


09.11.2022

Since 9th November has been declared as public holiday, case is adjourned to 04.1.2023 for the same as before.

4-1-23

Due to Rush of work
case is adjourned to 13-4-23

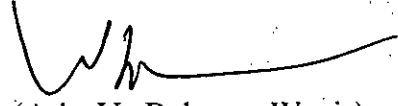

-Reader
Therefore


Reader



25.01.2022


Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Dr. Hamid Ullah S.R.O for respondents present and submitted reply/comments, which are placed on file and copy of the same is handed over to the appellant. To come up for rejoinder if any, and arguments before the D.B on 26.05.2022.



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

26th May, 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG. alongwith Dr. Hameedullah, SRO and Mr. Hamid Saleem, Law Officer for respondents present.


Learned counsel submitted rejoinder which is placed on file. A copy of the same is also handed over to the learned DDA. Learned counsel for the appellant seeks time to argue the case on the next date. Last chance is given. To come up for arguments on 09.08.2022 before D.B.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

9-8-2022

Due to the Public holiday the case is adjourned to 9-11-2022


Reader

Dr. Muhammad Iqbal 3441/2021

08.09.2021

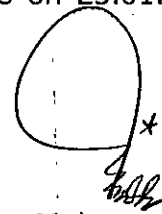
Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the criteria/mode for promotion to the post of DG (BS-20), under service rules as notified on 20.12.2017 is in question and being assailed as impugned in the instant service appeal. He preferred departmental representation on 02.02.2018 which was not decided and as a result of inaction by the respondents, the appellant filed writ petition No. 3140-P/2018 in Peshawar High Court, Peshawar. The Peshawar High Court, Peshawar passed direction on the said writ petition on 18.11.2020 directing the respondents to decide the representation of appellant after providing him the right of hearing, within a period of two months. However, the departmental representation was rejected on 15.01.2021, hence, the service appeal filed in the Service Tribunal on 08.03.2021.

Learned counsel for the appellant argued on the application for condonation and taking the ground that the appellant was diagnosed Covid-19 positive and it was beyond his control to have approached the Service Tribunal within time limitation. To strengthen his arguments, he also referred to Section-30 of the Khyber Pakhtunkhwa Pandemic Diseases Act, 2020.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time of extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.01.2022 before the D.B.

Security & Process Fee deposited



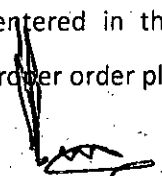


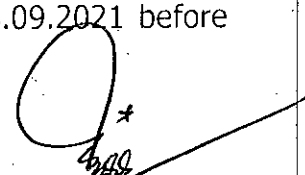
(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3441 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/03/2021	<p>The appeal of Dr. Muhammad Iqbal presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR <u>24/3/2021</u></p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	24.05.2021	<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.09.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>
	07.09.2021	<p>Appellant alongwith counsel present.</p> <p>Learned counsel for the appellant requested for short adjournment to go through the brief. Request is accepted. To come up for preliminary hearing on 08.09.2021 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 3441/2021

Dr. Muhammad Iqbal

V/S

Govt: of KP & Others.

.....

REJOINDER ON BEHALF OF THE APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. Incorrect. The appellant has good cause of action and locus standi to file the instant appeal.
2. Incorrect. The appellant has filed the instant appeal only to seek addressal of his lawful grievances against the respondents.
3. Correct. But the appellant was supposed to be governed by the proposed service rules as the prevailing rules have been made in order to accommodate the blue eyed officials.
4. Incorrect. Denied.
5. Incorrect. The Honorable Tribunal has complete jurisdiction upon the current matter.
6. Pertains to record.
7. Incorrect. All the relevant parties have been made part in the appeal.
8. Incorrect.

ON FACTS:

1. Admitted correct by the respondent department as service record is already in the custody of the respondent Department.
2. Admitted by the replying respondents. Moreover the rest of the contention of the respondent is denied because the framing of the rule are making amendments in the Rules are the domain of the Provincial Government but in consideration of the laws and rules in field.

3. Partly admitted as the respondents did not mention the proposal of: Adding only '4 weeks administrative training from a training institute' along with other already in field requirements for promotion to the said post in the rules of 2008 but when the rules were notified on 20.12.2017 an altogether new criteria was set. Moreover the impugned amendment against the basic principles for the post of BPS-20.
4. Incorrect. That the appellant filed presentation (departmental appeal) on 02.02.2018 and in which the appellant had stated the office letter dated 12.01.2018 along with the impugned recruitment rules-2017 which makes the departmental appeal well within the time. It is correct that the appellant filed a Writ Petition before the Honourable Peshawar High Court which was decided on 18.11.2020 with the directions to the respondents to decide the representation of the appellant within 2 months. As far as the personal hearing is concerned it has been duly explained by the appellant in **Para 5** of 'Facts' of the instant appeal.
5. Incorrect. Already explained above.
6. Not properly replied.

GROUND:

- A. Incorrect hence denied. All the contentions stated by the appellant in the main appeal are in accordance with law.
- B. It is not a disputed fact that framing of rules/policy or making amendments in such policies is the domain of the government and those amendments have been made through SSRC and duly endorsed by the Establishment Department & Law Department, but such rules/policy cannot framed/rules in complete deviation from the proposed or existing service rules which were already in field before the impugned rules. Moreover, the existing service rules are also against the basic criteria for the post of BPS-20 as provided in law and rules.
- C. Incorrect. Para-C of the main appeal is correct.
- D. Incorrect. Para-D of the main appeal is correct.
- E. Incorrect. Para-E of the main appeal is correct.
- F. Incorrect. Para-F of the main appeal is correct.
- G. Incorrect. Para-G of the main appeal is correct.


H. Legal.

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

APPELLANT


Dr. Muhammad Iqbal

THROUGH:


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

(TAIMUR ALI KHAN) /
ADVOCATE HIGH COURT,


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

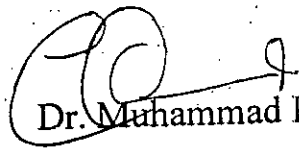
S. Khan &
(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

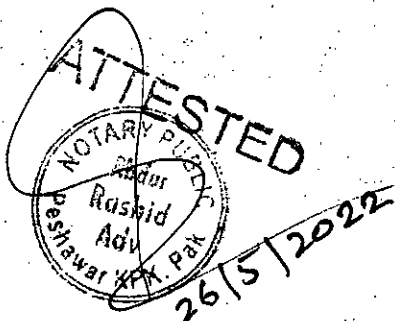
Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339103240

AFFIDAVIT:

It is affirmed on oath that the contents of this rejoinder are true and correct and nothing has been concealed from this Tribunal.

DEPONENT


Dr. Muhammad Iqbal



BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 3441 /2021

Dr. Muhammad Iqbal

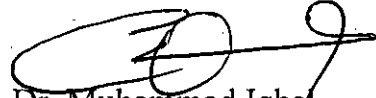
V/S

Govt: of KP & Others.

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-05
2.	Application for Condonation of Delay	-----	06-07
3.	Copy of Recruitment Rules of 2008	---A---	08-09
4.	Copy of Proposed Amendments	---B---	10-12
5.	Copy of Notification dt: 20.12.2017	---C---	13-14
6.	Copy of Representation	---D---	15-19
7.	Copy of Writ Petition	---E---	20-26
8.	Copy of Order dt: 18.11.2020	---F---	27
9.	Copy of Memo for Hearing	---G & H---	28-30
10.	Copy of Rejection Order	---I---	31-32
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APPELLANT


Dr. Muhammad Iqbal

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME OF PAKISTAN


(TAIMUR ALI KHAN

ADVOCATE HIGH COURT,


(SYED NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT

&



(SHAHKAR KHAN YOUSAFZAI)

ADVOCATE PESHAWAR

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

1

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2021

Dr. Muhammad Iqbal,
Director, Livestock Research & Development, Khyber Pakhtunkhwa,
Peshawar.

(APPELLANT)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Civil Secretariat Peshawar, Government of Khyber Pakhtunkhwa.
3. The Secretary Agriculture, Livestock, & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar.
4. The Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.
5. The D.G (Research) Livestock & D.D Deptt: Peshawar.
6. The Standing Service Rules Committee (SSRC) through its Chairman, Civil Secretariat, Peshawar.
7. The Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 20.12.2017 WHEREBY DISADVANTAGEOUS SERVICE RECRUITMENT AND PROMOTION RULES HAVE BEEN NOTIFIED AND AGAINST THE ORDER DATED 15.01.2021 COMMUNICATED ON 01.02.2021 WHEREBY THE REPRESENTATION OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE ORDER DATED 15.01.2021 AND THE NOTIFICATION DATED 20.12.2017 TO THE EXTENT OF THE POST OF DIRECTOR GENERAL (BPS-20) MAY BE SET ASIDE BY DECLARING THE SAME IN VIOLATION OF THE SELECTION CRITERIA AND PROMOTION POLICY OF THE GOVERNMENT AND OUSTING IT FROM THE AMBIT OF "SELECTION ON MERIT" AS WELL AS DISADVANTAGEOUS AND BEING MADE WITHOUT PRIOR CIRCULATION OF DRAFT/ PROPOSED AMENDMENT. THE RESPONDENTS MAY BE DIRECTED TO AMEND THE SAME BY DIRECTING THEM TO INSERT SELECTION ON POST BY MERIT AND IN ACCORDANCE WITH THE ESTABLISHMENT DEPARTMENT (REGULATION WING) MEMO DATED 24.11.1999. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:**FACTS:**

1. That the appellant is working as Director, Livestock Research & Development, Khyber Pakhtunkhwa, Peshawar and is serving in BPS-19. The appellant has a good service record with extra qualifications and numerous research papers and foreign training.
2. That the rules of the respondent department notified on 16.12.2008 at serial no. 1 of the appendix contains the method of recruitment against the post of Director General (Research) BPS-20 as, "By selection on merit from amongst the Directors/ Principal Research Officers in BPS-19, having ten years service in BPS-18 and above OR 17 years service in BS-17 and above with five Research Publications and also registered with PVMC. (Copy of the recruitment rules of 2008 is attached as Annexure - "A").
3. That the respondent department in the year 2016 proposed certain amendments in the rules of 2008 by adding 4 weeks administrative

training from a training institute. However, when the proposed rules were notified on 20.12.2017, a total different criteria was set even though not proposed by changing the column 5 of the rules for the post of Director General (BPS-20), "By promotion, on the basis of seniority-cum-fitness from amongst the Directors Livestock Research and Development, Directors Veterinary Research Institute, Principal Research Officers, Directors, Regional Directors and Station Directors having ten years service in BPS-19 or seventeen years service in BPS-17 or above and having five Research Publications. **(Copy of the proposed amendment and Notification dated 20.12.2017 are attached as Annexures - "B" & "C")**.

4. That the appellant filed representation against the notification of 2017 and when approached the honourable Peshawar High Court in W.P. No. 3140-P/2018. The said Writ Petition was decided on 18.11.2020 and the respondents were directed to decide the representation of the appellants within 2 months. **(Copy of the Representation, W.P. & Order dated 18.11.2020 are attached as Annexures - "D", "E" & "F")**.
5. That after the directions of the honourable High Court the appellant was called for hearing vide memo dated 28.12.2020 and 11.01.2021 which were received by the appellant on 21.01.2021. But interestingly, a back dated order was issued on 15.01.2021 communicated to the appellant on 01.02.2021 whereby the representation of the appellant was rejected for no good and solid reasons. **(Copy of the Memo for Hearing and Rejection Order are attached as Annexures - "G", H & "I")**.
6. That now the appellant comes to this august Tribunal for the redressal of his grievances on the following grounds amongst others.

GROUND:

- A) That the notification dated 20.12.2017 and rejection order 15.01.2021 are against the law, facts, rules and criteria settled by the government for selection post and passed without giving proper opportunity to the appellant.
- B) That the post of the Director General (BPS-20) is an administrative selection post under the law and policy of the government and is required to be filled by selection on merit but by introducing simple seniority-cum-fitness criteria, the highly qualified officers serving in

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BPS-19 are excluded just to favour the blue-eyed BPS-19 officers having low merit.

- C) That while notifying the impugned service rules the instructions of the Establishment Department Regulation Wing dated 24.11.1999 were violated, wherein it was directed that while preparing working papers of promotion on selection posts should include academic qualification, distinction if any, extra qualification, research work, publications, foreign training/ courses in respect of the officers included in the panel for promotion plus any other factor which can add to the objectivity of merit based assessment. But in the instant case no such points are mentioned in coloumn 5, thus the impugned recruitment & Promotion rules to the extent of Director General (BPS-20) post are violative of the above mentioned instructions.
- D) That it is also worth mentioning here that in the proposed rules the only proposal to the extent of 4 weeks training was made. But interestingly, while issuing final notification, the proposal was altogether missing and that too without any justification or reasons. (Copy of Establishment Department notification of 1999 is attached as Annexure - "J").
- E) That as a principle of fair play and justice as well as the normal practice is to circulate proposed amendments amongst the officers for seeking their views. But in the instant case the respondent department malafidely never circulated the proposed amendments effecting them which is against the principle of justice and fair play.
- F) That the impugned recruitment & promotion rules are also in violation of Govt: policy wherein the length of service for promotion to different posts are properly mentioned, but in the instant case a difrefrent length of service is provided and that too without any reasons for deviating from the govt: fixed length. Copy of policy is attached as Annexure - K
- G) That while deciding representation of the appellant no hearing was given to the appellant nor any reason for rejection which is against the norms of natural justice and against the judgement of the honourable Supreme Court of Pakistan reported as **1991 SCMR 2330**.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

5

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

APPELLANT



Dr. Muhammad Iqbal

THROUGH:



(M. ASIF YOUSAFZAD)
ADVOCATE SUPREME COURT
OF PAKISTAN,



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,



(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

& S. Khan

(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

6

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

Dr. Muhammad Iqbal

V/S

Govt: of KP & Others.

