


17<sup>th</sup> April, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Faiz Ul Haq, Superintendent for the respondents present.

2. Arguments to certain length were heard. It is the case of the appellant that he, in response to advertisement No. 1/90 of the then NWFP Public Service Commission, had applied for the post of Zilladar (BPS-14 ) but he was offered the post of Candidate Zilldar and was consequently appointed against the post of Candidate Ziladar (BPS-3). The record reveals that vide order dated 13.03.1993 the appellant was promoted from the post of Candidate Zilladar (BS-03) to the post of officiating Zilladar (BPS-14). Although the appellant wants pay fixation in this appeal under FR-22 and Article-420 of the Civil Service Regulation and counting of his previous service, rendered in the Social Welfare Department, towards the Irrigation Department yet as per stance of the respondents there was no policy of the Government under which the pay of higher grade is protected into lower grade. Refer letter No. (SOSr-1)12-3/2019 (30974) dated 28.09.2020 of the Finance department.

3. Be that as it may, whether the appellant had applied for and was appointed as Candidate Zilladar (BPS-3) or the department had initially appointed as Candidate Zilladar for the purpose of undergoing certain mandatory training, as submitted by the learned counsel for the appellant, and then his services were to be considered as in BPS-14 against the post of Zilladar or otherwise. To ascertain this fact the learned counsel for the appellant is put on notice to produce anything in black and white, similarly the respondents are also directed to produce the record especially the recommendation of the Khyber Pakhtunkhwa Public Service Commission recommending the appellant for the post of Candidate Zilladar. The respondents are also directed to produce advertisement vide which the post of Candidate Zilladar was advertized in BPS-3. They shall also produce the application of the appellant for seeking appointment and the relevant service rules. A detailed report in writing shall be submitted in this regards. To come up on 14.06.2023 before D.B. P.P given to the parties.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A\*