

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

**SERVICE APPEAL NO. 1336/2019**

Date of institution ... 11.10.2019  
Date of judgment ... 06.10.2021

Tahir Jamil S/O Khan Dan, R/O Village & PO Shahidan Banda, Tehsil Takht-e-Nusrati, District Karak presently posted as Assistant Director (Fisheries) CH & TC, Sher Abad, Peshawar. ... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary, Agricultural Live Stock & Cooperative Department three others. ... (Respondents)

**Present:**

MR. AMIN UR REHMAN YOUSAFZAI,  
Advocate

... For appellant.

MR. MUHAMMAD ADEEL BUTT,  
Additional Advocate General

... For respondents.

MR. AHMAD SULTAN TAREEN,  
MR. MIAN MUHAMMAD

... CHAIRMAN  
... MEMBER (EXECUTIVE)

**JUDGEMENT**

**MIAN MUHAMMAD, MEMBER (E):-** The appellant has approached the Service Tribunal with the plea that notification of his promotion dated 30.01.2018 may be modified and given effect from 08.05.2014 instead of with immediate effect, with all back benefits.

2. Background and facts of the case leading to the service appeal in hand are that the appellant was recruited as Assistant Research Officer (BS.16) in the respondent-department on 28.04.2009. He was promoted as Assistant Director Fisheries (BS-17) on acting charge

basis vide office order dated 27.03.2013 and subsequently regularized as Assistant Director Fisheries (BS-17) vide notification dated 30.01.2018 but with immediate effect instead of the date of his eligibility i.e 08.05.2014. He submitted his departmental appeal dated 13.02.2018 requesting for modification of the notification dated 30.01.2018 to the extent of giving it effect from the date of his eligibility i.e 08.05.2014, instead of with immediate effect. Thereafter, seniority list of the Assistant Director Fisheries (BS-17) dated 17.12.2018 was issued wherein private respondent No.4 stood senior to the appellant despite the fact that he had joined the department as Assistant Director (BS-17) much later than the appellant i.e 01.01.2016. He, therefore, submitted departmental appeal/representation dated 14.06.2019 for redressal of his grievances regarding due seniority at serial No.8 instead No.9 but the same was regretted on 31.07.2019 and communicated to the appellant on 16.09.2019. The appellant thereafter submitted the instant service appeal on 11.10.2019.

3. Respondents were directed on 26.11.2019 to submit written reply/comments. The requisite reply/comments furnished on 20.01.2020. Parties were heard and available record perused thoroughly with assistance of their respective learned counsel.

4. Learned counsel for the appellant argued that as per working paper four vacancies of Assistant Director Fisheries (BS-17) were available in the 50% share reserved for promotion. The appellant was short of required length of 05 years service at the time of

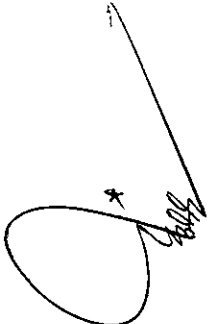
promotion to the post of Assistant Director Fisheries, therefore, he was promoted on acting charge basis. His length of service for regular promotion was, however, completed on 08.05.2014 and as such he was eligible to have been promoted against the available vacancy from that date. The respondents totally ignored his legal rights and facts of the case and promoted him with immediate effect vide notification dated 30.01.2018 rendering him junior to private respondent No.4. He therefore, requested that considering the vested rights of the appellant and circumstances of the case, notification dated 30.01.2018 may be modified and the appellant regularized as Assistant Director Fisheries (BS-17) w.e.f 08.05.2014 when the deficiency on account of length of service no longer existed and he fulfilled the required length of 05 years service as Assistant Research Officer (BS-16). In support of his arguments he relied on 2006 SCMR 1938 whereof the principle of promotion has been determined and the date of officiating or acting charge basis has to be taken into account because the requisite exercise of allowing regular promotion was delayed for almost 04 years by the departmental authority.

5. Learned Additional Advocate General, quite contrary to the argument of learned counsel for the appellant, contended that the appellant was promoted as Assistant Director Fisheries (BS-17) on acting charge basis w.e.f 27.03.2013 alongwith allied financial benefits. There were four vacant posts of Assistant Director Fisheries (BS-17) which were to be filled from the Assistant Research Officer (BS-16) under the reserved 50% promotion quota specified by the Service Rules notified on 26.04.2017. The appellant was promoted as

Assistant Director Fisheries (BS-17) on acting charge basis due to non-completion of the requisite five years service as Assistant Research Officer (BS-16). He was therefore, promoted to the post of Assistant Director Fisheries (BS-17) subsequently on regular basis vide notification dated 30.01.2018. Promotion is always made with immediate effect and not retrospectively, hence no vested rights of the appellant have been violated. His promotion was therefore, ordered with immediate effect as per provisions of promotion policy and rule 9(6) of the Khyber Pakhtunkhwa Civil Servants (Appointments, Promotion and Transfer) Rules, 1989. Moreover, the appellant did neither submit any representation nor challenged it before any court of law during the period between 27.03.2013 to 30.01.2018. The appellant could only submit a departmental appeal after assumption of the post of Assistant Director Fisheries (BS-17) on 13.02.2018. The claim of appellant is therefore, badly time barred under Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986.

06. It is evident from record and not disputed that the appellant was promoted from the post of Assistant Research Officer (BS-16) to the post of Assistant Director Fisheries (BS-17) on acting charge basis vide office order dated 27.03.2013. The appellant was promoted on acting charge basis against an available vacancy of Assistant Director Fisheries (BS-17) falling to the 50% share reserved for promotion from amongst the Assistant Research Officer (BS-16). The appellant had served in BS-16 as Assistant Research Officer for 03 years and 11 months while still short or deficient of 13 months to meet the criteria of required length of service at relevant

time. He was therefore rightly promoted on acting charge basis. On completion of the required length of Service, the respondent department was obligated to have convened meeting of the Departmental Promotion Committee in due course of time. However, the DPC meeting could only be convened after almost 3 years when the appellant's deficiency of 13 months on account of length of service was no longer existing. He was regularized as Assistant Director Fisheries (BS-17) vide notification dated 30.01.2018. During period of the two meetings of DPC, private respondent No.4, on recommendations of the Public Service Commission, joined the service as Assistant Director Fisheries (BS-17) on 01.01.2016 against the post falling to the share of initial recruitment and thus stood senior to the appellant on the seniority list of Assistant Director Fisheries (BS-17) dated 17.12.2018.

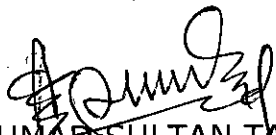


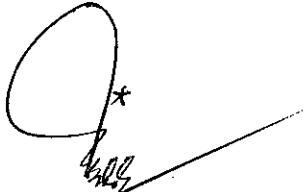
07. There is no denial of the fact that the length of service of the appellant as Assistant Research Officer (BS-16) was completed on 08.05.2014 whereas he was kept awaited for regular promotion in BS(17) till 30.01.2018 due to the sheer negligence and apathy of the respondent-department to refuse him his due and valuable rights of career progression. Had meeting of the DPC been convened at appropriate time as per mandate and functions of the respondent-department, the appellant would not have suffered and his agony might have been averted with due diligence in due course of time. Since the appellant was working as Assistant Director Fisheries (BS-17) on acting chare and even his required length of five years service was completed on 08.05.2014 whereas private respondent No.4

joined the service as Assistant Director Fisheries (BS-17) on 01.01.2016 therefore, the appellant had accrued right of seniority in BS-17 much earlier than the entry into service and cadre by private respondent No.4. Reliance is placed on 1996 SMR 1297 and 2001 PLC (CS) 1267 (Supreme Court).

08. In view of what has been discussed above, the service appeal is allowed on merit and the impugned notification dated 30.01.2018 be modified w.e.f 08.05.2014 to the extent of appellant only. Parties are left to bear their own costs. File be consigned to the record room

ANNOUNCED  
06.10.2021

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

**ORDER**

06.10.2021

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

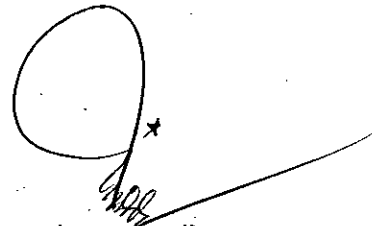
Vide our detailed order of today placed on file, the service appeal is allowed on merit and the impugned notification dated 30.01.2018 be modified w.e.f 08.05.2014 to the extent of appellant only. Parties are left to bear their own cost. File be consigned to the record room.

Announced:

06.10.2021



(AHMAD SULTAN TAREEN)  
CHAIRMAN

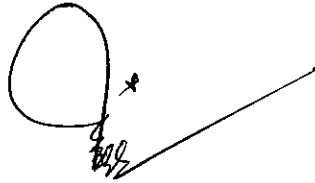


(Mian Muhammad)  
Member(E)

04.10.2021

Appellant alongwith his counsel, private respondent No. 4 and other official respondents through Mr. Muhammad Adeel Butt, Additional Advocate General and departmental representative are present.

Arguments on behalf of appellant and official respondents have been heard. Private respondent No. 4 seeks time as his counsel is not available for arguments today and assured that he will make availability of his counsel possible for tomorrow. Request as made by private respondent No. 4 is accorded subject to assurance that he will make availability of his counsel possible for arguments. To come up on 05.10.2021 before this D.B.



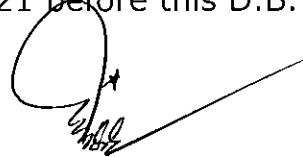
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



CHAIRMAN

05.10.2021

Appellant in person and official respondents through Mr. Muhammad Adeel Butt, Additional Advocate General present. None present on behalf of private respondent No. 4. He was telephonically contacted by Reader around 02:25 P.M, he was informed that he is busy in somewhere and his counsel is also not available. Let another opportunity be afforded to private respondent No. 4 and be informed by the Reader that he may avail opportunity of hearing failing which the order shall be announced in pursuance of arguments already heard. To come up on 06.10.2021 before this D.B.



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



CHAIRMAN



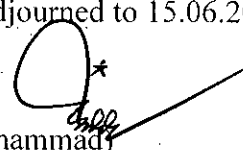
29/12.2020

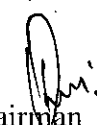
Due to summer vacation, case is adjourned to  
16.3.2021 for the same as before.

  
Reader

16.03.2021 Counsel for the appellant and Mr. Muhammad Rashid,  
DDA alongwith Gulzar Mahmood, AD for the respondents  
present.


Former requests for adjournment in order to further prepare  
the brief. Adjourned to 15.06.2021 for hearing before the D.B.


  
(Mian Muhammad)  
Member (E)

  
Chairman

15.06.2021 Appellant in person present. Mr. Javed Ullah, Assistant  
Advocate General for official respondents No. 1 to 3 present.  
Private respondent No. 4 in person present.

Appellant sought adjournment on the ground that his  
counsel is not available today due to strike of Lawyers.  
Adjourned. To come up for arguments before the D.B on  
04.10.2021.

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

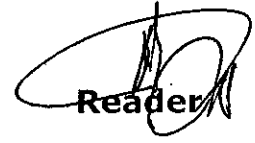
27.10.2020

Proper D.B is on Tour, therefore, the case is  
adjourned for the same on ~~28~~ 29.12.2020 before D.B.

  
Reader

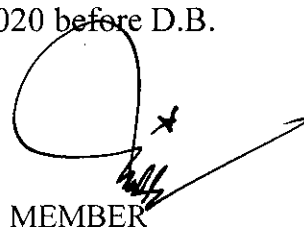
30.03.2020

Due to public holiday on account of COVID-19, the case is adjourned to 08.06.2020 for the same as before.

  
Reader

08.06.2020

Clerk to counsel for the appellant present. Addl: AG alongwith Mr. M. Faizan, Junior Clerk for official respondents and private respondent No.4 present. Due to general strike of the Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 17.08.2020 before D.B.

  
MEMBER

  
MEMBER

17.08.2020

Due to summer vacations, the case is adjourned to 27.10.2020 for the same.

  
Reader

26.11.2019

Counsel for the appellant present.

It is argued that on 27.03.2013, the appellant was promoted to the post of Assistant Director Fisheries (BPS-17) on acting charge basis. He performed the duty as such when on 30.01.2018 another notification to the effect of promotion of the appellant, as Assistant Director Fisheries (BPS-17), was issued but with immediate effect. Learned counsel relied on judgment reported as 2006 SCMR 1938 and contended that the appellant was entitled to regular promotion and ancillary service benefits from the date of assumption of post on acting charge basis.

Instant appeal is admitted to regular hearing subject to all just exception in view of arguments of learned counsel. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 20.01.2020 before S.B.

Appellant Deposited  
Security & Process Fee

26/11/19

Chairman 

20.01.2020

Junior to counsel for the appellant, Addl. AG alongwith Azizur Rahman, Superintendent for the official respondents and respondent No. 4 in person present:

Respondents have furnished their respective reply/comments which are placed on record. To come up for arguments on 30.03.2020. The appellant may furnish rejoinder, within one month, if so advised.

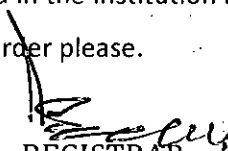

  
Chairman

Form- A

# FORM OF ORDER SHEET

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

Case No.- 1336/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/10/2019	<p>The appeal of Mr. Tahir Jamil presented today by Mr. Amin-ur-Rehman Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 11/10/19.</p>
2-	12/10/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/11/19,</u></p> <p> CHAIRMAN</p>

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

Service Appeal No. 1336 of 2019

Tahir Jamil.....Appellant

**V E R S U S**

Government of Khyber Pakhtunkhwa through Secretary  
Agricultural Live Stock & Cooperative Department & 3 others..... Respondents

**I N D E X**

S. #.	Description of Documents	Annex	Pages
1.	Grounds of appeal		1-3
2.	Affidavit		4
3.	Addresses of the parties		5
4.	Detailed CV	"A"	6
5.	Appointment order dated: 28.04.2009	"B"	7-8
6.	office order dated: 27.03.2013	"C"	9
7.	Notification dated: 30.01.2018 alongwith charge assumption report	"D"	10-12
8.	working paper	"E"	13-15
9.	Representation dated 13.02.2018	"F"	16
10.	Seniority list as stood on 28.06.2018 alongwith office letter dated: 23.05.2019	"G"	17-19
11.	Departmental appeal/representation dated: 14.06.2019	"H"	20-21
12.	Final order dated: 31.07.2019 alongwith letter of communication dated: 16.09.2019	"I"	22-23
13.	Notification dated: 26.04.2017	"J"	24-28
14.	Judgment of the apex court reported in 2016 SCMR 1938	"K"	29-32
15.	Wakalatnama		33

Appellant  
Through

Amin ur Rehman Yusufzai

Sajjad Mensud

&

Khalid Khan

Advocates, Peshawar,  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar  
Cell No.0321-9022964, 0333-9981464

Dated: 09.10.2019

①

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

Service Appeal No. 1336 of 2019

Tahir Jamil s/o Khan Dan,  
R/o Village & PO Shahidan Banda, Tehsil Takht-e-Nusrati, District Karak  
Presently posted as Assistant Director (Fisheries)  
CH&TC, Sher Abad, Peshawar

..... Appellant

**V E R S U S.**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 1443

Dated 11-10-2019

1. Government of Khyber Pakhtunkhwa through Secretary,  
Agricultural Live Stock & Cooperative Department,  
Civil Secretariat, Peshawar.
2. Director General,  
Agricultural Live Stock & Cooperative Department,  
Civil Secretariat, Peshawar.
3. Director Fisheries,  
Agricultural Live Stock & Cooperative Department,  
Civil Secretariat, Peshawar
4. Mr. Sajjad, Assistant Director Fisheries,  
Agricultural Live Stock & Cooperative Department,  
Civil Secretariat, Peshawar.