.....

**APPLICATION FOR CONDONATION OF
DELAY IN THE INSTANT APPEAL IF ANY.**

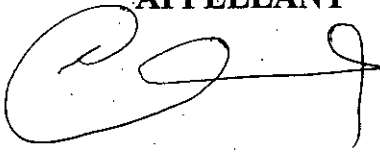
RESPECTFULLY SHEWETH,

1. That the applicant/ appellant filed a service appeal along with this application in which no date has been fixed so far.
2. That the applicant/ appellant received the rejection order dated 15.01.2021 on 01.02.2021 (**Annexure "I" with the Appeal**). But unfortunately, suffered from COVID-19 pandemic, the result of which was reported on 13.02.2021 due to which the applicant/ appellant could not approach the Tribunal or seek a legal counsel to make an appeal in time. **Copy of report is attached as Annexure – A1 & A2.**
3. That on 01.03.2021 the applicant/ appellant result of COVID-19 came negative and thereafter the applicant/ appellant approached his counsel for submission of appeal before this honourable Tribunal due to which a delay of 6/ 7 days has occurred.
4. That the appellant has a good prima facie case and that the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking out the litigants on technicalities including limitation. Therefore, the appeal needs to be decided on merit (**2003 PLD (SC) 724.**)
5. That the delay was not intentional but due to suffering from Corona Virus and this Tribunal has the power to condone the delay in the interest of justice.
6. That the delay of 6, 7 days may be condoned in the interest of justice and the lis may be decided on merit.

It is, therefore, most humbly prayed that the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.

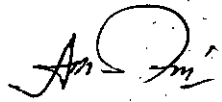
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APPELLANT



Dr. Muhammad Iqbal

THROUGH:



(M. ASIF YOUSAFZAI)

**ADVOCATE SUPREME COURT
OF PAKISTAN,**



(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,



(SYED NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT,

& S. Khan

(SHAHKAR KHAN YOUSAFZAI)


ADVOCATE PESHAWAR.

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

AFFIDAVIT:

It is affirmed on oath that the contents of this application are true and correct and nothing has been concealed from this Tribunal.

DEPONENT



Dr. Muhammad Iqbal

Annex-D

Annexure 13 page 10



Directorate of Livestock R&D
N.W.F.P. Peshawar
DIARY NO. 23/12/08
DATED: 23/12/08

Annexure A

8

GOVERNMENT OF NWFP
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT PESHAWAR

Dated Peshawar the December 16, 2008

NOTIFICATION

No. SO(L&DD)AD-E-1(381)2008/VRI:

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of this Department's Notification No. SO(L&DD)AD-E-1(236)/2003/Res, dated: 30.09.2003, the Agriculture, Livestock and Co-operation Department, in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualifications and other conditions as specified in column 3 to 5 of the Appendix to this Notification which shall be applicable to posts mentioned in column 2 of the said Appendix in the Research Wing of Livestock and Dairy Development Department, North-West Frontier Province:

Attested
A. A. Zaidi
Advocate PSR

see and
file please.

19/12/08

Annexure

3/10

11

16

APPENDIX

S.NO.	Nomenclature of the post.	Qualification prescribed for appointment by initial recruitment.	Age limit	Method of recruitment.
1.	2.	3.	4.	5.
1.	Director General (Research) Livestock and Dairy Development, NWFP/Director Livestock Research and Development, NWFP (BS-20).			By selection on merit, from amongst the Directors/Principal Research Officers in BS-19, having ten years service in BS-18 and above or seventeen years service in BS-17 and above with five Research Publications and also registered with PVMC.
2.	Director/Principal Research Officer (BS-19).			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Research Officers/Senior Bio-Chemists, having seven years service in BS-18 or twelve years service in BS-17 and above with three Research Publications and also registered with PVMC.
3.	Senior Research Officer/Senior Biochemist (BS-18)	(a) Ph.D in Veterinary/Animal Sciences/Bio-chemistry, after basic degree of D.V.M. or equivalent qualification recognized by PVMC, or	28-45 years	(a) twenty five per cent by initial recruitment, and (b) seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst Research Officers/Farm Managers/Biochemists, having 05 years service in BS-17, in the cadre with two Research Publications and registered with PVMC.

Attested
[Signature]

Attested
Inqisulab
Advocate PSR

ANNEXURE L

10

FAX NO. : ~~90~~

15 Jul. 2016 10:32AM P1

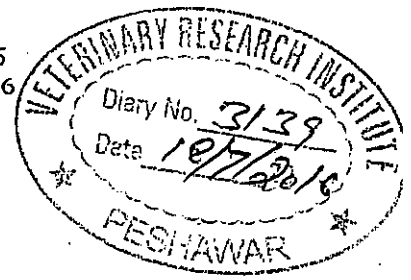
~~Annexure 3~~

Annexure 3 Page 13



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVES
DEPARTMENT

No. SO (LFC) AD-E-1(236)/2016
Dated Peshawar the 12th July, 2016



To

The Director General (Extension),
Livestock & Dairy Development.

The Director General (Research),
Livestock & Dairy Development.

Subject:

AMENDMENTS IN THE EXISTING SERVICE RULES OF THE LIVESTOCK & DAIRY DEVELOPMENT.

I am directed to refer to the decision in the meeting of the Pre-SSRC meeting held under the chairmanship of Secretary Agriculture, wherein it was decided that the following committee may review the service rules of the two departments, compare the same with those of the corresponding departments of Punjab and to resubmit the same at the earliest.

- i. Dr. Mirza Ali Khan (BS-19), PRO Veterinary Research Institute, Peshawar.
- ii. Dr. Mukhtiar Ahmad (BS-17), Veterinary Officer (Tech), Directorate General L&DD (Extension)

Advised by Advocate for

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

Copy & date even:

Copy sent to:

- 1. Members of the committee with request to resubmit the Rules at the earliest.
- 2. PS to Secretary Agriculture Livestock & Cooperatives Department.
- 3. Master file.

*Put up for
Cord. 15/7
OS (E) Mr.
17/7/16*

SECTION OFFICER (LFC)

No. DR(R)/L&DD/E-1(18)/2016/V-VI

TO,

The Section Officer (LFC),
Agriculture, Livestock, Fisheries & Cooperatives Department,
Government of Khyber Pakhtunkhwa, Peshawar

Dated 03/08/2016

Subject: AMENDMENTS IN THE EXISTING SERVICE RULES OF THE LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT

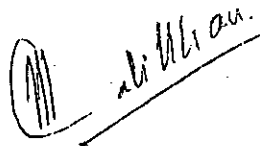
Kindly refer to the letter No: SO (LFC) AD-E-1 (236)/ 2016 dated 12/07/2016 on the subject cited above & in continuation of this of letter of even No. dated 27/07/2016

It is please stated that the existing recruitment rules of the Research wing of Livestock & Dairy Development Department were reviewed in light of the recruitment rules of technical officers of Livestock & Dairy Development Department Punjab.

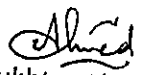
The improved version of the draft recruitment rules (Seven Sets) of Livestock & Dairy Development Department (Research Wing) is attached herewith as desired; vide your letter referred above. Copies of the existing recruitment rules and relevant pages budget book 2016-17 are also attached.

(Encl:A.A)

Attested
Mirza Ali Khan
Advocate
o/c


Dr. Mirza Ali Khan

Principal Research Officer
Veterinary Research Institute, Peshawar


Dr. Mukhtar Ahmad
Veterinary Officer Technical

Ref
02/08/16
C-2-55 P/2

(12)

TABLE SHOWING THE EXISTING / PROPOSED NOMENCLATURE, REQUIRED QUALIFICATIONS, AGE LIMIT AND METHOD OF RECRUITMENT / PROMOTION OF VARIOUS POSTS IN LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT KHYBERPAKHTUNKHWA (RESEARCH WING) AS CONTAINED IN NOTIFICATION NO. SO (L&DD) AD-E-1(381)/2008/ VRI DATED 16. 12. 2008; AND ADDITIONAL POSTS CREATED THEREAFTER.

APPENDIX

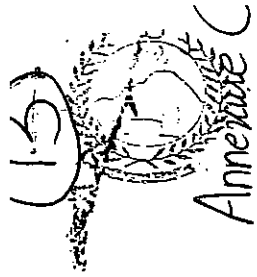
PART-I

PROFESSIONAL & PARA PROFESSIONAL STAFF

S. No	NOMENCLATURE OF POST		QUALIFICATION FOR INITIAL RECRUITMENT		AGE LIMIT FOR INITIAL RECRUITMENT		METHOD OF RECRUITMENT		Examination/ Training & other conditions required for promotion *	
	I	II	III	IV	V	VI	VII	VIII		IX
	Existing 2008	Proposed 2015	Existing 2008	Proposed 2016	Existing 2008	Proposed 2016	Existing 2008	Proposed 2016		X
1.	Director General (Research) Livestock and Dairy Development KPK/ Director Livestock Research and Development KPK (BS-20)	Director General (Research) Livestock and Dairy Development, Khyber Pakhtunkhwa (BPS-20)						By selection on merit, from amongst the Directors/ Principal Research Officers in BS- 19, having ten years service in BS-18 and above or seventeen years service in BS-17 and above with five Research Publications and also registered with PVMC.	By selection on merit, from amongst the Directors/ Principal Research Officers (BS- 19) of research wing (Mentioned at S. No. 2 & 3 below), having ten years service in BS-18 and above or seventeen years service in BS-17 and above with five Research Publications and valid registration with PVMC.	Four weeks Administrative Management training from a training institute notified by the Administrative Department *
2	Director Livestock Research and Development, KP (BS-20)	Director, Livestock Research and Development/ Director Veterinary Research Institute, Khyber Pakhtunkhwa (BS- 19)							By transfer on seniority cum fitness, from amongst the Principal Research Officers/ station Directors/Regional Directors BS-19 of research wing (mentioned at S No.3)	

Attested by Mrs. Abdullah Advocate PR

M. A



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Annexure 8 Reg 25

Dated Peshawar the 20th December, 2017

NOTIFICATION

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 and 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 No. 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 General (Research) Livestock and Dairy Development and its subordinate offices.

APPENDIX

PART-I

(PROFESSIONAL AND PARA PROFESSIONAL STAFF)

2. Nomenclature of the post.	3. Minimum qualification prescribed for appointment by initial recruitment.	4. Age limit for initial recruitment.	5. Method of recruitment.
Director General. (BPS-20)			By promotion, on the basis of seniority-cum-fitness, from amongst the Directors Livestock Research and Development, Directors Veterinary Research Institute, Principal Research Officers, Directors, Regional Directors and Station Directors having ten years service in BPS-19 or seventeen years service in BPS-17 or above and having five Research Publications.
Director Livestock Research and Development, Director Veterinary Research Institute. (BPS-19)			By transfer, from amongst the Principal Research Officers, Station Directors and Regional Directors.

*Attested
Asimullah
Advocate for*

TAN 20/12/2017

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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

26

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

Endst of Even No & Date

Copy of the above is forwarded to the:-

1. Additional Chief Secretary, FATA Secretariat, Warsak Road Peshawar.
2. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
4. Secretary to Government of Khyber Pakhtunkhwa, Law Department.
5. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
6. Chairman, Khyber Pakhtunkhwa, Public Service Commission.
7. Director General (Research), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar.
8. Manager Government Printing Press, Peshawar for publication in Official Gazette Notification and also to provide ten (10) copies of the same.
9. PS to Special Assistant to Chief Minister for Livestock, Fisheries & Cooperatives, Khyber Pakhtunkhwa.
10. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
11. PS to Secretary, Agriculture, Livestock & Cooperative Department.
12. Web Administrator for uploading on the official website of Agriculture, Livestock & Cooperatives Department.

*Attested
Hasibullah
Advocate PN*

[Handwritten signature]

(DR MIR AHMAD KHAN)
SECTION OFFICER (LIVESTOCK, FISHERIES & COOPERATIVES)
AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT
PH: 091-9210973

(MIRFAN 20/12/2017)

Annexure L

(15)



~~Annexure~~
- DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
KHYBER PAKHTUNKHWA BACHA KHAN CHOWK, PESHAWAR
Phone# 091-9213294, Fax# 091-9210639
www.lddr.kpdata.gov.pk, E-mail: dlrd.lddr@kp.gov.pk

No.DLR&D/Estt/83/Vol-IV/634

Dated Peshawar the 2/02/2018

To

The Director General (Research),
Livestock & Dairy Development Department,
Khyber Pakhtunkhwa, Peshawar.

Subject:

Presentation in respect of recently approved revised recruitment rules-2017 for the Research Wing of Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar.



Kindly refer to your office letter No.DG(R)/L&DD/Estt-1(18)/2016/Vol-VI/532-43 dated 12/01/2018 along with approved revised recruitment rules-2017 regarding the subject noted above.

Dear Sir,

It is please stated that, I being the head of office of one of the component of Directorate General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar is submitting few submissions/reservations in respect of the recently approved recruitment rules with regard to the method of recruitment for the post of Director General Research (BPS-20) mentioned at S.No.1. of the recruitment rules.

