSUS

Respondent
Defendant
Opponent
Accused
Judgment-Debtor

Govt. of KP etc.


I / We **Nazim Ud Din,** the above noted **appellant** do hereby appointed and constitute, **Muhammad Zafar Tahirkheli & Ansar Ullah Khan, Advocates High Court**, to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.


The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.


I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

Dated 10-12-15

Office **ATIQ LAW ASSOCIATES,**
87, Al-Falah Street, Besides State Life Building,
Peshawar Cantt, Phone: 091-5279529
E-mail : zafark.associate@gmail.com



Client

M. Zafar Tahir
Attested & Accepted (Advocates)



Ansar Ullah Khan

"B"

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

No.

Appeal No. 1386 of 2015

Appellant/Petitioner

Versus

Respondent

Respondent No. 5

Notice to:

*Director General Peshawar
Government of Khyber Pakhtunkhwa*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on ~~20/11/2015~~ at 8:00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

Office Notice No.dated.....

Given under my hand and the seal of this Court, at Peshawar this *20/11/2015*

Day of *Feb* 20/6

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. 1386 of 20 15

M. A. Jinnah Appellant/Petitioner
Versus

Govt of KP through Chief Secretary Respondent
Respondent No. 1

Notice to: Govt of KP through Chief Secretary
Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 21-3-2016 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 3
Day of Feb 2016.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. 1386 of 20 15.

Mr. Nizam ul-Din Appellant/Petitioner

Versus

Govt. of P.K., through, Chief Secretary, Respondent

Respondent No. 2

Notice to:

Secretary Agriculture Livestock & Fisheries Deptt. P.K. Jhelum


WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 31-3-2016 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 3rd.....

Day of Feb, 2016.


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. 1386 of 20 13

Muzaffar Hussain Appellant/Petitioner

Versus

Secretary, K.P.K. Police, Peshawar Respondent

Respondent No. 4

Notice to: - Secretary, K.P.K. Police, Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 3-2-13 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. 322 dated 1-2-13

Given under my hand and the seal of this Court, at Peshawar this 3-2-13

Day of Feb 20 13

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No.....1386..... of 2015

M. A. Khan Appellant/Petitioner
Versus

Govt. of K.P.K. Province Respondent
Respondent No.....6.....

Notice to: - *ACG constant General*
KPK, Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 21/2/2016 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 21/2/2016

Day of Feb, 2016

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 1386/2015

Mr. Nazim-ud-Din s/o,
Shahab-ud-Din Ex-Executive District Officer
Lower Dir

APPELLANT

VERSUS

- 1- Government of Khyber Pakhtunkhwa,
Through Chief Secretary Peshawar.
- 2- Secretary Agriculture Livestock &
Cooperative Department Government of
Khyber Pakhtunkhwa Peshawar.
- 3- Secretary to Government of Khyber Pakhtunkhwa
Finance Department Peshawar
- 4- Secretary to Government of Khyber Pakhtunkhwa
Establishment Department Peshawar
- 5- Director General,
Agriculture (Extension)
Khyber Pakhtunkhwa, Peshawar.
- 6- Accountant General Khyber Pakhtunkhwa Peshawar.

RESPONDENTS

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1, 2, 3, 4 & 5

PRELIMINARY OBJECTIONS

1. That the appellant has got no locus standi to file the instant appeal.
2. That the appeal is not maintainable in its present form and liable to be dismissed.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has deliberately concealed the material fact from this Hon'ble Services Tribunal.
5. That the appellant has not come to this Honorable Service Tribunal with clean hands.
6. That the appeal is time barred.
7. That the Honorable Service Tribunal has no jurisdiction to entertain this appeal as the appellant has already been retired from Government Service.

ON FACT PARA-WISE COMMENTS

Para-1 Pertains to record.



Para-2 The Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department issued promotion order of the appellant from BS-18 to BS-19 post on regular basis with immediate effect vide Notification No SOE (AD) V-7 / 2011 dated 21-04-2012, (Annexure-A), but the appellant not submitted any appeal/request to the Department as well as the Honorable Tribunal against the promotion orders within the prescribed time limit.

Para-3 That the appellant/^{was} promoted from BS-18 to BS-19 posts, the appellant not challenge the promotion order ^{before} any Court of Law for ante-date promotion, but the appellant ^{kept} silent till the decision of the Hon'ble Service Tribunal in the case of Mr. Fazle Rabi.

Para-4 Correct.

Para-5 In correct, the Departmental appeal of the appellant has been regretted by the competent authority on the ground that there is no provision with regard to ante-date promotion in the promotion policy 2009, of the provincial Government, and according to Para-1 (VI) of promotion policy 2009, of the Provincial Government provides that promotion will always be notified with immediate effect vide Government of Khyber Pakhtunkhwa Establishment Department (Regulation wing) letter No SOR.III(E & AD) 1-2/2014 Vol-VII, dated 03-02-2016, (Annexure-B).

GROUND

Para-a The ante-date promotion was allowed to Mr. Fazle Rabi in service appeal No 386/2012 vide judgment dated 31-12-2012, by the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar, whereby the appellant has neither file^d any appeal in the Khyber Pakhtunkhwa, Service Tribunal nor to the Department, against the promotion orders issued by the Government of Khyber Pakhtunkhwa within the prescribed time limit.

Para-b Detail reply is given in Para-2 of the facts.

Para-c In correct. Detail reply is given in Para-5 above.

Para-d In correct. According to the Seniority list of BS-18 officers as stood on 01-03-2011, notified vide Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department Notification No SOE (AD) II (2) 391 / 2011 dated 16-08-2011, Annexure-C, the name of the appellant mentioned at serial No 4 while the name of Mr. Fazle Rabbi mentioned at serial No 2, therefore, the appellant is junior to Mr. Fazle Rabbi & not entitled for anti-date promotion on the same analogy. The decision arrived in favour of Mr. Fazle Rabbi, then the

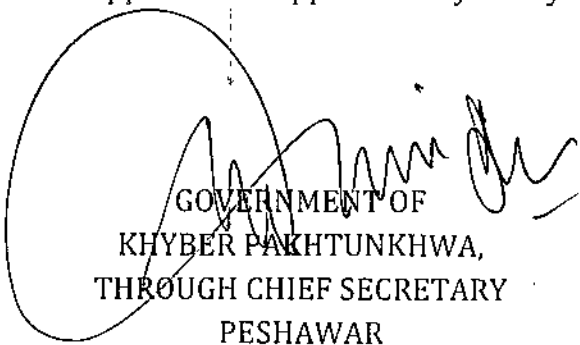
appellant submitted Departmental appeal and requested to allow anti-date promotion on the same analogy w.e from 15-10-2010, as the appellant has already retired from service on superannuation with effect from 01-05-2012, afternoon, vide Notification No SOE (AD)/21-132/80 dated 08-05-2012, (Annexure-D).

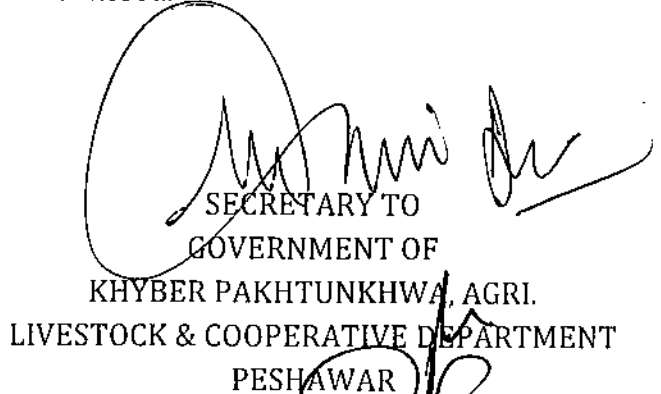
Para-e In correct; that the appeal of the appellant is time barred and not according to the Para-1 (VI) of promotion policy 2009.

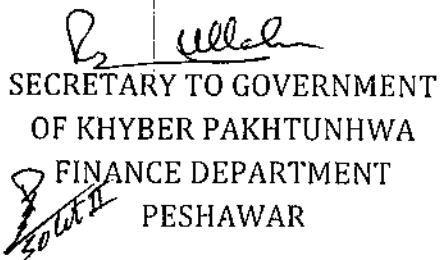
Para-g In correct Detail reply is given in Para- d & e.

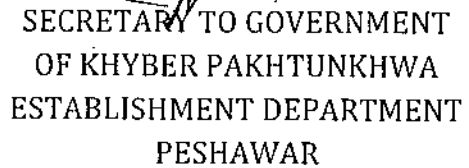
Para-h No Comments hence denied.

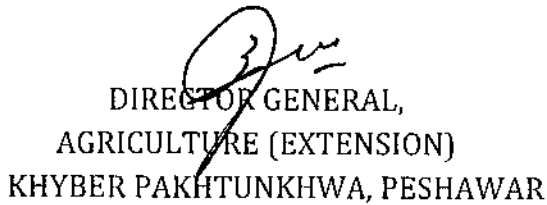
It is hereby humbly prayed that on acceptance of the instants comments, the appeal of the appellant may kindly be dismissed.