..... Respondents

**SERVICE APPEAL U/S 4 OF THE KP SERVICES TRIBUNAL ACT, 1974  
READ WITH ALL ENABLING PROVISIONS OF LAW/RULES,  
GOVERNING THE SUBJECT, AGAINST FINAL DECISION/ORDER  
DATED: 31.07.2019, COMMUNICATED TO APPELLANT ON  
16.09.2019 VIDE WHICH DEPARTMENTAL APPEAL DATED:  
14.06.2019 OF THE APPELLANT, AGAINST THE MODIFICATION OF  
NOTIFICATION DATED: 30.01.2018 i.e. THE DATE OF  
REGULARIZATION OF APPELLANT AS ASSISTANT DIRECTOR WITH  
IMMEDIATE EFFECT, TO THE EXTENT OF GIVING EFFECT THERETO  
FROM 08.05.2014 i.e. THE DATE OF PROMOTION OF APPELLANT  
TO THE POST OF ASSISTANT DIRECTOR ON ACTING CHARGE  
BASIS, WAS TURNED DOWN.**

Filed to-day

Registrar

11/10/19

**Prayer in Appeal:**

On acceptance of instant service appeal, impugned final order/decision dated: 31.07.2019, may be set aside and Notification dated: 30.01.2018 may be modified and be given effect from 08.05.2014 instead of "with immediate effect", with all back benefits, in the best interest of justice and equity.

=====

**Respectfully Sheweth:**

1. That appellant is law abiding peaceful citizen of Pakistan, studied upto MA/M.Ed & M. Phil (Zoology), joined the Respondent Department on 28.04.2009 as Assistant Research Officer (BPS-16) and presently posted as Assistant Director (BPS-17), having more than 10 years spotless career at his credit.

**(Copy of detailed CV and appointment order dated: 28.04.2009 are attached as Annexures "A" & "B", respectively)**

2. That appellant was appointed by the competent authority as Assistant Director on acting Charge basis, vide office order dated: 27.03.2013, against the vacant post.  
**(Copy of office order dated: 27.03.2013 is attached as Annexure "C")**
3. That appellant has been regularized as Assistant Director, by the competent authority, vide Notification dated: 30.01.2018, but with immediate effect, instead of the date of his eligibility i.e. 08.05.2014, in accordance with law/rules governing the subject.  
**(Copy of Notification dated: 30.01.2018 alongwith charge assumption report and working paper, are attached as Annexure "D" & "E").**
4. That appellant approached the departmental authority through proper representation dated: 13.02.2018 for modification of the Notification dated: 30.01.2018 supra, to the extent of giving it effect from the date of his eligibility, instead of immediate effect.  
**(Copy of representation dated 13.02.2018 is attached as Annexure "F")**
5. That appellant was sanguine regarding favourable consideration of his departmental appeal supra but astonished to know that he has not been awarded suitable place in the subject mentioned seniority list and shown junior to respondent No.4, appointed much later than him, evident from seniority list as stood on 28.06.2018, provided to appellant vide letter dated: 23.05.2019.  
**(Copy of seniority list as stood on 28.06.2018 alongwith office letter dated: 23.05.2019 is attached as Annexure "G")**
6. That appellant approached the competent authority through departmental appeal/representation dated: 14.06.2019 (received in the office of worthy Chief Secretary on 18.06.2019) for redressal of his grievances but was regretted vide decision dated: 31.07.2019, communicated to the appellant on 16.09.2019.  
**(Copy of departmental appeal/representation dated: 14.06.2019 and final order dated: 31.07.2019 alongwith letter of communication dated: 16.09.2019 are attached as Annexure "H" & "I", respectively)**
7. That appellant, being aggrieved of impugned decision/final order dated: 31.07.2019, approaches this Hon'ble Tribunal to modify Notification dated: 30.01.2018 and be given effect from 08.05.2014 instead of "**with immediate effect**", inter-alia, on the following grounds:

**G R O U N D S:**

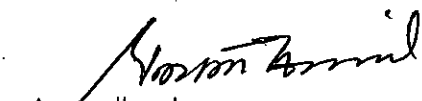
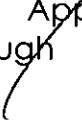

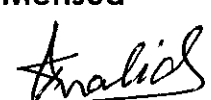
- A. That impugned inactions of respondent department are against the law and peculiar facts and circumstances of the case of appellant, hence untenable.
- B. That qualified service of 5 years as Assistant Research Officer is the mandatory prerequisite for onward promotion to the post of Assistant Director, evident from Notification No.SO(LFC)AD-DF-E-3(37)/2015, dated: 26.04.2017, while appellant, prior to his appointment as Assistant Director against the vacant post vide Office Order dated: 30.01.2018, had more than 09 years spotless service career as Assistant Research Officer including acting charge post of Assistant Director and was qualified to be promoted on regular basis with effect from 08.05.2014, however, the respondent department, though promoted him on regular basis as Assistant Director, vide Notification dated: 30.01.2018 but with immediate effect instead to be given effect from the date of eligibility of appellant i.e. 08.05.2014, which has caused grave miscarriage of justice. **(Copy of Notification dated: 26.04.2017 is attached as Annexure "J").**



- C. That the impugned office letter/final decision dated: 31.07.2019 of the respondent department is against the law and rules governing the subject, hence deserves to be set at naught.
- D. That valuable rights of appellant are involved into the matter and if the impugned office letter/final decision dated: 31.07.2019 has not been set aside and Notification dated: 30.01.2018 has not been modified and given effect from 08.05.2014, appellant will suffer irreparable loss.
- E. That respondent department has no lawful authority to refuse modification of Notification dated: 30.01.2018 to the extent of giving effect to it from the date of eligibility of appellant, that too, with the substantive vacancy of Assistant Director was lying vacant on 08.05.2014. **(Reliance is place on Judgment of the apex court reported in 2016 SCMR 1938, attached as Annexure "K")**
- F. That any other, with the permission of this Honourable Tribunal will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant service appeal, impugned final order/decision dated: 31.07.2019 of the competent authority, may be set aside and Notification dated: 30.01.2018 may be modified and be given effect from 08.05.2014 instead of "with immediate effect", with all back benefits, so as to secure the ends of justice.

Any other relief, not specifically prayed for, and deemed appropriate to this Hon'ble Tribunal, in circumstances of the case, may also be granted to the appellant.

  
 Appellant  
 Through  
  
**Amin ur Rehman Yusufzai**  
  
**Sajjad Mensud**  
 &  
  
**Khalid Khan**  
 Advocates, Peshawar,  
 3-A, Park Avenue, Bhattani Plaza,  
 University Town, Peshawar  
 Cell No.0321-9022964, 0333-9981464

Dated: 09.10.2019

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

Service Appeal No. \_\_\_\_\_ of 2019

Tahir Jamil.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary  
Agricultural Live Stock & Cooperative Department & 03 others ..... Respondents

**AFFIDAVIT**

I, Tahir Jamil S/o Khan Dan, presently posted as Assistant Director (Fisheries) CH&TC, Sher Abad, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Tahir Jamil*  
DEPONENT



5

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

Service Appeal No. \_\_\_\_\_ of 2019

Tahir Jamil.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary  
Agricultural Live Stock & Cooperative Department & 3 others ..... Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**

Tahir Jamil s/o Khan Dan,  
R/o Village & PO Shahidan Banda, Tehsil Takht-e-Nusrati, District Karak.  
Presently posted as Assistant Director (Fisheries)  
CH&TC, Sher Abad, Peshawar

**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa through Secretary,  
Agricultural Live Stock & Cooperative Department,  
Civil Secretariat, Peshawar.
2. Director General,  
Agricultural Live Stock & Cooperative Department,  
Civil Secretariat, Peshawar.
3. Director Fisheries,  
Agricultural Live Stock & Cooperative Department,  
Civil Secretariat, Peshawar
4. Mr. Sajjad, Assistant Director Fisheries,  
Agricultural Live Stock & Cooperative Department,  
Civil Secretariat, Peshawar.

  
Appellant  
Through

Amin ur Rehman Yusufzai 

  
Sajjad Mensud

&

  
Khalid Khan  
Advocates, Peshawar,  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar  
Cell No.0321-9022964, 0333-9981464

Dated: 09.10.2019

ANNEX A



**CURRICULUM VITAE**

**TAHIR JAMIL**



Permanent/Postal Address:  
Village & P/O Shahidan Banda,  
Tehsil Takht-e-Nasrati, Distt. Karak.  
Cell #: 0346-9279027

**PERSONAL BIO-DATA**

- ★ Father's Name : Khandan
- ★ Date of Birth : 18/03/1982
- ★ Domicile : Karak (Khyber Pakhtunkhwa)
- ★ CNIC # : 14203-7265006-1
- ★ Religion : Islam
- ★ Nationality : Pakistani
- ★ Marital Status : Married

**ACADEMIC QUALIFICATION**

Degree	Passing Year	Grade/Division	Board/University
SSC	1998	1 <sup>st</sup>	BISE Peshawar
FSC	2000	1 <sup>st</sup>	BISE Peshawar
BSC	2002	1 <sup>st</sup>	University of Peshawar
MSC (Zoology)	2004	1 <sup>st</sup>	University of Peshawar
M.Phil(Zoo)	2018	1 <sup>st</sup>	University of Peshawar
B.Ed (Science)	2005	1 <sup>st</sup>	AIOU Islamabad
M.Ed (Science)	2009	1 <sup>st</sup>	AIOU Islamabad

**Service history:**

- 1) Appointed as Assistant Research officer (BPS-16) during the year 2009 on public service commission.
- 2) Promoted as Assistant Director Fisheries on acting charge base (BPS-17) during the year 2013.
- 3) Promoted as Assistant Director fisheries on regular base (BPS-17) during the year 2018.

**LANGUAGES**

- ★ Pashto, Urdu, English

**REFERENCES**

- ★ References will be furnished upon request.

  
**ATTESTED**

ANNEX B 10  
7

OFFICE ORDER.

Consequent upon the recommendation of the NWFP. Public Service Commission vide Govt. of NWFP, Environment Department letter No.SO(Estt:)ENV/III-6/2K4/4045, dt:14/04/2009 is please to appoint Mr. Tahir Jamil S/O Khandan Khan, Village and P/O Shahidan, Tehsil Takht Nasrati, District Karak in the Fisheries Wing of Environment Department against the post of Assistant Research Officer (BPS-16) (Rs:6060-470-20160) on temporary basis in the office of Assistant Director Fisheries Carp Hatchery and Training Center, Peshawar with effect from the date he took over the charge.

The appointment is subject to the following terms and conditions:-

- i) He shall be governed by the provision of NWFP. Civil Servants Act, 1973 (NWFP Act No.XVII of 1973) and matter not specifically mentioned in this notification shall be governed by such rules and regulations relating to Leave, TA, Medical Attendance, Seniority etc as have been or may be prescribed from time to time by Govt. for the category/status of Govt. Servants to which he belongs.
- ii) He shall be governed by the Govt. Servants Conduct Rules. 1987 the NWFP. Government Servant (E&D) Rules 1973/NWFP, Removal from Service (Special Powers) Ordinance-2000 and any other instructions on Subject as may be issued by the Govt. of NWFP from time to time.
- iii) He will initially be on probation for a period of 2-years. His service will be liable to termination at any time without assigning any reason before expiry of the period of probation/extended period of probation. if his work and conduct during this period is not found, satisfactory. In such an event, he shall be given a month notice or one month pay in lieu thereof. In case he wishes to resign at any time without a month notice his pay shall be forfeited.
- iv) He has not been previously dismissed or debarred from service of Govt. Board, Local Body or Autonomous or Semi Autonomous Organization etc.
- v) His employment will not if any case confer upon him any claim or right to permanent employment in the Department. He will however be eligible for continuous and eventual confirmation on satisfactory completion of probation (including the extended period of probation) if and when a regular substantive vacancy in the Department is available for him.
- vi) He shall not be entitled to any traveling allowance/Daily allowance On his first appointment except in case of permanent Govt. Servants.
- vii) His inter-se-seniority shall be determined in accordance with the order of his merit assigned by the NWFP, Public Service Commission as indicated in para-I & V above, provided that persons selected for appointment to service in an earlier selection shall Rank senior to the persons selected in a later selection. His seniority vis-à-vis those appointed otherwise shall be determined as provided for in the relevant service/recruitment rules.
- viii) He shall be liable to serve any where within or outside NWFP in any post under the Federal Government or any Provincial Government of local Authority or District Government or a Corporation or Body Setup or Established by any such Government

426  
29.4.06

Contd: on P/2---

ATTESTED

- ix) His pay will be fixed in the Basic Pay Scale-16 of Rs:4375-340-14575 from the date of his taking over the charge of the post (~~Asstt. Research Officer/Extension Field Officer (BPS-16)~~ . In case of candidates who are already in service of the Federal/Provincial/District Government, his pay will be fixed under the normal rules of Govt. of NWFP, if However, he are in the service of any autonomous Body/Corporation etc.
- x) He shall produce Medical Certificate of fitness from a Standing Medical Board.
- xi) His appointment will be subject to satisfactory report on the verification of his character and antecedents.
- xii) He shall not be entitled for pension/gratuity vide Govt. of NWFP, Establishment and Administration Department (Regulation Wing) No.SO-VI(E&AD)1-13/2005, dated 10/08/2005 and he will not Contribute towards G.P. Fund. However, he shall contribute contributory Provident Fund (C.P. Fund) 5% of minimum of pay scale and on equal Amount of 5% contribution will be made by the Government as per Rules.
- xiii) He will also be entitled to Annual increment as per rules.

3- If the terms and conditions of appointment are acceptable to him, he should immediately communicate his acceptance in written to NWFP Fisheries Department and report for duty to the Director Fisheries NWFP, Peshawar on or before 15/05/2009 at the latest, failing which this appointment order may be treated as cancelled in respect of the candidate concerned.