1. It is please further to state that being a Director of one of the major component of the Directorate General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar and member of the recruitment rule committee, the undersigned was called for a meeting convened to devise a mechanism to redress the genuine grievances of the incumbent of Ex-Cadre posts (Annex-I). In the meeting general consensus was developed that before considering the other parts of the recruitment rules of the Department, the approved recruitment rules from Livestock & Dairy Development Department Punjab Province may be collected and the amendment in the recruitment rules will be considered later on in coming meetings, but sorry to say that the undersigned being a member of the recruitment rules committee was totally ignored.





(16)
DIRECTORATE OF
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KHYBER PAKHTUNKHWA BACHA KHAN CHOWK, PESHAWAR
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2. Being a member of the recruitment rules committee, and head of office of the Department, It was requested to involve all the stake holders in the recruitment rules process to create consensus and to avoid future complication, but regretted to say that no such consultation was made for the creation of consensus in respect of amendment in the recruitment rules-2008.

3. The President Pakistan Veterinary Medical Association (PVMA) Khyber Pakhtunkhwa Zone also approached to the Government of Khyber Pakhtunkhwa, Secretary Agriculture, Livestock, Fisheries and Cooperative Department vide letter dated 23/01/2017 (**Annex-2**) for creating consensus among the officers, Stakeholders and Associations, so that in future any type of worries and litigations could be avoided

The Administrative Department referred the reservations of the Pakistan Veterinary Medical Association to the Director Generals (Extension & Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar vide dated 13/02/2017. The Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar arranged a meeting with the Pakistan Veterinary Medical Association Khyber Pakhtunkhwa Zone in the presence of Senior Officers of Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar and the concerns shown by President Pakistan Veterinary Medical Association were considered as genuine and proposed the method of recruitment for the post of Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar, which are reproduced as under.

"By selection on merit from among the Director/Epidemiologist/District Director Livestock/Agency Director Livestock/Training Coordinator AHITI/Wool Analyst/Principal Veterinary Officer of Extension wing holding basic degree of Doctor of Veterinary Medicine or BSC(Hons) Animal Husbandry or relevant equivalent qualification, having ten years service in BPS-18 and above or having 17 years service in BPS-17 and above and registered with Pakistan Veterinary Medical Council (PVMC)" (**Annex-3**), while on other hand, no such meeting was arranged by the Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa,



**DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
KHYBER PAKHTUNKHWA BACHA KHAN CHOWK, PESHAWAR**

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Peshawar with the office bearers of PVMA and other officers including undersigned to create consensus among the officers and other stakeholders in respect of the amendment in the recruitment rules, 2008.

4. It is to bring on the record that two members committee was constituted by the Administrative Department for proposing amendment in the existing service rules of the Livestock & Dairy Development Department vide dated 12/07/2016 and in this regard existing rules-2008 and the proposed rule-2016 drafted by two members committee for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar are reproduced as under **(Annex-4)**.

Method of Recruitment:

Nomenclature of the Post	Approved Recruitment rules-2008	Proposed rules 2016	Examination training
Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BPS-20)	By selection on merit, from amongst the Directors/Principal Research Officer (BS-19), <u>having ten years service in Bs-18 and above or Seventeen years service in BS-17 and above with five research publications and also registered with Pakistan Veterinary Medical Council</u>	By selection on merit amongst the Directors/Principal Research Officer (Bs-19) of Research wing (mentioned at S.No.2 & 3), <u>having ten years service in BS-18 and above or seventeen years service in BS-17 and above with five research publications and valid registration with PVMC</u>	Four weeks Administrative Management Training from a training Institute notified by Administrative Department

5. Finally the method of recruitment approved for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BS-20) are reproduced as under.




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**DIRECTORATE OF
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"By promotion on the basis of seniority-cum fitness from amongst the Director Livestock Research & Development, Director, Veterinary Research Institute, Principal Research Officers, Directors, Regional Directors and Station Directors having ten years service in BPS-19 or seventeen years service in BPS-17 or above and having five research publications vide notification dated 20/12/2017 (Annex-5)."

6. The notification in respect of the recruitment rules, 2017 is not only against the recommendations/ proposal of the two members committee constituted for this purpose, but also recommendations made under the Chairmanship of Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar, Moreover, it is also against the directive of Provincial Selection Board dated 24/11/1999 (Annex-6), wherein they have appreciated provision in the relevant rules for selection of officer on merit on these posts, which it emphasized to be maintained, so that proper consideration in respect of academic qualification, distinction if any, extra qualification, research work, publication, foreign training/course with regard to the officers included in the panel for promotion plus any other factor which can add to the objectivity of merit based assessment.
7. The length of service under promotion policy for the post of BS-20 are as under (Annex-7).
- (i). 17 years service in BS-17 and above or
 - (ii). 10 years service in BS-18 and above or
 - (iii). Three years service in BS-19.
8. The Pakistan Veterinary Medical Council act 1996, section 19 clearly states that no person other than a registered veterinary practitioner shall hold any veterinary position in private and public sector. (Annex-8).
- 



DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
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(19)

In light of the above detail, the undersigned have the following reservation/objections in respect of the approved rules-2017.

(i) The promotion on the basis of Seniority-cum fitness on one side is against the recommendations of the two members committee especially constituted for this purpose, but is also against the recommendations made under the Chairmanship of Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar in light of the request of Pakistan Veterinary Medical Association Khyber Pakhtunkhwa Zone. Moreover the seniority cum fitness procedure for the Head of the Attached Department especially for the post of Director General (Research), who is suppose to have strong academic/Research work background with maximum publications, well trained, plus any other factor, which can add to the objectivity of the merit based assessment is against the directives of Provincial Selection Board mentioned above.

(ii) The ten years service in BPS-19 is also, the violation of the length of service mentioned in promotion policy stated above.

(iii) The deletion of membership of Pakistan Veterinary Medical Council is the violation of Pakistan Veterinary Medical Council act, 1996 section 19 mentioned above.

You are therefore requested to approach the Administrative Department for the rectification of the above observations/ objections raised above by the undersigned, so to avoid future litigation in the matter please.

Attested
Asadullah
Advocate

DR. MUHAMMAD IQBAL
DIRECTOR

Annexure "E"

①



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 3140 P/2018

1. Dr. Muhammad Iqbal,
Director Livestock Research & Development,
Khyber Pakhtunkhwa, Peshawar.
2. Dr. Khisrao Kalim ,
Station Director,
Livestock Research & Development Station,
Surezai, Peshawar -----Petitioners

VERSUS

1. Government of Khyber Pakhtunkhwa,
Through Chief Secretary, Peshawar.
- ✓ 2. Secretary Establishment, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
- ✓ 3. Secretary Law, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
- ✓ 4. Secretary Agriculture, Livestock, Fisheries & Cooperative
Department, Government of Khyber Pakhtunkhwa, Peshawar.
- ✓ 5. Director General (Research),
Livestock & Dairy Development Department, Khyber Pakhtunkhwa,
Peshawar.
6. Director General (Extension) Livestock & Dairy Development
Department, Khyber Pakhtunkhwa, Peshawar.
7. President, Pakistan Veterinary Medical Council, Islamabad.
8. President, Pakistan Veterinary Medical Association,
Khyber Pakhtunkhwa Zone, Peshawar-----Respondents

Writ Petition under Article 199 of the Constitution of Islamic Republic
of Pakistan 1973.

To declare the recruitment rules for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar vide notification bearing No.D/LFC/AD-EI(236)/2017 dated 20/12/2017 of Respondent No.04 as illegal, without any lawful jurisdiction and is adversely effecting the promotion of Officers in (BPS-19) in Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (Research wing) to the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BPS-20) and Writ may graciously be issued to Respondents to restore the recruitment rules vide notification No.SO(L&DD)AD-E-1(381)2008/VRI dated 16/12/2008 to meet provision of section No.6 of general clauses act 1896.

ATTESTED
EXAMINER
Peshawar High Court

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Deputy Registrar
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Respectfully Sheweth:-

Facts followed by grounds giving rise to the instant Writ Petition are submitted here under.

1. **Facts:** -

That with the approval of 4 tires formula in Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar recruitment rules for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar/Director Livestock Research & Development Khyber Pakhtunkhwa, Peshawar (BS-20) along with other were framed and the approved recruitment rules for the post of Director General (Research) Livestock & Dairy Development Department KPK/Director Livestock Research & Development KPK, Peshawar are reproduced as under.

"By selection on merit from amongst the Directors/Principal Research Officer (BS-19), having ten years service in BS-18 and above or Seventeen years service in BS-17 and above with five Research Publications and also registered with Pakistan Veterinary Medical Council" (Annex-01).

1. That, the Petitioner No:01 is working as Head of office of one of the major component of Directorate General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar in BS-19 and Petitioner No.02 is also serving as Head of one of the Institute in (BS-19) of the Directorate General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (Respondent No.05).

2. That a meeting was called by Director General (Research) (Respondent No.05) on 20/11/2015 to review the existing service rules of the Research wing and to discuss the observations of Administrative Department on the proposed draft service rules and to devise a mechanism to redress genuine grievances of the incumbent of the ex-cadre posts. The Petitioner No.01 being Head of office of major component of the Directorate General (Research) was also called for meeting along with others (Annex-

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Peshawar High Cou

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3. That in the meeting general consensus was developed that before considering the recruitment rules for the different cadres post including the Technical post, of the Department, the approved recruitment rules from Livestock & Dairy Development Department Punjab Province may be collected and the amendment in recruitment rules for different cadres post including technical post will be considered later on in coming meetings.

4. That the Petitioner No.01 being member of the recruitment rules committee of the Department was ignored in the coming meetings due to the reason that the Petitioner was opposing the amendment in the rules proposed based on malifide intention.

5. That two members committee was constituted by the Administrative Department for proposing amendment in the existing service rules of the Livestock & Dairy Development Department vide dated 12/07/2016 (Annex-03) and the committee too not consulted the Petitioners and other stakeholders and proposed the draft rules 2016 for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar, (Annex-04) which are reproduced as under.

Method of Recruitment

Nomenclature of Post	Approved Recruitment Rules-2008	Proposed Recruitment Rules-2016
Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BS-20) FILED TODAY Deputy Registrar 13 JUN 2018	By selection on merit from amongst the Directors/PRO (BS-19) having 10 years services in BS-18 and above or Seventeen years service in BS-17 and above with five Research publications and also registered with Pakistan Veterinary Medical Council	By selection on merit amongst the Director/PROs (BS-19) of Research wing (mentioned at S.No.2&3), having ten years service in Bs-18 and above or seventeen year service in BS-17 and above with five research publications and valid registration with Pakistan Veterinary Medical Council. Four weeks Administrative management training from a training Institute notified by Administrative Department

6. That the Petitioner No.01 being a member of the recruitment rules committee and Head of office of major component of the Department requested to involve all the stakeholders in the recruitment rules process to create consensus and to avoid future complication vide (Annex-05), but no such consultation was made for the creation of consensus in respect of amendment in the recruitment rules-2008 of Research wing of Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar.

— *[Signature]* **ATTESTED**
EXAMINER
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7. That the President Pakistan Veterinary Medical Association (PVMA) Khyber Pakhtunkhwa Zone also approached to the Secretary Agriculture, Livestock, Fisheries and Cooperative Department vide dated 23/01/2017 (Annex-06) for creating consensus among the officers, stakeholders and Associations, so that in future any type of worries and litigations could be avoided.

8. That the Administrative Department Khyber Pakhtunkhwa referred the application of Pakistan Veterinary Medical Association to the Director General (Extension & Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar for consideration.

9. That the Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (Respondent No.06) arranged a meeting with Pakistan Veterinary Medical Association (Respondent No.08) representatives in the presence of Senior officers of the Department and the concern shown by President Pakistan Veterinary Medical Association (Respondent No.08) were considered as genuine and proposed the method of recruitment for the post of Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar, which are reproduced as under.

"By selection on merit from amongst the Director/Epidemiologist/District Director/Training Coordinator AHITI/Wool Analyst/Principal Veterinary Officer of Extension wing holding basic degree of Doctor of Veterinary Medicine OR BSC(Hons) in Animal Husbandry or relevant equivalent qualification having ten year service in BS-18 and above or having 17 years service in BS-17 and above and registered with Pakistan Veterinary Medical Council (PVMC)" (Annex-07).

10. That the Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (Respondent No.05) could not arrange such meeting with the office bearers of Pakistan Veterinary Medical Association and senior officers including Petitioner No.01 and 02 to create consensus in respect of the amendment in the recruitment rules, 2008 of Research wing of Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar.

11. That finally the recruitment rules for different cadres ^{Peshawar High Court} posts of Directorate General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar were approved and the recruitment rules approved for Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BS-20) (Respondent No.05) are reproduced as under.

By promotion on the basis of seniority cum fitness from amongst the Director Livestock Research & Development, Director Veterinary Research

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Institute, Principal Research Officers, Directors, Regional Director and Station Director having ten year services in BS-19 or seventeen years service in BS-17 or above and having five Research publications" vide notification dated 20/12/2017 (Annex-08).

12. That the provincial selection board meeting held dated 24/04/1999 (Annex-09) wherein they have appreciated provision in the relevant rules for selection of officer on merit on these post, while it was emphasized to be maintained, so that proper consideration in respect of academic qualification, distinction if any, extra qualification, Research work, publication, Foreign training/course with regard to the officers included in the panel for promotion plus any other factor, which can add to be objectivity of merit based assessment.