GOVERNMENT OF
KHYBER PAKHTUNKHWA,
THROUGH CHIEF SECRETARY
PESHAWAR


SECRETARY TO
GOVERNMENT OF
KHYBER PAKHTUNKHWA, AGRI.
LIVESTOCK & COOPERATIVE DEPARTMENT
PESHAWAR


SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
PESHAWAR


SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
PESHAWAR


DIRECTOR GENERAL,
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

Annex-A

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

Dated Peshawar, the April 21, 2012

NOTIFICATION.

1. DSCE(AD)V-7/2011:- On the recommendations of the Provincial Selection Board, the competent authority is pleased to promote the following Officers of Agriculture Extension Department from BS-18 to BS-19 on regular basis with immediate effect. They will be on probation for a period of one year, except Sr.1 i.e till his retirement date:-

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

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

S.NO	Name of Officer	From	To
1.	Mr. Nazimud - Din	Executive District Officer (Agriculture), Dir Lower (BS-19) (ops)	EDO (Agriculture), Dir Lower (BS-19)
2.	Mr. Saadullah Khan	Director Horticulture Headquarter BS-19 (In his own pay & scale)	Director Horticulture HQ Peshawar (BS-19)
3.	Mr. Amir Khan	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar (Ops)	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar
4.	Mr. Muhammad Younas	District Director Agriculture, Abbottabad (BS-19) (ops)	EDO (Agriculture) Abbottabad (BS-19)
5.	Mr. Muhammad Iqbal	Subject Matter Specialist Agronomy & Extension BS-18 o/o DDA, Abbottabad	District Director Agriculture Abbottabad BS-19 (ops)

**Sd/-XXX
SECRETARY AGRICULTURE**

Post. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Dir Lower, Nowshera and Abbottabad.
4. Officers concerned.
5. Personal file of the Officers.
5. Master file.

3-19
**(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:**



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

22

Annex-B

NO. SOR.III(E&AD) 1-2/2014 (Vol-VII)
Dated Peshawar the 3rd February, 2016

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Agriculture, Livestock & Cooperative Department

Subject: DEPARTMENTAL APPEAL FOR PROMOTION TO BS-19 FROM
15.10.2010 INSTEAD OF 21.4.2012 IN RESPECT OF MR NANIMUD
DIN EX-EDO AGRICULTURE DIR LOWER

Dear Sir,

I am directed to refer to the Agriculture Department letter NO. SOE (AD) 21-132/80 dated 19.01.2016 on the subject cited above and to state that there is no provision with regard to ante-date promotion in the Promotion Policy, 2009 of the Provincial Govt. According to the Para-1 (VI) of Promotion Policy, 2009 which provides that promotion will always be notified with immediate effect; hence request of Mr. Nazim-Ud-Din is not entertain-able and may be regretted.

Yours Faithfully,

(SHAFI-UL-AHMAD)
SECTION OFFICER(R-III)
Phone # 9211793

Handwritten notes:
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Handwritten notes:
306
2/2/2016

Secretary Agriculture

No. *1169*
Date *4/2/16*

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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOP. DEPARTMENT.

Dated Peshawar, the 16TH August, 2011.

NOTIFICATION.

NO.SOE(AD)II(2)391/2011. In pursuance of Section-8 (1) of NWFP Civil Servants Act, 1973 read with Rule-17 of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989,

final seniority list of BS-18 officers of Agriculture (Extension) Department as stood on 01-03-2011 is notified/circulated:-

S.No.	Name of officer with academic qualifications	Date of birth and domicile	Date of 1 st entry into Govt. service.	Regular appointment / promotion to present posts.	Date	Method of recruitment	Present appointment	Remarks
1.	Shafiqur Rehman M.Sc Hons:Agri: Entomology.	28.12.1951 Lower Dir	15.1974 Agri. Assn.	25.4.2008	18	By Promotion	FDO Agri: Lower Dir (ops).	
2.	Fazli Rabbi M.Sc Hons Agri: Agronomy	8.2.1952 FR Kohat	15.1974 Agri. Assn.	25.4.2008	18	By Promotion	D.A (FATA) KPK. Pesh (ops)	
3.	Sinaha Khan B.Sc Hons: Agri: Soil Science	24.6.1954 DIKhan	11.1.1977 Agri: Officer	25.4.2008	18	By Promotion	DOA, Pesh.	
4.	Nazimuddin M.Sc. Agri: Agronomy	25.1952 Dir	13.1.1977 Agri: Officer	9.5.2009	18	By Promotion	DOA, Dir Lower	
5.	Saadullah Khan, M.Sc. Agri: Soil Science.	24.5.1954 Bannu	13.1.1977 Agri: Officer	9.5.2009	18	By Promotion	Horticulturist HQ	
6.	Abbas Khan, B.Sc. Hons: Agri: Economics.	13.8.1951 S.W. Agency	14.1.1977 Agri: Officer	9.5.2009	18	By Promotion	AAO, SWA, Wana	
7.	Amir Khan, B.Sc. Hons: Agri: Chemistry	15.1953 L.Marwat	14.1.1977 Agri: Officer	9.5.2009	18	By Promotion	DDA (FATA) Peshawar	
8.	Muhammad Younas, M.Sc Hons: Agri: Chemistry.	34.1953 Abbotabad	15.1.1977 Agri: Officer	9.5.2009	18	By Promotion	DOA, Abbotabad	

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the May 8, 2012

NOTIFICATION

N.O. SOE (AD)/21-132/80:- In terms of provisions of Rule-20 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 and instructions contained there under issued from time to time, sanction is hereby accorded to the encashment of Leave Preparatory to Retirement, equal to 180-days pay in favour of Mr. Nazimuddin, Executive District Officer (Agriculture) Dir Lower.

In terms of section-13 of the Khyber Pakhtunkhwa Civil Servants Act 1973, the officer retires from service with effect from 01.05.2012 (AN) on attaining the age of superannuation.

Sd/-XXX
SECRETARY AGRICULTURE

Enclst. of even No. & Date:

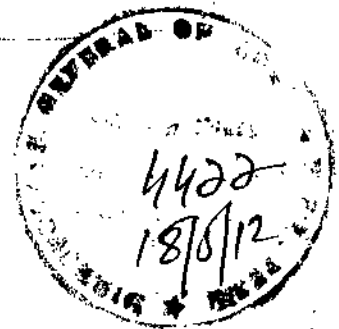
Copy forwarded for information and necessary action to the:-

- 1) Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
- 2) District Accounts Officer, Dir Lower.
- 3) Officer concerned.
- 4) PS to Secretary Agriculture Department.
- 5) Master file.

379
(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

E/I
M
18/5

SP
R
17/5



Enclst: No. 12/188/Estt

- Copy to:-
- ① The EDO Agri Dir Lower
 - (2) The DAO, Dir Lower
 - (3) The Officer concerned.

Suppld:

Before the Service Tribunal Khyber Pakhtunkhwa Peshawar

Appeal No. 1386/2015

Nazim Ud Din Appellant.

Vs

Government of Khyber Pakhtunkhwa,
Through Chief Secretary Peshawar and others Respondents.

(Para-wise reply on behalf of respondent No. 6)

Respectfully Sheweth:-

Para 1 to 5: No Comments.

Being an administrative matter, the case in hand totally relates with respondent No. 2, 3, 4, & 5 and they are in better position to redress the grievances of the appellant. Besides, the Appellant has raised no grievances against respondent No.6.

Keeping in view the above mentioned facts, it is humbly prayed that the Appellant may be directed to approach the above mentioned respondents for the satisfaction of his grievances and the appeal in hand may be dismissed with cost.



**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Nazim ud Din

vs

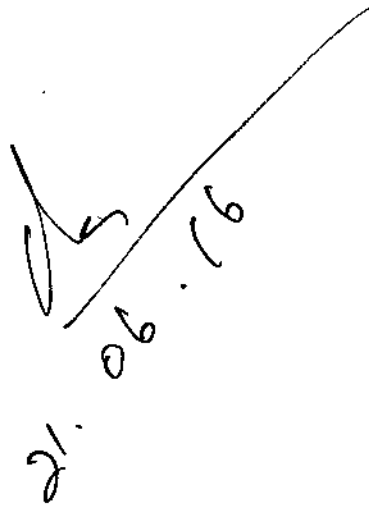
Govt. etc

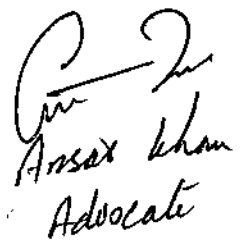
Receipt of Cost Deposited

By Respondent

The cost of Rs. 1000/- imposed upon respondent vide order dated 23/5/2016, has duly been received by counsel for appellant.