Sd/-  
(MOHAMMAD AYAZ)  
DIRECTOR OF FISHERIES  
N.W.F.P, PESHAWAR.

No. 3615-25  
/DF/E


Dated Peshawar the 28/04/2009.

Copy forwarded for information and necessary action to:-

- 1- PS to Secretary to Government of NWFP, Public Service Commission with reference to his letter No.23297, dated 29/03/2006.
- 2- PS to Secretary to Government of NWFP, Environment Department, Peshawar.
- 3- The Accountant General NWFP, Peshawar.
- 4- The Section Officer (Estt:) to Government of NWFP, Environment Department with reference to his letter No.SO(Estt:)/Envt/III-6/2K5/915/2534, dt:15/04/2006.
- 5- The Manager Government Printing and Stationery Department, Peshawar for Publication in the next issue of Government gazette.
- 6- The Deputy Director Fisheries (HQ/CH) Peshawar.
- 7- The Assistant Director Fisheries, CH&TC. Peshawar.
- 8- The Superintendent (Head Quarter) Peshawar.
- 9- Mr. Tahir Jamil S/O Khandan Khan, Vil: & P/O Shahidan, Tehsil Takht Nasrati District Karak.
- 10- Office Order File.

O.A-I  
29/4/09

ATTESTED

  
DIRECTOR OF FISHERIES  
N.W.F.P, PESHAWAR. Bg



ANNEX 1  
9

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

Dated Peshawar the 27<sup>th</sup> March, 2013.

**NOTIFICATION:**

**NO.SO(L&F)AD-3(25)/2013:** On the recommendation of the Provincial Selection Board, the Competent Authority is pleased to approve promotion of the following officers to the posts of Assistant Director Fisheries (B-17), of Directorate of Fisheries, Khyber Pakhtunkhwa, Peshawar, with immediate effect:

- |                           |                                      |
|---------------------------|--------------------------------------|
| 1. Mr. Bakht Zaman.....   | Promotion to the post of Assistant   |
| 2. Mr. Jan Nisar.....     | Director Fisheries (BS-17) on        |
| 3. Mr. Muhammad Tanveer.. | regular basis.                       |
| 4. Mr. Tahir Jameel.....  | Promotion to the post of Assistant   |
|                           | Director Fisheries (BS-17) on acting |
|                           | charge basis.                        |

2. The officers will be on probation for a period of one year in terms of section 6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15 (1) of Khyber Pakhtunkhwa Civil Servants (*Appointment, Promotion & Transfer*) Rules, 1981.

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA,  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT.

**ENDS: NO. & DATE EVEN:**

Copy to the:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. ✓ Directorate of Fisheries, Khyber Pakhtunkhwa, Peshawar, with request to submit adjustment proposal of the above promotees.
3. Officers concerned.
4. Personal files of the officers concerned.
5. P.S to Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa.
6. Master File.

(Dr. Mir Ahmad Khan)  
SECTION OFFICER (L&F)

ATTESTED



ANNEX 'D'

(10)

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

Dated Peshawar the 30<sup>th</sup> Jan, 2018

## NOTIFICATION

**NO. SO (LFC) AD-DE-E-3(25)/2017:-** The Competent Authority on the recommendation of the Departmental Promotion Committee is pleased to promote the following Assistants Research Officer (BS-16) and Extension Field Officer (BS-16) of the Directorate of Fisheries, Khyber Pakhtunkhwa to the post of Assistant Director Fisheries, (BS-17) on regular basis with immediate effect:-

SR.#	NAME
1.	Mr. Tahir Jamil
2.	Mr. Rast Baz
3.	Mr. Jaffar Yahya Mian
4.	Mr. Wali Jan

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989; they will be on probation for a period of one year.

4. Consequent upon the above, the following posting / transfer is hereby ordered with immediate effect, in the best of public interest & till further orders:-

S#.	NAME	FROM	TO
1-	Mr. Tahir Jamil	District Officer Fisheries, Kohat	District Officer Fisheries, Kohat against the existing vacant post of Assistant Director Fisheries (BPS-17).
2-	Mr. Rast Baz	District Officer Fisheries, D.I Khan.	District Officer Fisheries, D.I Khan against the existing vacant post of Assistant Director Fisheries (BPS-17).
3-	Mr. Jaffer Yahya Mian	Asstt: Director Fisheries TCTC Swat at Madyan.	Asstt: Director Fisheries TCTC Swat at Madyan against the existing vacant post of Assistant Director Fisheries (BPS-17).

M.IRFAN

**ATTESTED**





(11)

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

S#	NAME	FROM	TO
4-	Mr. Wali Jan,	Asstt: Director Fisheries Head Quarter Peshawar.	Asstt: Director Fisheries Head Quarter Peshawar against the existing vacant post of Assistant Director Fisheries (BPS-17).

Sd/-

**SECRETARY AGRICULTURE**

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

Copy of the above is forwarded for information and further necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Fisheries, Livestock & Dairy Development, Khyber Pakhtunkhwa.
3. District Officer Fisheries (Kohat, D.I.Khan, Swat & Peshawar).
4. District Account Officers District (Kohat, D.I.Khan, Swat).
5. Officers Concerned.
6. Web Administrator Agriculture Department for uploading on website.
7. PS to Secretary Agriculture Department.
8. Office Order File.

(DR. MIR AHMAD KHAN)  
SECTION OFFICER

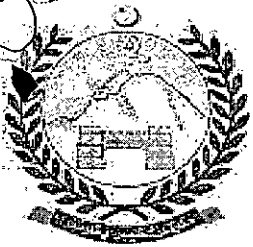
(LIVESTOCK, FISHERIES & COOPERATIVE)

ATTESTED

M.IRFAN

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3



www.fisheries.kp.gov.pk

**OFFICE OF THE DISTRICT OFFICER FISHERIES KOHAT**  
Mukhtiar Gul road Kohat Cantt:

No. 972-75  
Phone No.0922-9260236

Dated Kohat the 01 /02/2018  
Fax No.0922-9260236

**ASSUMPTION OF CHARGE REPORT**

In pursuance of the Secretary to the government of Khyber Pakhtunkhwa Agriculture, Cooperative, Fisheries ,livestock and diary development Notification No.SO(LFC)AD-DF-E-3(25)/2017 dated 30/01/2018 and further Endorsement No.4843-50/DGF/Estt dated 30/01/2018 of Director General Fisheries Khyber Pakhtunkhwa Peshawar , I Tahir Jamil District Officer Fisheries Kohat (Acting Charge base) is here by assumed the charge of District Officer Fisheries Kohat on regular base today on 01/02/2018(FN) at the office District Officer Fisheries Kohat.

-Sd-  
**TAHIR JAMIL**  
**District Officer Fisheries**  
**Kohat**

Copy forwarded for information and necessary action to;

1. The PS to the Secretary to the government of Khyber Pakhtunkhwa Agriculture, Cooperative, Fisheries, livestock and diary development please.
2. The Director General Fisheries Khyber Pakhtunkhwa Peshawar please.
3. The District Account Officer Kohat Please.

  
**District Officer Fisheries**  
**Kohat**

  
**ATTESTED**



ANNEX E<sup>4</sup>

13

**DIRECTORATE OF FISHERIES KHYBER PAKHTUNKHWA,  
2, SHAMI ROAD PESHAWAR.**

**WORKING PAPER.**

Subject: - **PROMOTION OF ASSISTANT RESEARCH OFFICERS (BPS-16) & EXTENSION FIELD OFFICERS (BPS-16) TO THE POST OF ASSISTANT DIRECTOR FISHERIES (BPS-17) ON REGULAR BASIS.**

1. There are **Twenty Three (23)** regular sanctioned posts of Assistant Director Fisheries (BPS-17) in the Khyber Pakhtunkhwa, Fisheries Department (**Annexure-I**). The bifurcation of filling of these posts as per prevailing Fisheries Department Service Rules through promotion and direct quota are as under:-

i) Promotion quota.	=12
ii) Direct quota.	=11

2. Four posts of Assistant Director Fisheries (BPS-17) falling under fifty (50) percent promotion quota have fallen vacant in Fisheries Department Khyber Pakhtunkhwa due to (i) retirement of two officers namely Syed Abdullah Shah, Assistant Director Fisheries, Mardan with effect from 15-03-2013 & Khurshid Khan, Assistant Director Fisheries, Shangla with effect from 15-04-2016 (**Annexure-II&III**), (ii) Promotion of Khalid Khan, Assistant Director Fisheries to the post of Deputy Director Fisheries vide notification No.SO(LFC)AD-DF-E-3(5)/2015 dated 22-08-2017 (**Annexure-IV**) and (iii) creation of one post Assistant Director Fisheries for District Nowshera on SNE side with effect from 01-07-2017 (**Annexure-V**).

3. In terms of Serial No.4, column 5 of Appendix Part-I (Technical Staff) attached to the Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Department notification No.SO(LFC)AD-DF-E-3(37) 2015 dated 26<sup>th</sup> April, 2017 (**Annexure-VI**), the following method of recruitment has been prescribed for the post of Assistant Director Fisheries BPS-17: --

- a) "50% by promotion, on the basis of seniority-cum-fitness from amongst the Assistant Research Officer/Extension Field Officer having bachelor degree with Zoology or BS in Zoology/Fisheries/ Aquaculture or equivalent qualification from a recognized University with five year service as such and;
- b) 50% by initial recruitment at least 2<sup>nd</sup> class Master Degree in Zoology with specialization in Fisheries/Fresh Water Biology or Master Degree in Aquaculture/Fisheries or BS Honors (4-years) in Zoology/Fisheries/Aquaculture or Equivalent Qualification from a recognized University."

continued at (2)

**ATTESTED**

4. There are four sanctioned vacant posts of Assistant Director Fisheries in Fisheries Department Khyber Pakhtunkhwa falls to the share of fifty (50) percent on promotion quota from amongst the Assistant Research Officers & Extension Field Officer.

5. According to the seniority list (**Annexure-VII**), the following are the most senior Assistant Research Officers & Extension Field Officers, who are due for promotion to the post of Assistant Director Fisheries: --

S#	Name of Officer	Qualification.	Date of 1 <sup>st</sup> entry into Govt; Service.	Date of entry in to present Scale/Post.	Whether he has completed 5 years service.	Whether eligible for Promotion
1.	Tahir Jamil.	M.Sc Zoology	08/05/2009	08/05/2009	Yes.	Yes. Already promoted to the post of Assistant Director Fisheries BPS-17 on acting charge basis w.e.f 27-03-2013.
2.	Rast Baz.	B.Sc Zoology	9/04/1992	27/03/2010	Yes.	Yes.
3.	Jafer Yahya.	B.Sc Zoology	15/02/1990	04/01/2011	Yes.	Yes.
4.	Wali Jan.	M.Sc Zoology	12/04/2011	12/04/2011	Yes.	Yes.
5.	Samina Safdar.	M.Sc Zoology	12/04/2011	12/04/2011	Yes.	Yes.
6.	Taj Muhammad.	F.Sc/ B.Sc	01/04/1990	11/01/2014	Yes.	Yes.
7.	Shahid Mehmood.	B.sc Zoology	06/06/1995	11/01/2014	Yes.	Yes.
8.	Shaukat Ali	M.Sc Chemistry	06/06/1995	11/01/2014	Yes.	Yes.
9.	Wasim Akram.	M.Phil Zoology	19/01/2015	19/01/2015	No	Yes.

6. Attested copies of Synopsis from the Annual Confidential Reports along with complete up-to-date original Dossiers and bio-datas of the concerned Assistant Research Officers/ Extension Field Officers are placed on board (**Annexure-VIII**).


Continued at (3)

  
**ATTESTED**

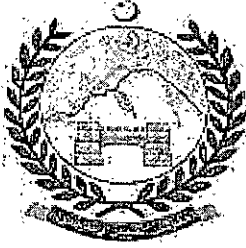
It is certified that all the officers included in the panel for promotion: -

- a) hold the lowest post on regular basis and none of them is holding the post on adhoc basis.
- b) have completed the prescribed minimum length of qualifying service/experience as required under the service recruitment rules.
- c) There is no disciplinary/criminal/anticorruption/NAB or Ihtisaab proceedings pending against any of the above said officials.
- d) No penalty has been imposed on the above officials.
- e) Have not been promoted on acting charge basis except at serial No.1.
- f) No departmental/professional examination has been prescribed.

The Departmental Promotion Committee is requested to determine the suitability of four Assistant Research Officers/Extension Field Officers for promotion to the post of Assistant Director Fisheries (BPS-17) on regular basis.

  
DIRECTOR FISHERIES,  
KHYBER PAKHTUNKHWA  
PESHAWAR.

  
ATTESTED



ANNEX F  
16

[www.fisheries.kp.gov.pk](http://www.fisheries.kp.gov.pk)

**OFFICE OF THE DISTRICT OFFICER FISHERIES KOHAT**  
Mukhtiar Gul road Kohat cantt

No. 1016 /  
Phone No.0922-9260236

Dated Kohat the 13 /02/2018  
Fax No.0922-9260236

To

Director General Fisheries  
Khyber Pakkhtunkhwa Peshawar

Subject:-

**PROMOTION/TENTATIVE SENIORITY LIST OF ASSISTANT  
DIRECTOR FISHERIES (BPS-17)**

Reference: your goodslef office letter No.4501-15 dated 18-01-2018 and received on dated 09-02-2018.

It is submitted for your kind information that the undersigned was promoted to the post of Assistant Director Fisheries BS-17 on acting charge basis on probation for a period of one year against a regular post due to non-completion of mandatory five (5) year service w.e.f 27-03-2013.

On completion of the requisite service period, the undersigned approached your goodslef office for regularization of my service but unfortunately my request was not considered, although a written request was made in subject issue time to time for the purpose. The issue of my promotion on regular basis was also pointed out in various meetings in Directorate of Fisheries, Khyber Pakkhtunkhwa Peshawar but no importance were given to my genuine request, beside the fact that one post was already vacated by Syed Abdullah Shah, Assistant Director Fisheries, Mardan with effect from 15-03-2013.

The undersigned has recently been promoted against a post of Assistant Director Fisheries BS-17 on regular basis with immediate effect instead from the date of Completion of my five year mandatory service vide notification No.SO (LFC)AD-DF3(25) /2017 dated 30-01-2018.

It is therefore requested that the Competent Authority may kindly be approached to issue revised notification of my regular promotion to the post of Assistant Director Fisheries BS-17 on regular basis w.e.f 08-05-2014 & thereafter revised seniority list of the Assistant Director Fisheries BS-17 may be issued to save my future service carrier please.