13. That the length of service under promotion policy for the post of BS-20 are as under (Annex-10).

- (i) Seventeen years service in BS-17 and above or.
- (ii) Ten years service in BS-18 and above or.
- (iii) Three years service in BS-19.

14. That the Pakistan Veterinary Medical Council act 1996, section 19 clearly states that no person other than a registered Veterinary practitioner shall hold any Veterinary position in private and public sectors (Annex-11), and the registrar Pakistan Veterinary Medical Council have also of the view that the notification in respect of recruitment rule dated 20/12/2017 may be revised in line with the notification dated 16/12/2008 vide letter dated 05/6/2018 (Annex-12).

15. That the respondents were served notices through registered postal services on 09/06/2019 vide Peshawar High Court, Peshawar notification dated 23/02/2016. copy of notices dated 09/06/2018 with postal receipt are enclosed as (Annex-12A).

16. That the petitioner No.01 and 02 make presentations against the recently approved revised recruitment rules, 2017 for the post of Director General (Research) Research wing of Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar and subsequent reminders were also issued (Annex-13, 14, 15 & 16).

Grounds:-

(A) That the impugned notification of recruitment rules for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BS-20) notified dated 20/12/2017 is against law and policy, hence not sustainable in the eye of law.

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Peshawar High Court

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(B). That the promotion on the basis of seniority cum fitness procedure instead of promotion on the basis of selection on merit for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BS-20) in the impugned notification on one side is against the recommendation of the two members committee especially constituted for this purpose, but is also against the recommendations made under the chairmanship of the Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (Respondent No.06) in light of request of Pakistan Veterinary Medical Association, Khyber Pakhtunkhwa zone (Respondent No.08).

(C). That the promotion on the basis of seniority cum fitness procedure instead of promotion on the basis of selection on merit for the Head of attached Department especially for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar, who is supposed to have strong academic and Research work back ground with maximum publications, well trained, plus any other factor, which can add to the objectivity of the merit based assessment is against the directive of Provincial Section Board.

(D). That the ten years service in BS-19 mentioned in the impugned notification of recruitment rules for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BS-20) is in violation of the length of service mentioned in promotion policy, which is only three years service in BS-19.

(E). That the deletion of membership of Pakistan Veterinary Medical Council in the impugned notification of recruitment rules for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BS-20) is in violation of the Pakistan Veterinary Medical Council act, 1996, Section 19, which clearly states that no person other than a registered Veterinary practitioner shall hold any Veterinary position in private and public sectors.

(F). That the presentations were made by the petitioners No.01 & 02 against the approved recruitment rules, 2017 for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar, but no action was taken for the redressal of issues raised by the petitioners.

(G). That other legal grounds will be added at the time of arguments with prior permission of this Honorable Court.

It is, therefore, humbly prayed that the recruitment rules for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BS-20) notified vide notification dated 20/12/2017 may graciously be declared null and void,

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ineffective on the rights of the Petitioners and the Respondents be issued a Writ directing them to restore the recruitment rules vide notification No.SO(L&DD)AD-E-1(381)2008/VRI dated 16/12/2008 to meet provision of section No.6 of general clauses act 1896.

Dated 11-06-2018

Petitioners

- 1. Dr. Muhammad Iqbal
- 2. Dr. Khisrao Kalim

Through

- 1. Naqibullah Khattak.
- 2. Anwar Shah Advocate, Peshawar.

- Note:-
- 1. No such like petition on the subject has been moved in the past except the instant one.
 - 2. Copy of the instant writ petition has been served to the official Respondent under registered post, original postal receipt are enclosed.

Petitioners

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EXAMINER
Peshawar High Court

Books Relied upon.

- 1. Constitution of Islamic Republic of Pakistan, 1973.
- 2. Promotion policy of BPS-20 vide notification dated 16/12/2008.
- 3. Any other precedent on the subject.

Petitioners

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13 JUN 2018

- 1. Dr. Muhammad Iqbal
- 2. Dr. Khisrao Kalim

Annexure "F"

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PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET



Date of order.	Order or other proceedings with the order of the Judge
18.11.2020	<p><u>W.P.No.3140-P of 2018.</u></p> <p>Present: Mr.Naqeebullah Khattak, advocate for the petitioners.</p> <p>Ms.Sofia Noreen, AAG alongwith Dr.Fakhrul Islam, PRO/Focal Person for the respondents.</p> <p>-----</p> <p><u>LAL JAN KHATTAK, J.-</u> On second thought learned counsel for the petitioners stated at the bar that he would not press this petition anymore if directions are given to the respondent No.5/Director General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar to decide the petitioners' representation in accordance with law and rules on the subject to which the latter got no objection.</p> <p>2. In view of the above, this petition stands dismissed for its having not been pressed, however, we would direct respondent No.5 to decide the petitioners' representation after providing them right of audience within a period of two months from today but strictly in accordance with law and rules on the subject.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

Sadiq Shah, CS (DB) (Hon'ble Mr.Justice Lal Jan Khattak & Hon'ble Mr.Justice Syed Muhammad Attique Shah)

No. 16337

Date of Presentation of Application 24/11/2020

No of Pages 2-7

Copying fee

Total 32/-

Date of Preparation of Copy 24/11/2020

Date of Delivery of Copy 24/11/2020

Received By [Signature]

[Signature]
CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 37 of
The Qanun-e-Shahadat Order, 1988.

24 NOV 2020



Annexure to
**DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR**



28

Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar
livestockres.kp.gov.pk

091-9210218, 9210219, 9210248
091-9210220

Facebook.com/livestockresearchkp
Twitter.com/livestockreskp
dg.iddr@kp.gov.pk

No. DGR/L&DD/Lit (99)/CC/2018/10963-65

Dated: December 28, 2020

Dr. Muhammad Iqbal,
Divisional Level Director, Peshawar

Through: Director General (Extension),
Livestock & Dairy Development Department,
Khyber Pakhtunkhwa, Peshawar

SUBJECT: **WRIT PETITION ORDER OR OTHER PROCEEDINGS**

Kindly refer to the Peshawar High Court order sheet dismissing the Writ Petition # 3140-P/2018 filed by you with the direction to the undersigned as Respondent # 5 for deciding representation strictly in accordance with Law & Rules on the subject.

In this regard, the following points are again brought in your knowledge for better understanding:

1. You had filed the writ petition in the capacity of Director, Livestock Research & Development. Upon your posting outside the Research Cadre as Divisional Level Director Peshawar Division in L&DD (Extension) vide Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department Notification # SO(LFC) AD-I(2)P/T/2019 dated 25.11.2019, your plea stands infructuous in the sense that the incumbent Director LR&D has no such reservations.
2. Your seniority status has not been usurped in the service rules and it remains the same as per Inter-merit of Khyber Pakhtunkhwa Public Service Commission PSC-SR-VI/00678 dated 13.01.2009 (*Annex-I*). Based upon your current seniority status, you are at S. # 2 and you will be included in the panel of officers for promotion to BS-20. As such, you have the equal opportunity of promotion likewise available to other officers of the cadre and your claim in representation to Secretary Agriculture for excluding you from the panel of officers is baseless.
3. The method of recruitment for the post of Director General (Research) has been the outcome of a series of consultations between Establishment Department, Law Department and Public Service Commission. As per the expert views of the Regulation Wing of Establishment Department, the Standing Service Rules Committee (SSRC) is the Competent Forum for Service Rules and the rules were accordingly approved.
4. The Director General (Research) L&DD Department (Respondent # 5) is not an authority / Statutory body to amend / approve Service Rules. Hence, by asking the Court for directions specifically to DG (Research) is ultra vires of the Peshawar High Court decision dated 18.11.2000 wherein the SSRC has been declared Statutory Body for Service Rules and not the DG or the Secretary.
5. The SSRC examined, discussed and approved the Service Rules strictly in accordance with the Law & Rules and there is no ambiguity in the Statutory Role of the SSRC.

It is hoped that based upon the above facts on record and ground realities, it will be clear to you that the Service Rules have been approved as per Law & Rules. Even then, if you have additional comments, you are required to come up with solid proposal to proceed further in the Court's directions.

[Signature]
Director General (Research)

Dated: December 28, 2020

No. DGR/L&DD/Lit (99)/CC/2018/

Copy for information forwarded to:

1. The Registrar, Peshawar High Court, Peshawar with reference to the above order sheet.
2. PS to Secretary Agriculture, Livestock & Coop: Department, Khyber Pakhtunkhwa, Peshawar

[Signature]
Director General (Research)



Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar
livestockres.kp.gov.pk

091-9210218, 9210219, 9210248
091-9210220

Facebook.com/livestockresearchkp
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dg.ldr@kp.gov.pk

Annexure H
DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR



No. DGR/L&DD/Lit (99)/CC/2018/ 281-84
Dated: January 11, 2021

To

Dr. Muhammad Iqbal,
Divisional Level Director, Peshawar

Through: Director General (Extension),
Livestock & Dairy Development Department,
Khyber Pakhtunkhwa, Peshawar

SUBJECT: **WRIT PETITION ORDER OR OTHER PROCEEDINGS**

Reference your reply dated 31.12.2020 furnished through Director General (Extension) L&DD letter # 17271 dated 01.01.2021, received to this office on 07.01.2021.

This office letter # No. DGR/L&DD/Lit (99)/CC/2018/10963 dated 28.12.2020 clarified all your observations raised in the writ petition # 3140-P/2018 and you were offered an opportunity to come up with any additional comments and solid proposal to proceed further in the Court's directions. However, regretted to say that you failed to produce any solid reason and repeated the same points having been properly responded with valid documentary evidences.

For keeping the record straight, it is again reiterated that since you are no more holding the post and office of the Director Livestock Research & Development, Khyber Pakhtunkhwa, therefore, all your observations hold no grounds because the incumbent Director Livestock Research & Development has no such observations on the service rules, thus proving your infructuous stance.

You are in the old habit of agitating unnecessary issues and then renounce upon disclosure of factual status. The ample proof is your denial to accept the facts that you challenged the service rules on the grounds of an attempt to exclude you from the panel of officers for promotion to BPS-20 (*Annex-I*).

The rest of your issues have already been properly responded on appropriate forums and hence needs no repetition. The Standing Service Rules Committee (SSRC) is the Competent Forum / Statutory Body for Service Rules, duly approved it in accordance with the rule & law and neither the Director General nor the Secretary have such statutory role.

You are hereby offered another opportunity to appear before the undersigned for personal hearing on **14.01.2021 at 2:30 PM**, if you desire so and have any additional comments in support of your claims.

Director General (Research)

No. DGR/L&DD/Lit (99)/CC/2018/

Dated: January 11, 2021

Copy for information forwarded to:

1. The Registrar, Peshawar High Court, Peshawar in continuation of this office endorsement No. DGR/L&DD/Lit (99)/CC/2018/10964 dated December 28, 2020.
2. PS to Secretary Agriculture, Livestock & Coop: Deptt: Khyber Pakhtunkhwa, Peshawar
3. Director, Livestock Research & Development, Khyber Pakhtunkhwa, Peshawar with the request to attend the scheduled personal hearing in the office of the undersigned.

Director General (Research)

Routine No. 35

DAK BOOK

GS&PD, NP-308/6-F.S.-5,000 B. of 100-13 10.16/P4/1 extra sheet

Routine N

Date	To whom addressed	Contents of cover	Name of Naib Qasid	Initial of recep
	DLD Peski	306E 222E	[Signature] 2/1/2024	

Date



ANNEXURE 1

DIRECTORATE GENERAL (RESEARCH) LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR



(31)

Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar
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091-9210218, 9210219, 9210248
091-9210220

Facebook.com/livestockresearchkp
Twitter.com/livestockreskp
dg.ddr@kp.gov.pk

Dated: January 15, 2021

NOTIFICATION

No. DGR/L&DD/Lit (99)/CC/2018/: **WHEREAS** a Writ Petition # 3140-P/2018 filed in Peshawar High Court was dismissed vide order sheet dated 18.11.2020 directing the undersigned as Respondent # 5 for deciding the representation of the petitioners strictly in accordance with Law & Rules on the subject.

2. **AND WHEREAS** this office vide letter No. DGR/L&DD/Lit (99)/CC/2018/10964 dated December 28, 2020 conveyed detail clarification on the matter, referring to all previous correspondence reaffirming that the Standing Service Rules Committee (SSRC), being the Competent Forum / Statutory Body for Service Rules, duly approved the Departmental Service Rules in accordance with the rule & law and neither the Director General nor the Secretary had such statutory role.

3. **AND WHEREAS** the facts on record and ground realities of the whole process of approval of Departmental Service Rules as per Law & Rules were properly explained to the petitioner and further offered to come up with solid proposal to proceed further in the Court's directions, if he had any additional comments in the matter.

4. **AND WHEREAS** the petitioner while forwarding the same grounds, which were already properly presented before the Honorable Court and responded earlier as well was offered another opportunity to appear before the undersigned for personal hearing on 14.01.2021 at 2:30 PM, to proceed further as per Court's directives.

5. **AND WHEREAS** till the closing hours on the specified day, the officer did not appear for personal hearing in support of his claims.

6. **NOW THEREOF** the undersigned having been satisfied of the adopted process as per Law & Rules and after fulfilling all the obligations rejects the claims and presentation of the petitioners concerning the Departmental Service Rules.