Dated: 21/6/2016


21.06.16


Amir Khan
Advocate

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

Service App. No: 1386 / 2015

Nazim Ud Din

Versus

Govt. of Khyber Pakhtunkhwa etc

=====

APPELLANT'S REJOINDER

=====

REPLY TO PRELIMINARY OBJECTIONS:

1. All the seven preliminary objections taken in the reply are incorrect and are hence liable to be rescinded as such.

PARAWISE REPLY :

1. Para 1 of the appeal is not denied by the respondent department.
2. Para 2 of the appeal is correct and that of the reply is incorrect. The facts regarding the service appeal No. 386 / 2012 of Fazle Rabbi Ex. Director Coordination / Planning, requesting promotion w.e.f 15/10/2010 has not been denied.
3. Para 3 of the appeal is correct and that of the reply is incorrect. That the facts regarding acceptance of Mr. Fazle Rabbi service appeal vide judgment dated 31-12-2012 by the Hon'ble Tribunal are not denied by the respondent department.
4. Para 4 of the appeal has been admitted correct by the respondent department.
5. Para 5 of the appeal is correct and that of the reply is incorrect. That the respondent department has failed to allow ante dated promotion to the appellant, on the analogy of ante date promotion allowed to Fazle Rabbi by this Hon'ble tribunal and then by august Supreme Court of Pakistan vide CP No. 584-P / 2013 vide judgment dated 18-04-2014.

REPLY TO THE GROUNDS:

1. The grounds taken in the appeal are correct, whereas that of the reply are incorrect.

The appellant has been ignored by the respondent department, who filed his representation for the grant of anti date promotion on the same analogy. The respondent department was bound to extend the benefit of anti date promotion to the appellant in view of the dictum laid down in 1996 SCMR 1185, which was however not allowed for any rhyme or reason.

The appellant being senior to one Mr. Fazli Rabbi, Ex-Director Co-Ordination / Planning & Monitoring (BPS-19) HQ of Agriculture Extension Wing, and fulfilling the requisite criteria for promotion was entitled to be allowed anti date promotion on the same analogy w.e.f 15-10-2010.

There is nothing against the appellant which could have deprived him of his legitimate right. The appellant fully meets the requisite criteria, therefore his appeal merits acceptance and may be treated at par with his other colleague in the same cadre / scale.

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

Peshawar, dated
30th Aug, 2016

Through,

Fazli Rabbi
Appellant,

Muhammad Zafar Tahirkheli
(Muhammad Zafar Tahirkheli)
Advocate

Affidavit

I, the appellant, do hereby state on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.



Fazli Rabbi
DEPONENT

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
PESHAWAR

Service App. No: 1386 / 2015

Nazim Ud Din

Versus

Govt. of Khyber Pakhtunkhwa etc

=====
APPELLANT'S REJOINDER
=====

REPLY TO PRELIMINARY OBJECTIONS:

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2. Para 2 of the appeal is correct and that of the reply is incorrect. The facts regarding the service appeal No. 386 / 2012 of Fazle Rabbi Ex. Director Coordination / Planning, requesting promotion w.e.f 15/10/2010 has not been denied.
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4. Para 4 of the appeal has been admitted correct by the respondent department.
5. Para 5 of the appeal is correct and that of the reply is incorrect. That the respondent department has failed to allow ante dated promotion to the appellant, on the analogy of ante date promotion allowed to Fazle Rabbi by this Hon'ble tribunal and then by august Supreme Court of Pakistan vide CP No: 584-P / 2013 vide judgment dated 18-04-2014.

REPLY TO THE GROUNDS:

1. The grounds taken in the appeal are correct, whereas that of the reply are incorrect.

The appellant has been ignored by the respondent department, who filed his representation for the grant of anti date promotion on the same analogy. The respondent department was bound to extend the benefit of anti date promotion to the appellant in view of the dictum laid down in 1996 SCMR 1185, which was however not allowed for any rhyme or reason.

The appellant being senior to one Mr. Fazli Rabbi, Ex-Director Co-Ordination / Planning & Monitoring (BPS-19) HQ of Agriculture Extension Wing, and fulfilling the requisite criteria for promotion was entitled to be allowed anti date promotion on the same analogy w.e.f 15-10-2010.

There is nothing against the appellant which could have deprived him of his legitimate right. The appellant fully meets the requisite criteria, therefore his appeal merits acceptance and may be treated at par with his other colleague in the same cadre / scale.

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

[Handwritten Signature]
Appellant,

Through,

Peshawar, dated
30th Aug, 2016

(Muhammad Zafar Tahirkheli)
Advocate

Affidavit

I, the appellant, do hereby state on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.



[Handwritten Signature]
DEPONENT

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service App. No: 1386 / 2015

Nazim Ud Din

Versus

Govt. of Khyber Pakhtunkhwa etc

=====
APPLICATION FOR SUBMISSION OF ADDITIONAL DOCUMENTS
=====

Respectfully Sheweth,

1. That the above titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for today i.e 17-11-2017.
2. That the Hon'ble Tribunal on 11-07-2017 directing the appellant to furnish certain documents, which are detailed is as under;
 - i. Notification dated 21-04-2012
 - ii. Notification dated 12-01-2012
 - iii. Penal for consideration
 - iv. Notification dated 25-08-2015
 - v. Judgment dated 11-07-2017 in appeal No.1387/2015
3. It is necessary to mentioned that Mr. Shafiq-ur-Rehman was allowed promotion to BPS-19, prior to the present appellant, for the reason that Mr. Shafiq-ur-Rehman was allowed the benefit after his retirement i.e on 27-12-2011 and the present appellant was granted promotion during his service on 21-04-2012. The appellant retired on 01-05-2012.

The reason for separate notifications with almost a delay four months was caused for the reason that Mr. Shafiq-ur-Rehman was granted promotion after retirement and the appellant during his service.

4. The documents mentioned above are necessary for just conclusion of the present appeal on merits and it is requested that the same may kindly be placed on record.

In view of the above, it is humbly requested that by accepting this application for submission of additional documents are accepted as prayed for.

Dated: 17-11-2017

through

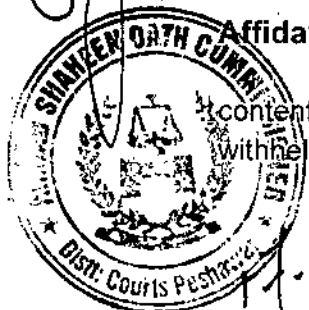
Nazim Ud Din
Applicant

S/o
Advocate

ATTESTED
Affidavit

I, Nazim Ud Din, the appellant, do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and nothing has been concealed or withheld from this Hon'ble Tribunal.

Nazim Ud Din
Deponent





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

Dated Peshawar, the April 21, 2012

NOTIFICATION.

NO.SOE(AD)V-7/2011:- On the recommendations of the Provincial Selection Board, the competent authority is pleased to promote the following Officers of Agriculture Extension Department from BS-18 to BS-19 on regular basis with immediate effect. They will be on probation for a period of one year, except Sr.1 i.e till his retirement date:-

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

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

S.NO	Name of Officer	From	To
1.	Mr.Nazimud - Din	Executive District Officer (Agriculture), Dir Lower (BS-19) (ops)	EDO (Agriculture), Dir Lower (BS-19)
2.	Mr.Saadullah Khan	Director Horticulture Headquarter BS-19 (In his own pay & scale)	Director Horticulture HQ Peshawar (BS-19)
3.	Mr.Amir Khan	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar (Ops)	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar
4.	Mr.Muhammad Younas	District Director Agriculture, Abbottabad (BS-19) (ops)	EDO (Agriculture) Abbottabad (BS-19)
5.	Mr.Muhammad Iqbal.	Subject Matter Specialist Agronomy & Extension BS-18 o/o DDA, Abbottabad	District Director Agriculture Abbottabad BS-19 (ops)

Sd/-XXX
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Dir Lower, Nowshera and Abbottabad.
4. Officers concerned.
5. Personal file of the Officers.
6. Master file.

349
(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

TRUE COPY



(3)

AGRICULTURE

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the January 12, 2012

NOTIFICATION.

NO. SOE (AD) V-7/2011/Ext.- On the recommendations of the Provincial Selection Board (PSB), the competent authority is pleased to promote the following officers of Extension Wing of Agriculture, Livestock and Cooperative Department from BS-18 to BS-19 on regular basis with immediate effect except in case of officer at Sr. No.i Mr. Shafiq-ur-Rehman with effect from one day before his retirement i.e. 27.12.2011 for actualization of his promotion:-

- i. Mr. Shafiq-ur-Rehman
- ii. Mr. Fazli Rabbi

2. The officers at Sr.No.ii will be on probation for a period of one year in terms of section 6(2) of the NWFP Civil Servants Act, 1973 read with rule 15 (1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1981.

3. On their promotion, the following postings/transfers are ordered in the best public interest:-

Sl.No.	Name of Officer	From	To
1.	Mr. Shafiq-ur-Rehman	Executive District Officer (Agriculture) (BS-19) Swat (in his own pay scale).	EDO (Agriculture) BS-19 Swat for one day before his retirement i.e 27.12.2011 for actualization of his promotion
2.	Mr. Fazli Rabbi	Director Coordination/Planning and Monitoring (BS-19) HQ (in his own pay scale)	Director Coordination/Planning and Monitoring (BS-19) HQ

Sd/-

SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Swat.
4. PS to Chief Minister, Khyber Pakhtunkhwa.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
7. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
8. Personal file.

SECTION OFFICER-ESTT:

TRUE COPY

200
14/1/12

13/11



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the 25th August, 2015

NOTIFICATION.