  
(Tahir Jamil)  
Assistant Director Fisheries  
Kohat

Miscellaneous file-E

  
**ATTESTED**

Notified



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK, FISHERIES & COOPERATIVES  
DEPARTMENT

2672  
21/12/18

Dated Peshawar, the 17<sup>th</sup> December, 2018

NOTIFICATION

NO.SO(LFC)AD-DF-F-3(20)/2018: In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Province, Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa, Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the competent authority has been pleased to approve final seniority list of Assistant Director Fisheries (BPS-17) of the Fisheries Department Khyber Pakhtunkhwa is as under (as it stood on 28 /06 /2018) is notified/circulated for general information:-

ANNEX

S#.	Name of Officer with academic qualification	Date of Brith with Domicile	Date of 1 <sup>st</sup> Entry into Govt: service With BPS	Regular Appointment/promotion to present post			Present appointment	Remarks
				Date	BPS	Mode of Recruitment.		
1	2	3	4	5	6	7	8	9
1-	Mr. Safer Janan, M.Sc Zoolgy/ Fisheries	22/07/1973 Hangu.	10/07/2004 (BPS-16).	25/01/2010	17	Promotion.	Assistant Director Fisheries (BPS-17) w.e.f 25/01/2010	
2-	Mr. Jahan Sher, M.sc Zoology (Fisheries).	05/05/1960 Swat.	25/02/1988 (BPS-09).	24/09/2010	17	Promotion.	Assistant Director Fisheries (BPS-17) w.e.f, 24/09/2010.	
3-	Mr. Fawad Khalil, M.Sc Zoology/ Fisheries	01/01/1980 Peshawar.	17/01/2011 (BPS-17).	17/01/2011	17	Initial recruitment.	Assistant Director Fisheries (BPS-17) w.e.f, 17/01/2011.	
4-	Mr. Bakht Zaman, B.Sc Zoology	06/01/1966 Mardan.	01/12/1989 (BPS-9).	27/03/2013	17	Promotion.	Assistant Director Fisheries (BPS-17) w.e.f., 27/03/2013.	
5-	Mr. Jan Nisar, B.Sc Zoology	01/04/1966 Mohmand Agency	01/12/1989 (BPS-9).	27/03/2013	17	Promotion.	ADF (BPS-17) w.e.f., 27/03/2013.	
6-	Ibrar Ahmed, M.Sc Zoology/ Fisheries	15/03/1987 Swat.	28/05/2013 (BS-17).	28/05/2013.	17	Direct.	Assistant Director Fisheries (BS-17) w.e.f, 28/05/2013.	
7-	Mr. Amin Jan, M.Sc Zoology/ Fisheries	30/01/1988 Peshawar.	30/05/2013 (BS-17).	30/05/2013.	17	Direct.	Assistant Director Fisheries (BS-17) w.e.f, 30/05/2013.	

ATTESTED

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1	2	3	4	Regular Appointment/promotion to present post			8	9
				Date	BPS	Mode of Recruitment.		
8-	Mr. Sajjad, M.Sc zoology/Fisheries M.Phil	16/03/1988 Lower Dir	01/01/2016 (BPS-17).	01/01/2016	17	Direct.	Assistant Director Fisheries (BPS-17) w.e.f, 01/01/2016.	
9-	Mr. Tahir Jamil, M.Sc Zoology	18/03/1982 Karak.	08/05/2009 (BPS-16) as ARO	08/05/2009	17	Promotion.	Assistant Director Fisheries (BPS-17) w.e.f, 02/01/2018.	
10	Mr. Rast Baz, B.Sc Zoology	28/02/1965 (Bannu).	29/04/1992	29/04/1992	17	Promotion.	Assistant Director Fisheries (BPS-17) w.e.f, 02/01/2018.	
11	Mr. Jaffer Yahya Mian, B.Sc Zoology.	15/03/1965 Swat.	15/02/1990 (BS-06)	01/11/1993	17	Promotion.	Assistant Director Fisheries (BPS-17) w.e.f 02/01/2018	
12	Mr. Wali Jan, M.Sc Zoology	28/08/1986 Hangu.	13/04/2011.	13/04/2011	17	Promotion.	Assistant Director Fisheries (BPS-17) w.e.f 02/01/2018	
13	Miss Sameena Safdar, M.Sc Zoology	25/03/1987 Haripur.	12/04/2011.	12/04/2011.	17	Promotion.	Assistant Director Fisheries (BPS-17) w.e.f 28/06/2018	

It is certified that the Seniority List is final, un-disputed and circulated amongst all the concerned.

SD/-  
CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

ENDST: EVEN NO. & DATED.

Copy forwarded for information to the:-

1. The Secretary to Governor Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Government of Khyber Pakhtunkhwa.
3. The Director General Fisheries Khyber Pakhtunkhwa.
4. The PS to Chief Secretary, Government of Khyber Pakhtunkhwa.
5. The PS to Secretary, Government of Khyber Pakhtunkhwa Establishment Department.
6. The PS to Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Department.
7. The Manager, Government Printing & Stationery Department, Peshawar.
8. Officer Concerned.





(AJMAL KHAN)  
SECTION OFFICER (LFC)

17/12/18

TESTED

18



	<p><a href="http://www.fisheries.kp.gov.pk">www.fisheries.kp.gov.pk</a> <b>DIRECTORATE GENERAL OF FISHERIES</b> 2-SHAMI ROAD PESHAWAR</p> <p>091-9212096 <a href="http://www.facebook.com/dgfisherieskpk">www.facebook.com/dgfisherieskpk</a></p>	
	<p> <a href="mailto:kpkfisheries@yahoo.com">kpkfisheries@yahoo.com</a>  <a href="https://twitter.com/fisheriesk">https://twitter.com/fisheriesk</a></p>	
	<p>No. <u>8423</u> /DGF/Estt: Dated Peshawar the <u>23</u>/05/2019.</p>	


To

Mr. Tahir Jamil,  
Assistant Director Fisheries,  
CH&TC, Peshawar.

Subject: **NOTIFIED SENIORITY LIST.**

Ref: Your office letter No.3197/ADF/CH&TC/B-13 dated 13/05/2019.

A copy of notified seniority and service rules have already been provided vide this office letter No.7780 dated 30/01/2019. However a copy of the said notified seniority, 2018 is enclosed herewith once again for information as desired, please.

  
**DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.**

No. \_\_\_\_\_/DGF/Estt:

Dated Peshawar the \_\_\_\_/05/2019.

Copy forwarded for information to the Deputy Director Fisheries,  
CH&TC, Peshawar for information. ....

  
**DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.**

  
**ATTESTED**

18-6-19

Amex "H"  
20

BEFORE THE WORTHY CHIEF SECRETARY TO GOVT OF  
KHYBER PAKHTUNKHWA, PESHAWAR.

**Subject:** DEPARTMENTAL REPRESENTATION/APEAL AGAINST THE FINAL SENIORITY LIST OF ASSISTANT DIRECTORS FISHERIES (BPS-17) AS IT STOOD ON 28.06.2018, ISSUED VIDE NOTIFICATION DATED: 17.12.2018, COMMUNICATED ON 23.05.2019.

RESPECTED SIR,

1. That appellant, joined Fisheries Department, Govt of Khyber Pakhtunkhwa as Assistant Research Officer (BPS-16), appointed by the competent authority, upon the recommendation of Public Service Commission KP, vide office order dated: 28.04.2009.
2. That appellant was appointed by the Competent Authority as Assistant Director, on acting charge basis, vide office order dated: 27.03.2013, against the vacant post.
3. That appellant has been regularized as Assistant Director, by the competent Authority, vide Notification dated: 30.01.2018 but with immediate effect, instead from the date of his eligibility, i.e. 08.05.2014, in accordance with law/rules governing the subject.
4. That appellant approached the Departmental Authority through proper representation for modification of the Notification dated 30.01.2018 supra, to the extent of giving effect from the date of his eligibility i.e. 08.05.2014, instead of immediate effect.
5. That appellant was sanguine regarding favorable consideration of the competent authority, over his Departmental Appeal but astonished to know that he has not been awarded suitable place in the subject mentioned seniority list and shown junior to those who was appointed much later than him, hence the instant appeal/representation.
6. That appellant was eligible from all aspects to be promoted/regularized as Assistant Director on 08.05.2014, however, the Competent Authority delayed his regularization/promotion, on one pretext or another, although promoted/regularized vide Notification dated: 30.01.2018 but with immediate effect instead of the date of eligibility i.e. 08.05.2014, which has caused grave miscarriage

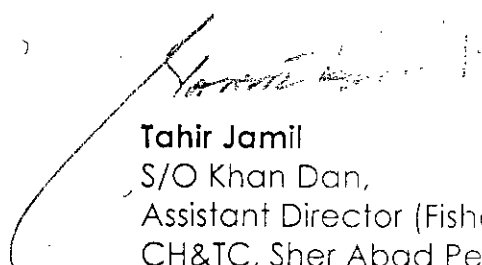
  
**ATTESTED**

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of justice. [Reliance is placed on the dictum of the apex Court, reported in 2006 SCMR 1938]

It is, therefore, most respectfully requested that on acceptance of instant appeal, Notification dated: 30.01.2018 may be modified and be given effect from 08.05.2014, instead of immediate effect and appellant may be placed at Serial No.08 instead of Serial No.09, in the subject mentioned seniority list, so as to treat him in accordance with law and to provide him equal protection of law.

Appellant:



**Tahir Jamil**  
S/O Khan Dan,  
Assistant Director (Fisheries)  
CH&TC, Sher Abad Peshawar.  
Cont # 0346-9279027

Dated: 14.06.2019



**ATTESTED**

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ANNEX I 92

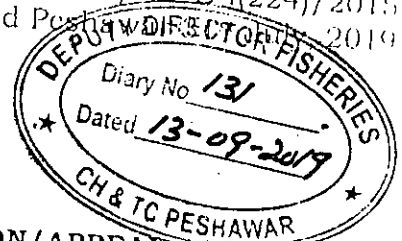


GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT

2<sup>nd</sup> Floor, Block "C" Civil Secretariat  
Ph # 091-9210973

1831  
2/8/19

No. SO (LFC) AD-E-1(224)/2015  
Dated Peshawar 07/08/2019



To  
The Director General (Fisheries)  
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL REPRESENTATION/APEAL AGAINST THE  
FINAL SENIORITY LIST OF ASSISTANT DIRECTORS FISHERIES  
(BS-17) AS IT STOOD ON 28.06.2018

I am directed to refer to your letter No. 8667/DG(F)/Estt-1/ dated 11.07.2019 on the subject cited above and to state that the competent authority has been pleased to **reject** the appeal filed by Mr. Tahir Jamil being void of any legal substance, very much clear advice of Establishemet Department in letter No. SOR-III (E&D) 1-13/2014 (C) dated 11<sup>th</sup> December, 2018 and Rule 9(6) of APT Rules 1989 not conferring any vested right for regular promotion to the post held on acting charge basis.

Encl: As Above.

*[Signature]*  
31/7/19  
SECTION OFFICER (LFC)

C.C:  
Copy of the above is forwarded to

1. P.S to Secretary, Agriculture, Livestock & Coop: Department, Khyber Pakhtunkhwa.
2. P.A. to Dy. Secretary (Admn.), Agriculture, Livestock & Coop: Department, Khyber Pakhtunkhwa, Peshawar the 07/08/2019.

Copy of the above is forwarded for information to:-

1. The Deputy Director Fisheries, CH&TC, Peshawar.
2. Mr. Tahir Jamil, Assistant Director Fisheries, CH&TC, Peshawar.

DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.

ATTESTED

(Estt)



**OFFICE OF THE DEPUTY DIRECT FISHERIES CH&TC PESHAWAR**

[www.fisheries.kp.gov.pk](http://www.fisheries.kp.gov.pk)

Email: [kpkfisheries@yahoo.com](mailto:kpkfisheries@yahoo.com)

No. 3455-56 DDF/CH/&TC

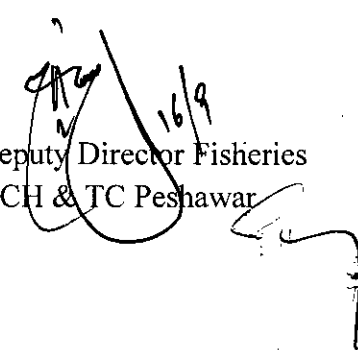
Dated: 16/09/2019

To

The Assistant Director Fisheries,  
CH & TC Peshawar,

Subject: DEPARTMENTAL REPRESENTATION/ APPEAL AGAINST THE FINAL SENIORITY LIST OF ASSISTANT DIRECTOR FISHERIES (BPS-17) AS IT STOOD ON 28/08/2018.


Find enclosed herewith a self explanatory letter No. 49-50/DF Dated 13/09/2019 received from the Director General Fisheries Khyber Pakhtunkhwa Peshawar for further necessary action.

  
Deputy Director Fisheries  
CH & TC Peshawar

Even No. & Date:

Copy forwarded to

The Director General Fisheries Khyber Pakhtunkhwa Peshawar for information with reference to his above subject letter Please.

  
Deputy Director Fisheries  
CH & TC Peshawar

  
**ATTESTED**

EXTRAORDINARY

GOVERNMENT

ANNEX J  
REGISTERED NO. P.III

GAZETTE

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**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, FRIDAY, 19<sup>th</sup> JANUARY, 2018.

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

**NOTIFICATION**Dated: 26<sup>th</sup> April, 2017.

No.SO(LFC)AD-DF-E-3(37)2015:- In pursuance of the provisions contained in Sub-Rule (2) of Rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous notifications issued in this behalf, the Agriculture, Livestock & Cooperation Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts specified in column No.2 of the said Appendix born in the Khyber Pakhtunkhwa Directorate of Fisheries and its subordinate offices.

**APPENDIX-III**  
**PART-I**  
**(TECHNICAL STAFF)**

S#	Nomenclature of the post.	Minimum qualification prescribed for appointment by initial recruitment.	Age limit for initial recruitment	Method of recruitment.
1.	2.	3.	4.	5.
1.	Director Fisheries (BPS-19)	-----	-----	By selection on merit on the basis of seniority-cum-fitness, from amongst the Additional Director Fisheries, having two years service as such.
2.	Additional Director Fisheries (BPS-19)	-----	-----	By promotion on the basis of seniority cum fitness from amongst the Deputy Directors Fisheries having seven years service in BPS-18 or 12 years service in BPS-17 and above.
3.	Deputy Director Fisheries (BPS-18)	-----	-----	By promotion on the basis of Seniority- cum-Fitness, from amongst the Assistant Directors Fisheries with five years Service as such.
4.	Assistant Director Fisheries (BPS-17)	At least Second Class Master's Degree in Zoology with specialization in Fisheries / Fresh Water Biology. Or Master's Degree in Aquaculture/ Fisheries or BS Hons (four years) in Zoology/Fisheries/Aquaculture or equivalent qualification from a recognized University.	21-32 Years	(a) Fifty percent by promotion on the basis of seniority-cum- fitness, from amongst the Assistant Research Officers and Extension Field Officers having Bachelor's Degree with Zoology or BS in Zoology / Fisheries / Aquaculture or equivalent from a recognized University with Five year service as such and (b) Fifty percent by initial recruitment.
5.	Assistant Research Officer (BPS-16)	At least Second Class Bachelor's Degree in Zoology with Fisheries / Fresh Water Biology / Aquaculture as one of the subject or Equivalent qualification from a recognized University.	20-32 years	(a) Thirty percent by promotion on the basis of seniority-cum-fitness, from amongst the Assistant Wardens Fisheries / Fisheries Development Assistant & Trout Culturist, having Intermediate Certificate (Pre-Medical) from a recognized Board with Seven years service as such; and (b) Seventy percent by initial recruitment.