Director General (Research)

No. DGR/L&DD/Lit (99)/CC/2018/914-18

Dated: January 15, 2021

Copy to:

1. The Registrar, Peshawar High Court Peshawar
2. PS to Secretary Agriculture, Livestock & Coop: Deptt: Khyber Pakhtunkhwa, Peshawar.
3. Director, Livestock Research & Development, Khyber Pakhtunkhwa, Peshawar.
4. Dr. Muhammad Iqbal, Divisional Level Director, Peshawar through Director General (Extension) L&DD Department Khyber Pakhtunkhwa, Peshawar.
5. Focal Person Court cases Peshawar High Court.

Director General (Research)

15/01/2021

BOOK

GS&PD KP-398/6-F.S.-5,000 B. of 100L-13.10.16/P4/Form Store Jobs

Form No. 35

DAK BOOK

GS&PD KP-398/6-F.S.-5,000 B. of 100L-13.10.16/P4/Form Store Jobs/Dak Book

Contents of cover	Name of Naib Qasid	Initial of receiver	Date
623-e 622-e 594 591-e		<i>[Signature]</i>	12/21
632-e 1063-85 1071 587 615		<i>[Signature]</i>	11/21/21
1055-62 1055-62 11 11	1105	<i>[Signature]</i>	

To whom addressed	Contents of cover	Name of Naib Qasid	Initial of receiver
Cashier	1048-34-6	<i>[Signature]</i>	<i>[Signature]</i> 01/12/21
P. AHITI	1048-34-6		<i>[Signature]</i> 01/02/21
OLD Pesh	633	<i>[Signature]</i> 11/2/21	
Dr. Haymeeda	1055-62	عمرتان <i>[Signature]</i>	

~~CONFIDENTIAL~~
GOVERNMENT OF NWFP
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATION WING)

No. SOR-1 (S&GAD) 1-29/75 (Vol-IV)
Dated Peshawar, the 24th Nov. 1999.

All the Administrative Secretaries,
to Government of NWFP.

Subject: PROMOTION OF OFFICERS TO SELECTION POSTS.

Sir,
I am directed to refer to the subject noted above and to state that the Provincial Selection Board while considering promotion cases of the officers of various departments has noticed that under the provision of relevant service rules promotion to selection posts are made on the basis of selection on merit, but on the contrary the departments have based seniority and Annual Confidential Reports as merit/ criteria for promotion of officers. The Board appreciated provision in the relevant service rules for selection of officers on merit on these posts which it emphasised to be maintained. However, the Board directed that all the administrative departments while preparing working papers of promotion on selection posts should include academic qualification, distinction if any, extra qualification, research work, publications, foreign training/ courses in respect of the officers included in the panel for promotion plus any other factor which can add to the objectivity of merit based assessment. The working papers for promotion of officers on selection posts in which the above mentioned information are not included shall not be entertained.

2. I am therefore directed to request that the above directive of the Provincial Selection Board may kindly be adhered to in letter and spirit.

Yours-obedient Servant.

Shakar
(SHAKIR ULLAH)
Section Officer (R-1)

*Attested
A. Ghaffarullah
Advt. P.S.R.*

- 1. All Adml. Secretaries/Dy. Secretaries in S&GAD.
- 2. All Section Officers in S&GAD.
- 3. PS to Chief Secretary, NWFP
- 4. PS to Secretary, S&GAD
- 5. Librarian, S&GAD.

Shakar
Section Officer (R-1)

*House 3 file
Keep it on file R.*

*AL
9/10*

ESTA CODE [Establishment Code Khyber Pakhtunkhwa] 55

Promotion Policy

Dear Sir,

I am directed to refer to the subject noted above and to say that in order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

I. Length of service:

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

- Basic Scale 18 : 5 years' service in BS-17
- Basic Scale 19 : 12 years' service in BS-17 & above
- Basic Scale 20 : 17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BP-18 shall be counted as follows:

(i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.

(ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:
Basic Scale 19 : 7 years' service in BS-18
Basic Scale 20 : 10 years' service in BS-18 and above or 3 years' service in BS-19.

II. Linking of promotion with training:

(a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

- Mid-Career Management Course at National Institute of Management (NIM) for promotion to BS-19
- Senior Management Course at National Management College, Lahore for promotion to BS-20

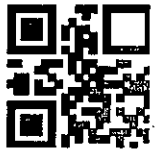
Attested
Asadullah Khan
Advocate



CORONA ALERT - COVID19

District Health, Peshawar

Profile of M.IQBAL



Dated: 01-Mar-2021

Patient information**Section - 1: Demographic Data**

EPID #	
Patient's ID	COVID19/PAK/KP/1/996704
Name	M.IQBAL
Father/Guardian/ Husband Name	LAL SAHIB KHAN
Date of Birth (dd/mm/yyyy)	
Gender (M/F)	Male
CNIC 13 digits with dashes	17301-7217860-1 (Guardian's CNIC)
Recent Home Address (House #, Village, UC, Tehsil, District)	HOUSE # 6 VITERNAY RESEARCH INSTITUTE OFFICERS COLONY PESHAWAR , Peshawar / Town I
Is he/she a health care worker (Y/N)	No
If yes, name of health care facility of the worker	
Date of registration of suspect (DD/MM/YYYY)	
Reporting type (Hospital, Lab, RRT, POE)	Tier-2 Team
Name of reporting institution/RRT	RRT Team II, Peshawar
Name of person reporting the case	
Designation of the person reporting the case	

Section - 2: Epidemiological Link

Is the patient symptomatic? (Y/N)	No
Date of onset of illness (DD/MM/YYYY)	26/02/2021
Does the patient have the following symptom (Y/N)	
1. Fever	No
2. Fatigue/myalgia	
3. Cough	No
4. Shortness of breath	No
Does the patient have the following underlying conditions and comorbidities (Y/N)	
1. Cardiovascular disease including hypertension	No
2. Chronic lung disease	No
3. Chronic neurological disease	No
4. Others (specify)	

Exposure Risk:

A. Asymptomatic (in last 14 days) OR	
B. Symptomatic (14 days prior to onset of symptoms)	
Has this person come into contact with a positive case (Y/N)	
Details of positive case contact	
Name of contact	
Relationship with contact	
Has this person traveled abroad in the last 14 days (Y/N)	No
Name of country	
Is this person a Zaireen from Iran or Iraq (Y/N)	
Date of return to Pakistan (DD/MM/YYYY)	

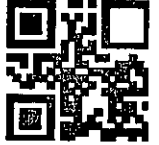
2/13/2021

Profile of M IQBAL - KP Dashboard

**CORONA ALERT - COVID19**

Health Department

Profile of M IQBAL



Dated: 13-Feb-2021

Patient information**Section - 1: Demographic Data**

EPID #	
Patient's ID	COVID19/PAK/KP/1/905895
Name	M IQBAL
Father/Guardian/ Husband Name	LAL SAHIB KHAN
Date of Birth (dd/mm/yyyy)	
Gender (M/F)	Male
CNIC 13 digits with dashes	17301-7217860-1
Recent Home Address (House #, Village, UC, Tehsil, District)	HOUSE NO 6 VITERANASY OFFICE COLONY RADIO PEKISTEN CHOCK PESHAWAR , Peshawar / City
Is he/she a health care worker (Y/N)	No
If yes, name of health care facility of the worker	
Date of registration of suspect (DD/MM/YYYY)	
Reporting type (Hospital, Lab, RRT, POE)	Tier-2 Team
Name of reporting institution/RRT	RRT Team II, Peshawar
Name of person reporting the case	
Designation of the person reporting the case	

Section - 2: Epidemiological Link

Is the patient symptomatic? (Y/N)	No
Date of onset of illness (DD/MM/YYYY)	11/02/2021
Does the patient have the following symptom (Y/N)	
1. Fever	No
2. Fatigue/myalgia	
3. Cough	No
4. Shortness of breath	No
Does the patient have the following underlying conditions and comorbidities (Y/N)	
1. Cardiovascular disease including hypertension	No
2. Chronic lung disease	No
3. Chronic neurological disease	No
4. Others (specify)	

Exposure Risk:

- A. Asymptomatic (in last 14 days) OR
B. Symptomatic (14 days prior to onset of symptoms)

Has this person come into contact with a positive case (Y/N)

Details of positive case contact

2/13/2021

Profile of M IQBAL - KP Dashboard

Name of contact
 Relationship with contact
 Has this person traveled abroad in the last 14 days (Y/N) No
 Name of country
 Is this person a Zaireen from Iran or Iraq (Y/N)
 Date of return to Pakistan (DD/MM/YYYY)
 Has this person traveled domestically in the last 14 days (Y/N) No
 Name of city
 Date of return to home city (DD/MM/YYYY)
 Has this person come into contact with someone from abroad in the last 2 weeks (Y/N)
 Has this suspected case been approved for testing (Y/N)
 If yes, name of laboratory to which sample has been sent to
 Where has this person been referred for quarantine (home, hospital, quarantine center)
 Name of quarantine institution

Section - 3: Lab Testing Data

Date of collection of sample (DD/MM/YYYY) 11/02/2021
 Date of sample sent (DD/MM/YYYY) 11/02/2021
 Type of sample collected (nasal, oral, other) Nasopharyngeal Swab
 Is the sample post-mortem (Y/N)
 Lab Result (Positive, Negative, Inconclusive) Positive
 Date of receiving of result (DD/MM/YYYY) 13/02/2021
 Repeat lab test (Y/N)
 Date of repeat result received (DD/MM/YYYY)
 Repeat Lab Result (Positive, Negative, Inconclusive)
 Current Status (Active, Cleared, Recovered, Expired) Active

Section - 4: Isolation information (only for positive patients)

Has the test sample been sent (Y/N)
 Date of sample sent (DD/MM/YYYY)
 Name of lab sample sent to (Y/N)
 For confirmed cases: Is this person admitted in a isolation unit (Y/N)
 Location of isolation (Hospital, Separate Isolation Center, Home, Other)
 Name of hospital where isolated
 Is this person admitted in ICU (Y/N)

Section - 5: Quarantine Information (only for suspected case)

Has the test sample been sent (Y/N)
 Date of sample sent (DD/MM/YYYY)
 Name of lab sample sent to (Y/N)

2/13/2021

Profile of M IQBAL - KP Dashboard

Location of quarantine (Home, Quarantine Center)

Name of quarantine institution

Start date of quarantine (DD/MM/YYYY)

Duration of quarantine (# of days)

Section – 6: Daily Clinical Condition (only for cases admitted in quarantine or isolation)

Has this person been shifted from isolation unit to an ICU (Y/N)

If yes, why?

Condition	# days of admission in isolation unit or quarantine center																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Stable																					
Improving																					
Worsening																					
Critical																					

Responsibilities for form completion:

Form	Form#	Responsibility	Frequency
Demographic	1	All	One-time
Epidemiological Link	2	Public hospital, Private hospital, Point of entry	One-time
Tests results	3	Private lab, Public lab	Continuous
Isolation information	4	Private hospital, public hospital	Weekly
Quarantine information	5	RRT-2, DHO	Weekly
Daily clinical information	6	Private hospital, public hospital	Daily

VAKALAT NAMA

NO. _____/20.

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR.

Dr. Muhammad Iqbal (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

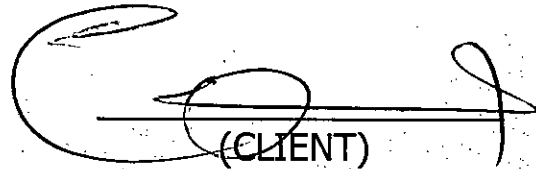
Government of KP and Others (Respondent)
(Defendant)

I/we, Dr. Muhammad Iqbal

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




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


TAIMUR ALI KHAN
Advocate High Court,


SYED NOMAN ALI BUKHARI
Advocate High Court,

OFFICE:

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


SHAHKAR KHAN YOUSAFZAI
Advocate Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 3441/ 2021

Dr. Muhammad Iqbal

.....
Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others.

.....
Respondents

Para-wise comments on behalf of the Respondents 01 TO 07.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got neither cause of action nor locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents..
3. That the instant appeal is against the prevailing Laws and Rules.
4. That the appeal is not maintainable in the present form.
5. That the Honorable Tribunal has no jurisdiction to adjudicate upon the matter.
6. That the impugned Notification/Rules have been framed by the Provincial Government under Rule 3(2) of the Khyber Pakhtunkhwa Appointment Promotion and Transfer Rules 1989.
7. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
8. That the appeal is badly time barred.

ON FACTS


1. Pertains to record.
2. Correct to the extent that the framing of Rules/Policy or making amendments in such policies are the domain of the provincial government.
3. Correct to the extent that the replying respondents proposed certain amendments in the Service Rules, 2008 with regard to the post of Director General (BPS-20) which were later on approved by the SSRC and were notified vide Notification dated 20-12-2017 (**Annex-A**) wherein the criteria of promotion from the post of Director Livestock Research and Development, Director Veterinary Research Institute, Principal Research Officer, Regional Directors and Station Director having ten years service in BPS-19 to the post of Director General (BPS-20) on the basis of merit has been changed to the criteria of seniority-cum-fitness.


4. Incorrect. The instant appeal is badly time barred as the impugned Notification was issued on 20-12-2017 however, the so-called departmental appeal was made on 02-02-2018 by the appellant (**Annex-B**). After that the appellant filed a Writ Petition before Hon'able Peshawar High Court on 13-6-2018 instead of filing Service Appeal before this Service Tribunal. Accordingly the Peshawar High Court dismissed the appeal with the direction for deciding representation strictly in accordance with the Law and Rules (**Annex-C**). The appellant was repeatedly asked to appear for personal audience as per Peshawar High Court order sheet dated 18/11/2020 but the appellant failed to comply with the directions and as such the appeal was rejected on 15-01-2021 (**Annex-D**).
5. Incorrect. Pertains to record.
6. Incorrect.