NO. SOE (AD) V-7/2011/Ext.- In compliance with the judgment of Supreme Court of Pakistan dated 18/04/2014 in Civil Petition No.584-P of 2013 and Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 31/12/2012 in the Execution Petition No.47/2013 in the Appeal No.386/2012 and upon the recommendations of the Provincial Selection Board (PSB) and Government of Khyber Pakhtunkhwa, Finance Department, the competent authority is pleased to antedate promotion of Mr.Fazli Rabbi ex-Director Coordination/Planning and Monitoring (BS-19) HQ of Agriculture Extension Wing at Sr.No.2 of this department Notification of even number dated 12/01/2012 with effect from 15.10.2010 **instead of** with immediate effect.

Sd/-

SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Chairman, Khyber Pakhtunkhwa Service Tribunal, Peshawar w/r to his notice dated 13/08/2015 in the Execution Petition 47/2013 in the Appeal No.386/2012 for information.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Budget Officer-VII, Government of Khyber Pakhtunkhwa, Finance Department w/r to his letter No.BOVII/FD/2-3/DGA(E)/2015-16 for information.
6. Officer concerned through DG, Agriculture Extension, Khyber Pakhtunkhwa Peshawar.
7. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
8. Personal file.

(Signature)
(DILAWAR KHAN)
SECTION OFFICER-ESTT:

TRUE COPY

PSB-II

(5)

PANEL OF OFFICERS FOR CONSIDERATION

S.No.	Name of officer	Remarks
1.	Shafiqur Rehman	Eligible for promotion BS-19
2.	Fazli Rabbi	-do-
3.	Snadi Khan	-do-
4.	Nazimud Din	-do-
5.	Seadullah Khan	-do-
6.	Abbas Khan	-do-
7.	Ameer Khan	-do-
8.	Muhammad Younas	-do-

Certificate

1. Certified that the officers included in the panel are eligible in all respects and possess the requisite length of service required for promotion.
2. Also certified that no disciplinary action / proceedings or criminal charges in any court of law are pending against any of the officers included in the panel.

M. Yousaf
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA
PESHAWAR

TRUE COPY
Attest

J

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 1387/2015

Date of Institution, ... 14.12.2015

Date of Decision, ... 11.07.2017



Shafiqur Rahman Ex-Executive District Officer
Agriculture Extension Department, District Swat.

(Appellant)

VERSUS

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

MR. MUHAMMAD ZAFAR TAHIRKHELI,
Advocate

For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney.

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN

CHAIRMAN
MEMBER

JUDGMENT

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

FACTS

2. The brief facts of this appeal are that the appellant was promoted to BPS-19 in the year 2012 but he was entitled for promotion from the date when the post fell vacant (15.10.2010). The departmental appeal was filed on 08.09.2015 and when the said appeal was not decided within the statutory period the present appeal filed on 14.12.2015. The departmental appeal was decided during pendency of the present appeal on 03.02.2016, rejecting the departmental appeal of the appellant.

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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ARGUMENTS.

3. The learned counsel for the appellant argued that another colleague of the appellant namely Fazle Rabi was given antedated promotion from 15.10.2010 and on the basis of rule of consistency involving similar point of law the appellant is also entitled for the same treatment. The learned counsel for the appellant in this respect relied upon a judgment entitled "*Hameed Akhtar Niazi Versus the Secretary, Establishment Division, Government of Pakistan and others*" reported as 1996-SCMR-1185.

4. On the other hand the learned Deputy District Attorney argued that the appellant was promoted in the year, 2012 but he preferred the departmental appeal in the year, 2015 which is clearly time barred. That no application for condonation of delay was preferred by the appellant to his departmental authority. That when the departmental appeal is time barred then the present appeal is also time barred. He also relied upon 2 judgments entitled "*Abdul Hameed Vs. Ministry of Housing and Works, Government of Pakistan Islamabad through Secretary and others*" reported as PLD 2008-Supreme Court-395 and "*Dilawar Ali and another Vs. General Manager Pakistan Railways, Lahore and others*" reported as 2006-PLC(C.S) 1034 wherein it is held that no antedated promotion can be given to a civil servant who has already retired from service.

CONCLUSION

5. After hearing the arguments of both the learned counsel for the parties and perusing the record this Tribunal reaches the conclusion that Mr. Fazle Rabi who was junior to the appellant and both were promoted on the same date, was given antedated promotion on the basis of a judgment dated 31.12.2012 of this Tribunal in service appeal No. 386/2012. In view of the judgments relied upon by the learned counsel for the appellant qua principle of consistency and fair play the present appellant should have been treated at par with said Fazle Rabi, though he was not a

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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party to the earlier judicial proceedings. So far as the limitation is concerned it was the stance of the learned counsel for the appellant that limitation arose from the date of notification of Mr. Fazle Rabi dated 25.08.2015. This Tribunal is inclined to agree with the learned counsel for the appellant because the appellant has approached this Tribunal on the basis of treatment meted out to said Fazle Rabi though he was junior to the present appellant. This Tribunal therefore holds that the departmental appeal was well within time. The objection of the learned Deputy District Attorney regarding the retrospectivity of promotion after retirement as laid down in the quoted judgments of the august Supreme Court, this Tribunal is of the view that the present appellant seeks his antedated promotion on the basis of a judgment already delivered in Fazle Rabi case. Secondly the judgment pressed into service by the learned DDA covered antedated promotion but in the present case the appellant was already promoted. The appellant seeks that his promotion should have been from the date when the seat fell vacant. Therefore the facts of that reported cases are distinguishable from the facts of the present case.

6. As a result of the above discussion this Tribunal reaches the conclusion that the appellant is entitled for the relief as prayed for. The appeal is therefore, accepted. Parties are left to bear their own costs. File be consigned to the record room.

Sd/- Niaz Muhammad Khan,
Member

Sd/- Gul Zeb Khan,
Member

ANNOUNCED
11.07.2017

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

TRUE COPY

Place

Appeal No. 1387/2015

Date of Institution ... 14.12.2015

Date of Decision ... 11.07.2017



Shafiqur Rahman Ex-Executive District Officer
Agriculture Extension Department, District Swat.

(Appellant)

VERSUS

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

MR. MUHAMMAD ZAFAR FAHRIKHELI,
Advocate


For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney.

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN

CHAIRMAN
MEMBER

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:-

Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The brief facts of this appeal are that the appellant was promoted to BPS-19 in the year 2012 but he was entitled for promotion from the date when the post fell vacant (15.10.2010). The departmental appeal was filed on 08.09.2015 and when the said appeal was not decided within the statutory period the present appeal filed on 14.12.2015. The departmental appeal was decided during pendency of the present appeal on 03.02.2016, rejecting the departmental appeal of the appellant.

3. The learned counsel for the appellant argued that another colleague of the appellant namely Fazle Rabi was given antedated promotion from 15.10.2010 and on the basis of rule of consistency involving similar point of law the appellant is also entitled for the same treatment. The learned counsel for the appellant in this respect relied upon a judgment entitled "*Hameed Akhtar Niazi Versus the Secretary, Establishment Division, Government of Pakistan and others*" reported as 1996-SCMR-1185.

4. On the other hand the learned Deputy District Attorney argued that the appellant was promoted in the year, 2012 but he preferred the departmental appeal in the year, 2015 which is clearly time barred. That no application for condonation of delay was preferred by the appellant to his departmental authority. That when the departmental appeal is time barred then the present appeal is also time barred. He also relied upon 2 judgments entitled "*Abdul Hameed Vs. Ministry of Housing and Works, Government of Pakistan Islamabad through Secretary and others*" reported as PLD 2008-Supreme Court-395 and "*Dilawar Ali and another Vs. General Manager Pakistan Railways, Lahore and others*" reported as 2006-PLC(C.S)-1034 wherein it is held that no antedated promotion can be given to a civil servant who has already retired from service.

CONCLUSION

5. After hearing the arguments of both the learned counsel for the parties and perusing the record this Tribunal reaches the conclusion that Mr. Fazle Rabi who was junior to the appellant and both were promoted on the same date, was given antedated promotion on the basis of a judgment dated 31.12.2012 of this Tribunal in service appeal No. 386/2012. In view of the judgments relied upon by the learned counsel for the appellant qua principle of consistency and fair play the present appellant should have been treated at par with said Fazle Rabi, though he was not a

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the stance of the learned counsel for the appellant that limitation arose from the date of notification of Mr. Fazle Rabi dated 25.08.2015. This Tribunal is inclined to agree with the learned counsel for the appellant because the appellant has approached this Tribunal on the basis of treatment meted out to said Fazle Rabi though he was junior to the present appellant. This Tribunal therefore holds that the departmental appeal was well within time. The objection of the learned Deputy District Attorney regarding the retrospectivity of promotion after retirement as laid down in the quoted judgments of the august-Supreme Court, this Tribunal is of the view that the present appellant seeks his antedated promotion on the basis of a judgment already delivered in Fazle Rabi case. Secondly the judgment pressed into service by the learned DDA covered antedated promotion but in the present case the appellant was already promoted. The appellant seeks that his promotion should have been from the date when the seat fell vacant. Therefore the facts of that reported cases are distinguishable from the facts of the present case.