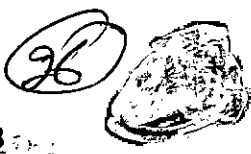
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S#	Nomenclature of the post.	Minimum qualification prescribed for appointment by initial recruitment.	Age limit for initial recruitment	Method of recruitment.
1.	2.	3.	4.	5.
6.	Extension Field Officer (BPS-16)	At least Second Class Bachelor's Degree with Zoology, Fisheries, Fresh Water Biology or Aquaculture as one of the subject or Equivalent qualification from a recognized University.	20-32 years	(a) Seventy percent by promotion, on the basis of seniority cum fitness, amongst the Assistant Warden Fisheries, Fisheries Development Assistant & Trout Culturists having Secondary School Certificate from a recognized Board with fifteen years service as such; and (b) Thirty percent by initial recruitment.
7.	Assistant Warden Fisheries/ Fisheries Development Assistant/ Trout - Culturist (BPS-12)	At least Second Class Bachelor's Degree with Zoology, Fisheries, Fresh Water Biology or Aquaculture as one of the subject or Equivalent qualification from a recognized University.	20-32 Years	(a) Fifty percent by promotion on the basis of seniority-cum-fitness, from amongst the Fisheries Supervisors, having Secondary School Certificate from a recognized board with seven years service as such; and (b) Fifty percent by initial recruitment.
8.	Fisheries Supervisor (BPS-11)	At least Second Class Bachelor's Degree with Zoology or Fisheries from a recognized University.	20-32 years.	(a) Fifty percent by promotion on the basis of Seniority-cum-Fitness, from amongst the Head Fisheries Watchers, having Secondary School Certificate or equivalent qualification from a recognized board with Five year service as such; and (b) Fifty percent by initial recruitment.
9.	Head Fisheries Watcher (BPS-09)	At least Second Class Intermediate Certificate (Pre-Medical) from a recognized board.	18-32 years	(a) Seventy Five percent by promotion on the basis of seniority-cum-Fitness, from amongst the Fisheries Watchers having Secondary School Certificate from a recognized Board with five year service as such; and (b) Twenty five percent by initial recruitment.
10.	Draftsman (BPS-9)	(a) At least Second Class Secondary School Certificate from a recognized board; and (b) at least eighteen months Civil Draftsman Certificate from a recognized Technical, Vocational Institute	18-32 years	By initial recruitment.
11.	Laboratory Assistant (BPS-8)	(a) At least Second Class Secondary School Certificate with Science from a recognized board; and (b) At least one year Laboratory techniques Certificate from recognized Veterinary or Medical Institute;	18-32 Years	(a) Seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst the Laboratory Attendants with five year service as such; and (b) Twenty five percent by Initial recruitment.
12.	Fisheries Watcher (BPS-7)	At least Second Class Secondary School Certificate with Science or equivalent qualification from a recognized board.	18-32 years	(a) Twenty percent by promotion on the basis of Seniority- cum-Fitness, from amongst the Hatchery Assistant & Aquarium Attendant, having Secondary School Certificate with Science from a recognized board with five year service as such, and (b) Eighty percent by initial recruitment.
13.	Feed Mill Operator (BPS-7)	(a) At least Second Class Secondary School Certificate with Science from a recognized Board; and (b) Trade Certificate from a recognized technical training Institute;	18-32 Years	By Initial Recruitment.
14.	Carpenter (BPS-6)	(a) At least Second Class Secondary School Certificate from a recognized Board; and (b) Trade Certificate from recognized Technical Training Institute proficiency in the Trade.	18-32 Years	By Initial Recruitment
15.	Electrician (BPS-6)	(a) At least Second Class Secondary School Certificate from a recognized Board; and (b) One year Certificate in Electrician from recognized Technical Training Institute & having proficiency in the Trade.	18-32 Years	By Initial Recruitment.

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S#	Nomenclature of the post.	Minimum qualification prescribed for appointment by initial recruitment.	Age limit for initial recruitment	Method of recruitment.
1.	2.	3.	4.	5.
16.	Motor Boat Operator/Boat Man (BPS-6)	At least Second Class Secondary School Certificate from a recognized Board with proficiency in motor boat driving.	18-32 years.	By initial recruitment.
17.	Tube Well Operator / Lift Pump Mechanic/ Plumber/ Pipe Fitter (BPS-6).	Literate having three months certificate in the relevant trade from a recognized Technical Vocational Institute with proficiency in the Trade.	18-32 years.	By Initial Recruitment.
18.	Driver (BPS-6).	Literate, having valid light transport vehicle driving license with experience in driving, repairing and maintenance of vehicle.	18-40 years	By Initial Recruitment.
19.	Hatchery Assistant, Aquarium Attendant (BPS-4).	At least Second Class Secondary School Certificate or equivalent qualification from a recognized board.	18-40 years.	By initial recruitment.
20.	Laboratory Attendant (BPS-3)	At least Second Class Secondary School Certificate with Science from a recognized Board.	18-40 years.	By Initial Recruitment

**PART-II**

**MINISTERIAL STAFF**

S#	Nomenclature of the post.	Minimum qualification prescribed for appointment by initial recruitment.	Age limit for initial recruitment	Method of recruitment.
1.	2.	3.	4.	5.
21.	Superintendent (BPS-17)	-----	-----	(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with at least five years service as such; and (b) Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Scale Stenographers with at least five years service as such;
22.	Assistant (BPS-16)	At least Second Class Bachelor's Degree or equivalent qualification from a recognized University.	18-32 years	(i) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Clerks with at least five years service as Junior and senior clerk. (ii) 25% by initial Recruitment.
23.	Senior Scale Stenographer (BPS-16)	-----	-----	By promotion on the basis of seniority cum-fitness, from amongst the Junior Scale Stenographers, with at least five years service as such;
24.	Computer Operator (BPS-16)	(a) At least Second Class Bachelor's Degree with Computer Science as one of the subject or Information Technology (BCS/BIT four years) or equivalent qualification from a recognized University; or (b) At least Second Class Bachelor's Degree from a recognized University with One year Diploma in Information Technology from a recognized board of Technical Education.	20-32 years	By initial recruitment
25.	Senior Clerk (BPS-14)	-----	-----	By promotion, on the basis of seniority cum fitness, from amongst Junior Clerks with at least five years service as such;

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S#	Nomenclature of the post.	Minimum qualification prescribed for appointment by initial recruitment.	Age limit for initial recruitment	Method of recruitment.
1.	2.	3.	4.	5.
26.	Junior Scale Stenographer (BPS-14)	(a) At least Second Class Intermediate or equivalent qualification from a recognized Board; (b) a speed of fifty words per minute in short-hand in English and thirty-five words per minute in typing; and (c) Knowledge of computer in using MS-Word and MS-Excel.	18-32 years	By initial recruitment.
27.	Statistical Investigator (BPS-12)	At least Second Class Bachelor's Degree with Statistics, Mathematics or Economics as one of the subject from a recognized university.	20-32 years	By initial recruitment
28.	Junior Clerk (BPS-11)	(a) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (b) a speed of thirty words per minute in typing.	18-30 years	(a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids, Chowkidars, Malis, Sweepers, Behishits & Attendants, having Secondary School Certificate or equivalent qualification from a recognized board with two years service as such; and  (b) Sixty seven percent by initial recruitment  Note: - For the purpose of promotion, there shall be a joint seniority list of the Naib Qasids, Chowkidars, Malis, Sweepers, Behishits & Attendants with reference to the date of their acquiring the Secondary School Certificate;  Provided that: (i) if two or more officials have acquiring the Secondary School Certificate in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and (ii) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
29.	Naib Qasid / Chowkidar / Sweeper/ Behishti / Attendant and Mali (BPS-3).	Literate: Note: - Preference will be given to the candidates having practical experience in the relevant field.	18-40 years	By initial recruitment.

Sd/-xxx  
SECRETARY TO  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK AND  
COOPERATION DEPARTMENT

Printed and published by the Manager,  
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

ATTESTED

**SERVICE/RECRUITMENT RULES, KHYBER PAKHTUNKHWA FISHERIES DEPARTMENT**

NOMENCLATURE OF THE POST.	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT.	AGE LIMIT.	METHOD OF RECRUITMENT.	NOTIFICATION/ AMENDMENT NOTIFICATION NO. & DATE.
Director of Fisheries Khyber Pakhtunkhwa (BPS-19).			By selection on merit with due regard to seniority from amongst the Deputy Director Fisheries.	Notification No.S0(FT-II)/AD/FISH/1-2/2T/1718-28, dated 02/03/2000.
1(A) Deputy Director Fisheries (BPS-18).			By promotion on the basis of seniority-cum-fitness from amongst the Assistant Director Fisheries with Five years service as such.	Notification No.S0(FT-II)/AD/FISH/1-2/93/3056-3116, dated 30/04/1995.
2- Assistant Director Fisheries (BPS-17).	Master Degree in Fisheries or M.Sc Zoology preferably with specialization in Fisheries/Fresh water Biology from a recognized University.	21-35 years.	i) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Assistant Research Officer/Extension Field Officer/ Assistant Research Officer (BPS-16) Limnology) with Five years experience.  ii) Fifty percent by Initial Recruitment.	Notification No.S0(FT-II)/AD/FISH/1-2/2T/1718-28, Dated 02/03/2000.
3- Assistant Research Officer/Extension Field Officer/Assistant Research Officer (Limnology) (BPS-16).	M.Sc Zoology/Fisheries preferably With specialization in Fisheries/ Fresh Water Biology.	20-30 years.	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Asstt. Warden Fisheries/Fisheries Development Assistant/ Trout Culturist (BPS-11) who have passed the prescribed technical Departmental Examination and have Three years service as such and;  b) Fifty percent by initial recruitment.  NOTE: The condition of Departmental examination will not be applicable to those who possess a B.Sc Degree with in Zoology or Fisheries as one of the subjects	Notification No.S0(FT-II)/AD/76/Fish/93/9964-80, Dated 31/10/1993.

Contd: on P/2---

ATTEN

impugned which being unexceptionable does not warrant interference. [C  
The appeal being devoid of merit is dismissed.

M.H./M-126/SC

Appeal dismissed.

2006 S C M R 1938

[Supreme Court of Pakistan]

Present: Khalil-ur-Rehman Ramday and Raja Fayyaz Ahmed, JJ

LUQMAN ZAREEN and others---Petitioners

versus

SECRETARY EDUCATION, N.-W.F.P. and others---Respondents

C.Ps. Nos.326-P to 342-P, 485-P, 486-P,513-P to 519-P, 586-P and  
622-P of 2005, , decided on 21st June, 2006.

(On appeal from the judgment/order, dated 14-5-2005 of the  
N.-W.F.P. Service Tribunal, Peshawar, passed in Service Appeals  
Nos.187 and 188 of 2004, 1019, 1020, 1021, 1022, 1023, 1025, 1026,  
1122, 1178, 1191, 1192, 1193, 1194, 1195, 1196, 1024, 1151, 1152,  
1153, 1154, 1158, 1159, 1160, 1161, 1157 and 997 of 2003,  
respectively).

(a) North-West Frontier Province Civil Servants Act (XVIII of  
1973)---

---S. 8---Promotion--- Principle--- Acting charge--- Departmental  
Promotion Committee issued delayed notification---Effect---Where a post  
was available against which a civil servant could be promoted; where  
such civil servant was qualified to be promoted to such a higher post;  
where he was put on such higher post on officiating or acting charge  
basis only because requisite exercise of allowing regular promotion to  
such post was being delayed by competent authority and where he was  
subsequently found fit for such promotion and was so promoted on  
regular basis, then the civil servant was entitled not only to the salary  
attaching to such post but also to all consequential benefits from that  
very date from which he had put on the said post on officiating or acting  
charge basis. [p. 194] A

(b) North-West Frontier Province Civil Servants Act (XVIII of  
1973)---

---S. 8---Promotion---Acting charge---Date of promotion---  
Determination---Civil servants were promoted on 31-8-2000, on acting  
charge basis but Departmental Promotion Committee issued their

notification of promotion on 27-5-2003---Grievance of civil servants was  
that their promotion was not considered from the date when they were  
promoted on acting charge basis---Validity---Civil servant who was  
asked to hold a higher post to which he was subsequently promoted on  
regular basis, was entitled to the salary etc. attaching to such post for the  
period that he held the same---Such civil servant was also entitled to any  
other benefits which might be associated with such post---If a vacancy  
existed in the higher cadre to which a civil servant was qualified to be  
promoted on regular basis but was not so promoted without any fault on  
his part and was instead put on such post on officiating basis, then on his  
regular promotion to such post, the civil servant would be deemed to  
have been so promoted to the same from the date from which he was  
allowed to hold the higher post, unless justifiable reasons existed to hold  
otherwise---Supreme Court converted petition for leave to appeal into  
appeal and set aside the judgment passed by Service Tribunal---Supreme  
Court declared the civil servants to be deemed to be promoted  
from 31-8-2000 and not from 27-5-2003---Appeal was allowed.  
[pp. 1943; 1944] B & D

Sarwar Ali Khan's case PLD 1994 SC 233 and Chaudhry  
Mehmood Akbar's case 2003 SCMR 13 rel.

(c) North-West Frontier Province Service Tribunals Act (I of 1974)---

---S. 4---North-West Frontier Province Civil Servants Act (XVIII of  
1973), S.8---Appeal---Maintainability---Necessary parties---Non-  
impleading of direct appointees---Civil servants were promoted on  
31-8-2000, on acting charge basis but Departmental Promotion  
Committee issued their notification of promotion on 27-5-2003---During  
promotion on acting charge basis and issuance of notification,  
department directly recruited few civil servants---Grievance of said civil  
servants was that their promotion was not considered from the date when  
they were promoted on acting charge basis---Service Tribunal dismissed  
appeal on the ground that the direct appointees were not made party to  
the appeal---Validity---Appeals filed by civil servants before Service  
Tribunal did not seek seniority over directly recruited persons and what  
they were asking for was vindication of their right to regular promotion  
from the date in question---If civil servants were found entitled to the  
same then they could not be deprived of it only because it could have  
caused some prejudice to some others nor could those others be heard to  
deny such benefit deserved by the civil servants---Non-impleading of the  
direct appointees to the appeals filed by civil servant in Service Tribunal  
could be no ground to deny them a right which had lawfully accrued to  
them---Appeal was allowed. [p. 1944] C

Javed A. Khan, Advocate Supreme Court with Mir Adam Khan,  
Advocate-on-Record for petitioners (in all petitions).