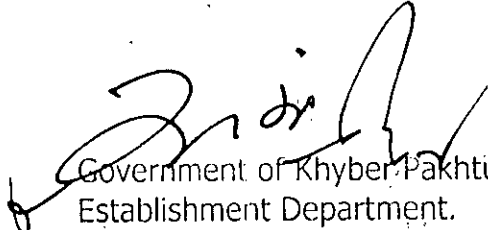
GROUND.

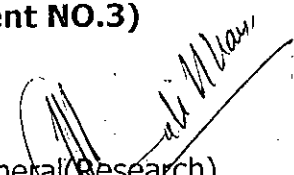
- A. Incorrect. The impugned Notification dated 20-12-2017 (**Annex-A**) and rejection order dated 15/1/2021 (**Annex-D**) are based on law, rules, principles of natural justice and observing all laid down procedures, giving proper opportunity to the petitioner which he did not avail intentionally for the reason best known to him.
- B. Incorrect as explained in the above paras that framing of rules/policy or making amendments in such policies is the domain of the government. The amendment has been made through SSRC and duly endorsed by the Establishment Department & Law Department.
- C. Incorrect. Detailed reply has been mentioned in Para-B.
- D. Incorrect. The proposed rules were duly vetted by Law Department and after approval were notified by the Provincial Government.
- E. Incorrect. The impugned Notification is general in nature and not framed malafidely.
- F. Incorrect. The length of service is the same which has been mentioned in the government of Khyber Pakhtunkhwa promotion policy.
- G. Incorrect. He was given chances of personal hearing twice but he failed to avail them.
- H. The respondents may kindly be allowed to add other grounds at the time of final hearing.


In view of the above, it is humbly prayed that the appeal may very graciously be dismissed being devoid of merits please.

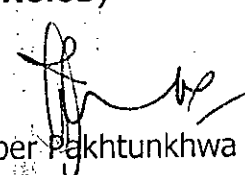

Chief Secretary
Government of Khyber Pakhtunkhwa
(Respondent No. 01 & 02)


Secretary,
Government of Khyber Pakhtunkhwa
Agriculture, Livestock & Coop. Dept.
(Respondent NO.3)


Government of Khyber Pakhtunkhwa,
Establishment Department.
(Respondent No.04)


Director General (Research)
Livestock & Dairy Dev: Deptt:
Khyber Pakhtunkhwa Peshawar
(Respondent No.05)


The Standing Service Rules Committee
(SSRC)
Through its Chairman
(Respondent No.06)


Secretary, Khyber Pakhtunkhwa Public
Service Commission
(Respondent NO.7)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT



Dated Peshawar the 20th December, 2017

NOTIFICATION

O(LFC)AD-El(236)/2017:- 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 and 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 No. 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 General (Research) Livestock and Dairy Development and its subordinate offices.

APPENDIX

PART-I

(PROFESSIONAL AND PARA PROFESSIONAL STAFF)

1. Nomenclature of the post.	2. Minimum qualification prescribed for appointment by initial recruitment.	3. Age limit for initial recruitment.	4. Method of recruitment.
1. Director General (BPS-20)			5. By promotion, on the basis of seniority-cum-fitness, from amongst the Directors Livestock Research and Development, Directors Veterinary Research Institute, Principal Research Officers, Directors, Regional Directors and Station Directors having ten years service in BPS-19 or seventeen years service in BPS-17 or above and having five Research Publications.
2. Director Livestock Research and Development, Director Veterinary Research Institute. (BPS-19)			By transfer, from amongst the Principal Research Officers, Station Directors and Regional Directors.

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S.No.	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.
3.	Principal Research Officer, Director, Regional Director or Station Director. (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Research Officers and Senior Biochemists, having Degree of Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences from a recognized University with three Research Publications and valid registration with Pakistan Veterinary Medical Council, having seven years service in BPS-18 or twelve years service in BPS-17 and above in their respective cadre.
4.	Senior Research Officer. (BPS-18)	(i) At least Second Class Ph.D Degree, in Veterinary, Animal, Poultry Sciences, Microbiology, Biochemistry, Biotechnology or Molecular Biology from a recognized University with two Research Publications, after at least Second Class Degree in Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences from a recognized University; or (ii) At least Second Class M.Sc (Hons), M.Phil. or M.S Degree in Veterinary, Animal, Poultry Sciences, Microbiology, Biochemistry, Biotechnology or Molecular Biology from a recognized University with two Research Publications and Valid registration with Pakistan Veterinary Medical Council, after at least Second Class Degree in Doctor of Veterinary Medicine or equivalent qualification from a recognized University, having three years experience as such.	28-45 years.	(a) Seventy five percent, by promotion, on the basis of seniority-cum-fitness, from amongst the Research Officers, Farm Managers, Farm Feed Mill Managers, Administrative Officers and Biochemists having at least Second Class Degree in Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences from a recognized University with two Research Publications and valid registration with Pakistan Veterinary Medical Council having five years service as such; and (b) Twenty five percent, by initial recruitment.

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No.	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.
	Senior Biochemist (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst the Biochemists having M.Sc. Degree in Biochemistry with two Research Publications and five years service as such. MS / M.Phil
6.	Deputy Director Agriculture and (Fodder) or Senior Research Officer (Fodder). (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst the Agriculture Officers, Assistant Fodder Botanists and Research Officers (Fodder) with five years' service as such, having two Research Publications.
7.	Deputy Director (Statistics and Economics). (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst the Statistical Officers with five years' service as such. Fw-Best
8.	Research Officer or Farm Manager, (BPS-17) Feed Mill Manager	At least Second Class Degree in Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences from a recognized University having valid registration with Pakistan Veterinary Medical Council.	21-32 years.	By initial recruitment
9.	Farm Feed Mill Manager or Administrative Officer. (BPS-17)	(i) At least Second Class Degree in Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences from a recognized University having valid registration with Pakistan Veterinary Medical Council, with Diploma in Feed Technology from a recognized Institute; or (ii) At least Second Class Degree in Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences from a recognized University having valid registration with Pakistan Veterinary Medical Council with two years experience in Feed Mill Operation.	21-32 years.	By initial recruitment

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1.	2.	3.	4.	5.
Nomenclature of the post.		Minimum qualification prescribed for appointment by initial recruitment.	Age limit for initial recruitment.	Method of recruitment.
10.	Biochemist. (BPS-17)	(i) At least Second Class Master's Degree in Biochemistry after at least Second Class Degree in Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences from a recognized University having valid registration with Pakistan Veterinary Medical Council; or <i>Dvt + M.Sc. + Nutrition</i> (ii) At least Second Class M. Phil or MS Degree in Biochemistry or equivalent qualification from a recognized University.	21-32 years.	By initial recruitment.
11.	Agriculture Officer, Assistant Botanist Fodder or Research Officer (Fodder). (BPS-17)	At least Second Class M. Sc. (Hons) or M.Phil or MS Degree in Agronomy or equivalent qualification from a recognized University.	21-32 years.	By initial recruitment.
12.	Pharmacist. (BPS-17)	At least Second Class Pharm-D's Degree or equivalent qualification from a recognized University having valid registration with the Pharmacy Council of Pakistan.	21-32 years.	By initial recruitment.
13.	Statistical Officer. (BPS-17)	At least Second Class Master's Degree in Statistics or Economics with Statistics as a compulsory subject in B.A, B.Sc or equivalent qualification from a recognized University.	21-32 years.	By initial recruitment.
14.	Electrical-Cum-Mechanical Technician, Mechanical-Cum-Electrical Supervisor. (BPS-13)	At least Second Class three years Diploma in Electrical or Mechanical Engineering from a recognized Board of Technical Education.	18-32 years.	By initial recruitment.
15.	Laboratory Supervisor. (BPS-11)			By promotion, on the basis of seniority-cum-fitness, from amongst the Laboratory Technicians with two years service as such.
16.	Artificial Insemination Technician. (BPS-10)	(i) At least Second Class Secondary School Certificate with Science from a recognized Board; and (ii) At least two years Veterinary Assistant Course with six weeks Artificial Insemination Training from a recognized Institute.	18-32 years.	By initial recruitment.

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No.	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.
	Laboratory Technician. (BPS-10) 11			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Laboratory Assistants having two years service as such.
18.	Veterinary Assistant. (BPS-09) 10	(i) At least Second Class Secondary School Certificate with Science from a recognized Board; and (ii) At least two years Veterinary Assistant Course from a recognized Institute.	18-32 years.	By initial recruitment.
19.	Field Assistant. (BPS-09) 10	(i) At least Second Class Secondary School Certificate with Science from a recognized Board with at least three years Field Assistant Training from a recognized Institute.	18-32 years.	By initial recruitment.
20.	Senior Laboratory Assistant. (BPS-09) 10			By promotion, on the basis of seniority-cum-fitness, from amongst the Laboratory Assistants having Secondary School Certificate from a recognized Board with five years' service as such.
21.	Boiler Engineer. (BPS-08) 9	(i) At least Second Class Secondary School Certificate from a recognized Board with at least Second Class Boiler Engineer Certificate from a recognized Board. Note: Practical experience of Boiler Operation will be preferred.	18-32 years.	By initial recruitment.
22.	Laboratory Assistant. (BPS-06) 7	At least Second Class Secondary School Certificate with Science from a recognized Board with at least two years Certificate in Laboratory Techniques from a recognized Veterinary or Medical Institute.	18-32 years.	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Laboratory Attendants having Secondary School Certificate from a recognized Board with five years' service as such; and (b) Fifty percent, by initial recruitment.
23.	Laboratory Attendant. (BPS-03)	At least Second Class Secondary School Certificate with Science from a recognized Board.	18-40 years.	By initial recruitment.

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AGRICULTURE LIVESTOCK & COOPERATIVE
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PART-II
MINISTERIAL AND OTHER SUPPORTING STAFF

No.	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.
✓ 24.	Estate Manager, Procurement Officer, Superintendent or Account Officer. (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 the Senior Scale Stenographers with five years' service as such: Provided that if no suitable Official is available in one clause, promotion will be made from the other clause of the above Officials.
✓ 25.	Assistant. (BPS-16)	At least Second Class Bachelor's Degree or equivalent qualification from a recognized University.	21-32 years.	(a) Seventy five percent, by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with five years' service as Junior and Senior Clerk; and (b) Twenty five percent, by initial recruitment.
✓ 26.	Senior Scale Stenographer. (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers having five years service as such.
✓ 27.	Computer Operator. (BPS-16)	(i) At least Second Class Bachelor's Degree in Computer Science, Degree in Information Technology (BCS or BIT four-years) or equivalent qualification from a recognized University; or (ii) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	21-32 years.	By initial recruitment.
✓ 28.	Senior Clerk. (BPS-14)			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks and Store Keepers with five years' service as such. Note: for the purpose of promotion, a joint seniority list of Junior Clerks and Store Keepers shall be maintained.

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AGRICULTURE LIVESTOCK & COOPERATIVE
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1.	2.	3.	4.	5.
c.	Nomenclature of the post.	Minimum qualification prescribed for appointment by initial recruitment.	Age limit for initial recruitment.	Method of recruitment.
29.	Stenographer. (BPS-14)	(i) At least Second Class Intermediate Certificate or equivalent qualification from a recognized Board; (ii) A speed of fifty words per minute in short-hand in English and thirty-five words per minute in Typing; and (iii) Knowledge of computer in using MS-Word and MS-Excel.	18-32 years.	By initial recruitment.
30.	Junior Clerk. (BPS-11)	(i) At least Second Class Intermediate Certificate or equivalent qualification from a recognized Board; and (ii) A speed of <u>thirty</u> words per minute in typing.	18-32 years.	<p>(a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Daftaris, Naib Qasids, Chowkidars, Field Workers, Grass Cutters, Packers, Shepherds, Ploughmans, Animal Attendants, Cattle Attendants, Irrigation Attendants, Gawalas, Head Gawalas, Sweepers, Malis, Gardeners, Milk Men, Feed Mill Labours, Cook, Attendants and Shed Attendants having Secondary School Certificate or equivalent qualification from a recognized Board with two years service as such; and</p> <p>(b) sixty seven percent by initial recruitment.</p> <p>Note: For the purpose of promotion, there shall be maintained a joint seniority list of the Daftaris, Naib Qasids, Chowkidars, Filed Workers, Grass Cutters, Packers, Shepherds, Ploughmans, Animal Attendants, Cattle Attendants, Irrigation Attendants, Gawalas, Head Gawalas, Sweepers, Malis, Gardeners, Milk Men, Feed Mill Labours, Cook, Attendants and Shed Attendants with reference to the dates of their acquiring the Secondary School Certificate or equivalent qualification:</p> <p>Provided that:</p> <p>(i) if two or more officials have acquired the Secondary School Certificate or equivalent qualification 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</p> <p>(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.</p>

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DEPARTMENT

1.	2.	3.	4.	5.
Nomenclature of the post.		Minimum qualification prescribed for appointment by initial recruitment.	Age limit for initial recruitment.	Method of recruitment.
31.	Librarian. (BPS-11) 17	At least Second Class Master's Degree in Library Science from a recognized University.	21-32 years.	By initial recruitment.
32.	Store Keeper. (BPS-10)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Store Keepers with at least five year service as such.
33.	Pesh Imam. (BPS-09) 10	At least Second Class Sanad of Shadat-ul-Aalamia or equivalent qualification from a recognized Wafaq-ul-Madaris Pakistan or Tanzeem-ul-Madaris Pakistan.	18-35 years.	By initial recruitment.
34.	Assistant Store Keeper. (BPS-07) 8	(i) At least Second Class Secondary School Certificate from a recognized Board; and (ii) A typing speed of thirty words per minute in English.	18-32 years.	By initial recruitment.
35.	Telephone Operator. (BPS-07) 9	(i) At least Second Class Secondary School Certificate from a recognized Board; and (ii) A Professional Certificate in telephone operation or telecommunication from a recognized Institute having proficiency in the trade.	18-32 years.	By initial recruitment.
36.	Plumber. (BPS-07) 8	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with three months Certificate in the relevant trade from a recognized technical, vocational Institute having proficiency in the trade.	18-32 years.	By initial recruitment.
37.	Tractor Driver. (BPS-06) 7	Literate, having valid tractor driving License with proficiency in the trade. Note: preference shall be given to those having experience in driving, repairing and maintenance of vehicles.	18-32 years.	By initial recruitment.
38.	Driver. (BPS-04) 6	Literate, having valid light transport vehicle driving License with experience in driving, repairing and maintenance of vehicle.	18-40 years.	By initial recruitment.