6. As a result of the above discussion this Tribunal reaches the conclusion that the appellant is entitled for the relief as prayed for. The appeal is therefore, accepted. Parties are left to bear their own costs. File be consigned to the record room.

Sd/- Niaz Muhammad Khan,
Member

Sd/- Gul Zeb Khan,
Member

ANNOUNCED
11.07.2017

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

6

The chief Secretary,
Agriculture,
Khyber Pakhtunkhwa,
Peshawar.

Through: Proper Channel.

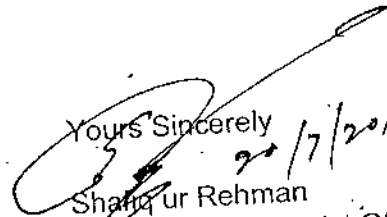
Subject: Implementation of judgement order of Honourable K.P service Tribunal date: 11/07/2017
in appeal No 1387/15.

Respected Sir

1. That the appellant had filed a service appeal before K.P service tribunal for the grant of promotion with retrospective effect from 15/10/2010.
2. That the appeal no 1387/15 has been accepted by the honourable tribunal vide judgment dated 11/07/2017 and the applicant has been allowed for promotion in BPS-19 w.e.f 15/10/2010 (copy enclosed)

It is therefore requested that by implementing the decision dated 11/07/2017. The appellant may kindly be allowed the benefit in financial term w.e.f 15/10/2010 in BPS 19.

I will extremely grateful for this act of kindness, thanks

Yours Sincerely

Shahid ur Rehman
Ex- Executive District Officer,
Agriculture Extension Department,
District Swat.

TRUE COPY



**CONFIDENTIAL
IMMEDIATE**



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
NO.SO(PSB)ED/1-6/2011/P-118
Dated Peshawar, the 19/12/2011**

To

The Secretary to
Govt. of Khyber Pakhtunkhwa,
Agriculture, Livestock & C&P: Department.


**SUBJECT: - MINUTES OF THE OF PROVINCIAL SELECTION BOARD
APPROVED ON 19.12.2011 (BY CIRCULATION)**

**PROMOTION OF BS-18 OFFICERS OF AGRICULTURE
EXTENSION TO THE POST OF EXECUTIVE DISTRICT
OFFICER AGRICULTURE BS-19.**

Dear Sir,

I am directed to refer to Agriculture Department letter No. SOE (AD) V-7/2011 dated 18.8.2011 on the subject and to forward herewith a copy of the minutes/recommendation of the Provincial Selection Board regarding promotion of M/S. Shafiq-ur-Rehman and Fazli Rabbi BS-18 officers of Agriculture Extension to the post of EDO Agriculture BS-19 made on 19.12.2011 (by circulation) for further necessary action/obtaining approval of the competent authority at an early date.

Yours faithfully


(HAROON-UR-RASHID)
DEPUTY SECRETARY (HRD)
PSB SECTION.

Encl. As above

A copy is forwarded to:-

1. Section officer (Reg-III) Establishment Department.
2. Section Officer (Estt.) Agriculture Department.
3. PS to Special Secretary Regulation Establishment Department.

DEPUTY SECRETARY (HRD)
PSB SECTION.

16603
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Subject: PROMOTION OF BS-18 OFFICERS OF AGRICULTURE
EXTENSION TO THE POST OF EXECUTIVE DISTRICT OFFICER
AGRICULTURE BS-19

Agriculture Department has forwarded a working paper (F/A) regarding promotion of BS-18 officers of Agriculture Extension to the post of Executive District Officer (EDO) Agriculture BS-19. According to Agriculture Department four (4) posts are lying vacant. M/S Shafiq-ur-Rehman (S.No.1), and Fazli Rabbi (S.No.2) are retiring from service on 27.12.2011 and 07.02.2012 respectively (Flag-B). Working paper has been cleared by the Regulation Wing for placement before the PSB. The case was on the agenda of the PSB meeting held on 23.11.2011, but due to non-availability of the Secretary Agriculture, it was deferred.

2. According to service rules (Flag-C) the post of EDO Agriculture BS-19 is filled by promotion on the basis of seniority cum fitness, from amongst the senior most BS-18 officers of the Agriculture Extension with five years service in BS-18 or 12 years service in BS-17 in the Agriculture Extension. Their marks of quantification of PERs come to 81 and 73 respectively (Flag-D-E) against the threshold of 80. They joined government service on 01.05.1974 and promoted to BS-18 on 25.04.2008. No enquiry is pending against them. Their service record upto 2010 is generally good. Under para-VII of Promotion Policy, 2009, after clearance by the PSB/DPC for promotion, if the civil servant retires or expires before approval of the recommendation of the PSB/DPC by the competent authority, his promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC and his pension shall be calculated as per pay which they would have received had they not been retired / expired (Flag-F).

3. The Chief Secretary has kindly desired that promotion case of M/S. Shafiq-ur-Rehman and Fazli Rabbi (S.No.1 and 2 of the panel) may be processed for consideration of the PSB through circulation enabling them to get promotion and pensionary benefits in BS-19 before their retirement. Working paper for promotion of remaining officers will be placed to the PSB in its regular meeting when fixed.

M/S
[Signature]
Deputy Secretary (HRD)
Govt of Khyber Pakhtunkhwa
Establishment Department

4. Working paper for promotion of M/S. Shafiq-ur-Rehman and Fazli Rabbi BS-18 officer, of Agriculture Extension to the post of EDO Agriculture BS-19 on regular basis is placed below, for obtaining approval of Members and Chairman Provincial Selection Board by circulation.

H. D. Khan
17/12/11
(HAROON-UR-RASHID)
DEPUTY SECRETARY (HRD)
(PSB SECTION)

Special Secretary (Regulation)
Establishment Department

Q. T. I.

Secretary Establishment Department
Secretary / Member PSB

[Signature]

Secretary Agriculture Live-stock
And Cooperative Department
Co-opted Member PSB

[Signature]

Senior Member, Board of Revenue,
Member PSB

[Signature]
19-12-2011

Additional Chief Secretary, P&D
Member PSB

[Signature]
19/12/11

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA
CHAIRMAN PSB

[Signature]
19.12.2011

Attested

H. D. Khan
19/12/11
Deputy Secretary (HRD)
Govt. of Khyber Pakhtunkhwa
Establishment Department

5682
19-12-11

2245

No. 12/2 Estt. /DG
Dated Peshawar the 21/12 /2011

The Secretary to Govt of Khyber Pakhtunkhwa
Agriculture, Livestock & Coop. Department,
Peshawar.

Subject: MINUTES OF THE PROVINCIAL SELECTION BOARD APPROVED ON
19.12.2011 (BY CIRCULATION).

Memo

Reference telephonic discussion dated 20.12.2011, of Section Officer (Estt) Government of Khyber Pakhtunkhwa, Agriculture Department regarding proposal for adjustment of BS-13 officers upon promotion to BS-19 post.

In this regard transfer / posting proposal of the officers is submitted for approval and necessary action.

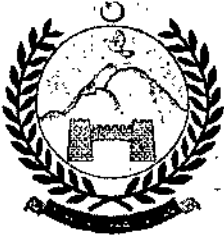
S.No.	Name of Officers	From	To
1.	Mr. Shafiq-Ur-Rehman	EDO' Agriculture, (BS-19) Swat (ops)	EDO' Agriculture, (BS-19) Swat
2.	Ms. Fazli Rabi	Director Coordination / Planning and Monitoring BS-19, HQ (ops)	Director Coordination / Planning and Monitoring BS-19, HQ.

DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA,
PESHAWAR

21/12/2011
SAE

21/12/2011

CONFIDENTIAL
IMMEDIATE



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/1-6/2011/P-118
Dated Peshawar, the 24 -02-2012

To

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

**SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION
BOARD HELD ON 17.02.2012**

**PROMOTION OF BS-18 OFFICERS TO BS-19 POSTS OF
AGRICULTURE EXTENSION DEPTT: (EDOs).**

Dear Sir,

I am directed to refer to Agriculture Department letter No.SO(AD)
V-7/2011 dated 18.8.2011 on the subject and to forward herewith an extract of
item No.3 of the minutes/recommendations of the meeting of Provincial Selection
Board held on 17.02.2012 for further necessary action /obtaining approval of the
competent authority.

Yours faithfully

[Signature]
(JAN SAID)
SECTION OFFICER (PSB)

Encl: As Above
Endst. of even No. & date.

A copy is forwarded to the Section Officer Estt., Govt of Khyber
Pakhtunkhwa, Agriculture Department. He is requested to depute his
representative to collect working papers from this office immediately.

Secretary Agriculture

Diry

No

Dated

25/2/12

[Signature]
SECTION OFFICER (PSB)

[Handwritten notes]
SEP 2/12
29/2
880

ITEM NO.3

CONFIDENTIAL

AGRICULTURE DEPARTMENT
(Meeting of PSB held on 17.02.2012)

6

SUBJECT: **PROMOTION OF BS-18 OFFICERS OF AGRICULTURE EXTENSION TO THE POST OF EXECUTIVE DISTRICT OFFICER AGRICULTURE BS-19.**

Secretary Agriculture apprised the Board that due to death and retirement of officers, four (4) posts of Executive District Officer Agriculture BS-19 were vacant against which two officers, M/S Shafiq-ur-Rehman and Fazli Rabbi S.No.1 and 2 of the panel were already recommended by the PSB for promotion to the post of EDO Agriculture BS-19 by circulation on 19.12.2011 who have retired from service on 27.12.2011 and 07.02.2012 respectively. Hence four posts are lying vacant.