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ANNEX "K"

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M. Saeed Khan, Additional Advocate-General, N.-W.F.P. with Haji Ahmed Khan, Additional Secretary (S&L) and Fazli Manan, Director (S&L) Education Department, Peshawar for Respondents.

Date of hearing: 21st Just, 2006.

### JUDGMENT

**KHALIL-UR-REHMAN RAMDAY, J.**— All these petitions, twenty-eight in number, involve identical questions of law and facts; arise out of the same consolidated judgment of the learned N.-W.F.P. Service Tribunal and are, therefore, being disposed of together through this single judgment.

2. The petitioners in all these cases were serving the respondent-Government as S.E.Ts. in different schools of the Province. Through a notification dated 31-8-2000, they were "ADJUSTED" against the higher posts of Subject-Specialists in the following terms:—

"The following SETs holding M.A./M.Sc. Degrees in the relevant subject for the post of Subject Specialists on acting charge basis in the schools noted against each on seniority basis with immediate effect subject to the terms and conditions in vogue or ones to be framed in future."

3. After the petitioners had held the said higher posts of Subject Specialists and Headmasters for about three years, a further notification was issued on 27-5-2003 which read as under:—

"On the recommendation of the Departmental Promotion Committee, the Competent Authority has been pleased to promote the following S.E.Ts. (BPS-16) (I/C S.S.) to the rank of Subject Specialists (BPS-17) on regular basis with immediate effect and adjusted in the schools as noted against their names."

4. The petitioners felt aggrieved of their promotion to the said post from 27-5-2003 and not from the date when they had been actually appointed to the said posts though on acting charge basis i.e. from 31-8-2000. They sought redress of their said grievance from the learned Service Tribunal but failed.

5. Hence these petitions.

6. It has not been denied even before us that clear vacancies of Subject Specialists existed on 31-8-2000. It has also not been denied that all the petitioners possessed the requisite qualifications for being regularly promoted to the said posts on the said date and no impediment existed in their way to such a promotion. The reason offered for not so doing was that since a large number of SETs were to be promoted,

therefore, it took the Departmental Promotion Committee some time i.e. about three years to do the needful. It was, however, submitted that no financial loss had accrued to the petitioners because during these three years when they were holding the said higher posts, they had been paid salaries etc. attached to the same.

7. The learned Tribunal non-suited the petitioners essentially on the ground that during the period in question when they were holding the higher posts on acting charge basis, they were entitled only to the salaries of the said posts and nothing more and that they were not possessed of any right to claim regular promotion from 31-8-2000. A mention had also been made by the learned Tribunal that during this period some twenty-seven persons had got directly recruited as Subject Specialists who had not been arrayed as parties to the appeals filed by the petitioners before the said learned Tribunal; that ante-dating the promotion of the petitioners to the said posts would adversely affect the seniority of the said direct appointees and since they had not been made parties to the said appeals, therefore, the sought relief could not be granted to them. From the impugned judgment of the learned Service Tribunal, an impression is also gathered that while refusing the said relief to the petitioners, the said learned Tribunal had also been influenced by the fact that they had not re-coursed to the available remedies in the year 2000 when they had been promoted to the posts in question on acting charge basis only and not on regular basis.

8. We have heard the learned counsel for the parties and have also perused the record in the light of the submissions made before us.

9. It is then a position admitted on all sides that nothing existed in the way of the petitioners on 31-8-2000 which could have disentitled them to regular promotion to the posts in question and that it was only the usual apathy, negligence and bureaucratic red-tapsim which had deprived the petitioners of the fruits that they deserved. The petitioners could not be permitted to be punished for the faults and inaction of others. We are of the view that where a post was available against which a civil servant could be promoted; where such a civil servant was qualified to be promoted to such a higher post; where he was put on the said higher post on officiating or acting charge basis only because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority and where he was subsequently, found fit for the said promotion and was so promoted on regular basis then he was entitled not only to the salary attaching to the said posts but also to all consequential benefits from the very date from which he had been put on the said post on officiating or acting charge basis and we hold accordingly.

ATTORNEY GENERAL

10. The learned Tribunal had brushed aside some precedent cases cited before it including some cases of this Court by declaring that the same were distinguishable. We have gone through the said judgments delivered by this Court and find that the learned Tribunal had failed to read the said judgments properly and to appreciate the ratio of the same in its correct prospective.

11. One such judgment to which a reference had been made in detail in the impugned judgment was Sarwar Ali Khan's case reported as PLD 1994 SC 233. This was a case where a Deputy Registrar of the Sindh Labour Appellate Tribunal had been appointed to the post of the Registrar of the same Tribunal on 5-7-1988 with immediate effect and till further orders but in his own pay and scale. It was almost three years later that he was regularly promoted to the said post on the recommendation of the Departmental Promotion Committee. Since there was no prospect of his further promotion beyond the post of Registrar, therefore, he had claimed only the salary of the post of Registrar which he had held on officiating basis for about three years and had prayed for nothing more. This claim was denied to him which finally led him to this Court. And this is what was held by this Court in the said facts and circumstances:--

"... This cannot be stretched to cover the case in hand, where the incumbent has worked against that post on his own pay and status for three years, particularly when there was no legal impediment in his way to be promoted at that time on regular basis when he was inducted on 5-7-1988. In the instant case, since the appellant was eligible and qualified for promotion to B-18, there appears no justifiable reason to deprive him of the salary and others benefits of that post for a period of three years, which he would have received, had he been promoted on regular basis. The appellant had discharged full duties and responsibilities of the higher post and in the absence of some plausible reason, he cannot be deprived of the salary and other benefits connected with that post." Underlining is ours).

12. Dealing with this judgment, the learned Tribunal had failed to appreciate the principle laid therein by this Court by omitting to give the requisite weight to the principle enunciated and the words "other benefits" emphasized by this Court through the said judgment.

13. Another judgment of this Court placed before the learned Tribunal for its guidance was the one delivered in the case of Chaudhry Mehmood Akbar reported as 2003 SCMR 13.

14. This was a case where Muhammad Afzal, the respondent in that case, while serving as Deputy Superintendent of Jail on 21-12-1989, was

transferred and posted as Superintendent of Jail in his own pay and scale and it was almost five years thereafter i.e. on 1-9-1994 that he was regularly promoted to the said post of Superintendent. He reached the Service Tribunal claiming regular promotion from the date when he had been appointed to the said post of Superintendent i.e. from 21-12-1989 instead of the date of his regular promotion to the same i.e. on 1-9-1994. The learned District Attorney who represented the Government before the learned Tribunal did not object to the grant of the said relief and the same was accordingly allowed to him. One Muhammad Akbar questioned the said judgment of the learned Tribunal before this Court submitting that he was senior to Muhammad Afzal in service; had been promoted to the post of Superintendent of Jail after Muhammad Afzal had been put on the said post in his own pay and scale but before his regular promotion to the said post on 1-9-1994 and that granting promotion to the said Muhammad Afzal with effect from 21-12-1989 would operate prejudicially to his seniority and interests vis-a-vis the said Muhammad Afzal. After hearing all the sides, this Court sanctified the promotion of Muhammad Afzal with effect from the date when he had been actually put on the said higher post i.e. with effect from 21-12-1989 subject only to the proviso that the same would not adversely affect the rights of the other Superintendents of Jail who were senior to the said Muhammad Afzal.

15. A bare perusal of these judgments would thus, show that this Court had always accepted the principle that a person who was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc. attaching to such a post for the period that he held the same; that he would also be entitled to any other benefits which may be associated with the said post and further that if a vacancy existed in a higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on the said post on officiating basis then on his regular promotion to the said post, he would be deemed to have been so promoted to the same from the date from which he was allowed to hold the said higher post unless justifiable reasons existed to hold otherwise.

16. The appeals filed by the petitioners before the learned Service Tribunal could not have been dismissed on the ground of limitation. Firstly, because it was the subsequent notification dated 27-5-2003 which had ordered their regular promotion not from the date that they had been promoted to the posts in question on acting charge basis but from the date of the said notification, which had caused grief to them. Therefore, limitation would start running against them not from 31-8-2000 but from 27-5-2003. And secondly, because on similar question of limitation, this Court had thus, held in Sarwar Ali Khan's case (supra)

1943  
 2006  
 Luqman Zareen v. Secretary Education  
 (Khalil-ur-Rehman Ramday, J)

"... it can be said that presumption favourable to the civil servant (appellant) would be that it was temporary arrangement and would not last long but it lasted for three years. Filing representation was also proper remedy and in such circumstances, it would not be fair to knock down service appeal as time-barred on the ground that first notification was not challenged."

17. This brings us to the question whether the petitioners could have been denied relief by the learned Tribunal on the ground that allowing relief in question to them could have operated to the prejudice of some persons who had been directly recruited to the posts of Subject Specialists between 31-8-2000 and 27-5-2003 and who had not been impleaded as respondents in the said appeals. Suffice it to say that the appeals filed by the petitioners before the Service Tribunal did not seek seniority over the said directly recruited persons and what they were asking for was the vindication of their right to regular promotion from the date in question and if the petitioners were found entitled to the same then they could not be deprived of it only because it could have caused some prejudice to some others nor could the said others be heard to deny the said benefit deserved by the petitioners. Therefore, we find that non-impleading of the said direct recruits to the appeals filed by the present petitioners in the learned Tribunal could also be no ground to deny them a right which had lawfully accrued to them.

18. Having thus, examined all aspects of the matter and for the above-discussed reasons, all these petitions are converted into appeals which are allowed as a result whereof the impugned judgment of the N.-W.F.P. Service Tribunal is set aside and as a further result whereof it is declared that the petitioners (now appellants) shall be deemed to have been regularly promoted as Subject Specialists from 31-8-2000 and not from 27-5-2003.

19. No orders as to costs.

M.H./L-6/SC

Appeals allowed.

2006 S C M R 1944

[Supreme Court of Pakistan]

Present: Ch. Ijaz Ahmad and Syed Jamshed Ali, JJ

Dr. NOSHEEN QAMAR---Petitioner

versus

SHAH ZAMAN KHATTAK and another---Respondents

Civil Petition No.132-P of 2003, decided on 30th May, 2006.

(On appeal from the judgment, dated 25-11-2002 passed by High Court of Peshawar in Writ Petition No.1321 of 2000).

West Pakistan Family Courts Act (XXXV of 1964)---

---S. 5---Dissolution of Muslim Marriages Act (VIII of 1939), S.2--- Civil Procedure Code (V of 1908), O.XLI, R.22---Constitution of Pakistan (1973), Art.185(3)---Divorce---Recovery of dower---Plea of cruelty---Non-filing of cross objections---Leave to appeal was granted by Supreme Court to consider: whether finding of Family Court that issue of cruelty was not proved, was not in accordance with the evidence and reasoning of Family Court itself; whether in the circumstances of the case, could it not be said that Family Court had not dissolved the marriage on the ground of Khula; whether High Court did not err in law by observing that wife had not challenged the findings on issue of cruelty because decree was in her favour which she could, under O.XLI, R.22 C.P.C. defend even on the ground decided against her; whether the principle that if wife had been compelled by ill-treatment of husband to seek for divorce, it was unlawful for him to take indemnity and if man had forced the woman to accept Khula, a Talaq would take place without any liability to pay the indemnity; whether dower was not a benefit arising out of marriage to be restored to husband in case of dissolution of marriage on the ground of Khula; whether in absence of specific demand by husband or indemnity in the form of waiver of cash dower of Rs.200,000, High Court could grant husband the indemnity; whether rule laid by High Court in the cases titled Mukhtar Ahmed v. Mst. Ume Kalsoom and another, reported as PLD 1975 Lah. 805 and Noor Muhammad v. Judge, Family Court, Burewala, District Vehari and another, reported as PLD 1989 Lah. 31, did not lay down the correct law; and whether decree of cash dower could be collaterally impeached before High Court during pendency of appeal before Lower Appellate Court. [p. 1947] A

Ajmal Khan, Advocate Supreme Court and M. Zahoor Qureshi, Advocate-on-Record for Petitioner.

Abdul Sattar Khan, Advocate Supreme Court for Respondents.

ORDER

SYED JAMSHED ALI, J.--- The petitioner, a disillusioned wife, seeks leave to appeal against the judgment dated 25-11-2002 of the learned Peshawar High Court. She has been liberated from the marital tie but at the cost of her dower amounting to Rs.2,00,000. She had filed a composite suit claiming dower, articles of dowery, maintenance and had also sought dissolution of marriage on the ground of physical and mental cruelty, non-payment of maintenance, non-performance of conjugal

ATTACHED

وکالت نامہ

بعدالت سرور سید شمس الدین

طالعہ علیہ بنام گورنمنٹ

منجانب ریورنڈ ڈیپٹی سروسز

تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام

امین الرحمن یوسفزئی ایڈووکیٹ ہائی کورٹ، فیڈرل شریعت کورٹ آف پاکستان اینڈ سجاد احمد محسود ایڈووکیٹ ہائی کورٹ،

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کرونگا اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بزور تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بزور تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعوی و جواب دعوی اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد دہائی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعوی دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل و اپیل کے واسطے کسی دوسرے وکیل یا بیرٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سندر ہے مورخہ \_\_\_\_\_ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Amin ur Rehman Yousafzai  
Advocate High Court,  
& Federal Shariat Court  
of Pakistan.

Sajjad Ahmad Mehsud  
Advocate High Court  
Peshawar - 15-8659

Adv. Khalid Khan  
BC-18-1145



**BEFORE THE PROVINCIAL SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.1336/2019

Tahir Jamil.

VERSUS

Government of Khyber  
Pakhtunkhwa & Others.