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AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

1.	2.	3.	4.	5.
	Nomenclature of the post.	Minimum qualification prescribed for appointment by initial recruitment.	Age limit for initial recruitment.	Method of recruitment.
39.	Carpenter. (BPS-05) 7	At least Second Class Secondary School Certificate from a recognized Board with Certificate in the relevant trade from a recognized technical training Institute, having proficiency in the trade.	18-32 years.	By initial recruitment.
40.	Cold Storage Mechanic. (BPS-05) 7	At least Second Class Secondary School Certificate from a recognized Board with Certificate in the relevant trade from a recognized Board of Technical Education having proficiency in the trade.	18-32 years.	By initial recruitment.
41.	Assistant Estate Manager. (BPS-05) 7	(i) At least Second Class Secondary School Certificate from a recognized Board; or (ii) A retired person from Army, Frontier Corps, Air Force services as Lance Naik, Naik or Hawaldar rank, with good health and character having Second Class Secondary School Certificate from a recognized Board.	18-32 years.	By initial recruitment.
42.	Electrician or Assistant Electrician. (BPS-03) 5	(i) At least Second Class Secondary School Certificate from a recognized Board; and (ii) one year Certificate in Electrician from a recognized technical, training Institute having proficiency in the trade.	18-35 years.	By initial recruitment.
43.	Tube-well Operator. (BPS-03) 6	Literate, having three months Certificate in the relevant trade from a recognized technical, vocational Institute with proficiency in the trade.	18-40 years.	By initial recruitment.
44.	Daftari. (BPS-04) 6	At least Middle Pass, having proficiency in photocopier operation.	18-40 years.	By initial recruitment.
45.	Field Worker, Naib Qasid, Chowkidar, Grass Cutter, Packer, Shepherd, Ploughman, Animal Attendant, Cattle Attendant, Irrigation Attendant, Gawala, Head Gawala, Sweeper, Mali, Gardener, Milk Man, Feed Mill Labour, Cook, Attendant or Shed Attendant. (BPS-03) 4	Literate. Note: Preference will be given to the candidate having practical experience in the relevant field.	18-40 years.	By initial recruitment.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

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

Endst of Even No & Date

- Copy of the above is forwarded to the:-
1. Additional Chief Secretary, FATA Secretariat, Warsak Road Peshawar.
 2. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
 3. Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
 4. Secretary to Government of Khyber Pakhtunkhwa, Law Department.
 5. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
 6. Chairman, Khyber Pakhtunkhwa, Public Service Commission.
 7. Director General (Research), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar.
 8. Manager Government Printing Press, Peshawar for publication in Official Gazette Notification and also to provide ten (10) copies of the same.
 9. PS to Special Assistant to Chief Minister for Livestock, Fisheries & Cooperatives, Khyber Pakhtunkhwa.
 10. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
 11. PS to Secretary, Agriculture, Livestock & Cooperative Department.
 12. Web Administrator for uploading on the official website of Agriculture, Livestock & Cooperatives Department.

(DR MIR AHMAD KHAN)
SECTION OFFICER (LIVESTOCK FISHERIES & COOPERATIVES)
AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT
PH: 091-9210973

(M.IRFAN 20/12/2017)



Amex - B
4
~~Annex B~~

DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
KHYBER PAKHTUNKHWA BACHA KHAN CHOWK, PESHAWAR
Phone# 091-9213294, Fax# 091-9210639
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DLR&D/Estt/83/Vol-IV/634

Dated Peshawar the 2/01/2018

The Director General (Research),
Livestock & Dairy Development Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: **Presentation in respect of recently approved revised recruitment rules-2017 for the Research Wing of Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar.**

Kindly refer to your office letter No.DG(R)/L&DD/Estt-1(18)/2016/Vol-10532-43 dated 12/01/2018 along with approved revised recruitment rules-2017 regarding the subject noted above.

Dear Sir,

It is please stated that, I being the head of office of one of the component of Directorate General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar is submitting few submissions/reservations in respect of the recently approved recruitment rules with regard to the method of recruitment for the post of Director General Research (BPS-20) mentioned at S.No.1. of the recruitment rules.

It is please further to state that being a Director of one of the major component of the Directorate General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar and member of the recruitment rule committee, the undersigned was called for a meeting convened to devise a mechanism to address the genuine grievances of the incumbent of Ex-Cadre posts (Annex-I). In the meeting general consensus was developed that before considering the other parts of the recruitment rules of the Department, the approved recruitment rules from Livestock & Dairy Development Department Punjab Province may be collected and the amendment in the recruitment rules will be considered later on in coming meetings, but sorry to say that the undersigned being a member of the recruitment rules committee was totally ignored.



5 **Annex - B**
2008

DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
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2. Being a member of the recruitment rules committee, and head of office of the Department, It was requested to involve all the stake holders in the recruitment rules process to create consensus and to avoid future complication, but regretted to say that no such consultation was made for the creation of consensus in respect of amendment in the recruitment rules-2008.

3. The President Pakistan Veterinary Medical Association (PVMA) Khyber Pakhtunkhwa Zone also approached to the Government of Khyber Pakhtunkhwa, Secretary Agriculture, Livestock, Fisheries and Cooperative Department vide letter dated 23/01/2017 (**Annex-2**) for creating consensus among the officers, Stakeholders and Associations, so that in future any type of worries and litigations could be avoided

The Administrative Department referred the reservations of the Pakistan Veterinary Medical Association to the Director Generals (Extension & Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar vide dated 13/02/2017. The Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar arranged a meeting with the Pakistan Veterinary Medical Association Khyber Pakhtunkhwa Zone, in the presence of Senior Officers of Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar and the concerns shown by President Pakistan Veterinary Medical Association were considered as genuine and proposed the method of recruitment for the post of Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar, which are reproduced as under.

"By selection on merit from among the Director/Epidemiologist/District Director Livestock/Agency Director Livestock/Training Coordinator AHITI/Wool Analyst/Principal Veterinary Officer of Extension wing holding basic degree of Doctor of Veterinary Medicine or BSC(Hons) Animal Husbandry or relevant equivalent qualification, having ten years service in BPS-18 and above or having 17 years service in BPS-17 and above and registered with Pakistan Veterinary Medical Council (PVMC)" (**Annex-3**), while on other hand, no such meeting was arranged by the Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa,



Annex-B

**DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
KHYBER PAKHTUNKHWA BACHA KHAN CHOWK, PESHAWAR**
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Peshawar with the office bearers of PVMA and other officers including undersigned to create consensus among the officers and other stakeholders in respect of the amendment in the recruitment rules, 2008.

4. It is to bring on the record that two members committee was constituted by the Administrative Department for proposing amendment in the existing service rules of the Livestock & Dairy Development Department vide dated 12/07/2016 and in this regard existing rules-2008 and the proposed rule-2016 drafted by two members committee for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar are reproduced as under (Annex-4).

Method of Recruitment:

Nomenclature of the Post	Approved Recruitment rules-2008	Proposed rules 2016	Examination training
Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BPS-20)	By selection on merit, from amongst the Directors/Principal Research Officer (BS-19), <u>having ten years service in BS-18 and above or Seventeen years service in BS-17 and above with five research publications and also registered with Pakistan Veterinary Medical Council</u>	By selection on merit amongst the Directors/Principal Research Officer (Bs-19) of Research wing (mentioned at S.No.2 & 3), <u>having ten years service in BS-18 and above or seventeen years service in BS-17 and above with five research publications and valid registration with PVMC</u>	Four weeks Administrative Management Training from a training Institute notified by Administrative Department

5. Finally the method of recruitment approved for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BS-20) are reproduced as under.



Annex-B

**DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
KHYBER PAKHTUNKHWA BACHA KHAN CHOWK, PESHAWAR**

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"By promotion on the basis of seniority-cum fitness from amongst the Director Livestock Research & Development, Director, Veterinary Research Institute, Principal Research Officers, Directors, Regional Directors and Station Directors having ten years service in BPS-19 or seventeen years service in BPS-17 or above and having five research publications vide notification dated 20/12/2017 (Annex-5)."

6. The notification in respect of the recruitment rules, 2017 is not only against the recommendations/ proposal of the two members committee constituted for this purpose, but also recommendations made under the Chairmanship of Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar. Moreover, it is also against the directive of Provincial Selection Board dated 24/11/1999 (Annex-6), wherein they have appreciated provision in the relevant rules for selection of officer on merit on these posts, which it emphasized to be maintained, so that proper consideration in respect of academic qualification, distinction if any, extra qualification, research work, publication, foreign training/course with regard to the officers included in the panel for promotion plus any other factor which can add to the objectivity of merit based assessment.

7. The length of service under promotion policy for the post of BS-20 are as under (Annex-7).

- (i). 17 years service in BS-17 and above or
- (ii). 10 years service in BS-18 and above or
- (iii). Three years service in BS-19.

8. The Pakistan Veterinary Medical Council act 1996, section 19 clearly states that no person other than a registered veterinary practitioner shall hold any veterinary position in private and public sector. (Annex-8).



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Annex-B

18

**DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
KHYBER PAKHTUNKHWA BACHA KHAN CHOWK, PESHAWAR**
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In light of the above detail, the undersigned have the following reservation/objections in respect of the approved rules-2017.

(iv) The promotion on the basis of Seniority-cum fitness on one side is against the recommendations of the two members committee especially constituted for this purpose, but is also against the recommendations made under the Chairmanship of Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar in light of the request of Pakistan Veterinary Medical Association Khyber Pakhtunkhwa Zone. Moreover the seniority cum fitness procedure for the Head of the Attached Department especially for the post of Directorate General (Research), who is suppose to have strong academic/Research work background with maximum publications, well trained, plus any other factor, which can add to the objectivity of the merit based assessment is against the directives of Provincial Selection Board mentioned above.

(v) The ten years service in BPS-19 is also, the violation of the length of service mentioned in promotion policy stated above.

(vi) The deletion of membership of Pakistan Veterinary Medical Council is the violation of Pakistan Veterinary Medical Council act, 1996 section 19 mentioned above.

You are therefore requested to approach the Administrative Department for the rectification of the above observations/ objections raised above by the undersigned, so to avoid future litigation in the matter please.


**DR. MUHAMMAD IQBAL
DIRECTOR**
2/2/2018



Annex - B

12 19

DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK DIRECTORATE GENERAL
(LIVESTOCK & DAIRY DEVELOPMENT
DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR



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<https://twitter.com/livestockreskp>

Ph#: 091-9210218, 091-9210248 Fax#: 091-9210220

No. DG(Res)L&DD/Est-I(18)/2016/Vol.VI/ 8100

Dated Peshawar the 3/09/2018

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock, Fisheries and
Cooperatives Department, Peshawar.

Attention Section Officer (LFC)

Subject:- **PRESENTATION IN RESPECT OF RECENTLY APPROVED REVISED
RECRUITMENT RULES 2017 FOR THE RESEARCH WING OF
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Kindly refer to Government of Khyber Pakhtunkhwa, Agriculture, Livestock,
Fisheries and Cooperatives Department Notification NO. SO(LFC)AD-EI(236)/2017 dated 20-
12-2017.