2. According to service rules, the post is required to be filled as under: -

"By promotion on the basis of seniority-cum-fitness from amongst the senior most BS-18 officers of the Agriculture Extension Department with five years service in BS-18 or 12 years service in BS-17 in Agriculture Extension Department".

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

S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Shafiq-ur-Rehman	Stands promoted to BS-19 through circulation on 19.12.2011.
2.	Mr. Fazli Rabbi.	Stands promoted to BS-19 through circulation on 19.12.2012.
3.	Mr. Shadi Khan.	Not considered. He has since expired
4.	Mr. Nazimud-Din.	His date of birth is 02.05.1952. He joined government service on 13/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His PER for the period from 01/10/2004 to 31/12/2004 is not available which is six years old and prior to his promotion to BS-18. His remaining service record upto 2010 is generally good. The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis. He will be on probation till retirement.

attested

[Signature]
Establishment

CONFIDENTIAL

	Mr. Saadullah Khan	<p>His date of birth is 24.05.1954. He joined government service on 13/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His PER for the period from 27.5.2002 to 15.9.2002 is not available which is nine years old prior to his promotion to BS-18. Secretary Agriculture produced his PER for the period from 1.1.2010 to 31.8.2010 to the Board, which was satisfactory. His remaining service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis. He will be on probation for a period of one year.</p>
6	Mr. Abbas Khan	Not considered. He retired from service on 12.8.2011
7	Mr. Amir Khan	<p>His date of birth is 01.05.1953. He joined government service on 14/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis against the post vacated by Mr. Shafiq-ur-Rehman who retired from service on 27.12.2011. He will be on probation for a period of one year.</p>
8	Mr. Muhammad Younas	<p>His date of birth is 03.04.1953. He joined government service on 15.01.1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis against the post vacated by Mr. Fazli Rabbi who retired from service on 07.02.2012. He will be on probation for a period of one year.</p>

allexid

Amir D

Secretary (ESA)
Govt. of Khyber Pakhtunkhwa
Establishment Department

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

8

No.SOE(AD)V-7/2011

Date Peshawar the February 29. 2012

To

The Director General,
Agriculture (Extension),
Khyber Pakhtunkhwa, Peshawar

SUBJECT:- MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 17.02.2012

PROMOTION OF BS-18 OFFICERS TO BS-19 POST OF AGRICULTURE
EXTENSION DEPARTMENT (EDOS)

I am directed to refer to the subject noted above and to state that
that the Provincial Selection Board has recommended the following officers for
promotion to BS-19 of the Agriculture Extension Department Khyber Pakhtunkhwa:-

- i. Mr.Nazimud-Din
- ii. Mr.Saadullah Khan
- iii. Mr.Amir Khan
- iv. Mr.Mohammad Younas

It is therefore requested to furnish the transfer/posting proposal of
the above named officers for further approval.

319
(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

Dispatcher
Jared
Agr. Livestock & Coop
Deptt. Peshawar

03/03/12



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

Dated Peshawar, the April 21, 2012

NOTIFICATION.

NO.SOE(AD)V-7/2011:- On the recommendations of the Provincial Selection Board, the competent authority is pleased to promote the following Officers of Agriculture Extension Department from BS-18 to BS-19 on regular basis with immediate effect. They will be on probation for a period of one year, except Sr.1 i.e till his retirement date:-

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

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

S.NO	Name of Officer	From	To
1.	Mr.Nazimud - Din	Executive District Officer (Agriculture), Dir Lower (BS-19) (ops)	EDO (Agriculture), Dir Lower (BS-19)
2.	Mr.Saadullah Khan	Director Horticulture Headquarter BS-19 (In his own pay & scale)	Director Horticulture HQ Peshawar (BS-19)
3.	Mr.Amir Khan	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar (Ops)	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar
4.	Mr.Muhammad Younas	District Director Agriculture, Abbottabad (BS-19) (ops)	EDO (Agriculture) Abbottabad (BS-19)
5.	Mr.Muhammad Iqbal.	Subject Matter Specialist Agronomy & Extension BS-18 o/o DDA, Abbottabad	District Director Agriculture Abbottabad BS-19 (ops)

Sd/-XXX
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Dir Lower, Nowshera and Abbottabad.
4. Officers concerned.
5. Personal file of the Officers.
6. Master file.

379
(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

Appeal No: 1387/2015



Date of Institution ... 14.12.2015

Date of Decision ... 11.07.2017

Shafiqur Rahman Ex-Executive District Officer
Agriculture Extension Department, District Swat. ... (Appellant)

VERSUS

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

MR. MUHAMMAD ZAFAR TAHIRKHEL,
Advocate

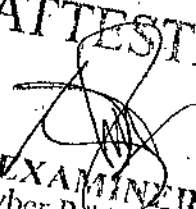
For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney.

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN

CHAIRMAN
MEMBER

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN - Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The brief facts of this appeal are that the appellant was promoted to BPS-19 in the year 2012 but he was entitled for promotion from the date when the post fell vacant (15.10.2010). The departmental appeal was filed on 08.09.2015 and when the said appeal was not decided within the statutory period the present appeal filed on 14.12.2015. The departmental appeal was decided during pendency of the present appeal on 03.02.2016, rejecting the departmental appeal of the appellant.

The date of the learned counsel for the appellant that limitation arose from the date
 in notification of Mr. Justice Gopal dated 25.08.2012. This Tribunal is inclined to
 agree with the learned counsel for the appellant because the appellant was
 approached this Tribunal on the basis of treatment noted out to said Justice Gopal
 though he was junior to the present appellant. This Tribunal therefore holds that the
 departmental appeal was well within time. The objection of the learned Deputy
 Director Agency regarding the retrospectivity of promotion after retirement is laid
 down in the quoted judgments of the august Supreme Court, this Tribunal is of the
 view that the present appellant seeks an antedated promotion on the basis of a
 judgment already delivered in Justice Rathi case. Secondly, the judgment passed was
 arrived by the learned JJA covered antedated promotion but in the present case the
 appellant was already promoted. The appellant seeks that his promotion should have
 been from the date when the seat fell vacant. Therefore the facts of that reported
 cases are distinguishable from the facts of the present case.

As a result of the above discussion this Tribunal reaches the conclusion that
 the appellant is entitled for the relief as prayed for. The appeal is therefore
 allowed. Parties are left to bear their own costs. This be assigned to the record.

Self: Mrs. Maheshwari Khanna
 Member
 Self: Govt. Secy Khanna
 Member

ANNOUNCED
 11.07.2017
 Certified for the copy
 Director
 Khanna
 Member

6

The chief Secretary,
Agriculture,
Khyber Pakhtunkhwa,
Peshawar.

Through: Proper Channel.

Subject: Implementation of judgement order of Honourable K.P service Tribunal date: 11/07/2017
in appeal No 1387/15.

Respected Sir

1. That the appellant had filed a service appeal before K.P service tribunal for the grant of promotion with retrospective effect from 15/10/2010.
2. That the appeal no 1387/15 has been accepted by the honourable tribunal vide judgment dated 11/07/2017 and the applicant has been allowed for promotion in BPS-19 w.e.f 15/10/2010 (copy enclosed)

It is therefore requested that by implementing the decision dated 11/07/2017. The appellant may kindly be allowed the benefit in financial term w.e.f 15/10/2010 in BPS.19.

I will extremely grateful for this act of kindness, thanks

Yours Sincerely

Sham ur Rehman

Ex- Executive District Officer,
Agriculture Extension Department,
District Swat.

TRUE COPY

Before The Service Tribunal K.P.K. Peshawar

Muzamuddin vs Govt

Application for adjournment

Respectfully Sheweth:

- 1- The above titled appeal is pending before the Hon'ble Court and is fixed for today (19-02-2020).
- 2- That the counsel of the appellant is preoccupied at Peshawar High Court, Peshawar and is unable to attend and assist the Hon'ble Tribunal. The absence is not intentional.

In view of the above it is respectfully prayed that the case may kindly be adjourned for another date.

Inconvenience caused if any is very much regretted.

Peshawar
19-02-2020

Muzamuddin
Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1386/2015
Nazim Ud din s/o Shahab Ud Din
Ex-Executive District Officer Agriculture
Extension Department District Dir Lower

APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary & Others.

RESPONDENTS


PRODUCTION OF MINUTES OF MEETING OF PSB HELD DURING THE YEARS 2010-11

In this connection It is submitted that the respondents department submitted a panel of three BS-18 Officer for promotion to BS-19 posts of Agriculture Extension Wing against two vacant posts of BS-19 vide letter No.11/83-KC/Estt./8433/DG dated 22.06.2010 copy attached as (Annexure-A).