<u>S/No.</u>	<u>Documents.</u>	<u>Annexure.</u>	<u>Page.</u>
1.	Comments.		1-3
2.	Affidavit.		4
3.	Authority letter.		5
4.	Notification No. SO(L&F)AD-3(25)/2013 dated 27-03-2013	I.	6
5.	Appeal of the Petitioner dated.13-02-2018.	II.	7
6.	Rejection letter of the Competent Authority dated.11-12-2018	III.	8
7.	Communication of rejection letter to the appellant dated.15-01-2019	IV.	9
8.	Request of the appellant for seniority list dated.28-01-2019.	V	10
9.	Provision of Seniority List of ADFs & Service Rules dated.30-01-2019	VI	11
10.	Rejection of 2 <sup>nd</sup> representation by the Admn; Department dated.31-07-2019.	VII	12
11.	Rejection letter of the Competent Authority dated.11-12-2018	VIII.	13
12.	Rejection of 2 <sup>nd</sup> representation by the Admn; Department dated.31-07-2019.	IX	14

Dated.06/01/2020

  
RESPONDENT NO.3

# **BEFORE THE PROVINCIAL SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.1336/2019

Tahir Jamil

V/S Government of Khyber Pakhtunkhwa  
& Others

## **PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

**Respectfully Sheweth:**

### **Preliminary Objections**

1. That the Appellant is deliberately concealing important facts from Honorable Court.
2. That the Appellant has got no locus standi for filing this writ petition.
3. That Petition is wrong and based on illegal and unlawful presumptions.
4. That the Appellant has got no cause of action to file the present petition.
5. That the petition is badly time barred.
6. That the Hon'able Tribunal has no Jurisdiction to adjudicate the matter.

### **Facts**

1. No comments.
2. No comments.
3. Incorrect. The appellant was promoted as Assistant Director Fisheries (BPS-17) on acting charge basis with effect from 27-03-2013 along with allied full financial benefits vide notification **No.SO (L&F)AD-3(25)/2013 dated 27/03/2013. (Annexure-I)** There were four vacant posts of Assistant Director Fisheries (BS-17), which were to be filled from amongst the Assistant Research Officers (BS-16) under promotion quota & on the recommendation of the DPC his other three colleagues were promoted to the post of Assistant Director Fisheries (BPS-17) on regular basis while the appellant was promoted on acting charge basis due to non completion of requisite five year service. Thereafter, the appellant along with his other three colleagues were promoted to the post of Assistant Director Fisheries BPS-17 on regular basis on promotion quota vide notification No. SO(LFC)AD-DF-E-3(25)/2017 dated 30/01/2018 with immediate effect as per provision of Promotion Policy.

Keeping in view of the above facts, the appellant has neither submitted any representation regarding his promotion nor challenged his grievances in any court of law during the period with effect from 27/03/2013 to 02-01-2018, therefore, the claim of the appellant is badly time barred as per provision mentioned in the Khyber Pakhtunkhwa, Civil Servants (Appeal) Rules, 1986.

It is pertinent to mention here that the appellant had also submitted an appeal (Representation) after assumption of the post of Assistant Director Fisheries BPS-17 vide No.1060 dated.13-02-2018 (Annexure-II) which was processed, disposed of & filed by the Competent Authority as per section-22 of Civil Servant Act, 1973 vide Government of Khyber Pakhtunkhwa, Establishment Department (Regulation Wing) No.SOR-III (E&AD) 1-13/2014 (C) dated.11-12-2018 (Annexure-III), forwarded to the appellant vide letter No.7678/DGF/Estt dated.15-01-2019 (Annexure-IV) therefore, the appellant failed to challenge the said decision before any court of law with stipulated period of time as per provision mentioned in the Khyber Pakhtunkhwa, Civil Servants (Appeal) Rules, 1986.

Mean while the appellant has requested for provision of Seniority List of ADFs & Service Rules vide application dated.28-01-2019 (Annexure-V) which were provided vide No.7780 dated.30-01-2019 (Annexure-VI)

4. Pertains to record.
5. Incorrect. As per promotion policy, promotions are already made with immediate effect, therefore, the representation of the petitioner was regretted in light of the above provision of rules (Annexure-VII)
6. Incorrect. As per decision of appointing authority, his appeal was regretted and communicated vide letter dated 11.12.2018. As per the above facts, the appeal of the appellant filed in the KP Service Tribunal is time barred.
7. Incorrect, The appeal of the appellant was regretted on 11.12.2018 (Annexure-VIII) and not on 31.07.2019 (Annexure-IX).


### **Grounds:**


- A. Incorrect. Respondents acted in accordance with law & Rules.
- B. Incorrect as already discussed in paras -3, 4, 5, 6 & 7 of the facts.
- C. Incorrect. The Respondents acted as per Law & Rules.

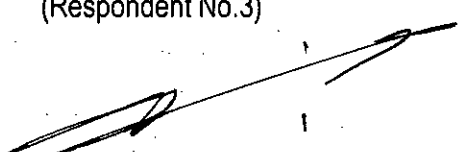
- D. Incorrect as per paras-3, 4, 5, 6 & 7 of the facts.
- E. Incorrect already explained above in paras-3, 4, 5, 6 & 7 of the facts.
- F. No comments.

Keeping in view of the preliminary objections and facts of the case, this Hon'able Court is prayed to kindly dismiss the titled service appeal with costs throughout in the best interest of Justice

  
(SAJJAD)  
ASSISTANT DIRECTOR FISHERIES,  
DIR LOWER.  
(Respondent No.4)

  
DIRECTOR FISHERIES,  
KHYBER PAKHTUNKHWA  
PESHAWAR  
(Respondent No.3)

  
DIRECTOR GENERAL FISHERIES,  
KHYBER PAKHTUNKHWA  
PESHAWAR  
(Respondent No.2)

  
SECRETARY TO  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT.  
Respondent No.1

8/11/20

(4) (L.S.)

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.1336/2019

Tahir Jamil.

VERSUS

Government of Khyber  
Pakhtunkhwa & Others.

**AFFIDAVIT.**

I Mr. Gulzar Mahmood, Assistant Director Fisheries (L&S) (BPS-17), Directorate General Fisheries, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare that the contents of the accompanying para wise comments submitted by the Respondents are true to the best of my knowledge & belief & that nothing has been concealed from this Hon'able Court.



---

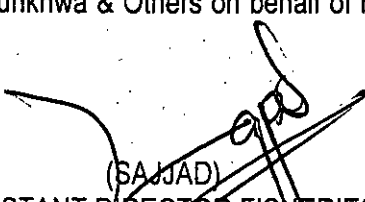
(GULZAR MAHMOOD),  
NIC NO. 17301-1383259-9  
CELL NO.0313-9111615  
0333-9111615.  
Deponent


5


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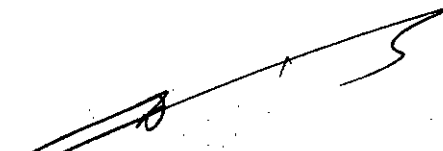
**AUTHORITY LETTER.**

Mr. Gulzar Mahmood, Assistant Director Fisheries, (L&S) BPS-17, Directorate General Fisheries, 2-Shami Road Peshawar Cantt; is hereby authorized to submit affidavit & attend Khyber Pakhtunkhwa, Peshawar in a service appear No.1336 of 2019 titled "Tahir Jamil ~~vs~~ versus Government of Khyber Pakhtunkhwa & Others on behalf of respondents on each & every date of hearing till the decision of the case.

  
(SAJJAD)  
ASSISTANT DIRECTOR FISHERIES,  
DIR LOWER.  
(Respondent No.4)

 4/11/20  
DIRECTOR FISHERIES,  
KHYBER PAKHTUNKHWA  
PESHAWAR  
(Respondent No.3)

  
DIRECTOR GENERAL FISHERIES,  
KHYBER PAKHTUNKHWA  
PESHAWAR  
(Respondent No.2)

  
SECRETARY TO  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT.  
Respondent No.1

Annex- I

169



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

Dated Peshawar the 27<sup>th</sup> March, 2013.

**NOTIFICATION:**

**NO.SO(L&F)AD-3(25)/2013:** On the recommendation of the Provincial Selection Board, the Competent Authority is pleased to approve promotion of the following officers to the posts of Assistant Director Fisheries (B-17), of Directorate of Fisheries, Khyber Pakhtunkhwa, Peshawar, with immediate effect:

- |                            |                                      |
|----------------------------|--------------------------------------|
| 1. Mr. Bakht Zaman.....    | Promotion to the post of Assistant   |
| 2. Mr. Jan Nisar.....      | Director Fisheries (BS-17) on        |
| 3. Mr. Muhammad Tanveer... | regular basis.                       |
| 4. Mr. Tahir Jameel.....   | Promotion to the post of Assistant   |
|                            | Director Fisheries (BS-17) on acting |
|                            | charge basis.                        |

2. The officers will be on probation for a period of one year in terms of section 6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15 (1) of Khyber Pakhtunkhwa Civil Servants (*Appointment, Promotion & Transfer*) Rules, 1981.

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA,  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT.

ENDS: NO. & DATE EVEN:

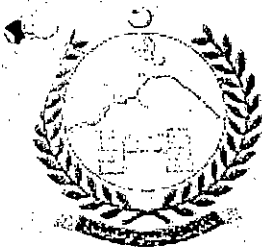
Copy to the:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
  2. Directorate of Fisheries, Khyber Pakhtunkhwa, Peshawar, with request to submit adjustment proposal of the above promotees.
  3. Officers concerned.
  4. Personal files of the officers concerned.
  5. P.S to Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa.
- 6 ✓ Master File.

Received  
Dr. Mir Ahmad Khan

(Dr. Mir Ahmad Khan)  
SECTION OFFICER (L&F)

Assistant Director Fisheries  
Head Office  
OIG Directorate of Fisheries  
Khyber Pakhtunkhwa  
Province, Peshawar



7 11

www.fisheries.kp.gov.pk

OFFICE OF THE DISTRICT OFFICER FISHERIES KOHAT  
Mukhtiar Gul road Kohat cantt

No. 1016 /  
Phone No.0922-9260236

Dated Kohat the 13 /02/2018  
Fax No.0922-9260236

To

Director General Fisheries  
Khyber Pakkhtunkhwa Peshawar

Subject:-

**PROMOTION/TENTATIVE SENIORITY LIST OF ASSISTANT  
DIRECTOR FISHERIES (BPS-17)**

Reference:

your goodslef office letter No.4501-15 dated 18-01-2018 and received on  
dated 09-02-2018.

It is submitted for your kind information that the undersigned was promoted to the post of Assistant Director Fisheries BS-17 on acting charge basis on probation for a period of one year against a regular post due to non-completion of mandatory five (5) year service w.e.f 27-03-2013.


On completion of the requisite service period, the undersigned approached your goodslef office for regularization of my service but unfortunately my request was not considered, although a written request was made in subject issue time to time for the purpose. The issue of my promotion on regular basis was also pointed out in various meetings in Directorate of Fisheries, Khyber Pakkhtunkhwa Peshawar but no importance were given to my genuine request, beside the fact that one post was already vacated by Syed Abdullah Shah, Assistant Director Fisheries, Mardan with effect from 15-03-2013.


The undersigned has recently been promoted against a post of Assistant Director Fisheries BS-17 on regular basis with immediate effect instead from the date of Completion of my five year mandatory service vide notification No.SO (LFC)AD-DF3(25) /2017 dated 30-01-2018.

It is therefore requested that the Competent Authority may kindly be approached to issue revised notification of my regular promotion to the post of Assistant Director Fisheries BS-17 on regular basis w.e.f 08-05-2014 & thereafter revised seniority list of the Assistant Director Fisheries BS-17 may be issued to save my future service carrier please.

  
(Tahir Jamil)  
Assistant Director Fisheries  
Kohat

Miscellaneous file-E

  
**ATTESTED**

  
Assistant Director Fisheries  
Head Quarter  
C/O Director of Fisheries  
Khyber Pakhtunkhwa  
Province, Peshawar





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NO. SOR.III(E&AD) 1-13/2014 (C)  
Dated Peshawar the December 11, 2018

To

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

Subject: CLAIM OF SENIORITY

Dear Sir,

I am directed to refer to the Agriculture Department letter NO. (L&DD)/AD-DF-E-3(25)2012 dated 9<sup>th</sup> November 2018 on the subject noted above and to state that under Promotion Policy 2009 of the Provincial Government, promotion will always be notified with immediate effect. Moreover, sub section (4) of Section 8 of Civil Servant Act provides that seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post. Furthermore, under Section-22 of Civil Servant Act, 1973, the application being time barred cannot be acceded to at this belated stage and may be filed.

Yours faithfully,

*[Handwritten signatures and initials]*  
SECTION OFFICER(R-III)  
Phone # 9211793  
11/12/18

3093  
18/12/18

Secretary Agriculture  
Diary No. 9236  
Dated 14/12/18

*[Handwritten initials]*  
SA  
A  
17/12

*[Handwritten signature]*  
Assistant Director Fisheries  
Head Quarter  
GIO Director of Fisheries  
Khyber Pakhtunkhwa  
Province, Peshawar



[www.fisheries.kp.gov.pk](http://www.fisheries.kp.gov.pk)  
**DIRECTORATE GENERAL OF FISHERIES**  
2-SHAMI ROAD PESHAWAR  
091-9212096  
[www.facebook.com/dgfisherieskpk](http://www.facebook.com/dgfisherieskpk) [kpkfisheries@yahoo.com](mailto:kpkfisheries@yahoo.com)  
<https://twitter.com/fisheriesk>



No. 7678 /DGF/Estt: Dated Peshawar the 15 /01/2019.

To

Mr. Tahir Jamil,  
Assistant Director Fisheries,  
CH&TC, Peshawar.

SUBJECT:- **CLAIM OF SENIORITY.**

Enclosed please find herewith a copy of letter No.SO(L&DD)AD-DF-E3(25)/2012 dated 31/12/2018 alongwith enclosures received from Section Officer (LFC), Agriculture, Livestock, Fisheries & Cooperative Department Peshawar, which is self explanatory for information as desired, please.

*H*  
**DIRECTOR GENERAL FISHERIES**  
**KHYBER PAKHTUNKHWA** *SE*  
*o/c* PESHAWAR.

No. 7679 /DGF/Estt:

Dated Peshawar the 15 /01/2019.

Copy forwarded to the Section Officer (LFC), Govt of Khyber Pakhtunkhwa Agriculture, Livestock, Fisheries & Cooperative Department for information, please.

*H*  
**DIRECTOR GENERAL FISHERIES**  
**KHYBER PAKHTUNKHWA** *SE*  
*o/c* PESHAWAR.

*Muhammad*

Assistant Director Fisheries  
Head Quarter  
O/O Director of Fisheries  
Khyber Pakhtoon Khwa  
Province, Peshawar

To

The Director General Fisheries  
Khyber Pakhtoon Khwa  
Peshawar

Subject: Provision of Security list & Service rules

Sir,

with due respect, It is <sup>that</sup> ~~submitted~~ <sup>requested</sup> needed  
an attested photocopy of Security list of ADF  
and Service rules for cont case.  
Kindly issue the attested photocopies please.  
Thanks

Dated: 28/01/2019

Do the needful!