Dr. Muhammad Iqbal, Director, Livestock Research and Development, Khyber
Pakhtunkhwa, Peshawar has raised objection in his attached presentation on the notified rules for
the post of Director General (Research)

The para-wise reply/comments are as follows:-

Para-1 The draft recruitment rules of the Research Wing of Livestock and Dairy
Development Department were submitted to the Administrative Department to be processed for
approval through the competent forum. However, the draft rules were returned with certain
observations (*Annex-I*). These observations as well as grievances of the ex-cadre employees of
the department were thoroughly discussed as referred by the applicant in para-1 of the
presentation. In light of that a revised proposal was submitted to the Administrative Department
for processing. During discussion on the recruitment rules, the Secretary Agriculture directed to
constitute a two members committee to review the draft recruitment rules of Extension and
Research wings of the Livestock and Dairy Development Department (*Annex-II*). It was further
directed to look into the rules of Punjab Livestock Department and finalize the draft recruitment
rules accordingly, The two members committee reviewed the Punjab Livestock Department rules
as well as the draft rules of Khyber Pakhtunkhwa. It was observed by the committee that quota
has been prescribed in BPS-18 and BPS-19 posts for recruitment through Punjab Public Service
Commission which was not considered feasible for Khyber Pakhtunkhwa and only 25% quota in
BPS-18 posts was recommended. Revised draft recruitment rules were submitted to the



20 Ann - B 197

DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK DIRECTORATE GENERAL
(LIVESTOCK & DAIRY DEVELOPMENT)
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Administrative Department for further processing and approval by the Standing Service Rules Committee (SSRC). Subsequently, a meeting of SSRC was held and detailed discussions were made on each category of post proposed for revision and minutes recorded (*Annex-III*). As per procedure the minutes were forwarded to the Khyber Pakhtunkhwa Public Service Commission (PSC) for vetting. The PSC observed that promotion to the post of Director General in light of the Appointment, Promotion and Transfer Rules should either be on the basis of seniority cum fitness or on the basis of selection on merit instead of promotion on seniority with due regard to merit (*Annex-IV*).

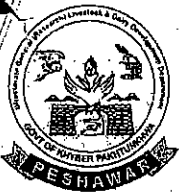
Accordingly another meeting with SSRC was held on 03-01-2017 and the draft recruitment rules were discussed in light of the observation of Public Service Commission and finalized. It was finally decided by the SSRC that the promotion to the Director General Extension and Research shall be on the basis of seniority cum fitness (*Annex-V*). Minutes were recorded and submitted to Law Department by the Administrative Department (*Annex-VI*).

In light of the minutes, the method of promotion to the post of Director General (Research) was "By promotion on the basis of seniority cum fitness from amongst the Director/Principal Research Officers/Station Directors/Regional Directors mentioned at S. # 2 & 3, having ten years service in BPS-18 and above or seventeen years service in BPS-17 and above in the Department, five Research Publications and valid registration with PVMC".

Para-2 Before final vetting, the Law Department referred the rules for promotion to the post of Director General (Research) BPS-20 to Establishment Department for their opinion in the matter (*Annex-VII*). In response, the Establishment Department gave their ruling that SSRC was competent authority to approve the rules. Hence the rules approved by the SSRC shall be upheld (*Annex-VIII*). Accordingly the Law Department forwarded the vetted rules to the Administrative Department. The Administrative Department notified the rules, 2017 after getting approval from Chief Secretary Khyber Pakhtunkhwa.

Para-3 The rules were thoroughly examined and discussed at length by various forums at Department as well as secretariat level. It may be clarified that the Department rules is limited to submission of proposal to the competent forum which is SSRC in this case.

Para-4 Explained in para-1. Proposal of two members committee were submitted to the SSRC which was the authority in the matter. The SSRC discussed proposal of two members committee but did not agree as clarified in para-1 above.



Annex - 0 2



DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK DIRECTORATE GENERAL
(LIVESTOCK & DAIRY DEVELOPMENT
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Para-5 This issue was raised by of Pakistan veterinary Medical Association, and the rules for the post of Director General (Research) BPS-20 were referred by the Law Department to Establishment Department which made clarification as referred in para-2 above (*Annex-VII*).

Para-6 As explained in pre-para, all the points were discussed in detail at each level. However the SSRC being the competent forum to approve the rules made such approvals which were duly authenticated by Establishment Department.

Para-7 In the SSRC approved minutes, the length of service was as follow:

- I) 17 years in BPS-17 and above.
- II) 10 years in BPS-18 and above.

However, the vetted copy of the Law Department reflected the criteria as 10 years, service in BPS-19.

Para-8 Registration with Pakistan Veterinary Medical Association was included in the approved rules of SSRC, however, in Law Department vetted copy it was not reflected, It could be on the grounds that all the incumbents of the posts eligible for promotion to the post of Director General (Research) are already registered with PVMC and further mentioning of registration with PVMC is not required.

In light of the above it is suggested that:-

That 2017 rules of the Research wing of L&DD Department were notified after approval of the competent forum SSRC, Law Department Khyber Pakhtunkhwa Public Service Commission and subsequent approval of the Chief Secretary Khyber Pakhtunkhwa. Consequently a number of recruitment and promotions were made under these rules and agitating the approved rules at this stage may result in further complications. Hence the presentation may be filed please.

Encl: As above


3/1/8
Director General (Research)

①

Annex-C

22

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 3140 P/2018

1. Dr. Muhammad Iqbal,
Director Livestock Research & Development,
Khyber Pakhtunkhwa, Peshawar.
2. Dr. Khisrao Kalim,
Station Director,
Livestock Research & Development Station,
Surezai, Peshawar -----Petitioners

VERSUS

1. Government of Khyber Pakhtunkhwa,
Through Chief Secretary, Peshawar.
2. Secretary Establishment, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
3. Secretary Law, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
4. Secretary Agriculture, Livestock, Fisheries & Cooperative
Department, Government of Khyber Pakhtunkhwa, Peshawar.
5. Director General (Research),
Livestock & Dairy Development Department, Khyber Pakhtunkhwa,
Peshawar.
6. Director General (Extension) Livestock & Dairy Development
Department, Khyber Pakhtunkhwa, Peshawar.
7. President, Pakistan Veterinary Medical Council, Islamabad.
8. President, Pakistan Veterinary Medical Association,
Khyber Pakhtunkhwa Zone, Peshawar-----Respondents



Writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973.

To declare the recruitment rules for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar vide notification bearing No.D/LFC/AD-EI(236)/2017 dated 20/12/2017 of Respondent No.04 as illegal, without any lawful jurisdiction and is adversely effecting the promotion of Officers in (BPS-19) in Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (Research wing) to the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar (BPS-20) and Writ may graciously be issued to Respondents to restore the recruitment rules vide notification No.SO(L&DD)AD-E-1(381)2008/VRI dated 16/12/2008 to meet provision of section No.6 of general clauses act 1896.

2 - FILED TODAY
 Deputy Registrar
 13 JUN 2018
 WP3140-2018 D.P. Mulla

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A' FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of the Judge
18.11.2020	<p data-bbox="654 443 933 475"><u>W.P.No.3140-P of 2018.</u></p> <p data-bbox="654 500 1307 568">Present: Mr.Naqeebullah Khattak, advocate for the petitioners.</p> <p data-bbox="792 588 1307 682">Ms.Sofia Noreen, AAG alongwith Dr.Fakhrul Islam, PRO/Focal Person for the respondents.</p> <p data-bbox="716 737 1307 1181"><u>LAL JAN KHATTAK, J.-</u> On second thought learned counsel for the petitioners stated at the bar that he would not press this petition anymore if directions are given to the respondent No.5/Director General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar to decide the petitioners' representation in accordance with law and rules on the subject to which the latter got no objection.</p> <p data-bbox="654 1211 1307 1540">2. In view of the above, this petition stands dismissed for its having not been pressed, however, we would direct respondent No.5 to decide the petitioners' representation after providing them right of audience within a period of two months from today but strictly in accordance with law and rules on the subject.</p> <p data-bbox="1166 1572 1369 1714"> JUDGE</p> <p data-bbox="1203 1784 1307 1826"> JUDGE</p>

Sadiq Shah, CS (DB) (Hon'ble Mr. Justice Lal Jan Khattak & Hon'ble Mr. Justice Syed Muhammad Atique Shah)



Annex-D **Annex D** *178*

**DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR**



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Dated: January 15, 2021

NOTIFICATION

No. DGR/L&DD/Lit (99)/CC/2018/: **WHEREAS** a Writ Petition # 3140-P/2018 filed in Peshawar High Court was dismissed vide order sheet dated 18.11.2020 directing the undersigned as Respondent # 5 for deciding the representation of the petitioners strictly in accordance with Law & Rules on the subject.

2. **AND WHEREAS** this office vide letter No. DGR/L&DD/Lit (99)/CC/2018/10964 dated December 28, 2020 conveyed detail clarification on the matter, referring to all previous correspondence reaffirming that the Standing Service Rules Committee (SSRC), being the Competent Forum / Statutory Body for Service Rules, duly approved the Departmental Service Rules in accordance with the rule & law and neither the Director General nor the Secretary had such statutory role.

3. **AND WHEREAS** the facts on record and ground realities of the whole process of approval of Departmental Service Rules as per Law & Rules were properly explained to the petitioner and further offered to come up with solid proposal to proceed further in the Court's directions, if he had any additional comments in the matter.

4. **AND WHEREAS** the petitioner while forwarding the same grounds, which were already properly presented before the Honorable Court and responded earlier as well was offered another opportunity to appear before the undersigned for personal hearing on 14.01.2021 at 2:30 PM, to proceed further as per Court's directives.

5. **AND WHEREAS** till the closing hours on the specified day, the officer did not appear for personal hearing in support of his claims.

6. **NOW THEREOF** the undersigned having been satisfied of the adopted process as per Law & Rules and after fulfilling all the obligations rejects the claims and presentation of the petitioners concerning the Departmental Service Rules.

No. DGR/L&DD/Lit (99)/CC/2018/ 914-18

Copy to:

1. The Registrar, Peshawar High Court Peshawar
2. PS to Secretary Agriculture, Livestock & Coop: Deptt: Khyber Pakhtunkhwa, Peshawar.
3. Director, Livestock Research & Development, Khyber Pakhtunkhwa, Peshawar.
4. Dr. Muhammad Iqbal, Divisional Level Director, Peshawar through Director General (Extension) L&DD Department Khyber Pakhtunkhwa, Peshawar.
5. Focal Person Court cases Peshawar High Court.

Oce Director General (Research)

Dated: January 15, 2021

Oce Director General (Research)

15/01/2021

only dismissed but with fine imposed upon you for dragging the private respondents as having no interest in the case decision:

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 3441/2021

Dr. Muhammad Iqbal

V/S

Govt: of KP & Others.

.....

REJOINDER ON BEHALF OF THE APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. Incorrect. The appellant has good cause of action and locus standi to file the instant appeal.
2. Incorrect. The appellant has filed the instant appeal only to seek addressal of his lawful grievances against the respondents.
3. Correct. But the appellant was supposed to be governed by the proposed service rules as the prevailing rules have been made in order to accommodate the blue eyed officials.
4. Incorrect. Denied.
5. Incorrect. The Honorable Tribunal has complete jurisdiction upon the current matter.
6. Pertains to record.
7. Incorrect. All the relevant parties have been made part in the appeal.
8. Incorrect.

ON FACTS:

1. Admitted correct by the respondent department as service record is already in the custody of the respondent Department.
2. Admitted by the replying respondents. Moreover the rest of the contention of the respondent is denied because the framing of the rule are making amendments in the Rules are the domain of the Provincial Government but in consideration of the laws and rules in field.

3. Partly admitted as the respondents did not mention the proposal of: Adding only '4 weeks administrative training from a training institute' along with other already in field requirements for promotion to the said post in the rules of 2008 but when the rules were notified on 20.12.2017 an altogether new criteria was set. Moreover the impugned amendment against the basic principles for the post of BPS-20.
4. Incorrect. That the appellant filed presentation (departmental appeal) on 02.02.2018 and in which the appellant had stated the office letter dated 12.01.2018 along with the impugned recruitment rules-2017 which makes the departmental appeal well within the time. It is correct that the appellant filed a Writ Petition before the Honourable Peshawar High Court which was decided on 18.11.2020 with the directions to the respondents to decide the representation of the appellant within 2 months. As far as the personal hearing is concerned it has been duly explained by the appellant in **Para 5** of 'Facts' of the instant appeal.
5. Incorrect. Already explained above.
6. Not properly replied.

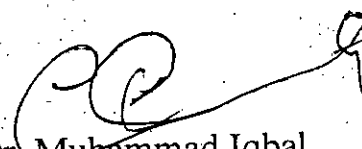
GROUND:

- A. Incorrect hence denied. All the contentions stated by the appellant in the main appeal are in accordance with law.
- B. It is not a disputed fact that framing of rules/policy or making amendments in such policies is the domain of the government and those amendments have been made through SSRC and duly endorsed by the Establishment Department & Law Department, but such rules/policy cannot be framed/rules in complete deviation from the proposed or existing service rules which were already in field before the impugned rules. Moreover, the existing service rules are also against the basic criteria for the post of BPS-20 as provided in law and rules.
- C. Incorrect. Para-C of the main appeal is correct.
- D. Incorrect. Para-D of the main appeal is correct.
- E. Incorrect. Para-E of the main appeal is correct.
- F. Incorrect. Para-F of the main appeal is correct.
- G. Incorrect. Para-G of the main appeal is correct.

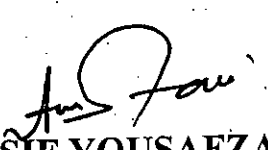
H. Legal.

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

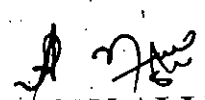
APPELLANT


Dr. Muhammad Iqbal

THROUGH:


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

(TAIMUR ALI KHAN) /
ADVOCATE HIGH COURT,


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

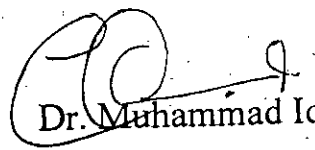
S. Khan &
(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

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

AFFIDAVIT:

It is affirmed on oath that the contents of this rejoinder are true and correct and nothing has been concealed from this Tribunal.

DEPONENT


Dr. Muhammad Iqbal