The case was withdrawn by the Secretary Agriculture Govt. of Khyber Pakhtunkhwa Agriculture Livestock and Coop. Department during the meeting of PSB held on 14.10.2010 in view of stay order issued by the Khyber Pakhtunkhwa Service Tribunal Peshawar on 11.10.2010 vide Section Officer (PSB), Govt. of Khyber Pakhtunkhwa Establishment Department confidential letter is attached as (Annexure-B).

It is further submitted that after vacation of stay order the department again submitted the working paper regarding promotion of BS-18 Officers to BS-19 posts against four (04) vacant posts to the Govt. vide letter No.11/83/Estt./11186/DGA dated 17.06.2011 copy attached as (Annexure-C). The case was placed before the PSB (Provincial Selection Board) held on 23.11.2011. M/S Shafiq Ur Rehman at S.No.1 and Fazli Rabi at S.No.2 were retiring from service on 27.12.2011 and 07.02.2012 respectively. The case was on the agenda of PSB meeting held 23.11.2011, but due to non-availability of Secretary Agriculture, Govt. of Khyber Pakhtunkhwa, the case was deferred. The Chief Secretary, Govt. of Khyber Pakhtunkhwa has desired that promotion case of M/S Shafiq Ur Rehman and Fazli Rabi (S.No.1 & 2) of the panel may be processed and pensionary benefits in BS-19 before their retirement. Working paper for promotion of remaining officers will be placed to the PSB in its regular meeting when fixed. The working paper for promotion of M/S Shafiq Ur Rehman and Fazli Rabi BS-18 officers of Agriculture Extension to the post of EDO Agriculture BS-19 of regular basis was place for obtaining approval of members and Chairman of PSB by circulation vide minutes of meeting dated 23.11.2011 is attached as (Annexure-D).

The regular meeting of PSB held on 17.02.2012, the Secretary Agriculture apprised the Board that due to death and retirement of officers, four (04) posts of Executive District Officer, Agriculture BS-19 were vacant against which two officers M/S Shafiq ur Rehman and Fazli Rabi S.No.1 & 2 of the panel were already been recommended by the PSB for promotion to the post of EDO, Agriculture BS-19 by circulation on 19.12.2011 who have retired from service on 27.12.2011 and 07.02.2012 respectively, hence four post are lying vacant. The PSB was discussed that Mr. Shadi Khan at S.No.3 of the panel was not considered as he has since expired and M/S Nazim Ud Din, Saadullah Khan, Ameer Khan and Muhammad Younas at S.No.4, 5, 7 & 8 were recommended for promotion to the post of EDO, Agriculture BS-19 on regular basis and S.No.6 Mr. Abbas Khan not recommended by the Board on the ground that he retired from service on 12.08.2011 vide minutes of meeting dated 17.02.2012 attached as (Annexure-E). The promotion to the post of BS-19 of the appellant alongwith others notified vide Notification No.SOE(AD)V-7/2011 dated 21.04.2012 (Annexure-F).


DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA PESHAWAR

Annexure - (A)

No.11/83-KC/Estt/ 8433 /DG
Dated Peshawar: the 22/6 /2010.

22/06/2010

To:

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

Subject: WORKING PAPER FOR PROMOTION OF BS-18 OFFICER TO BS-19 POSTS

Memo:

Eight (8) sets of working paper alongwith relevant documents in respect of the following BS-18 officers for promotion to BS-19 posts is enclosed herewith for information and necessary action.

1. Shafiqur Rehman.
2. Fazli Rabbi.
3. Shadi Khan

Enc: as above.

DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA
PESHAWAR

Attested

DIRECTOR AGRICULTURE MARKETING
DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 7/7/2010.

NOTIFICATION.

NO. SOE.(AD) V-7/2010.- On recommendations of the Provincial Selection Board (PSB), the competent authority is pleased to promote the following officers of Agriculture Extension Wing of this Department from BS-18 to BS-19 on regular basis with effect from 31-05-2010 (i. e. date of PSB) in terms of provision contained in Establishment Department's circular letter, dated 2nd September, 2004, as the officers proceeded on retirement with effect from the date mentioned against each on attaining the age of superannuation:-

- i. Mr. Gul Muhammad 07/06/2010
- ii. Mr. Muhammad Hanif 14/06//2010

2. Their promotion as well as assumption of charge in BS-19 shall be on notional basis.

3. On their promotion, they are posted / adjusted as under for the purpose of drawl of pensionary benefits:-

Sl. No	Name of Officer	From	To	Remarks
1.	Mr. Gul Muhammad BS-19	EDO Agriculture (BS-19) Dir Upper (Ops).	Executive District Officer Agriculture (BS-19), Dir Upper.	Where he was already working.
2.	Mr. Muhammad Hanif BS-19	Dy: Director Agriculture (FATA), DIKhan.	Executive District Officer Agriculture (BS-19), Malakand.	Against vacant post.

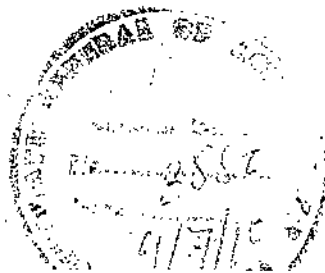
**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, L/STOCK AND COOP: DEPTT:**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
2. The Director of Agriculture (Extension) FATA, Khyber Pakhtunkhwa.
3. The Executive District Officers (Agriculture), Dir Upper, DIKhan and Malakand.
4. The District Officers Agriculture, Dir Upper, DIKhan. and Malakand.
5. The District Accounts Officers, Dir Upper and DIKhan.
6. The Agency Accounts Officer, Malakand.
7. Officers concerned.
8. PS to Chief Minister, Khyber Pakhtunkhwa.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
11. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
12. Personal files.

Attestal
[Signature]
DIRECTOR GENERAL AGRICULTURE
(SAK) KHYBER PAKHTUNKHWA, PESHAWAR
(PREHMAN)
SECTION OFFICER-ESTT:



CONFIDENTIAL

Annexure - (B)

ITEM NO.3

AGRICULTURE DEPARTMENT
(Meeting of PSB held on 14.10.2010)

SUBJECT:- **PROMOTION OF BS-18 OFFICERS TO BS-19 OF AGRICULTURE
EXTENSION.**

The case was withdrawn by the Secretary Agriculture in view of stay order issued by Khyber Pakhtunkhwa Service Tribunal on 11.10.2010.

Allowed

[Signature]
Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

Annexure - (e)

No11/83/Estt/ 11186 /DG
Dated Peshawar: the 17/6 1999

To:

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

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

Memo:

Seven (7) sets of working papers alongwith relevant documents in respect of the following BS-18 officers for promotion to BS-19 posts is enclosed herewith for information and further necessary action.

1. Shafiqur Rehman.
2. Fazli Rabbi.
3. Shadi Khan.
4. Nazimud Din.
5. Saadullah Khan.
6. Abbas Khan.
7. Ameer Khan.
8. Muhammad Younas.

Encl: as above.

[Signature]
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA
PESHAWAR
[Signature]
17/6


Attested
[Signature]
DIRECTOR AGRICULTURE
DIRECTORATE GENERAL AGRICULTURE
KHYBER PAKHTUNKHWA, PESHAWAR
17/6

PROVINCIAL SELECTION BOARD

LIST OF CONTENTS

1. WORKING PAPER
2. PANEL FORM
3. PANEL PROFORMA (Not applicable as required for promotion to BS-20 and above).
4. QUANTIFICATION SHEET.
5. SENIORITY LIST.

Abdul Rashid
Majeedullah
Gul Mohd

Attest

DIRECTOR AGRICULTURE MARKETING
DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
HYDERABAD, PESHAWAR

[Signature]
SECTION OFFICER (BST),
AGRICULTURE DEPARTMENT
GOVT. OF NWFP, PESHAWAR

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Page No. _____

Department _____

Agriculture Extension

1.	Nomenclature of the post / basic scale	a.	EDO's Agriculture	11 posts
2.	Service / Group / Cadre			Agriculture Extension
3.	Sanction strength of the cadre			11 Posts

4.	(i)	Percentage of share	Direct	Promotion	Transfer
	(ii)	No. of posts allocated to each category.	-	By promotion	
	(iii)	Present occupancy position	-	11 Nos	
	(iv)	No. of vacancies in each category	-	7 Nos	
			-	4 on regular basis.	

4.	(v)	How did the vacancies under promotion quota accrue and since when?	1)	Due to death of Mr. Abdul Rashid, EDO Agriculture, Abbottabad on 9.5.2010 death certificate. (Annexure-A).	1 post
			2)	Due to proceeding on retirement on superannuation of Mr. Majeedullah, EDO Agriculture, Malakand with effect from 15.4.2010 (AN) vide Notification No.SOE (AD) V-7/2010 dated 24.5.2010. (Annexure-B).	1 post
			3)	Due to proceeding on retirement on superannuation of M/S Gul Muhammad, EDO Agri: Upper Dir and Mulid Hanif, EDO Agri: Malakand vide Notification. No.SOE (AD) V-7/2010 dated 7.7.2010 (Annexure-C).	2 posts
	(vi)	Recruitment Rules	By promotion on the basis of seniority-cum-fitness from amongst the senior most BS-18 officers of the Agriculture Extension Department with five years' service in BS-18 or 7 years service in BS-17 in Agriculture Extension Department.		