As (Asst)

[Signature]

Amrooz  
Tahir Jamil 28/1/2019

Assistant Director Fisheries  
Plot 9 Pc Peshawar

[Signature]

Assistant Director Fisheries  
Khyber Pakhtoon Khwa  
Peshawar



www.fisheries.kp.gov.pk

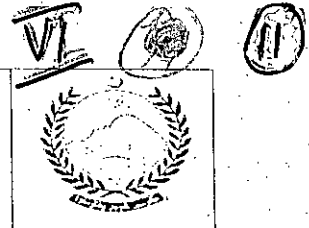
**DIRECTORATE GENERAL OF FISHERIES**  
2-SHAMI ROAD PESHAWAR

091-9212096

kpkfisheries@yahoo.com

www.facebook.com/dgfisherieskpk

https://twitter.com/fisheriesk



No. 7780 /DGF/Estt:

Dated Peshawar the 30/01/2019.

To

Mr. Tahir Jamil,  
Assistant Research officer,  
Headquarter, Peshawar.

SUBJECT:- PROVISION OF SENIORITY LIST & SERVICE RULES.

Reference: Your application dated 28/01/2019.

A copy of seniority list and service rules is sent herewith for necessary action as desired.

*[Signature]*  
DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
o/c PESHAWAR.

*[Signature]*  
Assistant Director Fisheries  
Head Quarter  
O/O Director of Fisheries  
Khyber Pakhtunkhwa  
Province, Peshawar



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VII

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT

2<sup>nd</sup> Floor, Block "C" Civil Secretariat  
Ph # 091-9210973

1831  
2/8/19

No.SO (LFC) AD-E-I(224)/2015  
Dated Peshawar 31<sup>st</sup> July, 2019

To

**The Director General (Fisheries)**  
Khyber Pakhtunkhwa, Peshawar.

Subject:

**DEPARTMENTAL REPRESENTATION/APEAL AGAINST THE  
FINAL SENIORITY LIST OF ASSISTANT DIRECTORS FISHERIES  
(BS-17) AS IT STOOD ON 28.06.2018**

I am directed to refer to your letter No. 8667/DG(F)/Estt-I/ dated: 11.07.2019 on the subject cited above and to state that the competent authority has been pleased to **reject** the appeal filed by **Mr. Tahir Jamil** being void of any legal substance, very much clear advice of Establishemet Department in letter No. SOR-III (E&D) 1-13/2014 (C) dated 11<sup>th</sup> December, 2018 and Rule 9(6) of APT Rules 1989 not conferring any vested right for regular promotion to the post held on acting charge basis.

**Encl: As Above.**

*[Signature]*  
31/7/19

**SECTION OFFICER (LFC)**

**C.C:**

Copy of the above is forwarded to

1. P.S to Secretary, Agriculture, Livestock & Coop: Department, Khyber Pakhtunkhwa.
2. P.A to Dy. Secretary (Admn.), Agriculture, Livestock & Coop: Department, Khyber Pakhtunkhwa, Peshawar

Encl. No. ~~49-50/DF~~ Dated Peshawar the 07/08/2019.

Copy of the above is forwarded for information to:-

- 1- The Deputy Director Fisheries, CH&TC, Peshawar.
- 2- Mr. Tahir Jamil, Assistant Director Fisheries, CH&TC, Peshawar.

*OB (Estt)*

*[Signature]*

*[Signature]*

**DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.**

*[Signature]*  
Assistant Director Fisheries  
Head Quarter  
C/O Director of Fisheries,  
Khyber Pakhtunkhwa  
Peshawar, Peshawar

VIII

13



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NO. SOR.III(E&AD) 1-13/2014 (C)  
Dated Peshawar the December 11, 2018

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Agriculture, Livestock and Coop: Department

Subject: CLAIM OF SENIORITY

Dear Sir,

I am directed to refer to the Agriculture Department letter NO. (L&DD)/AD-DF-E-3(25)2012 dated 9<sup>th</sup> November 2018 on the subject noted above and to state that under Promotion Policy 2009 of the Provincial Government, promotion will always be notified with immediate effect. Moreover, sub section (4) of Section 8 of Civil Servant Act provides that seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post. Furthermore, under Section-22 of Civil Servant Act, 1973, the application being time barred cannot be acceded to at this belated stage and may be filed.

Yours faithfully,

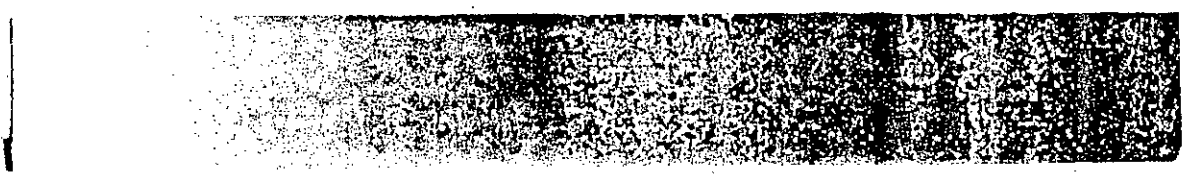
*[Handwritten signature]*  
SECTION OFFICER(R-III)  
Phone # 9211793  
11/12/18

*[Handwritten initials]*

*[Handwritten initials]*  
17/12

3098  
18/12/18

Secretary Agriculture  
Diary No. 9236  
Dated 14/12/18



*[Handwritten signature]*  
Assistant Director Fisheries  
Head Quarter  
C/O Director of Fisheries  
Mardan Paktun Khwa  
Province, Peshawar



14



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT

2<sup>nd</sup> Floor, Block "C" Civil Secretariat  
Ph # 091-9210973

1831  
2/8/19

No.SO (LFC) AD-E-I(224)/2015  
Dated Peshawar 31<sup>st</sup> July, 2019

To

**The Director General (Fisheries)**  
Khyber Pakhtunkhwa, Peshawar.

Subject:

**DEPARTMENTAL REPRESENTATION/APEAL AGAINST THE  
FINAL SENIORITY LIST OF ASSISTANT DIRECTORS FISHERIES  
(BS-17) AS IT STOOD ON 28.06.2018**

I am directed to refer to your letter No. 8667/DG(F)/Estt-I/ dated: 11.07.2019 on the subject cited above and to state that the competent authority has been pleased to **reject** the appeal filed by **Mr. Tahir Jamil** being void of any legal substance, very much clear advice of Establishemet Department in letter No. SOR-III (E&D) 1-13/2014 (C) dated 11<sup>th</sup> December, 2018 and Rule 9(6) of APT Rules 1989 not conferring any vested right for regular promotion to the post held on acting charge basis.

**Encl: As Above.**

*[Signature]*  
31/7/19

**SECTION OFFICER (LFC)**

**C.C:**

Copy of the above is forwarded to

1. P.S to Secretary, Agriculture, Livestock & Coop: Department, Khyber Pakhtunkhwa.
2. P.A to Dy. Secretary (Admn.), Agriculture, Livestock & Coop: Department, Khyber Pakhtunkhwa, Peshawar dated Peshawar the 07/08/2019.

Encl. No. 49-50/DF

Copy of the above is forwarded for information to:-

- 1- The Deputy Director Fisheries, CH&TC, Peshawar.
- 2- Mr. Tahir Jamil, Assistant Director Fisheries, CH&TC, Peshawar.

*OB (Estt)*

**DIRECTOR GENERAL FISHERIES  
KHYBER PAKHTUNKHWA  
PESHAWAR.**

*[Signature]*  
Assistant Director Fisheries  
Head Quarter  
O/O Director of Fisheries  
Khyber Pakhtunkhwa  
Province, Peshawar.

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

Service Appeal No. 1336/2019

Tahir Jamil

VS

Government of KPK etc

.....

**REPLY OF ON BEHALF OF RESPONDENT NO.4**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTION:**

1. That the appellant is deliberately concealing important facts from Honorable Tribunal.
2. That the appellant has got no locus standi for filing this appeal.
3. That appeal is wrong and based on illegal and unlawful presumptions.
4. That the appellant has got no cause of action to file the present appeal.
5. That the appeal is badly time barred.

**FACTS**

1. Pertain to record.
2. Pertain to record.
3. Incorrect. The appellant was promoted as Assistant Director Fisheries (BPS-17) on acting charge basis with effect from 27.03.2013 along with allied full financial benefits vide notification No. SO (L&F) AD-3/2013 dated 27.03.2013. There were four vacant posts of Assistant Director Fisheries (BPS-17) which were to be filled from amongst the Assistant Research Officer (BPS-16) under promotion quota & on the recommendation of the DPC his other three colleagues were promoted to the post of Assistant Director Fisheries (BPS-17) on regular basis while the appellant was promoted on acting charge basis due to non completion of requisite five year service.

Subsequently, there was another one post remained vacant under initial appointment quota which was to be filled through Khyber Pakhtunkhwa, Public Service Commission, therefore the said post



was advertised vide Sr. No. 14 of the Advertisement No.02/2014 dated 22.04.2014 (**Annexure-I**) & on the recommendation of the Khyber Pakhtunkhwa public Service Commission, one Mr. Sajjad (Respondent No. 04) was appointed as Assistant Director Fisheries (BPS-17) by the competent authority under initial quota for direct appointment as per prevailing prescribed rules of the Fisheries Department, Khyber Pakhtunkhwa with effect from 01.01.2016. Thereafter, the appellant along with his other three colleagues were promoted to the post of Assistant Director Fisheries BPS-17 on regular basis on promotion quota vide notification No. SO (LFC)AD-DF-E-3(25)/2017 dated 30.01.2018, therefore the appellant could not be benefited on direct quota of initial recruitment as per rules.

Keeping in view of the above facts, the appellant has neither submitted any representation regarding his promotion nor challenged his grievances in any Court of Law during the period with effect from 27.03.2013 to 02.01.2018, therefore, the claim of the appellant is badly time barred as per provision mentioned in the Khyber Pakhtunkhwa, Civil Servants (Appeal) Rules, 1986.

It is pertinent to mention that the appellant had also submitted an appeal (Representation) after assumption of the post of Assistant Director Fisheries BPS-17 vide No. 1060 dated 13.02.2018 (**Annexure-II**) which was processed, disposed of & filed by competent authority as per section-22 of Civil Servant Act, 1973 vide Government of Khyber Pakhtunkhwa, Establishment Department (Regulation Wing) SOR-III (E&AD)1-13/2014 (C) dated 11.12.2018 (**Annexure-IV**) forwarded to the appellant vide letter No. 7678/DGF/Estt dated 15.01.2019 (**Annexure-IV**) therefore, the appellant failed to challenged the said decision before any court of law with stipulated period of time as per provision mentioned in the Khyber Pakhtunkhwa, Civil Servants (Appeal) Rules, 1989.

Mean while the appellant has requested for provision of seniority list of ADFs & Services Rules vide application dated 28.01.2019 (**Annexure-V**) which were vide No. 7780 dated 30.01.2019 (**Annexure-VI**).

4. Correct to the extent that the appellant made representation on 13.02.2018 which was processed, disposed of & filed by the competent authority as per section-22 of Civil Servant Act, 1973 vide Government of Khyber Pakhtunkhwa, Establishment Department (Regulation Wing) No. SOR-III (E&AD) 1-13/2014 dated 11.12.2018, therefore the appellant badly failed badly failed the challenge to the said decision before any court of law in para-03 & 04 above.

5. Incorrect, the appellant has deliberately suppressed certain facts from this Honorable Court just to get sympathy for his promotion with effect from 08.05.2014. the factual position of the matter has been well explained in Para-3 & 4 above, when the representation of the appellant dated 13.02.2018 was rejected by the competent authority on dated 11.12.2018, the appellant has confirmed that he has failed to challenge it before any court of law within stipulated period of time, then the appellant presumed that he has no other option except to make another representation & requested again for notified seniority list of Assistant Director Fisheries vide office letter No. 3197/ADF/CH&TC/B-13 dated 13.05.2019 (**Annexure-VII**) & when he was provided notified seniority list vide No. 8423/DGF/Estt dated 23.05.2019 (**Annexure-VIII**), then the appellant made 2<sup>nd</sup> appeal/representation direct to the Competent Authority for the same pray (**Annexure-IX**) which was also been rejected by the Administrative Department vide letter No. SO(LFC)AD-E-1(224)/2015 dated 31.07.2019 (**Annexure-X**) on the same analogy as decided earlier by the Competent Authority in a letter vide No. SOR-III (E&AD)1-13/2014 © dated 11.12.2018.
6. Incorrect, as explained above that the appeal No. 1060 dated 13.02.2018 of the appellant was rejected by the Competent Authority vide No. SOR-III (E&AD)1-13/2014 (C) dated 11.12.2018 then there was no need under the prevailing rules to consider 2<sup>nd</sup> appeal of the appellant, therefore the said representation was also rejected by the Administrative Department on the same analogy vide SO(LFC)AD-E-1(224)/2015 dated 31.07.2019 forwarded to the appellant vide No. 49-50 dated 07.08.2019 (**Annexure-XI**).
7. Incorrect, the appellant is not an aggrieved within the meaning of prevailing service rules/regulations because when the appeal dated 13.02.2018 was rejected by the Competent Authority on 11.12.2018 then the appellant was supposed to challenge it on appropriate forum within stipulated period but he badly failed to do so as a result the appellant has already been lost right of the instant appeal No. 1336 of 2019 before this Honorable Court in light of Rules-4 appeal to Tribunal of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 & the provision of section 5 and 12 of the Limitation Act, 1908 (Act IX of 1908) for the purpose of appeals, therefore in instant appeal is liable to be dismissed.

**GROUND:-**

- A. Incorrect. Respondents acted in accordance with law and rules.
- B. Incorrect as already discussed in Para-3, 4, 5, 6 & 7 of the facts.

- C. Incorrect. The Respondents acted as per law & Rules.
- D. Incorrect as per paras-3, 4, 5, 6 & 7 of the facts.
- E. Incorrect already explained above in paras-3, 4, 5, 6 & 7 of the facts.
- F. No comments.

Keeping in view of above submissions, the Honorable Tribunal is prayed to kindly dismiss the titled service appeal with costs.

Respondent No.4  
Through:  
*M. Asif*  
**M.ASIF YOUSAFZAI**  
**ADVOCATE SUPREME COURT**  
&  
*Taimur Ali Khan*  
**TAIMUR ALI KHAN**  
**ADVOCATE HIGH COURT**

**AFFIDAVIT**

It is solemnly affirmed that the contents of the reply is true and correct and nothing has been concealed from this august Tribunal.

**DEPONENT**



20 JAN 2023

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF KP Service Tribunal Peshawar

Tahir Jamil

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Govt of KP & others

(Respondent)  
(Defendant)

I/We, Sajjad (R #4)


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


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

Dated \_\_\_\_\_/20

  
\_\_\_\_\_  
(CLIENT)

ACCEPTED

  
Taimur Ali KHAN  
Advocate High Court

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

**OFFICE:**

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