Attested

**DIRECTOR AGRICULTURE MARKETING
DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
ISHER PAKHTUNKHWA, PESHAWAR**

(vii)	Required length of service.	Five years service in BS-18 or 12 years service in BS-17 in the Agriculture Extension Department
(viii)	Whether to be promoted on regular basis or appointed on acting charge basis?	On regular basis.
(ix)	Mandatory training, if any.	--
(x)	Minimum required score on EI	60

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

Attested



DIRECTOR AGRICULTURE MARKETING
 DIRECTORATE GENERAL AGRICULTURE
 KHYBER PAKHTUNKHWA, PESHAWAR

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Annexure - ① 2

ITEM NO.1

AGRICULTURE DEPARTMENT
(Meeting of PSB held on 23.11.2011)

SUBJECT: **PROMOTION OF BS-18 OFFICERS OF AGRICULTURE EXTENSION TO THE POST OF EXECUTIVE DISTRICT OFFICER AGRICULTURE BS-19.**

Due to non-availability of Secretary Agriculture, the case was deferred.

Alhina
[Signature]
Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

19-12-2011

Subject: PROMOTION OF BS-18 OFFICERS OF AGRICULTURE EXTENSION TO THE POST OF EXECUTIVE DISTRICT OFFICER AGRICULTURE BS-19.

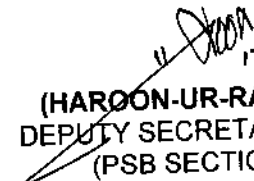
Agriculture Department has forwarded a working paper (F/A) regarding promotion of BS-18 officers of Agriculture Extension to the post of Executive District Officer (EDO) Agriculture BS-19. According to Agriculture Department four (4) posts are lying vacant. M/S Shafiq-ur-Rehman (S.No.1) and Fazli Rabbi (S.No.2) are retiring from service on 27.12.2011 and 07.02.2012 respectively (Flag-B). Working paper has been cleared by the Regulation Wing for placement before the PSB. The case was on the agenda of the PSB meeting held on 23.11.2011, but due to non-availability of the Secretary Agriculture, it was deferred.

2. According to service rules (Flag-C) the post of EDO Agriculture BS-19 is filled by promotion on the basis of seniority cum fitness, from amongst the senior most BS-18 officers of the Agriculture Extension with five years service in BS-18 or 12 years service in BS-17 in the Agriculture Extension. Their marks of quantification of PERs come to 81 and 73 respectively (Flag-D-E) against the threshold of 60. They joined government service on 01.05.1974 and promoted to BS-18 on 25.04.2008. No enquiry is pending against them. Their service record upto 2010 is generally good. Under para-VII of Promotion Policy, 2009, after clearance by the PSB/DPC for promotion, if the civil servant retires or expires before approval of the recommendation of the PSB/DPC by the competent authority, his promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC and his pension shall be calculated as per pay which they would have received had they not been retired / expired (Flag-F).

3. The Chief Secretary has kindly desired that promotion case of M/S. Shafiq-ur-Rehman and Fazli Rabbi (S.No.1 and 2 of the panel) may be processed for consideration of the PSB through circulation enabling them to get promotion and pensionary benefits in BS-19 before their retirement. Working paper for promotion of remaining officers will be placed to the PSB in its regular meeting when fixed.

Ali
Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

4. Working paper for promotion of M/S. Shafiq-ur-Rehman and Fazli Rabbi BS-18 officer of Agriculture Extension to the post of EDO Agriculture BS-19 on regular basis is placed below for obtaining approval of Members and Chairman Provincial Selection Board by circulation:


17/12/11
(HAROON-UR-RASHID)
DEPUTY SECRETARY (HRD)
(PSB SECTION)

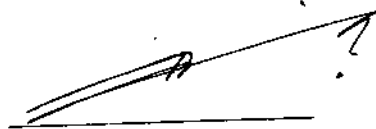
Special Secretary (Regulation)
Establishment Department



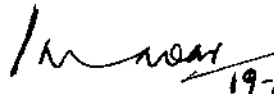
Secretary Establishment Department
Secretary / Member PSB



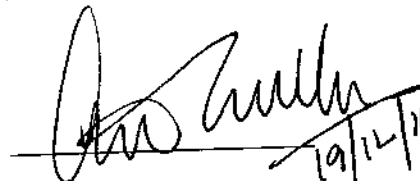
Secretary Agriculture Live-stock
And Cooperative Department
Co-opted Member PSB




Senior Member, Board of Revenue,
Member PSB

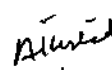

19-12-2011

Additional Chief Secretary, P&D
Member PSB


19/12/11

**CHIEF SECRETARY,
KHYBER PAKHTUNKHWA
CHAIRMAN PSB**


19.12.2011


Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

5682
19-12-11

ITEM NO.3

AGRICULTURE DEPARTMENT
(Meeting of PSB held on 17.02.2012)

SUBJECT: PROMOTION OF BS-18 OFFICERS OF AGRICULTURE EXTENSION TO THE POST OF EXECUTIVE DISTRICT OFFICER AGRICULTURE BS-19.

Secretary Agriculture apprised the Board that due to death and retirement of officers, four (4) posts of Executive District Officer Agriculture BS-19 were vacant against which two officers, M/S Shafiq-ur-Rehman and Fazli Rabbi S.No.1 and 2 of the panel were already recommended by the PSB for promotion to the post of EDO Agriculture BS-19 by circulation on 19.12.2011 who have retired from service on 27.12.2011 and 07.02.2012 respectively. Hence four posts are lying vacant.

2. According to service rules, the post is required to be filled as under: -

"By promotion on the basis of seniority-cum-fitness from amongst the senior most BS-18 officers of the Agriculture Extension Department with five years service in BS-18 or 12 years service in BS-17 in Agriculture Extension Department".

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

S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Shafiq-ur-Rehman	Stands promoted to BS-19 through circulation on 19.12.2011.
2.	Mr. Fazli Rabbi.	Stands promoted to BS-19 through circulation on 19.12.2011.
3.	Mr. Shadi Khan.	Not considered. He has since expired
4.	Mr. Nazimud-Din.	His date of birth is 02.05.1952. He joined government service on 13/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His PER for the period from 01/10/2004 to 31/12/2004 is not available which is six years old and prior to his promotion to BS-18. His remaining service record upto 2010 is generally good. The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis. He will be on probation till retirement.

Ali
Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

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5.	Mr. Saadullah Khan	<p>His date of birth is 24.05.1954. He joined government service on 13/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His PER for the period from 27.5.2002 to 15.9.2002 is not available which is nine years old prior to his promotion to BS-18. Secretary Agriculture produced his PER for the period from 1.1.2010 to 31.8.2010 to the Board, which was satisfactory. His remaining service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis. He will be on probation for a period of one year.</p>
6	Mr. Abbas Khan	<p>Not considered. He retired from service on 12.8.2011</p>
7.	Mr. Amir Khan	<p>His date of birth is 01.05.1953. He joined government service on 14/01/1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis against the post vacated by Mr. Shafiq-ur-Rehman who retired from service on 27.12.2011. He will be on probation for a period of one year.</p>
8	Mr. Muhammad Younas	<p>His date of birth is 03.04.1953. He joined government service on 15.01.1977. He was promoted to BS-18 on 09-05-2009. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of EDO Agriculture BS-19 on regular basis against the post vacated by Mr. Fazli Rabbi who retired from service on 07.02.2012. He will be on probation for a period of one year.</p>

attested

Amir Khan
Govt. of Khyber Pakhtunkhwa
Establishment Department

Attested

Amir Khan
DIRECTOR AGRICULTURE MARKETING
DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

Annexure - F



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the April 21, 2012

NOTIFICATION.

NO.SOE(AD)V-7/2011:- On the recommendations of the Provincial Selection Board, the competent authority is pleased to promote the following Officers of Agriculture Extension Department from BS-18 to BS-19 on regular basis with immediate effect. They will be on probation for a period of one year, except Sr.1 i.e till his retirement date:-

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

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

S.NO	Name of Officer	From	To
1.	Mr.Nazimud - Din	Executive District Officer (Agriculture), Dir Lower (BS-19) (ops)	EDO (Agriculture), Dir Lower (BS-19)
2.	Mr.Saadullah Khan	Director Horticulture Headquarter BS-19 (In his own pay & scale)	Director Horticulture HQ Peshawar (BS-19)
3.	Mr.Amir Khan	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar (Ops)	Director Coordination, Planning & Monitoring HQ BS-19 Peshawar
4.	Mr.Muhammad Younas	District Director Agriculture, Abbottabad (BS-19) (ops)	EDO (Agriculture) Abbottabad (BS-19)
5.	Mr.Muhammad Iqbal.	Subject Matter Specialist Agronomy & Extension BS-18 o/o DDA, Abbottabad	District Director Agriculture Abbottabad BS-19 (ops)

Sd/-XXX
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The DG, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Dir Lower, Nowshera and Abbottabad.
4. Officers concerned.
5. Personal file of the Officers.
6. Master file.

Attest

DIRECTOR AGRICULTURE MARKETING
DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

379
(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

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